

MINUTES OF COUNCIL MEETING

STRATA PLAN LMS-4050

THE 501

HELD: On Tuesday, March 10, 2009 at 7:30 p.m. at in the Manager's Office,
501 Pacific Street, Vancouver, B.C.

PRESENT:

Brent Belsher	President	# 202
Brenda Lea Brown	Vice President/Maintenance	# 604
George Affleck	Treasurer/Landscaping	# 208
Rodney Legrow	Maintenance	# 204
Andrea Litke		#2604

REGRETS: Jenny Ashton #1505

STRATA AGENT: Bunny Porteous, Vancouver Condominium Services Ltd.

The meeting was called to order at 7:30 p.m.

BUILDING MANAGER'S REPORT – February 2009

1. Proceeding to clean the hallway and stairwell light fixtures and elevator frames and thresholds.
2. Parkade entrance power washed.
3. Commercial garbage bins pressure washed.
4. Carpet in gym and AV room shampooed.

MINUTES

It was moved, seconded and carried to adopt the minutes of the February 2, 2009 council meeting, as circulated.

FINANCIAL REPORT

1. **Monthly Statement:** The February 2009 financial statement was not available for council's review. 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 29 owners have yet to submit payment for the special levy passed on September 24, 2008. As per the strata corporation bylaws all owners who have failed to make payments will be assessed a late levy fine of \$50 per month until payment is received in full.

The agent advised council that the owners with liens filed against their strata lots for significant outstanding balances on their account have yet to submit payment. The agent has been informed by legal counsel that the bank has commenced foreclosure on the units.

3. AGM

- a) The AGM has been scheduled for Wednesday, April 15, 2009 at 7:00 p.m. in the Games Room, 501 Pacific Street, Vancouver, B.C.
- b) The agent distributed an updated draft budget for the fiscal year commencing February 1, 2009. Following discussion, the draft budget was finalized to be distributed with the AGM notice.
- c) The following items will be presented at the AGM:
- ¾ Vote Resolution #1 – Special Project – Deficit Recovery: A Special Project Fund was created and approved at an AGM held on March 13, 2006, for the purpose of approving various improvement projects. The auditors for the strata corporation (Reid Hurst Nagy) has reported that the expenditures exceeded the allowance by \$5,777 and the cost-over-run must be liquidated.
 - ¾ Vote Resolution #2 – Dryer Vent Booster Fan: Install dryer vent booster fans in 12 units and complete the required drywall damage repairs with a maximum expenditure of \$18,000 to be charged against the Contingency Reserve Fund.
 - ¾ Vote Resolution #3: Replace and re-locate the two failed AC condensers which service the electrical vault in the parkade as per the recommendation of Milani Plumbing at a cost of \$20,000 to be charged against the Joint Contingency Reserve Fund.
 - ¾ Vote Resolution #4 – Toilet Wax Seal Replacement: Although the maintenance of the toilets is the owner's responsibility, the council is recommending replacing the toilet wax seals in all commercial, residential and common area toilets (life span 7-9 years) to prevent costly damages to the owners with a maximum expenditure of \$25,000 to be charged against the joint Contingency Reserve Fund. Maintenance of the toilets is the owners' responsibility and the replacement project is being recommended by the strata council as a convenience for the owners.

- ¾ Vote Resolution #5 – Swimming Pool Maintenance Repairs: To re-plaster and retile the water line tiles around the pool area with a \$20,000 maximum expenditure charged as a special levy upon the owners in proportion to the unit entitlement of their respective strata lots.
- ¾ Vote Resolution #6 – Guest Suite Renovations: Renovate the two guest suites (carpeting, bathroom plumbing re-fits, painting, wall bed for the large suite, mini fridges, microwaves and armoires) with a maximum expenditure of \$15,000 to be charged against the Residential Contingency Reserve Fund.
- ¾ Vote Resolution #7 – Bylaw Amendments:

4. Audit: The agent distributed the draft audit prepared by Reid Hurst Nagy for the fiscal year ending January 31, 2009 for council's review. A copy of the audit will be attached to the AGM notice.

