

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

HELD: Saturday, January 13, 2007

PLACE: 938 Nelson Street, Sheraton Vancouver Wall Centre Hotel
Parksville Room, 3rd Floor

STRATA AGENTS: Michele Campbell, *Ascent Real Estate Management Corporation*
Maria Ferreira, *Ascent Real Estate Management Corporation*

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 2:05 p.m. by Philip Jhin, Treasurer.

INTRODUCTION

Philip Jhin introduced all council members and strata agents.

QUORUM REPORT

Registration confirmed there were thirty-five (35) owners present in person or by proxy. This exceeded the required quorum and the meeting was declared competent to proceed.

PROOF OF NOTICE & APPROVE AGENDA

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

MOTION CARRIED.

APPROVAL OF PREVIOUS GENERAL MEETING MINUTES

It was moved and seconded to approve the minutes of the previous Annual General Meeting held on January 14, 2006.

MOTION CARRIED.

INSURANCE REPORT

The strata agent reviewed the insurance policy as circulated with the AGM Notice. It was noted all owners are advised to carry insurance to protect the contents and betterments of their individual units. The strata corporation's insurance does not cover such contents nor any betterments made to their strata lots.

RECEIVE REPORTS

Brian Hubbs of RDH Engineering provided the owners with a power point presentation with respect to the window replacement study. It was noted that three test windows would be installed in the spring of 2007 (weather permitting).

Mr. Hubbs answered all relative questions from the owners present with respect to the report.

APPROVAL OF BUDGET

It was moved and seconded to approve the budget as presented. After a brief discussion regarding various budget items, a vote was taken on the budget.

MOTION CARRIED UNANIMOUSLY

RESOLUTIONS

MAJORITY VOTE RESOLUTION #1 – "RULE"

Whereas there is currently no provision for use of and cost of FOB's;

Therefore, be it resolved the owners of Strata Plan LMS 4456 adopt the following rule:

Every strata lot (owner(s)) will be provided two fob's at no charge from the strata corporation. Owners will pay the strata corporation \$25.00 for each additional fob (to a maximum of 6) provided by the strata corporation.

Philip Jhin gave a brief overview regarding the fob usage. He noted that there are currently 433 fobs outstanding to various people. 368 have been issued to unit owners. The hotel has 46 fobs issued to them and Philip will speak with the hotel staff to ascertain the number required to serve their needs and any extras will be deactivated.

Philip Jhin also noted that on or before February 28, 2007 all owners with more than six fobs must register them with the concierge. After March 1, 2007 units with more than six unregistered fobs will have the oldest fobs deactivated. If owners' desire different fobs be deactivated they are requested to contact the concierge.

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

MOTION CARRIED UNANIMOUSLY

¾ VOTE RESOLUTION #1 – "OPERATIONAL SURPLUS OR DEFICIT"

Whereas the year 2006 Operating fund will result in a surplus or deficit,

Therefore, be it resolved in accordance with section 105 of the *Strata Property Act* to authorize one or more of the following by a ¾ vote:

- 1) transfer surplus to the contingency reserve fund
- 2) carry forward as part of the operating fund, as a surplus
- 3) use to reduce the total contribution to the next fiscal years operating fund
- 4) pay the operating fund deficit from the next fiscal years operating fund in order to eliminate the deficit if the operating fund expenses exceed the total contributions to the operating fund, the deficit be eliminated by using contingency reserve funds.
- 5) Eliminate the deficit by assessment to levy of all strata lot units.

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

MOTION CARRIED UNANIMOUSLY

3/4 VOTE RESOLUTION #2 – “STAIRWELL SECURITY”

Whereas the security of the two exit stairwells are accessible to persons from the other parts of the tower;

And whereas, breaches of security into the strata corporation's common property (lobbies) has occurred;

And whereas, the addition of security alarms that would trigger upon intrusion would deter unwanted persons from entering the common property.

Therefore, be it resolved, the owners of Strata Plan LMS 4456 authorize the installation of security devices such as audible alarms and lights for an amount of up to \$11,000.00. Funds to be used from the contingency reserve fund.

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

MOTION CARRIED UNANIMOUSLY

3/4 VOTE RESOLUTION #3 – “P4 & P5 AUTOMATIC DOOR OPENERS”

Whereas, access to P4 and P5 lobbies and parking areas would be facilitated by the installation of automatic door openers,

Therefore, be it resolved the owners of Strata Plan LMS 4456 authorize the installation of automatic door openers on P4 and P5 lobby doors for an amount of up to \$20,000.00. Fund to be used from the contingency reserve fund.

It was moved and seconded to approve the resolution as presented. (10 in favour, 23 opposed 3 abstentions.)

