

## **2009 ANNUAL GENERAL MEETING MINUTES**

**LONDON PLACE, STRATA PLAN LMS 1757**

**DATE: Tuesday, April 20, 2010**

**LOCATION: Amenity Room, 1177 Hornby Street, Vancouver, B.C.**

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At 6:30 p.m., being the appointed time for the start of the meeting, a quorum was not present. London Place bylaw 39 states "If within half an hour from the time appointed for an annual or special general meeting a quorum is not present, the eligible voters, present or by proxy, constitute a quorum"

The chairperson, strata council president, Tom Attwood, called the meeting to order at 7:10 p.m.

### **DETERMINATION OF QUORUM**

Dali Janic, the Property Manager from Colliers Macaulay Nicolls (CMN), advised the attendance at the meeting represented 34 votes in person and 18 votes by proxy, for a total representation of 52 votes. As the necessary quorum had been achieved, the meeting was duly constituted and authorized to proceed with the transaction of business as outlined in the notice of meeting. It was **MOVED** by #510, **SECONDED** by #802 that the quorum report be accepted.

**MOTION CARRIED**

### **CERTIFICATION OF PROXIES**

It was **MOVED** by #505, **SECONDED** by #305 that the proxies presented at the meeting are certified as correct.

**MOTION CARRIED**

### **ISSUANCE OF VOTE CARDS AND BALLOTS**

It was **MOVED** by #804, **SECONDED** by #502 that the issuance of vote cards and ballots be approved

**MOTION CARRIED**

### **FILING PROOF OF NOTICE OF MEETING**

**MOVED** by #802, **SECONDED** by #1105 that the Notice of Meeting dated March 25, 2010 be approved.

**MOTION CARRIED**

### **APPROVAL OF THE AGENDA**

It was **MOVED** by #505, **SECONDED** by #508 that the agenda for the meeting be approved.

**MOTION CARRIED**

### **APPROVAL OF LAST ANNUAL GENERAL MEETING MINUTES**

It was **MOVED** by #503, **SECONDED** by #511 that the minutes of the Annual General Meeting Minutes dated April 21, 2009 be approved as distributed to the owners.

**MOTION CARRIED**

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**Please see attached for President's Report.**

**INSURANCE REPORT (provided by James Clay)**

Section 154 of the Strata Property Act requires an annual review of adequacy of insurance; and a report on insurance coverage at an Annual General Meeting. The strata insurance policy for London Place was arranged by J.T Insurance Services (Canada) Inc.

The building has an All Risk policy for \$41,730,000 with replacement cost coverage, earthquake with a 10% deductible, flood with a \$10,000 deductible and water damage with a \$5,000 deductible. The policy also carries a \$10 million general liability limit and a \$5 million directors and officer's limit of liability both with \$1,000 deductible.

The coverage is being renewed on April 30, 2010. A recent independent appraisal indicates a decrease in replacement value to \$39,000,000. Due to recent water damage losses, the deductible will be increased to \$10,000 on renewal.

Owners are reminded that they must purchase contents and/or tenant's insurance for any in-suite upgrades they make, and for their personal effects. The Strata Corporation's insurance does not cover these. Owners are also reminded to ensure their tenants place contents insurance on their personal effects. Owners are encouraged to place insurance for coverage of Strata Corporation's insurance deductibles.

Our office on the Main Floor known as the Clay Group can handle personal insurance including Autoplan. While we are a commercial broker, we have notified our staff to provide new policies for the residents of London Place is so desired.

**MAJORITY VOTE RESOLUTION – TRANSFER OF YEAR END SURPLUS**

WHEREAS the *Strata Property Act* states:

105 (1) Subject to section 14, contributions to the operating fund which are not required to meet operating expenses accruing during the fiscal year to which the budget relates must be dealt with in one or more of the following ways, unless the strata corporation determines otherwise by a resolution passed by a 3/4 vote at an annual or special general meeting;

- (a) transferred into the contingency reserve fund;
- (b) carried forward as part of the operating fund, as a surplus;
- (c) used to reduce the total contribution to the next fiscal year's operating fund.

(2) If the operating expenses exceed the total contribution to the operating fund, the deficit must be eliminated during the next fiscal year.

