

**ANNUAL GENERAL MEETING MINUTES**

**Tuesday, January 22, 2008**

**MONTCLAIRE - STRATA PLAN LMS 1606**

**LOCATION:**

6:45 p.m. – Coq. Innovation Ctr.  
1207 Pinetree Way  
Coquitlam, BC

**STRATA COUNCIL  
2008/2009**

**PRESIDENT**

Kelly Reid - #420- 2980

**TREASURER**

Michelle Lynde - #124-2980

**SOCIAL**

Gail Surcess – #402-2970

**AT LARGE**

Judy MacLeod - #118-2970  
Walter Vettorel - #127-2980  
Ana Duvnjak - #110-2970

**STRATA MANAGER**

Frank (Woody) Wood

Direct Phone: (604) 592-5661

E-Mail: [fwood@baywest.ca](mailto:fwood@baywest.ca)

Direct Fax: (604) 595-3696

**ACCOUNTANT**

Anca Ticusan

Direct Phone: (604) 501-4429

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**BAYWEST MANAGEMENT**

13520 – 78<sup>th</sup> Avenue  
SURREY, BC V

Phone: (604) 591-6060

**PRESENT:**

39 Owners registered and represented in person  
15 Owners registered and represented by proxy

Frank (Woody) Wood, Baywest Management Corporation  
Nicole Alexandru, Baywest Management Corporation

**(1) CALL TO ORDER**

The meeting was called to order at 6:47 p.m. by Council President, Kelly Reid, who proceeded to chair the meeting.

**(2) CALLING THE ROLL/CERTIFICATION OF PROXIES**

All received proxies were verified and certified by the Strata Manager.

One hundred and forty-four of 154 strata lots at Montclair were paid up and therefore eligible to vote at the Annual General Meeting. As a quorum requires representation by 1/3 of eligible strata lots, a quorum in this instance required representation by 48 strata lots. A quorum was established.

**(3) PROOF OF NOTICE OF MEETING**

The Strata Manager stated at least 14 days' notice of the meeting was provided to all Owners as required by the Strata Property Act. It was MOVED/SECONDED proper notice of meeting had been provided according to the requirements of the Strata Property Act. CARRIED

**(4) ADOPTION OF THE AGENDA**

It was MOVED/SECONDED to adopt the agenda of the Annual General Meeting as presented. CARRIED

**(5) ADOPTION OF PREVIOUS MINUTES**

It was MOVED/SECONDED to adopt the Annual General Meeting Minutes of March 19, 2007 as distributed. CARRIED

**(6) PRESIDENT'S REPORT**

Kelly Reid thanked the Council for their work over the past year. During the course of the year Council expressed its dissatisfaction with the Strata Manager assigned and requested a change of Strata Managers, which occurred in July. Many items were worked on this year including window fascias, gazebo, benches,

sidewalk repair, 2<sup>nd</sup> & 3<sup>rd</sup> floor balconies, piping around boilers, boiler replacement, repairs to fountain (shared with the Jefferson) and emergency roof repairs. The roof over the past couple of months has been a looming concern and a report on the condition and any action required is currently being prepared. The last roof review was done in the fall of 2006 which suggested with proper maintenance the current roof should be good for another 3-5 years. This maintenance was approved to take place. Once the results from the latest roof review are received Owners will be notified of the findings.

**(7) ANNUAL INSURANCE REPORT**

Each Owner was provided with a copy of the insurance cover note for the building as part of the Notice of Annual General Meeting package. The cover note set out the coverage and deductibles the Strata Corporation currently holds on the property. The Strata Manager highlighted features of the insurance policy which included:

- All property coverage for \$26,943,800
- Liability coverage at \$10 million
- Directors and officers liability at \$2 million
- Deductibles: Water/Sewer - \$5,000, All Risks - \$1,000

The Strata Manager opened the floor for insurance related questions and responded to the same.

Owners are reminded they must purchase contents and/or homeowner's insurance for any in-suite upgrades (betterments) they make and for their personal effects. The Strata Corporation's insurance does not cover these. Owners are also encouraged to ensure their tenants place contents insurance on their personal effects. Owners should also place insurance for coverage of Strata Corporation insurance deductibles. If any Owner is liable for the cause of a claim (toilet overflow, washing machine malfunction, etc.) the Strata Corporation may bill the Owner the deductible for the claim.

**(8) ADOPTION OF THE PROPOSED 2008/2009 OPERATING BUDGET**

It was MOVED/SECONDED the proposed 2008/2009 operating budget be accepted as presented. There were 49 votes in favour and 5 opposed. The motion was CARRIED

Owners – please note the maintenance fee increase is effective February 1, 2008. For Owners paying by preauthorized withdrawal, the increase will automatically take effect. Owners paying by cheque are reminded to include the increase in their payments.