MOTION DEFEATED

3/4 VOTE RESOLUTION #4 – “BELL EXPRESSVIEW”

Whereas, the strata corporation currently provides Bell ExpressView infrastructure system to strata lot units, and

Whereas, the existing system could be upgraded to high definition (HDTV),

Therefore, be it resolved the owners of Strata Plan LMS 4456 authorize the strata corporation to upgrade the existing Bell ExpressView system for an amount up to \$7,500.00 the funds to be raised by special assessment.

Dave Duggins, owner of unit 4602 spoke to the owners present with respect to the above resolution.

“HDTV is the way of the future; new high end condominium projects are all including this capability. Our building does not presently have this feature. We have received a quote of \$7,329.81 to upgrade the existing Bell ExpressVu Satellite TV network that was originally installed in the building.

It is indeed correct that Shaw cable delivers what it calls high definition TV, however the equality is poor compared to satellite HDTV and the total number of channels that are available for cable HD service is limited while it is not limited by satellite.”

It was moved and seconded to approve the resolution as presented. (5 in favour, 27 opposed and 3 abstentions)

MOTION DEFEATED

3/4 VOTE RESOLUTION #5 – "LIMITED COMMON PROPERTY PARKING STALL REALLOCATION"

Whereas, the owner of strata lots #21 (unit 3402) and #43 (unit 4004) is the same owner, and

Whereas strata lot #21 and strata lot #42 are identified on Strata Plan LMS 4456 reference BR 174949 by denotation of two limited common property parking stalls, and

Whereas, the owner of both strata lots has requested two parking stalls (LCP) be switched between the two strata lots,

Therefore, be it resolved the owners of Strata Plan LMS 4456 authorize the transfer of parking stalls be switched between strata lot #21 and strata lot #43 and registered at the Land Title Office, and all expenses incurred as a result be charged equally to strata lot #21 and strata lot #43.

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

MOTION CARRIED UNANIMOUSLY

3/4 VOTE RESOLUTION #6 – "LEGAL EXPENSES"

Whereas, legal expenses have been incurred and will continue to be incurred with respect to various legal services required to resolve building deficiencies including the window curtain wall,

Therefore, be it resolved the owners of Strata Plan LMS 4456 ratify the legal expenditure incurred in 2006 and 2007 for the purpose of legal services required with respect to building deficiencies.

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

MOTION CARRIED UNANIMOUSLY

3/4 VOTE RESOLUTION #7 – "BYLAW"

Whereas, the current bylaws 1.1, 1.2, 1.3 and 1.4 would read as follows:

- 1.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Special assessments are due and payable on the date or dates noted in the authorizing resolution. All other monies due from an owner to the strata corporation are payable on the first day of the month following billing unless otherwise stated.
- 1.2 If an owner fails to pay an amount due to the strata within the foregoing deadlines, an interest charge of 10% per annum, compounded annually, shall be added to the unpaid balance until such time as full payment is collected by the strata.
- 1.3 If an owner fails to pay strata fees when due on more than one occasion within any 12 month period, the owner will be required either to provide the strata corporation or its agent immediately with monthly post-dated cheques for the entire balance of the current budget year and, thereafter, 12 such cheques at the beginning of each subsequent budget year, or in the alternative, to provide written authorization for fees to be paid on the first day of each month by automatic debit from the owner's bank account on a continuing basis.
- 1.4 Each occurrence of a dishonoured cheque or rejected automatic debit will be subject to a \$50.00 administrative charge.

Therefore be it resolved the owners of Strata Plan LMS 4456 authorize repealing bylaw 1.1, 1.2, 1.3 and 1.4 and replacing them with

- 1.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Special assessments are due and payable on the date or dates noted in the authorizing resolution. All other monies due

from an owner to the strata corporation are payable on the first day of the month following billing unless otherwise stated.

- 1.2 If an owner fails to pay an amount due to the strata within the foregoing deadlines, an interest charge of 10% per annum, compounded annually, shall be added to the unpaid balance until such time as full payment is collected by the strata.
- 1.3 If an owner fails to pay strata fees when due on more than one occasion within any 12 month period, the owner will be required either to provide the strata corporation or its agent immediately with monthly post-dated cheques for the entire balance of the current budget year and, thereafter, 12 such cheques at the beginning of each subsequent budget year, or in the alternative, to provide written authorization for fees to be paid on the first day of each month by automatic debit from the owner's bank account on a continuing basis.
- 1.4 Each occurrence of a dishonoured cheque or rejected automatic debit will be subject to a \$100.00 fine(s) and a \$50.00 administrative charge.

It was moved and seconded to approve the resolution as presented. (22 in favour, 13 opposed, 0 abstentions)

MOTION DEFEATED

3/4 VOTE RESOLUTION #8 – "BYLAW – LEASING"

Whereas, it may be in the best interest of the strata corporation and owners that leasing of strata lot units be long term rather than short term,

And whereas, short term leasing of strata lots may increase use of common property and common assets;

And whereas, short term rentals may increase breaches of security.