**BE IT RESOLVED THAT:**

"The owners of Strata Corporation LMS 1757 hereby approve the transfer of funds between accounts for the end of the 2009/2010 financial year of the strata corporation,

- The year end balance in the operating account will be transferred as follows:

- *The anticipated surplus to be transferred to the contingency reserve fund.*

It was **MOVED** by #802, **SECONDED** by #1105 that the owners approve the 2009/2010 majority vote resolution as presented.

**MOTION CARRIED**

### **APPROVAL OF THE 2009/10 ANNUAL OPERATING BUDGET**

There is no increase in the strata maintenance fees presented in the proposed budget. The assessment fee schedule that was sent to owners in the Notice of Meeting package showed a slight increase, but this was due to a computer error. The treasurer, Warren Miles Pickup presented the budget to owners as presented. He explained that it had been a fairly standard year at London Place and was pleased to say that the year ended with a surplus. There were a variety of major projects that were completed such as the new carpets, gym floor, and repainting of elevator lobbies. There was also a leak in the roof that had to be dealt with immediately. Warren stated that keeping the strata fees the same as last year was prudent as there will be increases to come in the form of the upcoming Harmonized Sales Tax (HST) as well as anticipated elevator repairs. The building is aging therefore upkeep will be inevitable.

It was **MOVED** by #511, **SECONDED** by #505 that the owners approve the 2010/2011 operating budget as presented.

**MOTION CARRIED**

### **¾ VOTE RESOLUTION #1 – BYLAW AMENDMENT – RENTAL RESTRICTIONS REVISION**

WHEREAS the strata corporation has reviewed both the standard bylaws and the existing bylaws of the Strata Corporation, and wishes to revise the residential rental bylaw wording of section 38 of the existing bylaws as follows:

#### **Rental Restrictions**

38. (1) The number of strata lots within the strata corporation that may be leased at any one time is limited to 28.
- 38(2) An owner must not rent or lease a strata lot to a tenant for a period of less than 12 consecutive months.
- 38(3) An owner wishing to lease a strata lot must apply in writing to the council for permission to rent before entering into a tenancy agreement.
- 38(4) If the number of strata lots leased at the time an owner applies for permission to lease has reached the limit stated in bylaw 38(1), excluding, if any, exempt strata lots pursuant to sections 142, 143 and 144 of the Act and section 17.15 of the Regulations, the council must refuse permission and notify the owner of the same in writing, as soon as possible stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.

- 38(5) If the limit stated in bylaw 38(1) has not been reached at the time the owner applies for permission to lease a strata lot, excluding, if any, exempt strata lots pursuant to sections 142, 143 and 144 of the Act and section 17.15 of the Regulations, the council shall grant permission and notify the owner of the same in writing as soon as possible.
- 38(6) An owner receiving permission to lease a strata lot must exercise the permission to lease within 60 days from the date that the council granted same, otherwise the permission expires. During the 60 days immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 38(1).
- 38(7) 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.
- 38(8) 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.
- 38(9) Permission to rent a strata lot terminates on the earlier of:
- (a) the date on which the owner of a rented strata lot sells the strata lot; or
  - (b) the date on which the owner of a rented strata lot moves into the strata lot.
- The permission to rent is then given to the first person on the waiting list. In the event that Bylaw 39(9)(a) applies, permission to rent does not transfer to the purchaser of the strata lot.
- 38(10) Where an owner leases a strata lot in contravention of bylaws 38(1), 38(2), 38(3), 38(4) or 38(9), the owner shall be subject to a fine of \$500.00, which fine may be levied every 7 days for a continuing infraction, 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.

THEREFORE:

BE IT RESOLVED as a  $\frac{3}{4}$  vote of the Owners Strata Plan LMS1757 (the Strata Corporation) at this Annual General Meeting held on April 20<sup>th</sup>, 2010 the owners approve the revision of residential rental bylaw wording of Section 38 of the existing bylaws as outlined above. Pursuant to subsection 128 (1) of *the Strata Property Act* (British Columbia)

It was **MOVED** by #505, **SECONDED** by #513 that the owners vote on this resolution.