BUSINESS ARISING

1. Exterior Maintenance Project: The tendered bids for the Exterior Maintenance Project including concrete recoating, sealant renewal and associated maintenance work were received as follows:

- | | |
|-------------------------------------|------------------------|
| • Prostar Painting Restoration Ltd. | - \$ 620,000 plus GST |
| • Alumni Restoration | - \$ 685,200 plus GST |
| • Ocean West Construction | - \$ 918,551 plus GST |
| • Duracel Ltd. | - \$1,033,522 plus GST |

Spratt Emanuel Engineering has recommended the strata corporation proceed with the low bid from Prostar Painting Restoration Ltd. Mr. Mark Emanuel from S.E.E. advised the council that Prostar Painting Restoration Ltd. was pre-approved based on track record and were required to provide bonding to confirm that the work would be completed as specified and with a labour and material bond for a period of two years after completion of the work. The engineers are pleased to report that the tenders received from Prostar Painting Restoration Ltd. were significantly below the estimated budget for reasons as follows:

- a) Material costs are currently more competitively priced than projected.
- b) The timing of the project tender enabled the engineers to take advantage of a competitive labour market.

Prostar Painting submitted references of recent completed projects for council's review. The council has approved Prostar Painting Restoration proceed with the Exterior Maintenance Project.

Recommended Repair Budget:

• Prostar Painting Restoration Ltd. Fixed price contract	\$620,000
• Contingency @ 25%	\$157,000
Sub-total contract \$755,000	
• Engineering: Building envelope engineering design, contract management, tender, quality assurance, and coordinating professional services 10% of contract price.	
Sub-total project value	\$864,000
GST @5%	\$ 43,000
Total \$907,000	
Recommended project budget	<u>\$910,000</u>

The special levy approved by the owners at the SGM held on September 24th was for a total of \$1,400,000. As the lowest tender is much less than the original anticipated cost, the strata council noted that the total levy payable by each owner will likely not be necessary. At this time council is recommending that the last two of the Exterior Maintenance Special Levy payments (July and August 2009) not be collected. 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 this situation and, once the final cost of the project is determined, arrangements be made to refund the owners for the unspent portion.

Spratt Engineers will attend the AGM on April 15 to review the time frame and details of the exterior maintenance project.

2. **Adhoc Reports**

a) **Bylaws:** The Bylaw Committee presented the council with recommended bylaw amendments reviewed by legal counsel. Following discussion, the council approved the bylaw amendments, to be presented and voted on at the AGM.

3. **Fob Re-registration:** The agent advised council that 85% of the units have completed re-registration survey forms. Survey forms have not been received from the following units:

301, 302, 501, 507, 610, 704, 706, 707, 709, 710, 905, 1103, 1105, 1110, 1203, 1404, 1405, 1501, 1608, 1902, 1904, 2001, 2206, 2208, 2310, 2502, 2605, 2610, 2705, 2710, 2801, 2807, 2808, 2901 and 3006.

The Building Manager is proceeding to deactivate 285 fobs/access cards not accounted for. The council would like to thank all owners who submitted the completed survey to ensure a maximum high level of security is maintained within The 501.

4. Form Ks: After reviewing the survey forms it has been noted that there are still 36 units who have yet to submit the required Form Ks for their tenants as per the strata corporation bylaws 30.1 and 30.2:

30. Rentals

- (1) *A Form K. must be submitted to the strata corporation within two weeks of tenant occupancy. A fine of \$200.00 shall be levied against the strata lot every seven days, until the signed Form K is received.*
- (2) *The bylaws and rules of the strata corporation shall be binding upon a tenant(s).*

Form Ks were submitted to the owners to complete and return by March 5th. Owners who not submitted their Form Ks will be assessed a \$200 bylaw violation fine against their account.

