

STRATA CORPORATION LMS 101, COUNCIL MEETING MINUTES

Monday, July 18, 2016 7:00 PM at Cameron Community Center

IN ATTENDANCE:

Brian Arnold – President/Landscaping
Carol Ohno – Vice President
Al Abdulla – Treasurer
Alicia Churchill – Repairs & Maintenance/Landscaping
Anne Ng – Landscaping
Jason Jones - Meeting Chair
Steve Miller – Council Member
Strata Manager – Corinne Campbell

It was MOVED (Ohno), SECONDED (Churchill) and CARRIED that Jason Jones would chair the meeting.

MOTION CARRIED

CALL TO ORDER:

The meeting was called to order by the meeting chair, Jason Jones, at 7:02 pm.

APPROVAL OF THE AGENDA:

The agenda was amended to add two additional items: owner correspondence and communication with Profile Properties.

It was MOVED (Abdulla), SECONDED (Ng) and CARRIED to approve the amended agenda.

MOTION CARRIED

APPROVAL OF MINUTES

It was MOVED (Churchill), SECONDED (Abdulla) and CARRIED to approve the minutes from the council meeting dated May 30, 2016.

MOTION CARRIED

FINANCIALS

Financial Statement: It was MOVED (Abdulla), SECONDED (Jones) and CARRIED to approve the financials up to May 2016, as prepared by Profile Properties.

MOTION CARRIED

The Treasurer provided a report and it was MOVED (Abdulla), SECONDED (Jones) and CARRIED, to approve the report (Attachment 1 to these minutes).

MOTION CARRIED

Accounts Receivable: Accounts Receivables were reviewed at this meeting and the Strata Manager was asked to follow up with units with outstanding balances in accordance with the *Strata Property Act of British Columbia*.

It was MOVED (Abdulla), SECONDED (Jones), and CARRIED to apply late fees, fines, and liens in accordance with the Strata Property Act of British Columbia, Section 112.

MOTION CARRIED

REPAIR AND MAINTENANCE REPORT:

It was MOVED (Arnold), SECONDED (Miller) and CARRIED to accept the repair and maintenance report (Attachment 2 to these minutes).

MOTION CARRIED

Exterior Drainage: The camera scopes revealed that work was required in several places in the exterior drain pipes. Based on the advice of the Strata Manager, the strata council deemed this to be emergency work necessary to save the strata corporation from further harm and/or damage.

It was MOVED (Churchill), SECONDED (Abdulla) and CARRIED to proceed with the required drainage work utilizing funds not to exceed \$15,000.00, from the Contingency Reserve Fund (CRF). It was noted these funds will not be repaid back into the CRF.

MOTION CARRIED

Damaged Garage Door: A unit with a garage door that was damaged by the occupants was not replaced in the timeline council provided. Council sought guidance from the Strata Manager who advised that the strata lot could be entered for a non-emergency repair with 48-hours' notice in accordance with the Strata Corporation's bylaw 12(b). A 48-hour notice was issued to the occupants which indicated the intent, if necessary, to forcibly enter the strata and tow any vehicles to allow for the installation of the replacement door ordered by the strata council. Subsequent to the notice delivery, the occupant came forward and offered to personally take care of the door replacement

Rot Investigation: It was MOVED (Churchill), SECONDED (Ohno) and CARRIED to investigate rot issues on the exterior of two units.

MOTION CARRIED

Roof Report: The council discussed that the repairs and maintenance items in the roof report (Attachment 2) would be addressed in 2017. The report noted that some roof tiles exhibited granulation loss which may be a warranty issue. The Strata Manager was asked to follow up on this.

GREEN SPACE DISCUSSION:

A council member is working on obtaining recommendations from experts for dealing with the pest issues that have been discovered in the green space behind the property.

BYLAW CONCERNS:

In relation to the Strata Corporation's "Permit Entry to Strata Lot" bylaw 12(b), some members of council believe that this bylaw is not legally enforceable under the *Strata Property Act of British Columbia: Section 121(1)(a)*. A council member contacted a Strata Attorney and shared their advice with the strata council that stipulated:

“for non-emergency repairs such as cosmetic repairs to a garage, council needs to provide 48-hours’ notice assuming they have a duty to repair. Council cannot forcibly enter a strata lot and would need a court order to do so. Council should proceed with caution as moving forward could put the strata at risk.”

Some members of council requested further legal advice on bylaw 12(b) to determine if council is within their legal rights to enter a strata lot without home owner consent in a non-emergency.

It was **MOVED** (Jones), **SECONDED** (Churchill) and **CARRIED** to attempt moving forward with the garage door repairs as scheduled but not execute a conflicting legal opinion on the forcible entry without more clarity.

MOTION CARRIED

The Strata Manager suggested that different attorneys will provide different opinions and that council could get the bylaws reviewed by legal counsel and remove any bylaws that are deemed unenforceable.

It was **MOVED** (Arnold), **SECONDED** (Ohno) and **CARRIED** to have the bylaws reviewed by legal counsel to remove any unenforceable bylaws.

MOTION CARRIED

The cost of reviewing the bylaws will be approximately \$1,000.00. A council member requested that council be allowed to decide which legal counsel would review the bylaws as the review could benefit from the opinion of both a strata law attorney and a criminal law attorney.

