

MINUTES OF COUNCIL MEETING STRATA PLAN LMS-4050 THE 501

HELD: On Tuesday, September 8, 2009 in the Manager's Office at The 501, Pacific Street, Vancouver, B.C.

PRESENT:

Brent Belsher	President	
George Affleck	Treasurer	
Rodney Legrow	Landscaping	
Jenny Ashton	Secretary	
Rob McDowell	Project Liaison	
Brenda Lea Brown	Vice President	(Arrived at 7:00 p.m.)

REGRETS: Andrea Litke

STRATA AGENT: Bunny Porteous, Vancouver Condominium Services Ltd.

The meeting was called to order at 6:00 p.m.

BUILDING MANAGER'S REPORT – JUNE, JULY AND AUGUST

- Courtyard and Front Door (Pacific Street): Loose and missing tiles replaced and water proof sealant completed.
- Drywall Repairs in Eleven Units: The installation of the dryer vent booster fans and drywall repairs were completed in units 404, 408, 501, 606, 607, 706, 710, 1106, 1110, 1204, 2301 and 2502.
- Major Clean Up in Storage Area: Stock removed, swept and wet mopped.

IMPORTANT REMINDER TO RESIDENTS

Residents are not permitted to leave unwanted items in the locker or storage areas. It is the resident's responsibility to remove unwanted items off site. The areas will be closely monitored and residents noted in violation will be charged for the cost of the removal of the items.

- Hallway Carpet and Games Room Maintenance: Completed.
- Richards Street and Pacific Street, Sidewalks and Entrance Areas Power Washed.

MINUTES

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

FINANCIAL REPORT

1. Monthly Statement: The July and August 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: The agent advised council that the strata corporation's legal counsel has submitted demand letters to five owners with liens filed against their account for significant outstanding balances (non-payment of the Exterior Maintenance Special Levy). Owners are requested to submit payment to Access Law Group within 14 days or the strata corporation would commence legal proceedings to enforce collection of the amount owed. As of September 8th, payment in full was received from two owners.

BUSINESS ARISING

1. Exterior Maintenance Project Update:
 - (a) Tower: The following update was received from Prostar on August 27th:

(i) <u>Units</u>	<u>Paint/Powerwashing – Estimated Completion</u>
06's	100% complete
07's	2 Weeks
05/04's	1 – 2 Weeks
<u>Units</u>	<u>Paint/Powerwashing - Scheduled to Begin</u>
03's	2 – 3 Weeks
09's	1 – 2 Weeks

(Reminder – These are ESTIMATED time frames and could change with weather)

Notices will be put under owners' doors 24 hours in advance of Powerwashing and paint work. It is important that windows and doors are closed and locked. Items on balconies should be removed and/or covered.

THE STRATA CORPORATION AND PROSTAR ARE NOT RESPONSIBLE FOR DAMAGES TO ITEMS NOT REMOVED OR COVERED.

- (ii) Prostar Painting will be completing the cleaning of any balcony membrane residue off the balcony railings and glass in the tower and townhouses 201, 202 and 203 on Tuesday, September 8 and Wednesday, September 9th (weather permitting).

Townhouses:

- Prostar is completing the installation of the rooftop doors in all townhouses.
- Ocean West Construction has been approved to complete the membrane replacements on all townhouse opera balconies (Richards Street) along with minor membrane repairs on three townhouse rooftops. Ocean West will contact the owners to advise of the scheduled dates of repairs.
- Prostar has completed the membrane repairs around the planter caps of the townhouse roof top decks.

3. Pool Area Repair/Upgrades:

- (a) Prostar is completing the painting of the structural steel and the installation of flashing around exterior pool area.
- (b) Swimming Pool Upgrades: The council has approved Aloha Pools to replaster the interior of the pool and retile the waterline and stairs of the swimming pool at a cost of \$17,500. Work is scheduled to begin at the end of September.
- (c) Pool Area Upgrades: The agent will obtain a quote from Prostar to retile and paint around the interior of the pool room.