5. Townhouse Investigation: With the recent water ingress concerns from several townhouse unit owners, Spratt Emanuel was directed to investigate and complete flood tests on all townhouses. A report outlining the following deficiencies and actions to repair was received.
- a) Units 201 to 210 – Upper Curved Decks: Repair deficiencies on existing membranes, remove paper, re-coat with polyurethane and reapply pavers.
 - b) Suites 201, 203 and 207 – Repair Parapet Leaks. Repairs to include the removal of existing pavers and remediation of polyurethane coatings and reapplication of concrete pavers.
 - c) Ground Level Café – Repair Wall Leak Activated by Irrigation System.
 - d) Suites 201 to 210 – Townhouse Scuppers Facing West and East. On the uppermost roofs of the townhouses, there are ten scuppers requiring repair where water is bypassing the scuppers and running down the walls.
 - e) Suite #210 – Repair Concrete Planter Leakage. Remove plant material and soil to replace the concrete planter.

The required townhouse repairs are included in the Exterior Maintenance Project to be completed by Prostar Painting and Restoration Ltd. this summer.

6. Fire Sprinkler Head Replacement: Simplex Grinell has completed the replacement of the fire sprinkler heads which were recalled by Central Sprinkler Company. Only one was unavailable for access to complete the sprinkler head replacement. The owner or the unit will be contacted to replace the sprinkler heads within 30 days at the owner's cost and

provide receipt of the replacement, (The BCLD council would like to thank all owners/residents for their cooperation in providing access to complete the sprinkler head replacement).

7. Window Washing: IBM will be on site starting Monday, March 16, (weather permitting) to complete the semi annual window cleaning of the 501. Notices will be posted with further details.

CORRESPONDENCE

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

1. Correspondence was received from an owner outlining Amendment proposals for the rules of the 501.

- a) Discontinue the rental of the games room due to the recent party in the games room and excessive noise and disturbances to the residents.

Response: – the existing rules and bylaws adequately cover noise nuisance, illegal activity hazards and the misuse of common property. The security guards are directed to monitor the games room during private parties to ensure that no illegal activities are in progress and noise levels are maintained. All complaints and disturbances are reported to the building manager and Vancouver Condominium Services Ltd. to follow up with bylaw violation complaints to the owners. Owners are required to respond to the complaints with two weeks or bylaw violation fines are assessed against their account.

- b) No gambling in the games room. Response: residents are not permitted to gamble in any common area without a permit from the City of Vancouver. Police may be contacted should the security guards observe gambling in progress.

- c) An escalating fine structure for repeat offenders of noise and violations be proposed. Response: Bylaw violation fines in the amount of \$200 are assessed to owner accounts which is the maximum fine permitted by the strata corporation bylaws,

23. *Maximum fine*

The strata corporation may fine an owner or tenant a maximum of

- (a) \$200 for each contravention of a bylaw, and
- (b) \$50 for each contravention of a rule.

A written warning will be given apart from exceptions contained within these bylaws.

2. The owner of unit #1106 has requested council's approval to install hardwood flooring. A letter of approval has been submitted to the owner with the following conditions:

- To absorb noise, maximum available sound-proofing of (68 - 72 sound transmission rating) must be installed between the hardwood and the underlying structure. (Copy of the manufacturer's details of the sound transmission rating must be submitted before proceeding.)
 - Area rugs be laid in high traffic areas.
 - Shoes not be worn inside the unit when walking on hardwood floor.
 - Notices be submitted to neighbouring units and the building manager with the time frame of renovations.
3. A letter of apology was received from an owner in reference to the excessive noise and disturbance complaint letter received from a party held in the games room.
 4. Correspondence was received from an owner on the 16th floor outlining excessive noise from a neighbouring unit and barking from a pet in another unit on the 16th floor. The agent was directed to submit bylaw violation letters to the residents of the two units creating a disturbance to neighbouring units with excessive noise and the barking of their dog. The residents are requested to contact Vancouver Condominium Services Ltd. to discuss the concerns within 14 days before bylaw fines are assessed to the owner's account.
 5. Correspondence was received from an owner with several occurrences of key marks/scratches discovered on their vehicle while parked in their parking stall on P1. The owner has contacted the police on two occasions. The council has requested the building manager and security guards monitor the area. Owners are requested to report any suspicious activity or persons to the police via 911 and submit a report to the building manager.

NEW BUSINESS

No New Business.

There being no further business, the meeting was adjourned at 9:45 p.m. The next meeting will be the Annual General Meeting held on Wednesday, April 15, 2009 at 7 p.m. in the Games Room.



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