Therefore, be it resolved the owners of Strata Plan LMS 4456 approve the following bylaw prohibiting short term leasing, which reads as follows:

- 7.3 No owner shall lease their strata lot for a term of less than six (6) months.

It was moved and seconded to approve the resolution as presented. (9 in favour, 26 opposed, 0 abstentions)

MOTION DEFEATED

3/4 VOTE RESOLUTION #9 – BYLAWS

Whereas, the current bylaws have no specific provisions of fines for contravention of leasing of strata lots bylaws and such provisions must be adopted in order to ensure added enforceability.

Therefore, be it resolved the owners of Strata Plan LMS 4456 approve adopting and adding to bylaw 7 in numbered sequence:

- 7.3 Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K.
- 7.4 Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act.
- 7.5 Where an owner leases a strata lot in contravention of bylaws 7.2, 7.3 or 7.4, the owner shall be subject to a fine of \$500.00 and the strata corporation shall take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws shall be the responsibility of the contravening owner and shall be recoverable from the owner on a solicitor and own client basis by the strata corporation.

It was moved and seconded to approve the resolution as presented. (20 in favour, 12 opposed and 0 abstentions).

MOTION DEFEATED

3/4 VOTE RESOLUTION #10 – BYLAWS

Whereas there currently is no provision for fine enforcement of rules in the bylaws,

Therefore, be it resolved the following bylaw be adopted and added as bylaw 9.4

9.4 Except where specifically stated otherwise in these bylaws, the strata corporation may fine an owner or tenant.

a) \$50.00 for each contravention of a rule

It was moved and seconded to approve the resolution as presented. (24 in favour, 6 opposed and 3 abstentions).

MOTION CARRIED

3/4 VOTE RESOLUTION #11 – BYLAW

Whereas, the current bylaw 8.1 refers to tenants;

And whereas, the Strata Property Act and strata corporation bylaws refer to owners responsibility to the strata corporation;

And whereas, the tenant has an agreement with an owner (landlord);

And whereas, the current bylaw 8.1 should be amended to ensure enforceability and clarity of the owners responsibility to the strata corporation;

And whereas, council has determined an increase in the non-refundable fee is practical and fair, considering wear and tear, security and staffing.

Therefore, be it resolved, the owners of Strata Plan LMS 4456 approves repealing the current bylaw 8.1, which reads:

8.1 A resident or prospective resident (including a tenant) must notify the concierge of any moving plans involving household furnishings at least 48 hours before the moving date. At the time of notification or no later 48 hours before the move, the resident concerned must pay a nonrefundable fee of \$100.00 and post a \$200.00 refundable security deposit. All expenses for damages incurred by the strata corporation attributable to the move and any fines levied as a result thereof shall be deducted from the refundable amount. Monies owing to the strata under this section in excess of \$200 will be billed to the incoming or outgoing resident concerned. In the case of tenants, the strata corporation will attempt to collect from the tenant involved in the move but failure to collect will result in the owner of the strata lot being billed for the outstanding amount.

And

Replacing with the following:

8.1 A resident or prospective resident (including a tenant) must notify the concierge of any moving plans in or out involving household furnishings at least 48 hours before the moving date. At the time of notification or no later 48 hours before the move, the resident concerned must pay a nonrefundable fee of \$200.00 and post a \$200.00 refundable security deposit. All expenses for damages incurred by the strata corporation attributable to the move and any fines levied as a result thereof shall be deducted from the refundable amount. Monies owing to the strata under this section in excess of \$200.00 will be charged to the incoming or outgoing

resident concerned. In the case of tenants, the strata corporation will attempt to collect from the tenant involved in the move but failure to collect will result in the owner of the strata lot being charged for any outstanding amount.

It was moved and seconded to approve the resolution as presented. (21 in favour and 12 opposed.)

MOTION DEFEATED

NEW BUSINESS

1. It was noted that there are no floral arrangements on the 46th floor. Angela Jhin has volunteered to look into this.
2. An owner asked if there was any way the intercom board can be turned off for individual units. The strata agent will contact the intercom company to investigate.
3. **Security:** The new council will post notices by the mailboxes and on the website under the owners section to keep everyone informed as to breaches of security.

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 election. The floor was then opened for nomination. The following owners were nominated:

Joan Down	Davie Myers	Michael Mathews
Nicole Pelletier	Philip Jhin	Nell Dragovan
Jason Wong		

As there were no further nominations or volunteers, the above owners were declared, by acclamation, to constitute the strata council for the year 2007.

The outgoing council and particularly Shamin Lalani, the retiring council member, were thanked for their service by the owners present.

ADJOURNMENT

As there was no further business, the meeting was adjourned at 5:35 p.m.

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

Michele Campbell
Strata Agent

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