

**STRATA COUNCIL MEETING MINUTES
STRATA PLAN LMS 4456 - "ONE WALL CENTRE"
938 NELSON STREET, VANCOUVER, BC**

Held on Friday, March 11, 2011

PRESENT: Bruce Gleig
Michael Mathews
Philip Jhin
Jerre Bradt
Nell Dragovan
Yousef Rastar

GUESTS: Unit #4203 Owner
Unit #3203 Owner
Peter Frcek (Hotel Manager)

MANAGING AGENT: Derrin Geisheimer, Strata Agent, Ascent Real Estate Management Corporation

CALL TO ORDER

The meeting was called to order at 9:35 a.m.

MINUTES

It was **MOVED** and **SECONDED** to approve the minutes of the November 29, 2010 council meeting as previously circulated.

MOTION CARRIED.

BUSINESS ARISING

1. **RDH Status Report:** The drawings are at 90% and await a decision on glass colour. They are waiting for the wind tunnel report from the developer. Council received notification during the meeting that the report has been found and is in the process of being made available to RDH.
2. **Legal Report:** The strata corporation's documents have been provided to the Lawyer, Tim Peters. The budget for processing and scanning these documents is \$7000.

9:55 a.m.: At this time the meeting was adjourned for the Special General Meeting and reconvened at 11:00 a.m.

3. **Building Issues:** Council discussed a number of concerns with the hotel manager, as outlined below:
 - a) Re-activating CCTV for OWC.
 - b) Guest and repair personnel parking arrangements for OWC.
 - c) Re-confirming gym privileges for OWC.
 - d) Providing easier access to the OWC concierge to program the fob system.
 - e) Window washing schedule, a source of frequent complaints from residents.
 - f) Valet parking for OWC residents and re-confirming the amenities as outlined in the sales

brochures.

- g) Dissatisfaction with the landscaping outside of the lobby area.
- h) Utilities cost sharing and working out cost sharing calculations.
- i) Establishing a list of points of contact at the hotel for various issues.
- j) A discussion of ongoing noise issues that appear to originate with the hotel's elevators and equipment. The noise severely impacts one particular suite. The owner of that suite participated in the discussion.

12:00 p.m.: At this time the meeting was adjourned for a short lunch break and reconvened at 12:20 p.m. The strata agent was not in attendance for this portion of the meeting. The secretary prepared the remainder of these minutes.

4. **Legal Report (Continued):** Council discussed an email received from our lawyer, Tim Peters, after the meeting had been called to order. The email is included below for the information of the owners.

"RDH has been trying to track down the original wind tunnel report to complete its specifications and drawings. We were able to locate those through the developer. They are currently being copied and will be forwarded to RDH in due course.

Ascent provided me with the strata corporation's files dating back to the inception of the strata corporation. I have vetted those documents for relevance and have sent them out for scanning and coding by a third party. That exercise should complete by Monday or Tuesday of next week. We have not yet received Lists of Documents from any of the defendants. However, I've been reluctant to push them until we have complied with our own discovery obligations. That said, I have reached an agreement with Wall's counsel to exchange electronic lists and documents, which will assist in keeping costs down. I am told that Wall's scanning and coding is nearing completion as well.

National has finally appointed counsel. They have asked for two extensions to file their Response to our Action. The last extension expires today. I advised counsel that there will be no further extensions.

As you know, the application to City Hall had come to a grinding halt. Apparently the architect retained by Wall, Mr. Milkovich, wanted confirmation that he would get paid (and by whom). Wall seemed reluctant to commit to funding. Upon further inquiry I learned that Wall's counsel (appointed by its insurer) was concerned that by instructing Mr. Milkovich (and possibly attaching its name to an application to City Hall) the insurer may be seen as endorsing a fix that constitutes betterment and ultimately, exposing the insurer(s) to greater costs. That concern apparently stems from the perception that the use of tinted windows comes at a cost premium.

The strata corporation understands from RDH that there is no (or negligible) difference in price between clear and tinted glass. Leaving aside the question of whether tinted windows constitutes "betterment" for another day, I suggested to Wall's counsel that we move forward on a without prejudice basis. In other words, the strata corporation will not argue that the Wall defendants are stopped from arguing betterment (because it "participated" in the application to City Hall) and the strata corporation is free to argue that any additional costs associated with tinted windows (over clear) ought to be borne by the defendants. The strata corporation agrees it will not lead evidence at trial on Wall's involvement in the variance permit application (whatever involvement that is). The proposal was acceptable to Wall. It is my understanding that things are now moving forward."

5. **Lobby Floor:** The lobby floor has been cleaned. Council is aware that the grout is still stained. The elevator floors have also been refinished. Council will address the damage to the handrails after more is known about the window replacement construction.

FINANCIAL

1. **RDH Invoices:** Council reviewed invoices from RDH related to the pre-construction phase of the window replacement and compared the charges against the authorized budget. The treasurer is working with Ascent to ensure that invoices are charged to the correct expense accounts and paid from the correct bank accounts.

Council reviewed invoices from RDH related to the ongoing roof leak investigation. Council has instructed Ascent to ensure all invoices are being sent to Wall Financial for reimbursement. Going forward, council believes it is appropriate to instruct RDH to bill costs for this investigation directly to Wall Financial.

