

**ANNUAL GENERAL MEETING MINUTES  
STRATA PLAN LMS 4456 – “ONE WALL CENTRE”  
938 NELSON STREET, VANCOUVER, BC**

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**HELD:** Saturday, January 22, 2005

**PLACE:** 1001 Hornby Street, Sheraton Vancouver Wall Centre Hotel  
Port Alberni Room, North Tower, 4<sup>th</sup> Floor

**STRATA AGENT:** Rick Dickson, *Ascent Real Estate Management Corporation*

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**REGISTRATION**

Upon arrival owners signed next to their strata lots on the registration sheet provided and received a voting card prior to being seated.

**CALL TO ORDER**

The meeting was called to order at 10:05 a.m. but it appearing that the necessary quorum was not present, president Bob Levetown immediately adjourned the meeting.

While waiting for the necessary quorum to arrive, Dan Wilson, who had to leave the meeting early as a result of other commitments, conducted an informal discussion with the owners regarding plans for dealing with the window fogging problems that some of the owners have been experiencing. The information conveyed was essentially the same as that presented the day before to the council and is documented in the attached council minutes of January 21, 2005.

**MEETING RECONVENED**

The meeting was reconvened at 10:35 a.m., it having been reported that a quorum was present.

**QUORUM REPORT**

Registration confirmed there were twenty-five (25) owners present in person or by proxy. This exceeded the required quorum and the meeting was declared qualified to proceed.

**PROOF OF NOTICE & APPROVE AGENDA**

Rick Dickson of Ascent Real Estate Management Corporation reported that proper notice of the meeting had been duly given.

There were no objections to the AGM agenda.

**MINUTES OF PREVIOUS GENERAL MEETINGS**

A motion was made, seconded and carried unanimously to approve the minutes of the AGM of January 26, 2004.

## **REPORT TO OWNERS**

The president reported that the strata had had a successful year and mentioned the following accomplishments: the strata ended its budget year with a surplus of \$28,000.00; it renegotiated its insurance policy at a savings of over \$15,000.00 for the current policy year and at the same time doubled its liability coverage to \$10 million with no offsetting reductions in coverage. He said that the strata has no lawsuits currently pending and that we had avoided all liability, including attorney's fees, for a suit that was settled in 2004. Also, the strata renegotiated the property manager's contract in '04 to give the strata additional protections and better service.

The strata also reached an agreement with the Hotel, subject to AGM approval, for the Hotel engineering staff to provide the strata, for a monthly fee of \$600.00, with 24/7 repair service at favourable hourly rates for the strata's mechanical equipment (other than elevators, which are required and maintained by their manufacturer). The contract also obligates the hotel to maintain, repair and replace any equipment it shares with the strata at its own expense rather than imposing claimed, "shared costs" on the strata under the governing easement.

The presented then turned the floor back to Dan Wilson who answered additional questions relating to the cleaning of windows, and the "stages" used to suspend window washers and maintenance people from the roof. Regarding the fogging issues, suggestions were made how to make the desiccant tubes more effective at low cost.

Dan also mentioned that another provider was being considered to take over the window replacement and maintenance work, a larger supplier who will be involved in the construction of the Shangri-La hotel and its associated stratas. The supplier is expected to establish a major presence in Vancouver.

Philip Jhin reported that our various security upgrades are nearly all complete with the major exception of the open stairwells that come up from the hotel. Dan had advised that it would cost \$6,000.00 for the Hotel to install the gates that would be synchronized to open in case of fire. While the strata believes it is up to the developer to bear these costs as part of the developer's assurance of a fully secured environment, Philip recommended that we have the gates installed first and argue about the money afterward. There was general agreement that this was advisable and Dan believe that, on this basis, the gates could be in place in a matter of months.

Other owners brought up the problem of hotel guests blundering into our elevators in the hotel lobby, in the case of some teenagers, intentionally doing so. Although the fob system prevents them from going anywhere, it was agreed that remedies for even such limited unauthorized elevator access on the hotel lobby level should be investigated by the new council and measures adopted to discourage or eliminate such incidents.

Nell Dragovan reported on the Art and Furnishings installation. She said an appraisal of the artwork the strata purchased for its common areas had determined that it was worth about twice what we had paid for it. She also mentioned the original allocation for a year of fresh flowers in the strata's private lobby had been stretched out because the arrangements only needed replacement every ten days rather than every week. Accordingly, the earmarked funds would not be exhausted until September 2005 and the additional costs of flowers until the end of 2005 would be covered from the miscellaneous account.

## **CONTRACTS RELATING TO MECHANICAL EQUIPMENT**

It was explained that two contracts were necessary to implement this arrangement which the president described in his report to the owners: one agreement with the Hotel since their engineering department was going to do the work for the specified fees, and one with the developer's corporation, Calmont Investments Ltd., since they owned the rights to impose "cost sharing" under the easement which they were to waive as long as the fee-based contract with the Hotel remained in force.

It was moved, seconded and carried to approve the resolution, which reads as follows:

***Be it resolved that the contract with the Hotel dated October 4, 2004, relating to mechanical equipment other than the Strata's elevators, and the letter agreement dated October 4, 2004, signed October 5, 2004 by representatives of the Strata and Calmont Investments Ltd., relating to the Developer's waiver of costs otherwise payable under the easement by the Strata for shared mechanical equipment, are both hereby approved.***

## **'04 FINANCIAL RESULTS AND '05 BUDGET AND SCHEDULE OF FEES**

The president explained that the '04 financials sent out with Notice had only 11 months of actual data whereas the report distributed at the meeting had a full year's. The actual surplus for the year was \$28,451.00.

