

# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-3432

### THE PARK

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**HELD:** On Thursday, January 21, 2010 at 6:00 p.m. in Amenities Room, 1723 Alberni Street, Vancouver, B.C.

**PRESENT:** Teri McEachern (President)  
Ingrid Northwood (Vice-President)  
Rob Gleeson (Treasurer)  
Liz Faulkner  
Mike Fong  
Shiro Ogawa  
Jon Wang

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

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

#### **MINUTES**

It was moved, seconded and carried to adopt the minutes of the December 9, 2009 council meeting, as circulated.

#### **FINANCIAL REPORT**

1. **Monthly Statement:** Following discussion council approved the December, 2009 financial statement 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 3rd month ending December 31, 2009 in the appropriate funds are as follows:

• Total Cash Balance	\$ 1,836,986.46	(including CRF Balance)
• CRF Balance Apartment	\$ 68,628.12	(Contingency Reserve Fund)
• CRF Balance Joint	\$ 118,767.50	(Contingency Reserve Fund)
• Exterior Maintenance Fund	\$ 2,302,705.66	

3. Arrears:

**IMPORTANT:**

**A special levy was passed on November 25, 2009 to complete the townhouse repairs. As a matter of financial convenience, owners may pay their special levy over a period of 12 months, such payments to be made in 12 equal amounts on the 1<sup>st</sup> of each month commencing on January 1, 2010 and ending on December 1, 2010.**

**This levy may be added to the PAC (Pre-authorized Chequing Plan) with a written authorization only if you are already on PAC with your strata fees. If you pay by monthly cheque, please issue post-dated cheques payable to "Strata Plan LMS-3432" effective January 1, 2010.**

**Owners may also pay by internet banking. Please visit the website [www.vancondo.com](http://www.vancondo.com) and go to online banking to obtain further information.**

**Any owner who fails to make any payments in accordance with this resolution 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.**

**BUSINESS ARISING**

1. Townhouse Repair Project: The townhouse repair project is underway with contractors, JLK Projects starting with townhouse units 1727, 1733 and 1737 first. The contractors cleared the second and third level south elevation concrete planters and north elevation concrete planters at townhouse 1727. Levelton Consultants observed significant decay at the curb under the planter and extensive mold like stains and growth due to no insulation within the curb cavity.

JLK is awaiting a permit from the City of Vancouver in order to close Alberni Street down to remove the concrete planters from the townhouses. The engineers will complete an investigation to determine if the planters are the root of water ingress and if so, will replace the balcony street planters with railings and glass.

An information meeting will be held on Tuesday, January 22, 2010 at 8:00 a.m. for all townhouse owners to discuss the construction schedule with Levelton Engineering and JLK Construction.

2. Water Damage Repairs/October 29<sup>th</sup>: First On Site is 70% complete with the damage repairs to 40 units affected from several pipe bursts while a water shutdown was underway to obtain pipe samples for the plumbing assessment being completed by McCuaig & Associates.  
The repairs are projected to be completed by March bearing no delays due to access during the Olympics.

The council would like to thank all residents for their cooperation and patience during the restoration of the affected units.

3. Plumbing Assessment/Engineers Report: Council is awaiting the final report from the insurance adjuster engineers for the assessment of the domestic hot and cold water pipes and results from the cause of the pipe failure on October 29, 2009. A verbal opinion was received from the engineer who has recommended the strata corporation pursue a re-piping of the domestic hot/cold water system.

During the last month, there have been three pipe leaks within the wall of several owners' units causing damage to several units. The council has scheduled a meeting with Mr. Greg Lee from MMM Projects (Mechanical Engineer) to review a strategy to complete the re-piping of the domestic water system at the Park.

The council has scheduled a SGM on Thursday, March 11, 2010 at 7:00 p.m. in the Amenity Room to present a  $\frac{3}{4}$  Vote Resolution to the owners to proceed with the re-piping of the domestic hot and cold water system with an estimated cost of \$1,500,000 with the expenditure to be charged as a special levy upon the owners in proportion to the unit entitlement of their respective strata lots.

### **EXTREMELY IMPORTANT**

4. Insurance Renewal: A legal opinion was received from Dolden Wallace Follick on the duties and responsibilities of the strata corporation and strata council in respect of property insurance. Following a review of several insurance quotes received, the council approved the insurance renewal for Strata Plan LMS-3432 with BFL Canada who were the only insurance provider able to obtain a water damage deductible for the building; however, at a much higher rate than the previous year. Coverage has been secured with all risk water damage and sewer backup deductibles increased to \$500,000 which means that owners are not insured for the first \$500,000 of any water loss claim, sewer backup or all risk (fire etc.)

**Owners are highly encouraged to purchase a unit owners insurance policy that includes adequate liability insurance and special coverage for strata corporation bylaw assessments.**

In the event of a loss exceeding \$500,000, the strata corporation does not require a special resolution to collect the deductible by means of a special levy or as expenditure from the Contingency Reserve Fund, the assessment may be charged to the owners' account.

