

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS, STRATA PLAN LMS 3025, TRADEWINDS AT THE QUAY, HELD VIA ELECTRONIC ATTENDANCE AT 7:00 PM ON MONDAY, JANUARY 4, 2021**

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**CALL TO ORDER:**

The meeting was called to order by the Strata Council President, Lucille Zdunich, at 7:05 pm.

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

Mr. Carey Grandy, 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 17 residential owners present, 7 represented by proxy, for a total of 24 residential voting members (quorum reached); there were 2 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 7:05 pm and reconvened at 7:35 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 9, 2019:**

It was

**MOVED & SECONDED:**

That the minutes of the meeting of July 9, 2019 be adopted as presented.

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

**BUSINESS ARISING FROM THE MINUTES:**

An owner noted that there was an error in identification of a unit whose deck had been repaired. The deck at unit 313 was not repaired, but rather the neighbouring deck.

**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 also thanked the members of Council for their hard work over, and in particular thanked Council member Lance Silver for facilitating some special projects, as well as unit owner Haida Harper for facilitating completion of the workout room upgrades.

The President reported on security issues with the visitor gate and noted that it would be permanently closed. The enterphone system will be upgraded as part of future projects to ensure both residential and commercial owners may provide access to their visitors via cell phones. Ms. Zdunich touched on future projects, noting that elevator servicing was required and the elevators would need to be upgraded in the near future, and that Canada Post will be installing a parcel box in the lobby area.

She expressed appreciation to Council members Melanie and Ian, who would be stepping down this year to pursue other interests.

**GOVERNANCE:**

**Bylaw Amendment – Door Security (3/4 Vote Resolution)**

It was

**MOVED AND SECONDED:**

That:

**WHEREAS** The Strata Corporation has been affected by several break ins to the underground parking area caused by individuals entering the open gate when vehicles are entering or exiting the parking garage; and

**WHEREAS** The Strata Council is proposing an amendment to the Strata Corporation's bylaws that will require owners, residents, and their guests to wait for the overhead gate to fully close before driving away (into or out of the parking garage);

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, approve bylaw 32.12 as follows:

**“Bylaw 32.12:**

*“An Owner, Tenant, Occupant, or Guest shall wait for the overhead parking gate to fully close before driving away from it to prevent unauthorized individuals from gaining access to the parking garage”*

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

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

**Bylaw Amendment – Smoking Prohibition (3/4 Vote Resolution)**

It was

**MOVED AND SECONDED:**

That:

**WHEREAS** The Strata Corporation proposes to amend its bylaws by adding a smoking prohibition bylaw to the existing bylaw.

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, amend the existing bylaws by adding a smoking prohibition bylaw as follows:

**“5.9** *Without limiting the generality of bylaw 5.1, no owner, tenant, occupant, or visitor shall smoke or use a cigarette, cigar, pipe, e-cigarette, marijuana, hookah pipe or other substance or smoking equipment:*

- a) *on any part of the common property, including but not limited to corridors, hallways, stairways, the hobby room, parking areas, storage areas, sun deck, pool area and sauna, garden areas, lounge, lobby, mailroom, balconies, patios, and decks; or*
- b) *in a strata lot; or*
- c) *in any manner whatsoever that may:*

- (i) *unreasonably interfere with the ability of any person to use and enjoy the common property, limited common property, or a strata lot; or*
- (ii) *cause a nuisance to any person, including but not limited to nuisance from smoke or odours; or*
- (iii) *constitute a fire hazard; or*
- (iv) *constitute a health risk to any person.”*

**BE IT FURTHER RESOLVED THAT** The Strata Council register the amended bylaws in the Land Title Office. Any two members of the Strata Council may execute any documents required to register the amendments.

*MOTION DEFEATED (18 in favour, 8 opposed)*

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

It was

MOVED AND SECONDED:

That:

**WHEREAS** An owner requested that the matter of residential units be revisited and the resolution be brought forward at the January 4, 2021 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 7 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. After tabulation of the ballots the resolution was declared

*DEFEATED (12 units in favour, 14 opposed)*

Indemnity Agreement Ratification

The Strata Manager tabled the proposed bylaw amendment to confirm the modifications made by the owner of strata lot 10, 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** The 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 the said alterations;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, hereby ratify the approval of the said alterations to the strata lot/common property by the owner of strata lot 10; 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 owner of strata lot 10 and the Strata Corporation.

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

FINANCE REPORT:

The Strata Manager was requested to 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.

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

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.

*MOTION CARRIED (28 in favour, 1 abstained)*

2020/2021 Operating Budget

The Strata Manager presented the proposed 2020/2021 operating budget and schedule of strata fees, noting that the budget had been prepared in consultation with the Strata Council and based on the anticipated expenditures for the next fiscal year it was recommended the strata fees be increased by 13.81%. It was

MOVED AND SECONDED:

To reduce the proposed strata fees by \$8,000.00 with a corresponding reduction in insurance premium expenses.

*MOTION CARRIED UNANIMOUSLY*

The amended budget resolution was then considered by the owners, as follows:

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 2020/2021 reserve contribution in the amount of \$56,300.00. (refer to Section 93 of the Strata Property Act)
- The Owners, Strata Plan LMS 3025, hereby authorize operating expenses in the amount of \$291,028.00 (exclusive of the reserves and capital expenses). (refer to Section 103 (1) of the Strata Property Act)
- The Owners, Strata Plan LMS 3025, approve strata fees for the period of July 1, 2020 to June 30, 2021 in the amount of \$347,120.00

*MOTION CARRIED UNANIMOUSLY*

Contingency Reserve Fund Expenditure

It was

MOVED AND SECONDED:

That:

**WHEREAS** In 2017 the Strata Corporation completed repairs to decks at units 209, 313, 411 and 412, and did not receive the final invoice in the amount of \$24,082.25 until the Fall of 2019; and

**WHEREAS** The deck repairs were non-annually occurring and had previously been funded with expenditures from the Strata Corporation's contingency reserve fund; and

**WHEREAS** Section 96 of the Strata Property Act outlines the requirements for an expenditure from the contingency reserve fund;

**BE IT THEREFORE RESOLVED THAT** The Owners, Strata Plan LMS 3025, authorize an expenditure from the contingency reserve fund in the amount of \$24,082.25 for payment of the final invoice associated with repairs to decks at units 209, 313, 411 and 412.

*MOTION CARRIED UNANIMOUSLY*

**INSURANCE POLICY REVIEW:**

The Strata Manager advised that due to the leveling out of policies within the insurance industry the Strata Council this year (unlike in the previous two years) had been given a choice and was able to secure insurance for costs significantly less than anticipated, resulting in a change of insurance brokers from HUB Insurance to BFL Canada. The updated insurance certificate will be provided shortly, and the owners were reminded to contact their brokers 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 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.

**ELECTION OF 2020/2021 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:

- Josh Gibson Unit 104
- Gary Wildman Unit 107
- Lucille Zdunich Unit 315
- Ron Penwill Unit 316
- Marc Pedersen Unit 414
- Lance Silver Unit 101
- Yovan Milojevic Unit 114 (commercial)
- Justin Sallay Unit 310

An election was held by secret ballot, after which it was reported that the following owners, each having received at least 50% + 1 of the eligible votes, had been elected to the 2020/2021 Strata Council:

- Lance Silver
- Josh Gibson
- Gary Wildman
- Yovan Milojevic
- Lucille Zdunich
- Ron Penwill
- Marc Pedersen

**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:02 pm.

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/sj