

MINUTES OF COUNCIL MEETING

STRATA PLAN LMS-4050

THE 501

HELD: On Monday, July 6, 2009 at 7:00 p.m. in the Manager's Office at The 501, Pacific Street, Vancouver, B.C.

PRESENT:

Brent Belsher	President
George Affleck	Treasurer
Rodney Legrow	Landscaping
Rob McDowell	Project Liaison
Brenda Lea Brown	Vice President
Jenny Ashton	Secretary
Andrea Litke	

STRATA AGENT: Bunny Porteous, Vancouver Condominium Services Ltd.

The meeting was called to order at 7:00 p.m.

BUILDING MANAGER'S REPORT – JUNE

- Missing and loose tiles on exterior walkway - repaired/replaced
- Parkade descent swept, scrubbed and hosed down
- Walkways, driveways parkade entrance – power washed

MINUTES

It was moved, seconded and carried to adopt the minutes of the June 1, 2009 council meeting, with the following amendment:

- Under Financial Report, Item #1, Monthly Statements should read: May 2009 financial statement was reviewed and approved.
- Under Present, Rob McDowell was absent for the meeting.

FINANCIAL REPORT

1. **Monthly Statement:** The June 2009 financial statement was reviewed and approved. Any owner wishing a copy of the strata corporation's financial statements should contact Vancouver Condominium Services Ltd. during regular business hours, 9:00 a.m. to 4:30 p.m., Monday to Friday.
2. **Arrears:** The agent advised council that seven units with liens filed against their strata lots for significant outstanding balances (exterior maintenance special levy) have yet to submit payment. The agent will contact legal counsel to begin foreclosure on the units.

Owners are reminded that late fines will be assessed to owners' accounts in arrears on a monthly basis until outstanding payments are submitted in full.

3. Strata Suite #304 – Mortgage Renewal: The maturity date for the strata suite mortgage is August 1, 2009. Several options were obtained for the renewal based on the principal of \$66,269. A motion was presented and approved to proceed with a five year closed, fixed 4.5.5% mortgage renewal as of August 1, 2009.

BUSINESS ARISING

1. Exterior Maintenance Project Progress:

- Prostar has completed the sealant, caulking and membrane repairs on the “03”, “06”, “07” and 08” risers.
- Prostar Painting will be completing balcony membrane, caulking and sealant repairs on the following risers as follows:

09	Units	-	July 9 – July 12
05	Units	-	June 9 – July 18
02, 04	Units	-	July 9 – July 28
01	Units	-	July 14 – July 30
010	Units	-	July 9 – July 30

(Estimated times only as work is weather permitting)

The contractors will post notices on your patio door when you will be required to remove your items from the balcony and will post a notice when they have completed the balcony repairs.

IMPORTANT REPORT

Prostar Painting understands the residents' frustration with the project and having to store items from their balconies in their units, not knowing when the work will be completed, not knowing when they can use their balconies, etc. etc.

ANSWERS

1. The maintenance project is weather permitting work. The 501 is round and in a location where wind has become a major factor for the contractors, posing safety concerns with the swing stages (ocean winds).

2. Due to the weather conditions, it is difficult to determine timeframes. Should the weather impede on the work in progress, the workers will move to work which is not as weather related, slowing progress on the original work.
3. Although they may not be working directly on your riser, please be aware that the winds are blowing dust/debris around, so it is very important to keep your doors and windows closed during the day.
4. If the contractors are working on the balconies on your riser, but not in progress "yet" (no note on patio door), you may use your balconies but at your own risk from debris and dust.
If the membrane work has started, we request you not use the balcony until they have posted a "completed notice" on your patio door. You could damage the membrane.
5. The grinding of all the balconies is expected to be completed mid July.
6. Unfortunately, due to the dust/debris and paint filtering around the building, the pool has been closed until further notice for health concerns and to prevent mechanical failures.
7. **Residents should submit any concerns regarding work completed on their balcony, to VCS via fax or at the building office on the 3rd floor.**

While the pool is closed, the council is proposing to proceed with the repairs/upgrades approved at the AGM to the pool and interior/exterior areas during this period.

We apologize for the inconvenience and thank you for your understanding.

PROSTAR IS PROJECTING TO COMPLETE THE PROJECT IN OCTOBER AS LONG AS THE SUN SHINES AND THE WINDS COOPERATE.

