

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS, STRATA PLAN LMS 3025, TRADEWINDS AT THE QUAY, HELD ON TUESDAY, JULY 9, 2019, AT 7:15 PM AT JOHN BRAITHWAITE COMMUNITY CENTRE, 145 WEST 1<sup>ST</sup> STREET, NORTH VANCOUVER, BC**

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**CALL TO ORDER:**

The meeting was called to order by the Strata Council President, Lucille Zdunich, at 7:20 pm.

**CALLING OF THE ROLL AND CERTIFICATION OF PROXIES:**

Mr. Keith Loughlin, Strata Manager, advised that subsequent to the calling of the roll and certification of proxies it had been determined that all 61.8 voting members were eligible to vote and quorum for the meeting consisted of 20.56 voting members, with quorum for the residential units consisting of 17 voting members, and quorum for the commercial units consisting of 3.56 voting members. There were 18 residential owners present, 11 represented by proxy, for a total of 29 residential voting members (quorum reached); there were 2.5 commercial owners present (quorum not reached). Strata Corporation bylaw 38.2 states: "If at the appointed time for a general meeting a quorum is not present, the meeting shall stand adjourned for a period of 30 minutes, whereupon the adjourned meeting shall be reconvened at the same time and place and the persons present entitled to vote shall constitute a quorum." The meeting was adjourned at 7:20 pm and reconvened at 7:50 pm.

**FILING OF PROOF OF NOTICE OF MEETING:**

The Strata Manager read into the record the notice of meeting which was distributed to all registered strata lot owners in accordance with the requirements of the Strata Property Act, stating the date, time, place and purpose of the meeting.

**MINUTES OF THE MEETING OF JULY 10, 2018:**

It was

**MOVED & SECONDED:**

That the minutes of the meeting of July 10, 2018 be adopted as presented.

*MOTION CARRIED UNANIMOUSLY (by both residential and commercial units)*

**BUSINESS ARISING FROM THE MINUTES:**

There was no business arising from the minutes.

**STRATA COUNCIL REPORT:**

The President welcomed the owners to the Annual General Meeting and thanked them for their support over the past year. Ms. Zdunich noted that there had been five sales since January 1, 2018 and welcomed the new owners. She introduced each of the Strata Council members and the Strata Manager.

The President thanked owner Nancy Antonio, who looks after the Strata Corporation's library, and Yovan Milojevic, the owner of Europe Lock and Key (commercial unit), who provides keys to contractors retained by the Strata Corporation to do work on the property.

The President reviewed the regular contracts which the Strata Corporation has with various contractors, and noted that:

- window washing and power washing was scheduled for later in the month
- the deck repairs have been completed
- the courtyard has been upgraded

The President further reported on the following:

Courtyard walkways: There had been an issue with the resurfacing of the courtyard walkways and the Council had met with the contractor who installed the surface as well as the company who provided the warranty. No one would accept responsibility for the poor quality of the installation and in discussion with legal counsel it was noted it would be very difficult to obtain a favourable judgement in a court of law. Council decided not to pursue the matter and will repair deteriorating surfaces on an as-needed basis.

Settling at unit 206: An issue had arisen involving settling at unit 206, which was located at the junction where the concrete and wood frame components of the building met. As a result, the floors in the unit were sloped. The Strata Corporation requested the owner contact their homeowner insurers, and the Corporation contacted its insurer. Both insurers advised they would not accept a claim. Council decided that the Strata Corporation had a responsibility to respond, and paid for the repairs to the unit.

CRT dispute: The President referred to the CRT dispute which had been filed by Meridian Trading against the Strata Corporation, which would not approve the installation of a restaurant in their strata lot. The CRT ruled in the Strata Corporation's favour and Meridian has now filed an action with the BC Court of Appeal disputing the CRT decision. To date Meridian Trading has not provided any new evidence to either the court or the Strata Corporation's legal counsel which would alter the original CRT decision.

Security system upgrade: Ms. Zdunich noted that there were a number of troubling security incidents over the past year and the Strata Council made the decision to upgrade the Strata Corporation's security system and cameras. She noted that several contractors had been requested to provide quotations, as had a contact of the Council Treasurer, whose estimate was approximately 50% of all the other quotations received. Council decided to accept the low bid and is planning on upgrading the security system further in the coming year.