**MOTION CARRIED (3 OPPOSED)**

## **NEW BUSINESS**

- **Common Area Upgrades:** An owner asked council if the issue of the common area upgrades can be brought up for discussion even though the matter has previously been voted down twice. Council is happy to look into the redecoration issue again. Tom Attwood explained that council administers the building on behalf of owners by taking the money in the budget and using it as wisely as they can; if owners have a project in mind, council is honor-bound to look into it. This being the case, council welcomes any suggestions and/or volunteers to help with the project of

redecorating. In the future, they plan on getting it down to one option so that it is a simple "YES" or "NO" vote.

- **Upstairs Bathrooms:** An owner inquired about when the bathroom upstairs by the gym facilities will be back in operating order. Council responded that they are just waiting on the security company involved but anticipate it to be open very soon.
- **Elevators:** An owner expressed frustration with the elevators and the grinding noise that can be heard in his suite. He wished to know when they will be looked at and the matter resolved permanently. Council explained that they have been continuously contacting Otis to have the elevators in better working condition but owners must understand that the elevators are old therefore require specially ordered parts in order to be repaired. Council and CMN have been actively looking into replacing the existing elevators but the cost is high. Each replacement would cost approximately \$140,000 with the exception of P4, which would cost \$170,000. The newly elected council will be looking into this matter further and perhaps consider replacing one elevator per year.
- **Gym Hours:** An owner asked if the gym hours could be extended an hour earlier in the morning. Council explained that they had previously tried this in the past, but it did not work out due to owners dropping weights and thus disturbing the owners below. The owner also asked whether there would be any new equipment coming into the gym. Council responded by saying if owners want new equipment, please present their request to council for consideration.

### **ELECTION OF THE 2010/2011 STRATA COUNCIL**

The ownership was advised the current strata council steps down at this meeting and a new council must be elected for the forthcoming year. The bylaws and *Strata Property Act* require that a minimum of three and maximum of seven persons be elected. Candidates must be registered on a strata lot title in order to be eligible. Only one owner per strata lot may serve on council.

The following owners were nominated:

1. James Clay                      SL143 Commercial owner
2. Vanessa Leech                #511
3. Tom Attwood                  #505
4. Laszlo Hollander            #606
5. Warren Miles-Pickup        #513
6. Ron Blache-Fraser          #804
7. Kevin Johnston                #912

There being no further nominations, the floor was closed for nominations. The owners nominated were declared elected by acclamation.

There being no further business to conduct, the meeting was adjourned at 8:30 p.m

**MINUTES OF THE 2010 ANNUAL GENERAL MEETING OF LONDON PLACE HELD TUESDAY, APRIL 20, 2010, AT 1177 HORNBY STREET, VANCOUVER, B.C. SUBJECT TO RATIFICATION BY THE OWNERSHIP AT THE NEXT ANNUAL GENERAL MEETING.**

Welcome everyone to our AGM for the fiscal year 2009/2010.

Firstly, I want to thank the outgoing council who did an amazing job this year.

1. Vice President – Vanessa Leech has spent a lot of hours pulling together the quotes for the redecorating of the building and the new flooring we put in this year.
2. Treasurer - Warren Miles-Pickup did an excellent job keeping tabs of our money and the books and we came out with a surplus again this year.
3. Commercial Rep – James Clay who represented the commercial owners' interests as well as the strata in general with good sound business sense.
4. Errol Krem – Member at large who is always busy doing something around the building and being an extra hand where one is needed.
5. Laszlo Hollander – member at large and advisor on techie stuff.
6. Donal O'Reilly – member at large who worked closely with Vanessa on the redecorating.

Congratulations on another successful year keeping the building running. This was an excellent group of people to work with, every one bringing good ideas and solutions to the myriad problems that come up every year. I strongly suggest the owners re-elect this same group or as many as are willing to do another year.

Also, I would like to thank our property manager, Dali Janic who handled all of our headaches with true professionalism. Dali has done a wonderful job dealing with suppliers and harassing the hell out of them on our behalf and getting us great results in difficult situations. Also thanks to the whole Colliers team that keeps us running.

Thanks also to Calvin Gregor, our tireless caretaker and general problem solver for a job well done as always. I want to point out specifically the extra value we get from Calvin each and every day as exemplified in the TV cabinet. This time last year there was a huge rear projection TV where the new flat screen is....Calvin did all the cabinetry work to house the new set and did an amazing job.