- (b) Special Levy Payment: The special levy approved by the owners at the Special General Meeting on September 24, 2008 was for \$1,400,000. As the accepted tender is much less than the original anticipated amount. The strata council noted that the total levy payable by each owner might not be necessary. The exterior maintenance budget is presently estimated to be \$910,000. Council is recommending that the last two exterior maintenance special levy payments due in July and August, not be submitted. Post dated cheques submitted by residents will not be cashed.

In accordance with the $\frac{3}{4}$ vote resolution and in accordance with the *Strata Property Act* any unspent amount of the levy must be returned to the owners. At this time it is suggested that owners be aware of the situation and that once the final cost of the project is determined arrangements be made to refund the owners of the unspent portion.

(c) Pool Upgrades: The council reviewed the two quotes received to re-plaster and retile the interior of the swimming pool:

- (i) Dolman Brandt: \$17,100
- (ii) Aloha Pools: \$15,500

The agent was requested to contact the two pool companies to review the quotes and inquire on when the work could be completed before a contractor is selected. Several council members will obtain tile samples and paint colours to complete the refurbishment of the interior of the pool area. The council is projecting to complete the pool repairs/upgrades while the pool is closed for the exterior maintenance project.

2. Landscaping:

(a) Residential: Even More Plants completed improvements to the front entrance and Richards Street beds, dividing and transplanting existing plants, boulders installed at front entrance, new shrubs and perennials at a cost of \$2,818.00 plus GST.

(b) Commercial: The landscapers have completed upgrades to the smaller and higher planters at the south end of Richard Street.

3. Onni – Seymour Street Developer Application: A meeting has been scheduled at the City of Vancouver on July 27th regarding the building application submitted by Onni Development to proceed with the new development across the laneway from The 501.

- DATE: July 27, 2009
- TIME: Commences at 3:00 p.m.
- LOCATION: Committee Room, #1, 3rd Floor, City Hall (Main Building)

The council urges all residents with concerns about this development to write to the project facilitator, David Autiero at davidautiero@vancouver.ca before July 27. In response to owners' concerns expressed at the last development permit board meeting, Onni was required to make changes to the size, height, and location of the tower. Council's remaining concern is with the height and lack of set-back of the two mid-rise buildings on the Pacific Street side. Please read the letter below submitted by Council and feel free to use it as a template for your own, with urgent emphasis on the mid-rise buildings (aka "podiums").

Strata Council
LMS 4050 – The 501
501 Pacific Street
Vancouver, BC V6Z 2X6

July 2, 2009

David Autiero
Project Facilitator, Development Services

By email to david.autiero@vancouver.ca

Re: Development Application No. DE412219 for 1372 Seymour/555 Pacific

Mr. Auterio:

I write again on behalf, and as vice-president, of The 501, to express an additional concern about the proposed development that was left out of my letter of December 11, 2008.

We most definitely expect to see a set-back from Pacific Street at least as deep as that of The 501. The deep setback would have been a city requirement when the 501 plans were drawn up, and it has proven to be a very sensible requirement, both practically (in terms of pedestrian use) and aesthetically (in terms of both resident outlook and neighbourhood appeal). We would not expect to see the Pacific face of the proposed development in line with the end of the 501 pool deck. In terms of neighbourliness alone, 501 residents on the west side fully expect to not find themselves in day-long shadow from the new development and to retain a relatively unobstructed view west through that new development as residents there will have facing east by virtue of the 501's lower, open pool-deck surround.

Thank you for factoring this concern into the planning discussion. Following is the body of the original letter of December 11, 2008.

We were pleased to see that the Development Permit Board found merit in our concerns about the mass of the proposed tower, and with the amendments you made to the preliminary application at the September 22 board meeting. I understand that the developer has since returned with plans that include the following revisions.

- *Tower moved north*
- *Floor plate reduced from 6500 to 6000 sq. ft.*
- *Tower height increased*
- *One floor taken off the podium*

This is excellent news, but our concern for the overall mass is still acute. As downtown south residents, we fully understand that other developments will encroach to some extent on our own. But we never anticipated so much being built on such a small site.

Despite the planning department's strongly expressed view that it is "right" for the space and "always contemplated" for the area, the huge overall density increase, especially as proposed for the dual podium structure at the south end, is excessive.

We assume that with one floor removed, the alley-side podium will still include a "small setback of the uppermost floor to decrease the overall lane edge height of the podium". Please don't stop there, as a set-back to the upper floor alone falls far short of supporting the concern expressed by all parties for "neighbourliness" vis a vis The 501.