PARKING CONCERNS:

Residents are still parking cars in front of their garages which is in violation of the Strata Corporation's "Parking and Driving Vehicles" bylaws 7(5) and 7(6). In addition, numerous instances are occurring of vehicles parking in areas clearly marked with "No Parking" signs. Bylaw infraction letters are being sent out on a regular basis and owner are reminded a violation could carry a \$200.00 fine each and every time under the Strata Corporation's "Maximum Fine" bylaw 31(1).

Council had a discussion about a number of units that are not parking at least one vehicle in their garage which is contributing to the consistent lack of parking throughout the complex. A number of considerations have been discussed on how to address parking in the long term.

It was MOVED (Jones), SECONDED (Abdulla) and CARRIED that the strata council formally ask owners to ensure that they are parking in their garages and to only park one vehicle in the surface lots or a formal rule will be considered to address the issue.

MOTION CARRIED

It was noted that the Strata Manager left the meeting at 9:05 pm and the council continued the meeting on their own.

LEGAL ACTION(S):

Discussion took place regarding legal action against Pacific Quorum Properties and Oakdale Building Services, during which a council member asked if a conflict of interest disclosure was made pursuant to section 32 of the *Strata Property Act* by a previous council member regarding their dealings with Oakdale Building Services. It was not known if a conflict of interest disclosure had been made.

A motion was made to seek legal advice on damages against Pacific Quorum Properties for an amount of \$21,000.00, damages against Oakdale Building Services for an amount of \$30,000.00, and potential conflicts of interest. It was MOVED (Jones) and SECONDED (Abdulla) to seek legal advice on damages and potential conflicts of interest. The vote was TIED (2 In Favour, 2 Opposed, 3 Abstained). Under the Strata Corporation's bylaw 26(2), the President placed an additional opposing vote to DEFEAT the motion. During the initial vote, some discussions occurred among some council members that were perceived by other council members to be an attempt to sway the vote. In the moment, the Chair believed that no undue influence had been exerted and the result of the vote was minuted.

MOTION DEFEATED

A motion was made to submit a letter of intent to Pacific Quorum Properties requesting damages in the amount of \$21,000.00 for undisclosed reasons. It was MOVED (Jones), SECONDED (Arnold) and CARRIED to submit a letter of intent to Pacific Quorum Properties requesting damages.

MOTION CARRIED

A motion was made to submit a letter of demand to Oakdale Build & Service requesting damages in the amount up to a maximum of \$25,000.00 for undisclosed reasons. It was MOVED (Jones), SECONDED (Abdulla) and CARRIED to submit a letter of demand to Oakdale Building Services requesting damages.

MOTION CARRIED

The Strata Manager has previously informed the council that in order to proceed with legal action, a $\frac{3}{4}$ vote of the Owners, Strata Plan LMS101, is first required.

CORRESPONDENCE:

Incoming Correspondence: Council reviewed correspondence regarding ants.

Outgoing Correspondence: The Strata Manager was asked to send bylaw warning infraction letters to several units for parking issues.

A home owner has made numerous requests for non-standard documentation regarding a bylaw complaint/warning they received, which have been responded to by the Strata Manager. Given the nature of the requests and the communication history, council deemed it unlikely that a satisfactory outcome would be achieved without engaging the services of legal counsel. Therefore, it was decided by a majority of council members (via email) to engage legal counsel to engage in future communications with the home owner and address their concerns.

ADJOURNMENT:

The next council meeting will held on September 19, 2016. There being no further official business to transact, the meeting was adjourned at 9:50pm.

Minutes prepared by the Strata Council LMS101

Treasurers Report - April and May 2016

I have reviewed the April and May 2016 Financial Statements as prepared by Profile Properties and recommend to approve financial statements as prepared.

I have confirmed the following bank balances per General Ledger to Bank Statements at May 31, 2016:

SA Exterior Repairs - \$21,736.15

Contingency Reserve - \$254,216.74

General Account - \$26,564.28

Accounts Receivable at July 14, 2016

We have a unit in arrears 3 months of strata fees.

We have a unit in arrears for an owner chargeback.

We have a unit in arrears the first special assessment payment.

Invoice Reversal

All invoices that required reversing have been properly reversed.

Repairs and Maintenance Report July 2016

Completed repairs

- unit door reinstall with waterproofing
- repair 260 unit back steps repair
- repair 261 unit siding bubbling
- repair 262 unit bottom garage door rott
- repair 263 squirrels nesting on roof
- repair 264 unit top siding repair
- repair 266 unit outside lattice repair
- 267 mice in one unit
- repair 270 unit 26 power issue in main hydro room
- repair 273 unit back porch light and front railing
- repair 274 unit lattice and back railing repair
- repair 275 unit back porch ant issue resolved

New repair form formatted by RM.

- # 3 unit repair to side wall front steps pulling away from building
- # 4 broken railing in common property siding missing from front of one unit fence in lower parking needs bolting
- # 5 unit back fence needs a panel to stop wildlife from entering backyard

Other odds and ends

-cleaned perimeter lights

-fixed some fence caps and the fence in upper parking

Completed Projects

-painting of front steps arbours and parking lots added the railings and the front dividers completed

-window cleaning completed

Projects

- back Door re unit 46 47

-drainage scopes completed of all buildings need a plan awaiting final report of all identified problems. Approx. cost to fix all issues relating to perimeter drains is \$ 15,000

Moving forward we need to camera flush auger building 1-10 11-19 45-48 49-60 1 time per year all the other buildings every 2 years it is imperative that we are on a yearly plan to maintain moving forward.

-Roof maintenance plan for 2017 a comprehensive report was reviewed regarding the roof and maintenance issues that require attention in 2017.