

None **NR** **Resident** **Mortgage** **Directory**
Single Space **Double Space** **PDF** **Revised PDF** **Final**

**MINUTES OF COUNCIL MEETING
STRATA PLAN LMS-3170
SOLO, DUO, TREO**

HELD: On Monday, April 27, 2009 at 7:00 p.m. in Club Solo, 2228 Marstrand Avenue, Vancouver, B.C.

PRESENT: Christine Funk Unit #305T
 Howard Olsen Unit #PH1S
 Marc Prefontaine PH #11S
 Dominic Mattman PH9S

REGRETS: Shawn Aslani Unit #402S
 Richard Mishra Unit #301D

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 to the noted positions:

- Howard Olsen - Co-President
- Marc Prefontaine - Co-President
- Dominic Mattman - Treasurer
- Christine Funk - Landscaping

MINUTES

It was moved, seconded and carried to adopt the minutes of the February 10, 2009 council meeting as circulated.

FINANCIAL REPORT

1. Monthly Statements: Following review, it was moved, seconded and carried to adopt the February and March 2009 financial statements, as presented. 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. Account Balances: The current balances for the 2nd month as at March 31, 2009 in the appropriate funds are as follows:
 - Total Cash Balance \$506,426.49 (including CRF Balance)
 - CRF Balance \$165,020.84 (Contingency Reserve Fund)

3. Arrears: The agent informed council that there are still several owners who have yet to submit payment for the special levy which was passed on January 13, 2009 at the Special General Meeting for Phase I of the Maintenance/Minor Repair Project

**IMPORTANT REMINDER
SPECIAL LEVY PAYMENTS– EXTERIOR MAINTENANCE PROJECT**

A special levy was passed on January 13, 2009 to expend a sum of money not to exceed \$300,000 to complete Phase I of the recommended maintenance/minor repair project, with the expenditure to be charged as a special levy upon the owners in proportion to the unit entitlement of the respective strata lots.

As a matter of financial convenience only, the owners may pay this special levy over a period of 6 months, payments to be made in 6 equal payments on the 1st of each month, commencing on February 1, 2009 and ending on July 1, 2009. Notwithstanding the foregoing, the special levy is not considered as an instalment levy as contemplated by section 108(3)(e) of the *Strata Property Act* and section 109 of the *Strata Property Act* therefore does not apply.

If an owner fails to make any payments in accordance with this resolution, they shall be assessed a fine of \$100 on each such late payment. The strata corporation may further add interest charges on overdue payments at the rate of 10% per annum compounded annually. The special payment levy schedule was attached to the SGM minutes of January 13, 2009. Owners who require further information should contact VCS at 604-684-6291.

BUSINESS ARISING

1. Maintenance Project: Spratt Emanuel Engineering has completed and submitted the specifications to four qualified contractors for tender. The bids should be available for council's review at the May council meeting.

2. Unit PH12/PH9 – Repairs: The caulking/repairs to the dividing wall between PH9 and PH12 have been completed. The engineers will complete a flood test to ensure that there is no further water ingress into PH9 and PH12. Barclay Restoration completed the interior repairs for the flooring and drywall in PH12 at a total cost of \$1,087.

3. Unit PH10 – Flooring Damages: Spratt Emanuel Engineering completed a water test on PH11 following the completion of the deck membrane replacement and discovered water had seeped into the neighbouring unit (PH10) causing damage to the hardwood flooring. As the damages were caused from a deficiency of the repairs at PH11, PBEM has been directed to replace/repair the flooring of PH10, as this is not a strata corporation responsibility.

4. Landscaping: Council member Christine Funk has volunteered to oversee the landscaping with Trees Plus and will schedule a walkabout to review any concerns and obtain a recommendation to improve the aesthetics to the lawn area in front of the Treo building. Residents with any landscaping concerns or recommendations should submit in writing to VCS.

5. Gas Fireplaces – Pilot Lights:

Important

Gas Pilot Lights – Fireplaces: The council highly recommends that owners complete annual maintenance on their fireplace and also turn off their pilot light on the fireplace during the summer months as a cost savings measure for the strata corporation. Unless the pilot light is shut off, heat will continue to exert from the fireplace including gas consumption.

Sure Fire Gas Services will be conducting the fireplace maintenance for the Solo, Duo and Treo buildings between Friday, May 8th and May 9th. Notices have been posted in the elevators and the mailroom with sign up sheets. The cost for this service is \$45. Owners may also contact Sure Fire Gas Services directly at 604-728-2245 to complete their annual fireplace maintenance. (owner responsibility)

6. Posscan/Access System: A quote was received from Posscan Systems in the amount of \$1,705 to upgrade the keyscan software for the computer for the security system at the building.