It was

MOVED AND SECONDED:

That the President's report be received.

*MOTION CARRIED UNANIMOUSLY (by both residential and commercial units)*

Emergency Information

The President introduced Mr. Gary Wildman, Council member responsible for fire safety and emergency preparedness. Mr. Wildman noted that he had recently met with the Fire Inspector, who had provided a report to the Strata Corporation requesting that it attend to a number of fire safety issues, including the installation of a fire extinguisher in the exercise room (done), and the removal from parking stalls of all items other than vehicles and bike racks. The Inspector had also advised that nothing may be stored on the mesh above individual lockers as this will prevent the fire sprinkler system from operating effectively in the event of a fire. It was also noted that unknown persons are placing foam in fire door locking mechanisms so keys are not required to open the doors when entering or exiting.

Mr. Wildman noted that one of his responsibilities is bylaw enforcement, and that if any new owners have pets they should be registered with the Strata Corporation.

Mr. Wildman thanked the owners for their assistance and cooperation over the past year.

**GOVERNANCE:**

**Bylaw Amendment – Increase in Number of Residential Rentals (3/4 Vote Resolution)**

It was

**MOVED AND SECONDED:**

That:

**WHEREAS** At the Special General Meeting held on November 8, 2017, the owners defeated an amendment to the bylaws to increase the number of residential rentals to eight (8) from the present five (5); and

**WHEREAS** An owner requested that the matter of residential units be revisited and the resolution be brought forward at the July 9, 2019 Annual General Meeting;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, amend the Strata Corporation's rental bylaw 39.1 as follows:

**Rescind Rental Bylaw 39.1:**

*"No more than 5 Residential Strata Lots may be rented at any one time."*

**And replace with Rental bylaw 39.1:**

*"No more than 8 Residential Strata Lots may be rented at any one time."*

**BE IT FURTHER RESOLVED THAT** The Strata Council be instructed to register the amended bylaws in the Land Title Office.

An owner requested a secret ballot. It was

**MOVED AND SECONDED:**

That a secret ballot be held.

*MOTION CARRIED UNANIMOUSLY (by both residential and commercial units)*

It was

**MOVED AND SECONDED:**

To appoint two scrutineers to count the ballots.

*MOTION CARRIED*

After the counting of the ballots the resolution was declared

**DEFEATED** (*residential units: 19 in favour, 11 opposed; commercial units: 1 in favour, 1.7 opposed*)

It was

**MOVED AND SECONDED:**

That the ballots be destroyed.

*MOTION CARRIED UNANIMOUSLY (by both residential and commercial units)*

Indemnity Agreement Ratification

The Strata Manager tabled the proposed bylaw amendment to confirm the modifications made by the owners of strata lots 42, 50, 53 and 54, and advised the ownership that when an owner was considering a modification to the strata lot or common property/limited common property, permission had to be received from the Strata Council pursuant to the Strata Corporation's bylaws. In most cases, as part of this approval the Strata Corporation requires the completion of an Indemnity Agreement, in which the owner agrees to take full responsibility for the maintenance and repair of, as well as any liability arising from, the modification. Once executed by the Strata Council and owner, the Indemnity Agreement is presented to the ownership at a General Meeting for ratification as a bylaw amendment. The particulars of the modification are added to the Schedule of Indemnity Agreements which forms part of the Strata Corporation's bylaws. The Strata Manager confirmed that this process ensures that a permanent record of common property modifications is available for the information of the ownership and future purchasers. It was

MOVED AND SECONDED:

That:

**WHEREAS** The Bylaws of the Strata Corporation provide for the manner and conditions whereby owners may alter common property or the strata lot; and

**WHEREAS** Said bylaws require that the owners accept responsibility for the expenses incurred in the maintenance of the common property and/or the strata lot, in accordance with Section 72 (3) of the Strata Property Act, and bylaw 6 of the Strata Corporation; and

**WHEREAS** The Owners and Strata Council have executed the Indemnity Agreement related to said alterations;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, hereby ratify the approval of said alterations to the strata lot/common property by the owners of strata lots 20, 25, 28 and 52; and

**BE IT FURTHER RESOLVED THAT** Bylaw 6 of the Strata Corporation's bylaws be amended to reflect the execution of an Indemnity Agreement related to modifications to the strata lot/common property as between the owners of strata lots 20, 25, 28 and 52, and the Strata Corporation.

