

# MINUTES OF COUNCIL MEETING STRATA PLAN LMS-4050 THE 501

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**HELD:** On Monday, May 4, 2009 at 7:00 p.m. in the Manager's Office at 501 Pacific Street, Vancouver, B.C.

**PRESENT:** Brent Belsher  
George Affleck  
Brenda Lea Brown  
Rodney Legrow (*Left at 7:30 p.m.*)  
Andrea Litke  
Jenny Ashton  
Rob McDowell

**GUESTS:** Kevin Costea Building Manager (*7:15 p.m. – 7:30 p.m.*)  
Kindred Place/Innovative Housing Society/1351 Richards Street  
Mr. Derek Simon Consultant/Innovative Housing (*7:30 p.m. – 8:15 p.m.*)  
Mr. Lorne Epp Executive Director (*7:30 p.m. – 8:15 p.m.*)  
Ms. Leanne Michayluk Property Manager (*7:30 p.m. – 8:15 p.m.*)

Mr. Derek Simons, Mr. Lorne Epp and Ms. Leanne Michayluk from the neighbouring building (Kindred Place) were invited to attend the meeting, to meet the council, identify the contacts for Kindred Place and review the strata corporation's concern with the staining of the Kindred Place wall caused by the 501's exhaust vent. Mr. Epp advised that there is a security guard during the evenings and the security guards from both The 501 and Kindred Place have exchanged numbers. The 501's building manager has also met with the manager of Kindred Place.

Mr. Epp provided three options to re-direct The 501's exhaust vent to prevent staining on their building wall. Mr. Epp proposed the estimated cost to re-direct the vent be split between The 501 and Kindred Place and following the work, Kindred Place would repaint the walls to improve the aesthetic appearance.

Kindred Place recommended that a community advisory committee be formed with the three neighbouring buildings to address concerns within the community (noise, disturbances from the neighbouring bar, garbage, loitering, etc). The council was in agreement and two council members volunteered to be part of the advisory committee.

Mr. Simons advised the council that construction of the 2<sup>nd</sup> Innovative Housing development across the laneway from Kindred Place is scheduled to start within the next six months.

Following further discussion the council thanked Mr. Epp, Mr. Simons and Ms. Michayluk for attending the meeting, and they departed at 8:15 p.m.

The council reviewed the options to re-direct the exhaust vent and approved the vent be rotated 45 degrees so the smoke is directed towards the laneway. The agent will contact Mr. Simons and Mr. Epp to advise of the council's decision and obtain the cost to complete the work. The strata corporation approved a maximum expenditure of \$500 and will require a copy of the warranty on the proposed work.

**STRATA AGENT:** Bunny Porteous, Vancouver Condominium Services Ltd.

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

### **ELECTION OF OFFICERS**

The following officers were elected as follows:

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

### **BUILDING MANAGER'S REPORT MARCH/APRIL**

- Parkade air vents maintenance completed
- Semi-annual window cleaning of inaccessible windows postponed until the completion of the exterior maintenance project
- Lobby area windows cleaned
- Annual roof anchor testing completed by Pro-Bel
- Walkways, courtyard and parkade descents pressure washed
- Quarter-annual common area hallway, gym and AV room carpet cleaning completed
- Parkade CO sensor testing completed

### **MINUTES**

It was moved, seconded and carried to adopt the minutes of the March 6, 2009 council meeting, as circulated.

## **FINANCIAL REPORT**

1. **Monthly Statement:** The February, March and April 2009 financial statements were 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:** Agent advised council that demand letters requesting payment within 21 days has been sent to 25 owners who have yet to submit payment for the special levy passed on September 24, 2008. If payment is not received within 21 days a certificate of lien will be filed against title of the strata lot at a cost of \$150 charged against the owner's account, preventing conveyance on the strata lot. Units with outstanding strata or levy payments will have fines applied to their accounts on a monthly basis until payment is received in full. Prostar Painting is proceeding with the exterior maintenance project updated report as follows:

## **BUSINESS ARISING**

1. **Exterior Maintenance Project:**
  - (a) **Roof Anchors:** Additional roof anchors are required to install the swing stage on the tower.
  - (b) **Townhouse/Commercial Units:** Prostar Painting is proceeding to complete the caulking/sealant around the cold joints and windows and window sill flashings of the townhouses and commercial units.

Spratt Emmanuel Engineering was onsite on April 17<sup>th</sup> to address a water ingress issue in a TH unit and discovered a large hole beside the electrical wiring for the hot tub installed on the roof deck. It seems that the hole has been open since the installation of the wiring for the hot tub (10 years) and could be the source of ongoing water ingress onto the unit. Prostar Painting was directed to immediately repair the hole. The engineers also reported that the owner of the TH unit punctured the new caulking on the exterior side wall in order to install a hose to run up the wall to unit rooftop, which has compromised the new caulking and could compromise the warranty for the Exterior Maintenance Project. The council directed the agent to submit a letter to the owner to address the engineer's concerns and requirements to correct the issues.

