

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

HELD: Saturday, January 16, 2010

PLACE: Parksville Room – North Towner

STRATA AGENTS: Rick Dickson & Michele Campbell, *Ascent Real Estate Management Corporation*

REGISTRATION

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

CALL TO ORDER

The meeting was called to order at 9:53 a.m. by Bruce Gleig, Strata Council President.

QUORUM REPORT

Registration confirmed there were forty-three (43) owners present in person or by proxy. This exceeded the required quorum and the meeting was declared competent to proceed.

ELECT PERSON TO CHAIR MEETING

It was moved and seconded to have Bruce Gleig chair the meeting.

MOTION CARRIED UNANIMOUSLY.

PROOF OF NOTICE & APPROVE AGENDA

It was moved and seconded to approve the Notice of Call and the Agenda, as presented.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF PREVIOUS GENERAL MEETING MINUTES

It was moved and seconded to approve the minutes of the previous Annual General Meeting held on December 1, 2008.

MOTION CARRIED UNANIMOUSLY.

PRESENTATION ON WINDOWS

Prior to the presentation by Brian Hubbs of RDH Engineering and Tim Peters of Jenkins Marzban Logan, LLP, Bruce Gleig addressed the owners present regarding the window condition and replacement and the council's recommendation to proceed.

Brian Hubbs then provided the owners with a summary of the window study report that is available to all owners on the strata corporation's website.

Tim Peters then addressed the owners giving them an update on the current legal matters regarding the window replacement project.

The owners were provided an opportunity to ask questions of both Brian Hubbs and Tim Peters.

After a lengthy discussion regarding window replacement, Bruce Gleig requested a motion to reorder the agenda to allow an immediate vote on Resolution #4; it was moved and seconded to amend the agenda to allow for an immediate vote on Special Resolution #4.

MOTION CARRIED UNANIMOUSLY.

SPECIAL (3/4 VOTE) RESOLUTION #4 – WINDOW REPLACEMENT

Resolution No. 1

It was moved and seconded to approve Resolution No. 1, which reads as follows:

Therefore, be it resolved by a ¾ vote of the owners that strata council be authorized to retain the services of RDH, or another engineering firm of similar experience and credentials to prepare design drawings and specifications, tender packages (as required), contract administration, project management and field reviews consistent with the Window Replacement Program recommended by RDH.

An owner requested that the voting be done by secret ballot. The owners were then requested to mark their yellow ballot. The strata agent collected and counted the ballots and with a vote of 31 in favour, 10 opposed and 2 abstentions. **The motion was carried.**

Resolution No. 2

It was moved and seconded to approve Resolution No. 2, which reads as follows:

Therefore be it resolved by a ¾ vote, the Owners Strata Plan LMS 4456 authorize the engineer, the Strata Corporation's legal counsel and the strata council to petition the City of Vancouver to authorize the installation of tinted IGUs on the building.

Be it further resolved by ¾ vote, that if the City of Vancouver approves the installation of tinted windows, the Owners Strata Plan LMS 4456 authorize the engineer to proceed with contracting for the supply and installation of tinted IGUs on the building.

The owners were asked to mark their vote on the golden rod ballot. The strata agent collected and counted the ballots and with a vote of 33 in favour, 9 opposed and 1 abstention, **the motion was carried.**

Resolution No. 3

It was moved and seconded to approve Resolution No. 3, which reads as follows:

Therefore, be it resolved by a ¾ vote of the owners that strata council be authorized to contract with a window manufacturer and installer to manufacture, supply and install IGUs consistent with the Window Replacement Program recommended by RDH.

The owners were asked to mark their vote on the red ballot. The strata agent collected and counted the ballots and with a vote of 33 in favour, 9 opposed and 1 abstention, **the motion was carried.**

Resolution No. 4

It was moved and seconded to approve Resolution No. 4, which reads as follows:

Therefore, be it resolved by a ¾ vote of the owners that the Window Replacement Program be funded in part with a contribution from the CRF in an amount not exceeding \$250,000;

Therefore, be it resolved by a ¾ vote of the owners that the Window Replacement Program, including the retention of an engineer contemplated at Resolution No. 1 herein and a window manufacturer and installer as is contemplated at Resolution No. 2 and Resolution No. 3 herein, be funded in part by a Special Assessment in the aggregate amount of \$6,750,000 and said Special Assessment be levied against the owners and payable by the owners in accordance with the Schedule attached hereto. The Special Assessment is due on the date the 3/4 vote is approved by the Strata Corporation and for convenience purposes only is payable as follows:

- a. \$750,000 on April 1, 2010; and
- b. \$3,000,000 on April 1, 2011; and
- c. \$3,000,000 on April 1, 2012.