I give a special thank you to our volunteers who donated so many hours around the building. Mark Price our resident gardener who keeps up on all the planting, trimming, hauling, digging, watering and shopping for sales. He had a few people give him a hand this year...Marcel who did a lot of watering this year, and Scott who is always there when we need something big and heavy moved and Kevin who was strong armed into helping with the new picnic table and to anyone else I may have missed by name thank you all very much, your efforts are truly appreciated and I continue to encourage anyone who wants to pitch in to do so.

Our other main volunteer, Errol Krem from council has given many hours helping around the property assisting Calvin and Mark on so many tasks that I've lost track...we'd be lost without you, Errol...thank you.

On behalf of myself and all the owners here at London Place, thank you all for hard work, I would be honoured to work with any or all of you again, great job!!

The big agenda item this last year was the redecorating. After voting down council's recommendations at last year's AGM the owners asked us to look at it again. So at the direction of the owners, council investigated redecorating the hallways... new carpet and paint for a second time and a Special General Meeting was convened and the recommendations were again turned down by the owners. The new carpet in the lobbies and new flooring in the gym were budgeted for in the amenities section of the budget and not part of the redecorating motions. Also we managed to repaint the elevators and elevator lobbies and the gym. Council did not have the time to complete all that was planned and new lobby furniture is still to be done as well as the roof patio.

The elevators continue to be a challenge and it seems a new problem crops up every time we get them running. Unfortunately they are old and cranky.

We had a nasty case of vandalism a few months back. Persons unknown deliberately flooded the men's changing room outside the gym. This caused a lot of damage and inconvenience to some of our owners on the upper floors. Any of you who go to the gym area will have noticed we are in the progress of installing more scanners up there and when complete you will need your fob to access these areas. It's sad to think that someone who lives here would do that but it was done by someone with access.

The BC Hydro extortion is still an ongoing issue which we are unfortunately stuck with if we want our windows cleaned. We did however get a small sum back from them I believe about \$1200. They will however continue to charge us for the flagging going forward.

There's going to be a lot of building in the neighbourhood in the near future and I encourage you all to stay informed and to raise any concerns you may have with the city. The strata has raised concerns over the development slated for the vacant lot next door and have corrected their information about our building in that we are not in fact a hotel but a strata and we will continue to keep an eye on things as they develop. We can however, only address issues that affect us as a strata and if there are concerns that affect you personally then is up to you to address those with the city. If you feel you will be negatively affected by any development make sure you send a letter to the city and in your letter ask for a response.

We have managed to keep maintenance fees at the same level this year even though some things are going to cost us more with the new HST.

We are hoping that the weather cooperates so we can turn the heat off by June 1<sup>st</sup> for the summer. We will be investigating this year and hopefully completing getting the in suite heating systems cleaned.

I would like to welcome all the new owners to London Place and I hope that your time here is as rewarding as I have found my years here.

It's time for my usual reminder about bylaws....the strata is obligated by law to enforce the bylaws and if you do find yourself on the wrong side of the bylaws please do not take it personally. I advise you to re

read the bylaws and if you do not have a copy of them contact Colliers and they will get a copy out to you.

Colliers has a 24 hour emergency phone number which will be posted in the minutes for this meeting so keep it handy. Please, if you see something the you believe requires attention after hours call the number, it is for the use of all residents.

Now my yearly reminder about security...we are very lucky in that we have not had many incidents. Please do not hold doors for anyone you do not know...if they live here they will have keys or someone will buzz them in. If you see campers on the property call the police and they will remove them. Everything on this side of the sidewalks on Hornby St and Davie St is our private property...not just the fenced in courtyard.

I think we managed to deal with every issue that came before us last year and if I do say so myself we did a good job dealing with all of the minutia that comes with maintaining our property and I think the building is better off now than this time last year.

As always I would like to end by encouraging you all to keep sending comments and suggestions to council, this is your home and you do have a say. Every letter is responded to and every suggestion is given unbiased and genuine discussion.

It has been my great honour and privilege to be President again this past year and to serve with this fine group of people who made up this year's council and I thank all of you for your support over the year and I look forward to another great year ahead.

Tom Attwood

President LMS 1757

London Place