**(9) CONSIDERATION OF UNANIMOUS RESOLUTION**

Be it resolved, as a unanimous vote of the Owners of Strata Plan LMS 1606, Montclair, that the Bylaws of Strata Plan LMS 1606 be amended by replacing section 38 Leasing of Strata Lots with the following:

**38. Rental Restrictions**

- a. Subject to the provisions of this Bylaw strata lots shall be Owner-occupied only, with the following considerations and exceptions:
  - I. With the exception of all Owners of who were "grand-fathered", the maximum number of strata lots that may be rented is twenty-five (25).
  - II. The procedure to be followed by the Strata Corporation in administering this limit will be as follows:
    - a. any Owner wishing to rent a strata lot must make an application in writing to the Council;

- b. approvals will be granted by the Council on a first come basis in the order of the date such applications are received by the Council;
  - c. the Council will not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in Tenancy Agreements or otherwise restrict the rental of a strata lot except as set out in this Bylaw;
  - d. the Council will consider each application upon receipt and will respond to each application in writing within two weeks of receipt;
  - e. the Council will keep a list of Owners who wish to rent their strata lot and the priority of their application, and will advise each Owner as soon as their application can be accepted;
  - f. upon acceptance of an application to rent, an Owner must enter into a lease of a strata lot within six months (6) from acceptance by the Council of such Owner's application or the acceptance will be automatically revoked and the Council will be entitled to advise the Owner next following on the list that its application to rent a strata lot has been approved; and
  - g. an Owner may continue to lease his or her strata lot until such Owner moves into the strata lot to take occupancy or the date the strata lot is sold by the Owner to a third party.
- III. notwithstanding paragraph (a), where cases of undue physical or financial hardship of a personal nature arise, the Owner may make a written request to the Council for permission to rent a strata lot for a limited period of time, and where the Council has been provided with evidence that undue hardship will result if limited rental approval is not given, the Council shall not unreasonably withhold permission for limited rental;
- IV. this Bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an Owner, meaning:
- a. the spouse of the Owner;
  - b. a parent or child of the Owner; or
  - c. a parent or child of the spouse of the Owner, where "spouse of the Owner" includes an individual who has lived and cohabited with the Owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;
- V. any Owner renting his or her strata lot in contravention of this Bylaw shall be assessed a penalty of \$500.00 per month until the situation is corrected.
- VI. prior to renting a strata lot, an Owner must give the prospective tenant:
- a. the current Bylaws and Rules, and
  - b. a Notice of Tenant's Responsibilities outlined in the *Form "K"*

It was MOVED/SECONDED to adopt the motion as presented. The vote was taken and there were 39 in favour and 15 opposed. The motion was DEFEATED

**(10) CONSIDERATION OF ¾ VOTE RESOLUTION "A"**

Be It Resolved by a ¾ vote of the Owners, that the Bylaws of Strata Plan LMS1606 be amended by adding the following:

- 3. Use of Property
  - xii. install hard surface flooring with underlay material with a minimum acoustical rating of 72 FIIC (Flooring Impact Insulation Class) under areas of the hard surface flooring.
    - (i) Council reserves the right to request an Owner to provide proof of the quality of both the hard surface flooring and underlay material to be installed.

It was MOVED/SECONDED to adopt the resolution as presented.

It was then MOVED/SECONDED to amend the motion to read:

3. Use of Property

- xiii. on any floor except the first floor, install hard surface flooring with underlay material with less than a minimum acoustical rating of 72 FIIC (Flooring Impact Insulation Class) under areas of the hard surface flooring.
  - (i) Owners are required to provide proof of the quality of both the hard surface flooring and underlay material installed.

The vote was taken on the amendment and there were 54 in favour and 0 opposed. The amendment was CARRIED

The vote was taken on the motion as amended and there were 54 in favour and 0 opposed. The motion as amended was CARRIED

**(11) CONSIDERATION OF ¾ VOTE RESOLUTION “B”**

Be It Resolved by a ¾ vote of the Owners, that the Bylaws of Strata Plan LMS1606 be amended by changing the following:

40. Move In/Move Out

- a. The Owner of each strata lot shall be assessed a non-refundable \$200 move-in charge at the commencement of the occupancy by the Owner or each new occupancy by a tenant.

It was MOVED/SECONDED to adopt the motion as presented.

It was then MOVED/SECONDED to amend the motion to be \$120. The vote on the amendment was taken and the motion was DEFEATED

The vote was taken on the motion as presented and there were 28 in favour and 26 opposed. The motion was  
DEFEATED

**(14) ELECTION OF COUNCIL**

The Strata Manager advised all Council members are considered to have resigned at this point, but are eligible to be nominated to the Council. The following Owners agreed to let their names stand for election to Council for the next fiscal year:

Kelly Reid (420)                      Michelle Lynde (124)      Gail Surcess (402)      Judy MacLeod (118)  
Walter Vettorali (127)              Ana Duvnjak (110).

As there were no further nominations or volunteers these Owners were declared elected by acclamation.

**(15) GENERAL DISCUSSION**

The following items were raised as items to be considered by the new Strata Council for the upcoming year:

- Ongoing roof issues
- Hot tub
- The rental rate charged for the Strata owned unit
- Timing on fountain operations

- Snow removal
- Garbage in hallways and through out the building
- Landscape improvements especially the pathways leading to and from the courtyard
- Garage cleaning
- Elevator in 2980

**(16) TERMINATION**

There being no further business, the meeting adjourned at 8:37 p.m.

Frank (Woody) Wood  
Strata Manager

The next Strata Council meeting will be held ***Wednesday, February 27, 2008 at 7:00 p.m.***)

**Please be advised that copies of Council & General Meeting Minutes should be retained for a period of two years.**