- (i) Submit a copy of the strata council's approval to install a hot tub on the rooftop deck.
- (ii) Remove the hose installed into the new caulking on the side wall. Prostar has been requested to re-do the caulking in the cold joints where the hose has been installed and invoice the owner.

- (iii) Advise the owner of the strata corporation bylaws 3.2 (a) and (b) and 6 (1)

**3. Use of property**

**(2) Damage to Property**

- (a) *An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets, or those parts of a strata lot that the strata corporation must repair and maintain under these bylaws, or insure under section 149 of the Act.*
- (b) *In the event that an owner, or the owner's tenant, occupant, or visitor causes damage to common property, limited common property, or common facilities, the owner will be held responsible for the reasonable costs incurred by the strata corporation to repair the damage. Upon presentation of the repair invoice, the owner will promptly reimburse the strata corporation in full. Failing this, the repair costs will be added to the owner's common expense account and will become due and payable on the 1<sup>st</sup> day of the following month.*

**6. Obtain approval before altering common property**

- (1) *An owner must request in writing, and obtain written approval of the strata council, before making an alteration to common property, including limited common property, or common assets.*

- (c) **Tower Maintenance:** Prostar Painting has started with the maintenance project on the tower. The maintenance (caulking, window sealant, and balcony repairs) will begin on the 07 units and they will be moving clockwise around the building. Notices will be posted in the lobby area, elevators and under the resident's door with the scheduled dates of work to be completed on the exterior of the units. During the balcony membrane repairs, residents will be required to remove all items from the balconies. Residents with barbeques are required to store the propane tanks in the designated area of the courtyard (identified with yellow tape). It is prohibited by the Vancouver Fire and Safety to store propane tanks within a unit. Items not removed from balconies will be discarded at the owner's cost.

**Residents are reminded to keep all windows and doors closed during the maintenance repairs to prevent dust from filtering into the unit. In order to maintain privacy residents are recommended to ensure blinds and drapes are closed.**

- (d) **Pool Closure:** With the exterior maintenance project in progress and the excessive dust levels from the balcony maintenance repairs the pool has been closed from May 5<sup>th</sup> to approximately June 5<sup>th</sup> in order to protect the pool's mechanical systems.

- (e) Payments: 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 are due in July and August, not be collected.

Discussion will continue at the next council meeting. 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.

2. Landscaping: Even More Plants (Landscapers) are proceeding to complete landscaping improvements. The total cost is \$7,875.
- (i) A laneway bed improvement
  - (ii) Front entrance boulders added to the boxwood row in the front fountain bed and in the most urinated areas and areas of front pathway bed to prevent dog traffic
  - (iii) Back entrance planters
  - (iv) Richards Street planter improvement by adding more shrubs where needed and new ground cover to the commercial beds to improve the overall look and add colour
3. Swimming Pool Maintenance Repairs: The owners voted in favour at the Annual General Meeting to complete maintenance repairs on the swimming pool and around the pool. The agent was directed to obtain a condition assessment of the pool area for council's review.
4. AC Condensers: Milani Plumbing will proceed to replace and re-locate the two failed AC condensers that service the electrical vault in the P1 parkade at a maximum cost of \$20,000 approved at the Annual General Meeting.
5. Dryer Vent Booster Fans: The owners voted in favour at the AGM in February to proceed with the installation of dryer vent booster fans within 12 units. Owners will be contacted with the scheduled dates to complete the installation of the booster fans and drywall repairs.
6. Gas Fireplace Maintenance: The strata council highly recommends that owners complete annual maintenance on their fireplace and also **turn off** your pilot light on your fireplace during the summer months as a cost-saving measure for the strata corporation. Unless the pilot light is shut off, heat will continue exert from the fireplace. Sure-Fire Gas Services will be onsite between Monday, May 11<sup>th</sup> and Friday, May 15<sup>th</sup>, (sign-up sheets in the mailroom) at the owner's cost of \$45. Residents are requested to ask the technician

during the maintenance of the fireplace to assist with the turning off and on of the gas fireplace pilot light.