The floor was opened for discussion. There being none, the question was called and the motion was

*CARRIED UNANIMOUSLY (by both residential and commercial units)*

FINANCE REPORT:

The President noted that the Treasurer, Mr. Lance Silver, was not available for the meeting and requested the Strata Manager present the finance report.

Waiving of Audit

It was

MOVED AND SECONDED:

That:

**WHEREAS** The Strata Property Act requires the financial statement to be distributed with the proposed budget must be audited, unless the Strata Corporation by a resolution passed by a  $\frac{3}{4}$  vote at an Annual General Meeting waives the requirement for the financial statement to be audited; and

**WHEREAS** Your Strata Council feels the audits performed on the LMS 3025 financial records of the Strata Manager are sufficient;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, waive the requirement that the financial statement be audited.

The floor was opened for discussion. After a brief discussion, the question was called and the motion was

*CARRIED UNANIMOUSLY (by both residential and commercial units)*

Balance Sheet to April 30, 2019

The Strata Manager tabled for the owners' information the balance sheet to April 30, 2019.

Waiving of Depreciation Report

It was

MOVED AND SECONDED:

That:

**WHEREAS** The Strata Property Act requires that the Strata Corporation must obtain from a qualified person a depreciation report estimating the repair and replacement cost for major items in the Strata Corporation, and the expected life of those items for use in estimating the reserve contribution, unless the Strata Corporation by a resolution passed by a  $\frac{3}{4}$  vote at an Annual General Meeting waives the requirement for a depreciation report; and

**WHEREAS** Your Strata Council feels the reviews performed by the Strata Council and the recent and proposed capital projects are sufficient to estimate the required reserves;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, hereby waive the requirement for a depreciation report.

The floor was opened for discussion. A lengthy discussion was held regarding depreciation reports, after which the question was called and the motion was

*CARRIED (residential units 28 in favour, 0 opposed, 1 abstained – commercial units approved unanimously)*

Capital Plan Cash Flow

The Strata Manager tabled the capital plan cash flow for the owners' information.

2019/2020 Operating Budget

The Strata Manager tabled the following:

- proposed 2019/2020 operating budget
- schedule of strata fees
- contract summary

The Strata Manager noted that the budget had been prepared in consultation with the Strata Council and that based on the anticipated operating expenditures for the next fiscal year it was recommended the strata fees be increased by 3.4%. It was

**MOVED AND SECONDED:**

That:

**WHEREAS** The Strata Property Act sets out the required information to be submitted with the proposed budget; and

**WHEREAS** The Strata Property Act requires the Strata Corporation to report on the contingency reserve funds, operating expenses and unapproved expenses; and

**WHEREAS** The Strata Property Act establishes the approval process for the various components of the budget for the coming fiscal year;

**BE IT THEREFORE RESOLVED THAT:**

- The Owners, Strata Plan LMS 3025, hereby authorize a 2019/2020 reserve contribution in the amount of \$56,300.00, before interest estimated at \$2,000.00. (refer to Section 93 of the Strata Property Act)
- The Owners, Strata Plan LMS 3025, hereby authorize operating expenses in the amount of \$255,928.00 (exclusive of the reserves and capital expenses). (refer to Section 103 (1) of the Strata Property Act)
- The Owners, Strata Plan LMS 3025, ratify the Strata Council's decision to transfer from reserves \$29,849.62 to replace the west wall fence, upgrade the security camera system, and to reimburse the owner to remedy a problem with settlement at unit 206 after the engineer had provided a report that there would be no more settlement at unit 206.