The owners were asked to mark their vote on the pink ballot. The strata agent collected and counted the ballots and with a vote of 32 in favour, 11 opposed and 1 abstention, **the motion was defeated.**

INSURANCE REPORT

The agent noted attached to the call of notice was the current insurance, which covers the period August 1, 2009 to July 31, 2010 placed by the agency CMW Insurance Services Ltd., at total premium of \$52,200.00.

The strata agent also reminded owners the deductible on the strata's insurance policy for water and sewer backup damage has increased to \$25,000. Owners should ensure that their personal homeowner insurance has adequate coverage for water and sewer backup damage to cover the deductible, as well as any betterments owners may have made in their strata lots.

APPROVAL OF BUDGET

It was moved and seconded to approve the budget as presented.

MOTION CARRIED UNANIMOUSLY.

MAJORITY VOTE RESOLUTION #1 – "OPERATING BUDGET SURPLUS"

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

Therefore be it resolved by majority vote to direct the strata council to transfer the operating surplus determined at year end to one or more of the following ways;

- (a) transfer into the contingency reserve fund.
- (b) used to reduce the total contribution to the next fiscal year's operating fund.

MOTION CARRIED UNANIMOUSLY.

SPECIAL (3/4 VOTE) RESOLUTION #1 – "CONTINGENCY RESERVE FUND"

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

Therefore be it resolved, by $\frac{3}{4}$ vote of Owners' Strata Plan LMS 4456 authorize to budget additional contributions to the contingency reserve fund."

A vote was taken on the motion with 42 in favour, 1 opposed and 0 abstentions.

MOTION CARRIED.

SPECIAL (3/4 VOTE) RESOLUTION #2 – "HEAT PUMP SERVICE"

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

Therefore be it resolved, by a $\frac{3}{4}$ vote the following bylaw is approved.

- 3.7 In accordance with section 72(3) of the Strata Property Act, the strata corporation will take the responsibility for the annual inspection, normal maintenance and one filter replacement of each strata lot's heat pump(s). The strata corporation will pay for the inspection and normal maintenance of the heat pump(s) only. All additional expenses related to the repair or replacement of each individual strata lot's heat pump(s) are the sole responsibility of each strata lot owner and are to be paid directly by the owner to the heat pump service provider.

MOTION CARRIED UNANIMOUSLY.

SPECIAL (3/4 VOTE) RESOLUTION #3 – P5 ELEVATOR HALLWAY REDESIGN

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

Therefore be it resolved, that the owners Strata Plan LMS 4456 authorize the strata corporation to undertake a feasibility study to remove the necessary stairwell area to allow access to the P5 lobby elevators, and should the feasibility study conclude that the removal of the walls would be successful in providing proper access to the elevators, then authorize the strata corporation to contract and complete the necessary construction as specified, and further authorize an expenditure of up to \$50,000.00 to be spent from the Contingency Reserve Fund for the feasibility study and construction.

After a lengthy discussion regarding the above resolution, the owners were asked to mark their vote light blue ballot. The strata agent collected and counted the ballots and with a vote of 29 in favour, 12 opposed and 1 abstention. **The motion was defeated.**

The owners directed the new council to spend up to \$5,000.00 to investigate if there is a possibility of removing the existing wall and then report back to the owners at the next general meeting.

COUNCIL ELECTIONS

The owners were advised that a new council must be elected at each Annual General Meeting; members of the current council were also eligible for re-election. The floor was then opened for nomination. The following owners were nominated:

Joan Down	Michael Mathews	Philip Jhin	Nell Dragovan	Bruce Gleig
Havana Ulrich	Jerre Bradt			

There being no further nominations, it was moved and seconded to elect the slate of nominees by acclimation.
MOTION CARRIED UNANIMOUSLY.

The council was thanked by the owners for their hard work and dedication. A round of applause ensued.

ADJOURNMENT

As there was no further business, it was moved to adjourn the meeting at 1:45 p.m.

Ascent Real Estate Management Corporation
Managing Agents
On Behalf of Owners' Strata Plan LMS 4456

R. S. (Rick) Dickson
Strata Agent

RSD/mc