7. Elevator/Solo/Noise Issue: At the last council meeting the agent was directed to contact ThyssenKrupp Elevators to review an owner’s concern regarding the vibration/sounds from the elevator in the Solo building. ThyssenKrupp was on site to review the concerns and addressed the council that the elevator equipment is now 12 years old and the operational

performance has not changed since the time the equipment was installed. Three calls were received from owners in 2008 regarding a noise in the elevator which was resolved with the replacement of door rollers. The agent will notify the owner with the outcome of ThyssenKrupp's investigation.

8. Hosebib - Duo: On March 31st Milani Plumbing was contacted to investigate a leak in the hallway outside of unit #406. After reviewing unit #406 and #306 with no evidence of a leak, the plumber went onto the roof and paced out to where the leak was occurring and discovered the hose bib on the deck of a unit on the 4th floor had cracked causing the water to filter. Milani plumbing replaced the hosebib. Following discussion, the council directed the agent submit the invoices from Milani Plumbing and Barclay Restoration to the owner of the unit on the 4th floor for repayment as hosebibs are the owner's responsibility to maintain.

CORRESPONDENCE

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

1. Correspondence was received from an owner of a unit in the Duo building requesting the strata council attend to the smell of cigarette smoke drifting from the neighbouring unit which is causing a nuisance and health hazard. The owners have requested the strata complete sealant/repairs to prevent further smells.

The agent was directed to submit a letter to the owner of the neighbouring unit to advise of the smell of smoke drifting from one unit to another. The owner is required to install an air purifier to help filter and prevent further nuisances and if this does not work, the owner is required to contact an engineer to obtain a solution to prevent the smoke from filtering into the neighbouring unit.

In B.C. the common law of nuisance deals with the use of property of one owner that interferes with a neighbouring owner's ability to use and enjoy their property. Section 3(1) of the standard bylaws in the *Strata Property Act* imports the law of nuisance into the bylaws of the strata corporation by prohibiting an owner, tenant, occupant or visitor from using a strata lot in a way that causes a nuisance or hazard to another person which includes smoking.

2. A letter was received from an owner with recommendations and concerns on the Exterior Building Maintenance Project. The council reviewed the letter and will take the recommendations/concerns into consideration.

3. A complaint was receive from an owner outlining excessive noise, smoking and tossing cigarette butts on the walkway of the Treo building. A letter was submitted to the owner of the unit to advise that the actions are not only a strata corporation bylaw violation but smoking on common or limited common areas where windows or patios are within three metres of the affected area is a City of Vancouver and Tobacco Control Act violation.

The strata corporation bylaws 3.(a) (b) (c) and 28.1(d) and (e) read:

- 3.1 An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:
- (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
- 28.1 An owner shall not:
- (d) use, or permit any occupant of his strata lot or a guest, employee, agent or invitee of the owner or occupant to use, any part of the common property (other than established storage lockers) for storage, without the written consent of the strata council;
 - (e) make, or permit any occupant of his strata lot or any guest, employee, agent or invitee of the owner or occupant to make, undue noise in or about any strata lot or common property or to do anything which will interfere unreasonably with any other owner or occupant;

NEW BUSINESS

1. AGM: Council reviewed the following items at the first council meeting:
- (a) Communications/website: Council member Howard Olsen is proceeding to design a website for the strata corporation to facilitate communication for all residents. As a cost saving measure for the strata corporation, once the website is up and running the council will implement a policy to post the minutes on the website only along with important notices, bylaws, rules, reports etc. Owners who request a copy of the minutes would be required to submit a letter to VCS.
 - (b) Skateboarding Rule: The council approved the following new rules:
 - Skateboarding is not permitted in common or limited common areas including the parkade.

2. Loose Pavers on the Ramp of Solo Parkade: The agent is proceeding to have the loose pavers repaired.

3. Insurance: The insurance renewal policy for LMS-3170 effective May 1, 2009 to May 1, 2010 has been received for a total annual premium of \$56,107. The annual deductions received for water damage is \$10,000, sewer back up \$10,000 and flood damage \$10,000. Owners are requested to ensure they have proper personal home insurance to cover the strata corporation's insurance deductible should a flood occur in their suite and it is deemed their responsibility.

7. Home Renovation Tax Credit (HRTC): 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 ($\$10,000 - \$1,000 \times 15\%$). 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.

There being no further business, the meeting was adjourned at 8:40 p.m. The next meeting will be held on Tuesday, May 26, 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: 604-684-1539

BP/md

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.