The lane-side podium structure as revised will be twice the height of other podium structures in the area that are connected to high-rises. More importantly, it is twice the height of the archway structure that rises from The 501 pool deck, which defines the western edge of The 501.

This 30-foot open structure on our side of the lane currently provides a window across the 1300 Seymour site for 501 residents on the 4th and 5th floors. By contrast, the podium, built straight up from the lane edge, with no setback, will present a wall to west-facing 501 residents and seriously compromise the usability of The 501's outdoor pool and deck as neighbours peer over from just 13 metres away. The attack on neighbourliness will cut both ways as residents on both sides of the alley will be much closer to each other than is standard anywhere in this area.

We look to the City to make every effort to have the Seymour Street development complement the developer's first work in this area, which led the way for downtown south developments in the late 90s. Instead, the City seems to be looking to the developer to lead the way to overbuilding on a problematic site.

The very best solution would be to reduce the podium portion from two structures to one, locate it on the Seymour Street side of the lot, and take three more floors off. Barring that, the lane-side podium must be significantly set back (staggered or terraced) from 30 feet up.

Sincerely,

Brenda Lea Brown

4. Guest Suite: Several council members are preparing a proposal to complete required repairs in the guest suites for council's review at the next meeting.
5. Pet Registration: No report available.
6. Emergency Team: The council is seeking volunteers to form an emergency response team for The 501. The emergency response team would be available to assist the fire department during emergencies with communication, fire panel and elevator resets etc. Volunteers are requested to submit their names and phone numbers to the office on the 3rd floor or fax to VCS at 604-684-1539.
7. Fire Inspection Report: The agent is awaiting the report from Mircom Security for the fire inspection held in June.

CORRESPONDENCE

Owners are invited to write council via the management company regarding any strata matters.

1. A letter was received from an owner requesting the strata council amend the strata corporation rental bylaws to allow owners to rent their units during the Olympic period.

The strata corporation rental bylaws does not have a minimum rental restrictions but the City of Vancouver Bylaws require minimum 30-day rentals within residential buildings without a business license.

IMPORTANT RENTAL BYLAWS

Division 7 – Rentals

30. Rentals

- (1) *The bylaws and rules of the Strata Corporation are binding upon a tenant.*
- (2) *An owner who leases a strata lot to a tenant must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K.*
- (3) *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.*

2. A letter was received from an owner on the 9th floor concerned with a neighbouring unit's cat accessing his unit through an open door on several occasions. The owner is allergic to cats and advised the council that he will contact the Humane Society to remove the cat should it continue to access his balcony or unit.

Residents are requested to keep an eye on their cat(s) if they let them out of their unit to prevent the cat(s) from wandering onto other residents' balcony ledges.

3. Correspondence was received from an owner requesting council's approval to install a bicycle rack in his parking stall. Approval was granted as per the specifications submitted.

Bike Racks/Parking Stalls

Residents are required to submit details and obtain council approval in order to install a rack in their parking stall to ensure the rack is installed correctly and the integrity of the structure is protected. The council recommends residents contact Rack Attack (872-7225) to obtain a quote. Rack Attack (rackattack.com) is a recognized contractor who has installed many bike racks for residents in the parkade.

4. A recommendation and quote in the amount of \$5,000 was received from an owner to install a community gas fireplace beside the volleyball court. The council recommends the owner bring the request to the owners at the next AGM as the council cannot authorize an expenditure not included in this year's fiscal budget.
5. Correspondence was received from several owners outlining noise complaints on the 15th and 16th floors. Bylaw violation complaint letters were submitted to the residents with a reminder of strata corporation bylaw 3.1(b)(c) which state:

3(1) *An owner, tenant, occupant or visitor must not use a strata lot, the common property, or common assets in a way that, in the opinion of the strata council:*

(b) *Causes unreasonable noise*

(c) *Unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets, or another strata lot*

The residents were given the opportunity to address the complaints within two weeks to VCS and attend a hearing to discuss the issue if they considered a bylaw violation fine was not warranted.