4. Onni/Seymour/Development: Council member Brent Belsher and Brenda Lea Brown met with a representative and architect from Onni Development to review the owners' (The 501) concern with the size, height and location of the new Onni Development (across the lane way). The council has requested the podium for the proposed development (42 storeys) be amended from eight stories to five stories. The proposed amendments will be presented to the Council of the City of Vancouver for review before final approval.

5. Olympics/Guest Suite: Several council members are preparing a proposal with guest room rates and the procedure on the rental of the two guest suites during the Olympics period. Minor required repairs will be completed in the guest suites.

6. Pet Registration: No report available as the council member assigned to this task is absent.

7. **Emergency Response Team:** The council is seeking volunteers to form an emergency response team for The 501. The emergency response team would be able to assist the fire department during emergencies with communications fire panel elevator access, 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.

8. Membrane Leaks/Flooring Damages: A townhouse unit sustained minor flooring damages due to exterior balcony membrane failure last winter, followed one month later with additional flooring damages from a dishwasher failure. The council had directed the agent to obtain a legal opinion on the liability/responsibility for the replacement of the damaged floor once the membranes are replaced in all townhouses as part of the scheduled exterior maintenance project. The strata corporation’s legal counsel Access Law Group advised the council that the strata corporation is responsible to repair and maintain common property “exterior membrane of the deck”; however, the *Strata Property Act* does not impose an obligation on strata corporations to repair a strata lot.

The agent was directed to submit a letter to the owners with a copy of the legal opinion and recommend the owner contact their personal insurance broker company for the replacement of the floor.

9. Fire Inspection:

Second Visit/Deficiencies: Mircom will be on site Saturday, September 19th to inspect and test the fire safety equipment in units not accessed during the first visit between May 26th and 28th. During the test fire alarm bells may ring intermittently. Technicians will start at the top floor and continue down floor by floor to the following units:

301	901	1208	1706	2605
404	904	1405	2002	2708
509	908	1409	2006	2709
701	1001	1604	2303	2710
705	1106	1608	2307	2807
708	1202	1702	2408	3002

All in-suite fire safety devices must be tested in accordance with the local fire code. Please ensure that your suite is made available as per strata bylaws 7.1(c):

7. *Permit entry to strata lot*

(1) *An owner, tenant, occupant, or visitor must allow a person authorized by the strata corporation to enter the strata lot under the following conditions:*

(a) *In an emergency, without notice, to ensure safety, prevent significant loss or damage to the strata lot or other strata lots, or to protect common property. If the occupant cannot be reached, the strata corporation’s representative may gain access by force at the owner’s expense.*

- (b) *At a reasonable time, on 48 hours' written notice, to inspect, repair, or maintain common property, common assets and any portions of a strata lot that are the responsibility of the corporation to repair and maintain under these bylaws, or insure under section 149 of the Act, and to ensure compliance with the Act, these bylaws, and the rules of the strata corporation. Written notice must specify the date and approximate time of entry, and reason for entry.*
- (c) *Without limiting the foregoing, 48 hours written notice will be given to enter a strata lot for the annual fire inspection service, dryer vent cleaning and/or replacement, sprinkler replacement, washing machine replacement and such other repair and maintenance required by the strata corporation under to the Act, these bylaws, or rules.*

Owners' units not available for testing on September 19th will be charged for the cost of the locksmith to access the unit as per the bylaw above.

The strata council would like to thank everyone for ensuring that their fire safety equipment is tested as per the fire code bylaws to ensure safety/security for the residents of The 501.

- 10. Security Camera Surveillance System Upgrades: Quotes were received from Dominion Security and Citi Lock Systems to upgrade and increase the security surveillance system with nine new cameras, digital video recorder and flat screen monitor. The quote range from \$14,000 to \$22,000. The council deferred further discussion until the preparation of the new fiscal year budget commencing February 1, 2010.
- 11. Amacon/Commercial Units:
 - (a) Unit 1367/1571: The council approved the renovations to remove the fire wall between the units of 1367 and 1371 in order to combine the two units on condition a building permit is obtained from the City of Vancouver and submitted to VCS.
 - (b) Exterior Signage - Unit 1391: Council approved the exterior signage for the new café "Tree Organic". The front store sign will be lit from the back and match the building lines.
- 12. Pool Deck Furniture: Council member Rodney Legrow has volunteered to purchase two new wooden chaise lounges, chairs and a table for the pool area (to match the volleyball court furniture).
- 13. Volleyball Court Rules: The council approved the following Volleyball Court Rules:

Volleyball court is for recreational use by 501 residents and is not to be used for tournaments or participate on a tournament circuit.