7. **Fire Sprinkler Head Replacement:** SimplexGrinnell completed the replacement of the fire sprinkler heads which were recalled by Central Sprinkler System. All units except unit 1109 were accessed to replace the sprinkler heads. The owner and resident were contacted on several occasions. A letter has been submitted to the owner to contact SimplexGrinnell to schedule the replacement of the sprinkler heads (at the owner's cost) and submit a copy of the invoice to VCS. Should the owner not adhere to the required sprinkler head replacement and a fire occurs and it is determined that the sprinklers in the unit did not function, the owner will be held responsible for all damages.  
The strata council would like to thank all owners for their co-operation in providing access to complete the required fire sprinkler head replacement.
8. **Guest Suite/Olympics:** The strata council has called a moratorium on the rental of the guest suites during the Olympic and ParaOlympic period, February 1<sup>st</sup> to March 31<sup>st</sup> and is in discussion to determine the fairest way to proceed with the rental of the guest suites during the Olympic period.
9. **(BYLAWS):** The strata corporation bylaws were amended at the Annual General Meeting on April 15, 2009. Residents may obtain a copy of the new bylaws by visiting the strata corporation's website: [www.the501.net](http://www.the501.net). Residents are highly recommended to review the strata bylaws to ensure compliance.

## **CORRESPONDENCE**

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

1. Correspondence was received from the owner of units 2301 and 802 requesting council's approval for the installation of hardwood flooring. Detailed specifications were submitted by the owners to install the maximum sound transmission rating of 65 to 71 between the hardwood flooring and the underlying structure. The agent submitted letters of approval to the owners with the following conditions:
  - (1) Area rugs be laid in high traffic areas.
  - (2) Shoes not be worn inside the unit when walking on the hardwood floors.
  - (3) Memos distributed to neighbouring units in the building, manager with the scheduled timeframe of renovations.

- (4) Owners are required to ensure that the renovation/alteration bylaws are strictly adhered to.
2. A letter of apology was received from an owner on the 15<sup>th</sup> floor who received a complaint of excessive noise within the unit.
3. Correspondence was received from an owner who received a pet bylaw violation complaint for their dogs urinating and defecating in the area of the parkade level P3. The owner has denied the allegations and will contact the agent to attend a hearing in September. The owner is out of the country for work.
4. Letters were received from three owners on the 16<sup>th</sup> floor to address excessive noise and dog barking complaints. The agent was directed to submit bylaw violation complaint letters to the resident and advise of the strata corporation bylaws 3.1 (a) (b) and (c) and 3(10) which state:

**3. Use of property**

- (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:*
  - (a) *Causes a nuisance or hazard to another person*
  - (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*
- (3) *Pets*
  - (10) *Pet owners are responsible for the behaviour of their animals. The strata corporation may require removal of any animal kept by an owner, tenant, occupant, visitor, or agent if the animal, in the reasonable opinion of the council, constitutes a nuisance or danger to any other person or animal. Removal must occur within 30 calendar days of notification being served.*
5. Correspondence was received from an owner requesting approval to bring her service dogs when renting the guest suites and the request to rent the guest suite during the Olympic period.

The agent will advise the owner of the guest suite rule that no pets are permitted in the guest suite and the council's discussion on the rental of the guest suite (BA #8).

**NEW BUSINESS**

1. Pet Registration Surveys: Due to time constraints, discussion was deferred until the next meeting.
2. Form Ks: Due to time constraints, discussion was deferred until the next meeting.

3. Home Renovation Tax Credit: The 2009 Federal Budget proposes a 15% non-refundable tax credit to individuals for eligible expenditures in excess of \$1,000, but not more than \$10,000, made in respect of eligible dwellings. For the taxpayer, this will result in a maximum federal tax credit of \$1,350 ( $\$10,000 - \$1,000$ ) x 15 %). Note that no tax credit is received for the first \$1,000.

The work must be performed and goods acquired between January 28, 2009 and January 31, 2010. However, the credit will not be available for expenditures pursuant to an agreement entered prior to January 28, 2009. The credit may be claimed in the individual's 2009 personal income tax return, even with respect to qualifying expenditures incurred in 2010. For condominiums, eligible expenditures will include the individual's share of the cost of renovating common areas, in addition to costs to renovate the unit. This means that the owners could receive the HRTC on the special levies paid plus the cost associated with renovating their own unit if the conditions are met. Vancouver Condominium Services Ltd. will be providing further information as received.

4. Heat/Hallways: As energy cost-savings for the strata corporation the heat will be turned off in the common area hallways for the summer.

There being no further business, the meeting was adjourned at 9:20 p.m. The next meeting will be held on Monday, June 1, 2009 at 7:00 p.m.

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BP/imc

### A WORD OF APPRECIATION

Many thanks to all owners who provide their monthly strata fees promptly and without problems - either by PAC or post-dated cheques. Your co-operation is most appreciated. Please remember if you write cheques, to make them payable to your strata plan and to identify your suite number or strata lot. Payments are due on the first of each month.