The '05 budget and the fact that it would keep strata fees at the same level as '04 was discussed and the following resolution was proposed:

***Be it resolved that the Owners of Strata Plan LMS 4456 hereby adopt the budget for '05 as presented at this meeting.***

Rick Dickson confirmed that the '05 budget included only \$3,000.00 for both of the stairwell security gates, based on the hope that the developer would agree to pay at least half the costs. The president noted that since we apparently will have to advance the full amount, subject to a later claim of reimbursement, we would need to reserve another \$3,000.00 from the '04 surplus in order to maintain the same level of strata fees for '05 as we paid in '04.

He recommended that an additional reservation in that amount be made and the remainder of the surplus be added to the contingency reserve fund.

Whereupon the following resolution was proposed:

***Be it resolved that, after the creation of a reserve for unpaid services and/or deferred projects, including the additional \$3,000.00 cost to fully cover the cost of the installation of the stairwell security gates, any '04 budget surplus thereafter remaining shall be transferred to the contingency reserve fund.***

It was then moved, seconded and carried to approve the proposed resolution.

## **PROPOSED CONTINGENCY RESERVE STUDY**

Philip Jhin explained the purpose of the study which will be to be determined, on the basis of a carefully study of our property via direct inspection and a review of as-built plans, and estimate the likely schedule of repairs and replacements and their costs. The review will include all aspects of the property from the building envelope to the elevators. Based on that study, a schedule of payments to our contingency reserve fund can be recommended to our owners that will have a reasoned engineering basis.

Since this result of this study are expected to remain valid for a number of years and may only require updating thereafter, the recommendation was that the cost of this study not be borne entirely by '05 owners but rather be spread out over future years. To accomplish this result, it was proposed to pay for the study out of the contingency reserve fund itself.

Based on Philip's information that an adequate study of the nature would cost between \$14,000.00 and \$17,000.00, the following resolution was presented:

***Be it hereby resolved that the Council is authorized to engage a consultant, at a cost not to exceed \$16,000.00, to conduct a study to determine the appropriate level of funding of the contingency reserve and such cost shall itself be charged to the contingency reserve rather than to the current operating budget.***

It was moved, seconded and carried to approve the resolution.

## **REPORT ON INSURANCE**

Bruce Gleig inquired as to whether members of the council and council's committees were covered by the D & O insurance and was assured that they were. Rick Dickson of Ascent added that the property manager was also covered as long as he acted in accordance with the council's directions.

Bob Levetown pointed out, however, that we do not have an insurable interest in the property that the Hotel owns but shares with the strata. He said the mechanical contracts give the strata some protection as long as it remains in place but a further safeguard would be to convince the Hotel to add the strata to the Hotel's policy as an additional insured for shared property.

## **Ratification of Strata Rules 7.8 and 7.9**

These rules were enacted by the council during 2004 to deal with the problem of owners, renters and third parties placing personal articles on common property such as the elevator landings or the aisles and corners of storage rooms. It was explained that in order to have continuing validity, these rules had to be ratified at the AGM.

***7.8 No resident shall install any display of any kind, including artwork or furniture, in common areas such as hallways or lobbies nor shall any resident modify common areas without the Strata's express written permission and subject to such conditions as the Strata may impose. In addition to any fines to be imposed for the violation of this rule, and/or any applicable bylaw, any unauthorized display or modification may be removed and corrected by the Strata Corporation and the costs of removal, correction and storage, if any, shall be charged to the resident who placed the unauthorized articles in the common areas. Before removing such property, the Strata shall give the resident at least 7 days notice but, if removal by the Strata should prove necessary, the Strata Corporation will accept no responsibility for damage to the resident's property during the storage or removal process. (Added March 30, 2004.)***

***7.9 Any property of any individual that is left on strata common property, including the aisles, corners and other spaces not assigned to a particular unit in storage rooms, shall be disposed of immediately and without notice or compensation if hazardous.***

***In cases where the ownership of non-hazardous property left on strata common property is not clearly evident from the item itself, all residents having regular access to the area will be notified of the nature of the item but, if none come forward to claim it as their property and remove it within 15 days after notice is mailed, the property shall be considered abandoned and will be disposed of without compensation to persons who may later claim it. (Added Sept. 22, 2004)***

It was moved, seconded and carried to approve the following resolution:

***Be it resolved that Rule 7.8 and Rule 7.9 are hereby ratified.***

**MOTION CARRIED.**

### **OWNER'S BYLAW PROPOSAL**

Owner Shamin Lalani proposed that Sec. 10 of the strata's bylaws be supplemented to permit an individual owner to authorize an agent to run for a council seat based on the owners lot in the same way that the Property Act permits a corporate owner to use an agent for that purpose. The proposed resolution reads as follows:

***Be it resolved that if a strata lot is owned by more than one person, only one owner of the strata lot may be a member of the strata council at any one time. For the purpose of this bylaw an owner shall be defined as that person or persons registered in the Land Titles Office, or an authorized agent assigned a registered owners right to stand for council.***

It was moved and seconded to approve the resolution.

**MOTION CARRIED.**

### **ELECTION OF STRATA COUNCIL**

Following a brief discussion on some issues that had been earlier covered; Rick Dickson took over the proceedings to conduct the election of the new strata council. Council members Phillip Jhin, Nell Dragovan, Gary Moe and Dan Wilson had agreed to run for another term. In addition three other owners or owners representatives, Bruce Gleig, Harvey Pepper and Shamin Lalani agreed to serve. There were no other volunteers or candidates.

The foregoing slate was elected unanimously and by acclamation.

### **ADJOURNMENT**

The meeting was declared adjourned at 12:20 p.m.

The Strata Council  
Strata Plan LMS 4456