NEW BUSINESS

1. Storage Room Locker: It has been brought to the council's attention that residents are dumping unwanted items in the locker room which is not only unsightly, but it is also a violation of the strata corporation bylaws. The agent was requested to obtain quotes to install video cameras in the storage locker rooms to identify the residents and charge them for the removal of the unauthorized/unwanted items.
2. Pool Deck Furniture: A council member has volunteered to obtain quotes on the purchase of new wooden furniture for the pool deck area following completion of the pool repairs and upgrades.
3. Commercial Unit Permits: A letter was received from the City of Vancouver to advise that renovations were completed in a commercial unit without the required building permit. The City of Vancouver building bylaws require written approval from the strata corporation prior to the issuance of a building or trade permit for work involving common or limited common property. The agent contacted Amacon Development (the owner of the commercial units), to obtain details of the renovation, not only for the City of Vancouver to obtain a building permit, but as per the strata corporation bylaws.
4. Mircom Quotes: Mircom was on site June 1st to repair the victaulic actuator in the P1 dry valve and discovered the valves had failed and required replacement. The dry sprinkler system in the event of a fire will deploy water but will not put the panel into alarm or call the fire department as the dry system has been bypassed on the main panel until the repairs are completed. A quote was received in the amount of \$11,083.25 to supply and install two new 4" dry pipe valves plus trim and new spring check valves on the air lines in the parking sprinkler room. With the urgency of the repairs, the council directed the agent to contact Mircom to proceed with the repairs to be funded from the Contingency Reserve Fund. A $\frac{3}{4}$ vote resolution will be presented to the owners at the next AGM to ratify the Contingency Reserve Fund expense.
5. Parking Stalls: It has been brought to the council's attention that there are several residents storing unauthorized items in their parking stalls which is not only in violation of the strata corporation bylaw but also the City of Vancouver Fire & Safety bylaw codes.

Residents are requested to remove all items by July 25th or fines could be assessed against the owners' accounts. Should residents require their parking stalls to store items during the balcony membrane repairs (exterior maintenance project) they are requested to advise the building manager by dropping a note in the manager's office on the 3rd floor.

6. **Smoking:** There has been an increase in residents tossing cigarette butts over the balconies which is not only a fire hazard but is causing an unsightly mess to the grounds and gardens around the building. Please respect the appearance of the building and your neighbours' safety.

Residents who are concerned with the smell of cigarette smoke from filtering from the commercial units should contact the City of Vancouver Smoking Enforcement 604-873-7390. City of Vancouver Bylaws prohibit smoking in public areas within six metres of an open window or doorway.

7. **Noise:** It is summer time and residents are reminded that sound travels with open windows. Please respect your neighbours and try to keep noise levels to a minimum.



8. **Junk Amnesty Day:** A junk amnesty day will be held for residents to de-clutter their units of unwanted items, including furniture, paint and small appliances etc. A date will be scheduled where owners will be permitted to drop off their unwanted items (acceptable items only) in the parkade area. A notice will be posted with dates and a list of authorized items. This will be a one time offer. Residents are reminded that dumping unwanted items in the garbage or locker rooms is not permitted. Residents are required to dispose of their own unwanted items. Any residents noted disposing unwanted items in the garbage room or locker rooms will be charged for the cost to remove them.

There being no further business, the meeting was adjourned at 8:40 p.m. The next meeting will be held on Monday, August 10, 2009.

Bunny Porteous
Vancouver Condominium Services Ltd.
#400 – 1281 West Georgia Street
Vancouver, BC V6E 3J7

Telephone: (604) 684-6291 (24 Hour Emergency Services)
Toll Free: 1-877-684-6291 / Fax: 604-684-1539

BP/md

RENTING YOUR UNIT DURING THE OLYMPICS?

If you are thinking of renting your strata lot during the Olympics you should give very careful consideration to the following:

1. Your strata corporation may have a bylaw that prohibits or limits rentals. Violations of the bylaw could lead to fines as high as \$500/wk.
2. Have you arranged for special insurance? The strata corporation's insurance policy remains in effect but it does NOT provide coverage for damages to your unit's contents or your belongings. Also, the strata corporation's insurance policy has deductibles. If a claim is made as a consequence of your tenant, you may well be responsible for the deductible which could be thousands of dollars.
3. Have you prepared a "Conduct Check List" for your tenant(s)? Back in 1986 when we had Expo 86, we observed a pattern of behaviour where short-term tenants thought that it was "party time" and "anything goes". Your strata council will likely not tolerate such conduct so we suggest that you develop a Conduct Check List for your tenants. It might save you the unnecessary expense of fines.