The floor was opened for discussion. The owners discussed the proposed operating budget and reserve contributions to fund capital plan projects over the next several years. At the conclusion of the discussion, the question was called and the motion was

*CARRIED UNANIMOUSLY (by both residential and commercial units)*

**INSURANCE – POLICY REVIEW AND APPROVAL:**

The Strata Manager reminded the owners that the Strata Corporation's insurance policy does not cover personal belongings or improvements which may have been made to the strata lots since originally built. Owners who have made improvements to their strata lots, such as flooring upgrades, appliance upgrades, cabinet upgrades, or the installation of other fixtures or chattels, must ensure that all of these are reported to their homeowner insurers, and that they have coverage to allow for these improvements to be restored in case of a major loss. Owners are also responsible to ensure that they obtain insurance for their personal belongings as well as for personal liability in case of a civil lawsuit against them.

The Strata Manager also reminded the owners to ensure that they query their broker about obtaining loss assessment coverage to "buy down" the Strata Corporation's insurance deductibles (which can be a significant amount) to the level of their homeowner's insurance deductible. A number of homeowner insurance policies do not provide this coverage as a matter of course, and this should be specifically requested.

The Strata Manager also recommended that owners query their insurance brokers with respect to coverage for the Strata Corporation's 10% earthquake deductible in the event that a claim is made on the Strata Corporation's master policy and a shortfall for the 10% deductible has to be recouped by way of a special levy against the ownership.

The Strata Manager strongly recommended that if owners have any questions regarding their insurance requirements or their current homeowner policy, they take the Strata Corporation's insurance certificate to their personal brokers so that they can discuss coverages to avoid any financial hardship in case of an insurable claim.

It was

**MOVED AND SECONDED:**

That:

**WHEREAS** The Strata Corporation currently insures considerable assets over which it has an insurable interest but no beneficial ownership; and

**WHEREAS** The Strata Corporation is required in its mandate to deal with matters affecting not only the common property, common facilities and common assets, but also those fixtures built or installed by the owner/developer as part of the original construction; and

**WHEREAS** The Strata Council is recommending that the Strata Corporation approve the property insurance policy and related risks in accordance with the Certificate of Insurance attached to the notice of meeting, which sets out the current level of insurance coverage;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, hereby approve the insurance policy and the terms as set out in the Insurance Certificate dated December 4, 2018 and amended March 18, 2019, setting out the coverages for the benefit of The Owners, Strata Plan LMS 3025, in accordance with Section 149 of the Strata Property Act and related regulations.

The floor was opened for discussion. There being none, the question was called and the motion was

*CARRIED UNANIMOUSLY (by both residential and commercial units)*

**ELECTION OF 2019/2020 STRATA COUNCIL:**

The Strata Manager advised that the Strata Council retired at the Annual General Meeting, and while retiring members were eligible for re-election, he urged any interested owners to allow their names to stand or to nominate another owner who may wish to participate in the deliberations of the Strata Council. The Strata Manager advised that in accordance with the Strata Property Act a nominee must obtain 50% + 1 of the eligible votes to be elected to the Strata Council. The following were nominated:

- |                   |                           |
|-------------------|---------------------------|
| ➤ Ian Heyes       | Unit 63 (commercial unit) |
| ➤ Gary Wildman    | Unit 107                  |
| ➤ Lucille Zdunich | Unit 315                  |
| ➤ Ron Penwill     | Unit 316                  |
| ➤ Marc Pedersen   | Unit 414                  |
| ➤ Melanie Medina  | Unit 411                  |
| ➤ Lance Silver    | Unit 101                  |

The Strata Manager noted that although Messrs. Penwill and Silver were not present, they had submitted letters indicating they were willing to stand for election to the 2019/2020 Strata Council.

An election was held, after which it was reported that all seven nominees had received at least 50% + 1 of the eligible votes and had been elected to the 2019/2020 Strata Council.

**OTHER BUSINESS:**

**Exercise Room**

An owner expressed concern with the state of the exercise equipment and noted that the WiFi in the exercise room is not always working. The President noted that Shaw had been contacted regarding this matter on several occasions and have been on site three times. It was also noted that the Strata Corporation retains Exer-Tech to maintain the exercise equipment, and Council is aware that notwithstanding this regular maintenance it might be time to upgrade or replace the equipment. This matter will be placed on the agenda for the September 2019 Council meeting.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:55 pm.

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/sj