Scheduling is not necessary to use the area, but allows for planning of events and reduced potential conflict. Book maximum of up to two times per week per strata unit (booking note should include strata unit for reference by guards and cleaners in the event that cleaning must occur).

Scheduling:

501 residents may use the volleyball court for short periods of time, and up to one hour if others express an interest in playing without the need to schedule in advance. Residents who want to play longer should sign up to reserve the court for a maximum 3 hour sessions as follows:

- *Noon – 3:00 p.m.*
- *3:00 p.m. – 6:00 p.m.; or*
- *6:00 p.m. – 9:00 p.m.*

In order to ensure the enjoyment of all resident users, the following rules apply:

- *Activities must not extend beyond 9:00 p.m. (Monday – Sunday)*
- *No glassware*
- *No pets permitted*
- *No smoking*
- *No amplified music*
- *Clean up after yourself*

14. Unit 2404 – Washing Machine Leak: On July 9, 2009 the tenant of unit 2404 contacted VCS to inform of a washing machine overflow in the unit. Barclay Restoration were contacted and it was determined the overflow was due to a failure with the washing machine which has since been replaced. Water damages were caused to units 2304, 2303, 2203, 2204, 2103, 2104. Strata Corporation Bylaws Division 8.31.4 states:

31. *Insurance*

- (4) *An owner of a strata lot must indemnify and save harmless the strata corporation from the expenses of any maintenance, repair, or replacement required to the common property, limited common property, common assets, or to any strata lot by the owner's act, omission, negligence, or carelessness or by that of an owner's occupants, tenants, visitors, agents and, for commercial lot owners, their customers, clients, employees or agents. This holds to the extent that such expense is not reimbursed from the proceeds received via any insurance policy. Any insurance deductible paid to, or payable by, the strata corporation in such circumstances will be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage, and will be charged to the owner.*

As per the strata corporation bylaw above the owner will be held responsible for the damages incurred from the washing machine overflow. The invoices from Barclay

Restoration for emergency restoration and repairs for the six units in the total amount of \$9,958.83 has been submitted to the owner for repayment.

IMPORTANT

Residents are recommended to turn off their shut off valves for the toilet, kitchen and bathroom sinks and washing machine while absent for a period of time from the building to prevent leaks and costly damages. Residents are highly encouraged to complete regular maintenance checks on their washing machines, dishwashers, water shut off valves, toilets to prevent costly damages from burst hoses or shut off valves leaks, etc.

15. Crane Easement/SGM: A crane easement application for the development at 1338 Seymour Street was presented to the council for approval. The council approved the application conditionally with a \$2,000 settlement. The City of Vancouver has requested an SGM be scheduled and a $\frac{3}{4}$ vote resolution be presented to the owners to approve the disposition of common property i.e. the granting of a registrable bill, easement to allow a construction crane to pass over common property (air space) of The 501. The City of Vancouver will subsidize all costs for the SGM to be held. An SGM has been scheduled for Wednesday, November 4, 2009

* * * **IMPORTANT PLEASE READ** * * *

PRESSURE WASHING

16. Pressure Washing: Power Sweep will be on site October 1st and October 2nd to power wash the parkade as follows:

Thursday, October 1 P1 and P2
Friday, October 2 P3 and P4

Residents are required to remove their vehicles and vehicles not removed on the specified dates from the parking stalls will be towed at the owner's cost as per strata corporation bylaws 3.5.5.

- (5) *Vehicles must be removed from parking stalls during annual or semi-annual parkade cleaning carried out by the strata corporation.*

Owners are requested to ensure that they follow up with their tenants to ensure that their vehicles are removed as the strata corporation will not be responsible for towing costs. Council would like to thank all owners for their corporation in ensuring all vehicles are removed to clean the entire parkade area.