2. **Legal Invoices:** Council reviewed legal expenditures for the past several years.
3. **Accounts Receivable:** Council reviewed accounts receivable. Council noted that some of the arrears have been paid recently. Council will instruct Ascent to send warning letters, assess fines and/or lien the property of delinquent owners. Council will draft a set of standard policies for delinquent accounts and have Ascent review them before we adopt them.
4. **Recent Financials:** Council approved the November and December 2010 financial reports.
5. **Latham's Invoices:** Council reviewed a number of invoices from Latham's concerning ongoing fan maintenance, specifically fan #26. Council discussed the agreement with Wall Financial for the hotel to provide certain maintenance services. It is difficult to evaluate whether the rate is competitive; council acknowledged that having the hotel engineering available 24/7 is advantageous to the strata corporation.

Council will take action to understand why the repairs to fan #26 failed so soon. Council plans to get the fan repaired or replaced as quickly as possible. Council feels we may have a case for a credit from Latham's towards future repairs or replacement.

During the reserve study, some equipment was identified as belonging to strata that was originally thought to belong to the hotel. This equipment was not covered under the original Latham's maintenance contract. Council approved the proposed increase to include this additional equipment.

CORRESPONDENCE

1. **Correspondence from an Owner:** Council reviewed a letter received from an owner regarding a bylaw violation. Council took no further action.

NEW BUSINESS

1. **Short Term Rentals:** Council reviewed recent moves. Council will instruct Ascent to send a letter to one owner with an apparent short-term tenancy.
2. **Chargeback Item 1:** Council reviewed a potential chargeback against a suite owner on the 33rd floor. There were two different leaks that occurred on the same day, a short time apart. After some discussion, council agreed with the owner on a partial reduction of the chargeback.

3. **Correspondence:** Council received a letter from the attorney for an owner, regarding an ongoing water damage claim on the 48th floor. Council is currently following the advice of its insurers. The damage is being repaired as quickly as possible. The invoices will be forwarded to the responsible vendors for potential reimbursement.
4. **Dogs off Leash:** Council was notified of a complaint about dogs being off leash on common property.

Council reminds owners and residents of the following rules related to pets:

6.3 A pet owner is required to keep a pet quiet and controlled so that the pet does not threaten or impose unwanted contact of any type on other users of the common property. A pet owner must immediately clean up any befouling of common property by its pet and repeat instances of such occurrences will be grounds for the council to order the pet to be removed from the premises.

6.4 Pets, particularly dogs, should be restrained by a leash while on common property and if the pet menaces or harms other persons, or causes damage, the fact that a pet was not secured by a leash will be regarded as an aggravating factor in the council's determination of fines and other remedies.

5. **Correspondence from Adjuster:** Council briefly reviewed a request from the adjuster of a damage claim. Council could not provide the requested information at this time.
6. **Chargeback Item 2:** Council reviewed a potential chargeback in another situation where there were two different leaks relatively close together. One leak was on the 34th floor and the other was on the 35th floor. There were damages in suites and to the 34th floor common area. These leaks have created a great deal of confusion. Council did not reach a decision on this chargeback yet.
7. **Parking Spaces:** Council received a request to reassign parking spaces between two strata lots with the same ownership. Council will advise the owner that their attorney can proceed to file the appropriate paperwork to effect this change. The owners' attorney needs to provide a copy of the recorded documents to Ascent and council.
8. **Unlicensed or Uninsured Vehicles:** Council discussed the issue of potentially unlicensed and/or uninsured vehicles in the parkade. Council will instruct Ascent to follow up with owners who have not provided the requested proof. Owners are advised that Rule 7.1 states that no unlicensed or uninsured vehicles or boats may be stored in parking spaces.
9. **Website Update:** Jerre Bradt reported on updates to the website. Many documents have been added to the members/owners section of the website. The most recent bylaws and rules are now online in the Documents section. Owners are encouraged to take advantage of this resource. Council thanked Jerre for his continued efforts to improve the site.
10. **Press Relations:** Council discussed some suggestions made by an owner at the AGM in case the media should ask for comments on our ongoing litigation. Council agrees that only one person should speak to the press. Council will discuss all media requests with its attorney. Council appointed Bruce Gleig to act as spokesperson.
11. **Electronic Waste:** Owners and residents are reminded that electronic and hazardous items may not be placed in the trash room under any circumstances. Owners can be charged for violating this rule. Council and Ascent will research permissible options for disposing of old electronics and other hazardous items. Council will ask the concierge to provide information in the monthly newsletters.

2.1 Hazardous items, including inflammable or unsanitary materials, must not be placed in storage areas or elsewhere on common property, including the garbage disposal area. Arrangements for the disposal of materials that are hazardous, bulky or heavy or other than ordinary household trash shall be made through the concierge and any expenses incurred by the strata corporation shall be charged to the resident involved.

12. **Leak on P5 Corridor:** Council briefly discussed a leak that appears to originate from the hotel that results in moisture in the P5 corridor.

13. **Property Manager:** Council held a discussion about the recent changes at Ascent.

Council agreed to maintain a tracking list for major issues, to better facilitate communication. Bruce Gleig will develop and maintain the list and council will review it regularly.

NEXT MEETING

The next council meeting is scheduled for Wednesday, April 27, 2011 at 9:30 a.m. The location is to be announced.

ADJOURNMENT

There being no further items, the meeting was adjourned at 2:55 p.m.

Ascent Real Estate Management Corporation
Managing Agents
On Behalf of Owners' Strata Plan LMS 4512

Derrin Geisheimer
Strata Agent

DG/an

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When you sell your property, you may be requested to produce at least two years of strata council meeting minutes. Therefore, it is recommended to properly file and retain the entire year's strata records. Service charges apply to obtain additional copies of the strata meeting minutes from the managing agency.

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