

**STRATA COUNCIL MEETING MINUTES  
OWNERS' STRATA PLAN LMS 4456  
"ONE WALL CENTER"  
938 NELSON STREET  
VANCOUVER, BC**

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Thursday, January 18, 2007  
In Unit 4701 – Thanks to Joan Down

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<b>PRESENT:</b>	Phillip Jhin Davie Myers	Jason Wong Joan Down	Nell Dragovan
<b>CONFERENCE CALL:</b>	Michael Mathews	Nicole Pelletier	
<b>STRATA AGENT:</b>	Rick Dickson, President Michele Campbell, Executive Assistant <i>Ascent Real Estate Management Corporation</i>		

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**CALL TO ORDER**

The meeting was called to order at 9:02 a.m.

**MINUTES OF THE PREVIOUS MEETING**

It was moved and seconded to approve the minutes of the council meeting held December 5, 2006, as circulated.

**MOTION CARRIED.**

**ELECTION OF COUNCIL EXECUTIVES**

It was agreed that council executive would be as follows:

President – Nell Dragovan  
Vice President – Joan Down  
Treasurer – Philip Jhin  
Secretary – Jason Wong  
Member at Large – Davie Myers  
Member at Large – Michael Mathews  
Member at Large – Nicole Pelletier

**BUSINESS ARISING:**

1. **Suite 4701:** The strata agent advised that Phoenix Restoration would be contacting the owner of unit 4701 to schedule a start date for the completion of the repairs to the dome in the foyer.

It was also noted that unit 4804 has been experiencing some water ingress from the roof. The strata agent will coordinate with Dan Wilson of Wall Financial.

2. **Window Update:** Philip Jhin reported that the cost to perform the heat simulation testing would be \$7,000.00.

The cost to perform a full survey of the windows is \$8,000.00. RDH will ask Wall Financial and Visionwall to share in the costs.

It was therefore moved and seconded to approve these expenditures.

3. **Elevator Maintenance Contract:** It was moved and seconded to accept the quotation from Thyssen-Krupp Elevator subject to the cancellation of the Richmond Elevator contract.
4. **Janitorial Proposal:** The strata council reviewed a proposal from another janitorial company and has taken this under advisement and will review this issue at a later date.

It was also noted that the strata agent will send a letter to Masters Cleaning putting them on notice that all future cleaning replacements for vacations must be trained and up to speed with respect to the building.

5. **Wind Damage Coverage:** The strata agent noted that the property policy for the strata corporation is on an "All Risks" basis and therefore, it covers all perils and property, which are not specifically excluded.
6. At the request of the strata council the Director Liability insurance has been increased from \$2,000,000.00 to \$5,000,000.00 for an additional premium cost of \$36.00.

The agent was asked to investigate if the E & O insurance could be increased as well.

7. **Concierge Pay:** The strata council discussed the concierge salary and adjustments to the concierge pay schedules were agreed to. The strata agent will convey this information to the hotel and the concierge.

## **CORRESPONDENCE**

1. The council reviewed a letter sent to an owner regarding short term tenancy. The owner has stated that she did not receive the letter. Ascent will send another copy to the owner.
2. The council reviewed emails sent from the owners of two units regarding ceiling cracks. The council noted that these repairs are the responsibility of the individual unit owner. The strata agent was instructed to send a letter to the owners advising them of council's decision.

It was further noted that the strata council will present a bylaw at the next general meeting regarding owner responsibility of repairs.

3. Council reviewed a letter from an owner regarding fogging windows. Council instructed the strata agent to send a letter to the owner and to all other queries concerning fogging. This letter will ask the owner to make a list of defective windows within his unit. At the appropriate time during RDH's investigation, a notice will go out to all owners to submit the list.

## **FINANCIAL**

1. Pending revisions to the financial statements for the year ending December 31, 2006, it was decided to table approval of the statement until the next meeting.
2. Council reviewed an invoice submitted by an owner for plumbing repairs to their unit. After discussion, it was noted that the plumbing repairs were due to a nail from a floor board into a pipe that was done at the time of construction and therefore it is the responsibility of the developer to pay for the repairs. Ascent will take the necessary steps to collect from the developer.

## NEW BUSINESS

1. **Rules:** It was moved and seconded to adopt the following rule, named "Rule 10 – Strata Lot Occupancy".
  - 10.1 Strata lot owners must inform the strata corporation in writing the identity of all occupants of their strata lot units. An occupant identity form is available from the concierge.
  - 10.2 Failure of an owner to identify an occupant will result in a fine of \$50.00 being levied against the strata lot for each and every occurrence.
  - 10.3 In accordance with section 132 of the Strata Property Act and regulation 7.1(3) For the purposes of section 132 of the Act, the maximum frequency that a strata corporation may set out in its bylaws for the imposition of a fine for a continuing contravention of a bylaw or rule is every 7 days.

During discussion of leasing a strata lot the following bylaws and provisions of the Strata Property Act (SPA) were noted.

- Bylaw 7.2 No owner who wishes to lease his strata lot need seek approval from the council; however, the owner shall forthwith comply with section 146(2) of the Strata Property Act or any successor provision and shall be bound by the provisions of section 146 and 138 of the said Act with respect to that lease., including the obligation to provide their tenants with copies of the strata's rules and bylaws.
- 146** (1) Before a landlord rents all or part of a residential strata lot, the landlord must give the prospective tenant
  - (a) the current bylaws and rules, and.
  - (b) a Notice of Tenant's Responsibilities in the prescribed form.
- (2) Within 2 weeks of renting all or part of a residential strata lot, the landlord must give the strata corporation a copy of the notice signed by the tenant.
- (3) If a landlord fails to comply with subsection (1) or (2), the tenant
  - (a) is still bound by the bylaws and rules, but
  - (b) may, within 90 days of learning of the landlord's failure to comply, end the tenancy agreement without penalty by giving notice to the landlord.
- (4) If a tenant ends a tenancy agreement under subsection (3), the landlord must pay the tenant's reasonable moving expenses to a maximum of one month's rent.
- 138** (1) A repeated or continuing contravention of a reasonable and significant bylaw or rule by a tenant of a residential strata lot that seriously interferes with another person's use and enjoyment of a strata lot, the common property or the common assets is an event that allows the strata corporation to give the tenant a notice terminating the tenancy agreement under section 36 (1) of the *Residential Tenancy Act*.
- (2) An eviction under subsection (1) does not affect any rights of the landlord under the tenancy agreement.

The notice signed by the tenant referred to in section 146(2) is a Form (copy attached), which are also available from the concierge.

The fine for contravention of Bylaw 7.2 and Section 146(2) is \$200.00 imposed every 7 days for a continuing contravention.

2. The strata agent was requested to follow up with the janitorial company as it appears that some areas of the parking garage were not power swept the last time it was done.
3. **Concierge Liaison:** Joan Down has volunteered to liaise with the concierge staff. She will also be putting together a procedure manual and job description.
4. **Security Breaches:** The concierge will be instructed to send any security breaches to the strata council as well as the strata agent.

A notice, once approved by council, will be posted on the website under the members and residents sections.

5. **Website:** Jason Wong has agreed to liaise with the website administrator.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 11:05 a.m.

The next meeting will be held on Friday, March 16, 2007 at 9:00 a.m.

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

R. S. (Rick) Dickson  
Strata Agent

RSD/mc