CORRESPONDENCE

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

1. **Gym Equipment and Bylaws:** Correspondence has been received from an owner who has noticed an increasing number of unsupervised young children playing on the gym equipment. The council would like to thank the owner for bringing this to the council's attention and has approved a Gym Equipment Rule. (See New Business, item #2).
2. **Olympic Rentals:** Correspondence was received from an owner expressing concerns with the control of rentals during the Olympic period in The 501.

The Vancouver House approved a City Bylaw allowing owners to rent their unit during the Olympics provided they obtain a City of Vancouver business license. Please see "New Business #1". Owners are required to submit a Form K an tenant information when renting their units as per the strata corporation bylaw.

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.*

3. A letter of concern was received from a resident regarding the vehicles parking in the front of the building for more than the allowable fifteen minutes for loading and unloading. Not only is this a rule violation, but also a safety concern should there be an emergency and fire safety or ambulances require access to the building. The area will be monitored and vehicles in violation will be towed at the owner's cost.
4. Correspondence was received from an owner concerned with cooking odours filtering through the hallways and into units from residents leaving their doors open. Residents are requested to be considerate and keep their doors closed at all times especially when cooking. Residents noted in violation could receive a fine. The violation of bylaw 3.1.

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

5. A letter was received from the owner of unit 2201 inquiring about the availability of rentals during the month of April, the rental rate during the Olympic period, and if the guest suite units will be upgraded with microwave, internet, etc. Residents should contact the building manager or visit the website "The501.net" to complete an application and note whether the guests are available on the requested dates except for the Olympic period. The council is finalizing the rates and procedures for the guest suite rentals during the Olympics.

The $\frac{3}{4}$ vote resolution to complete guest suite upgrades was defeated at the last Annual General Meeting in February 2009. Minor required repairs will be completed in the guest suites within the near future.

NEW BUSINESS

1. Olympics/City of Vancouver Bylaws:

Information and resources for owners

Between January 1 and March 31, 2010, owners are allowed to rent dwelling units (condos, apartments, houses, secondary suites, etc.) and a bedroom in an owner occupied dwelling unit as temporary accommodation for periods of less than 30 days.

A dwelling unit (e.g. a house, condominium or apartment) rented on a nightly basis is permissible only for related individuals, or a maximum of five unrelated people. This provision is consistent with the requirements of the Zoning and Development By-law. **Temporary accommodation must not be occupied by a tenant or a boarder or lodger after June 1, 2009.**

Applying for a business licence

Owners wishing to rent their home, condominium, apartment etc. for less than 30 days during Games time will need to apply for a special business licence from the City of Vancouver. A licence is not required to rent a single room. Licences will cost \$106, the proceeds from which will pay for the administration of the program.

Copies of Licenses should be provided to VCS

Penalties for Non-compliance

A person who does not comply with the proposed by-law is punishable upon conviction by a fine of \$2,000 for each offence. Further, every person who commits an offence of a continuing nature against the proposed by-law is liable to a fine not exceeding \$50 for each day such an offence is continued.

2. Gym/Age/Equipment: The following gym rule was approved by council:

Gym equipment is to be used at your own risk.

No children under 14 are permitted in the gym without being accompanied by an adult (16 years older).

3. Appraisal: The annual updated value for the appraisal of The 501 was received. The cost of reproduction new for Strata Plan LMS-4050 as of August 1, 2009 is \$48,923,000. The agent has submitted the appraisals to the strata corporation insurance to update the insurance policy.
4. Insurance/Copper Roof Review: The agent advised council that VCS will be completing a review of various insurance programs that are available to the strata corporation. For this review VCS will retain Copper Roof Risk Management, a well established independent firm which used widely by industry and government to provide advice and guidance. A report will be available to the strata corporation for a proportionate share of the advance (approximately \$125). The council decided not to participate as they are satisfied with their current provider BFL Canada and the premiums and deductibles.

There being no further business, the meeting was adjourned at 8:00 p.m. The next meeting will be held on Monday, October 1, 2009 at 7:00 p.m.

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

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

BP/imc