As a proactive measure, the strata corporation will present a  $\frac{3}{4}$  Vote Resolution at the SGM on March 11<sup>th</sup> to raise the deductible monies \$500,000 in advance of a loss to ensure there are funds available in the event of a serious loss.

**The strata corporation pursuant to the *Strata Property Act* shall establish a Contingency Reserve Fund representing the full amount of any insurance deductible which would be payable upon a claim under the strata corporation policy of property insurance. The owners shall contribute to the Contingency Reserve Fund as a common expense by means of a special levy calculated in accordance with Section 99(2) or 100(1) of the *Strata Property Act*.**

**If the loss originates from a particular strata unit, a \$500,000 deductible can be legally shifted to the unit owner. If the latter is legally responsible, a unit owner can be legally responsible for the entire deductible even if that unit owner was not careless or negligent.**

**If the water loss arises from within the common property there is no legal recourse. The unit owners will have to bear the loss as a special levy or have it paid from the Contingency Reserve Fund (if available).**

5. Landscaping: No report available.
6. Fire Inspection: Fire Pro Fire Protection completed the annual fire inspection December 7<sup>th</sup> through the 9<sup>th</sup>. The following units were not available to complete the mandatory testing of the fire safety equipment as per the City of Vancouver Fire Codes. Townhouses 1733, 1763, 1767, 1773, units 2407, 2202, 2107, 2003, 1905, 1605, 1503, 707, 606, 405, 402.

A report and quote was received from Fire Pro outlining several common area deficiencies along with the smoke detector replacement required in units: 2506, 2406, 2305, 2105, 2006, 1902, 1807 (x 2), 505, 408, 401. The agent was directed to obtain a second quote from GE Security to complete the outstanding deficiencies and testing of the fire equipment systems in the units not accessed during the first visit.

A locksmith will be contacted to access units not available as per the strata corporation bylaws and owners will be charged the cost for the locksmith and share cost of the second visit.

7. Smoke Detectors: The council approved GE Security at a cost of \$11,563 to replace 96 common area hallway smoke detectors which had failed causing the fire alarm to sound on numerous occasions.

**IMPORTANT: Residents are required to take fire alarms seriously and leave the building when the alarm sounds until the fire department can determine the cause. The building did experience a fire within a unit last year which caused severe water damages in 41 units.**

8. Rules: Council member, Liz Faulkner, presented a revised draft of the strata corporation's rules for council's review. Following discussion, the proposed amendments were approved. Residents are encouraged to review the strata corporation's rules and bylaws on the strata's website: [www.thepark.ca](http://www.thepark.ca) .

## **CORRESPONDENCE**

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

1. Council received a letter from an owner outlining concerns with the in-house plumber, Milani Plumbing.
2. Correspondence was received from the owner of unit 2005 requesting council's approval to complete bathroom renovations. The agent was directed to submit a letter of approval with the condition that the strata corporation bylaws are strictly adhered to and memos are submitted to neighbouring units and the building manager with the time frame of renovations.

## **WATER SHUTDOWNS**

**IMPORTANT: Residents are required to contact VCS or the building manager to schedule water shutdowns to complete plumbing repairs with the condition of the plumbing system and the council has requested all plumber repairs be completed by Milani Plumbing who is very familiar with the plumbing systems.**

3. A letter was received from the owners of unit 1707 requesting council's approval to install hardwood floors. The agent was directed to submit a letter of approval with the following conditions:
  1. To absorb noise and the maximum available soundproofing (68-73 sound transmission rating) must be installed between the hardwood and the underlying structure. A copy of the invoice and details of the manufacturer specifications must be submitted to VCS.
  2. Area rugs are to be laid in high traffic areas.
  3. Shoes should not be worn inside the unit while walking on the hardwood floor.
  4. Memos should be submitted to neighbouring units and the building manager with the timeframe of renovations.
  5. All bylaws pertaining to renovation/alterations of the strata corporation must be strictly adhered to at all times without exception.

The strata corporation's insurance policy does not provide coverage for improvements or betterments. It is the responsibility of the resident to obtain separate insurance for the hardwood flooring.

## **NEW BUSINESS**

1. **Unauthorized Renovation:** It was brought to the council's attention on December 23<sup>rd</sup> that the owner of a unit on the 20<sup>th</sup> floor was completing renovations without obtaining council's approval which is in violation of the strata corporation bylaws 7.3 and 7.4.

*7.3 An owner intending to apply to the Strata Corporation for permission to alter a strata lot must submit an application in writing, with detailed plans and written description of the intended alteration.*

*7.4 An owner must obtain all applicable permits, licenses and approvals from the appropriate government and professional authorities and provide copies to the Strata Council before work commences.*

The owner was required to stop all work until a letter outlining details of the work was submitted for council's review and approval.

A letter of apology was received from the owner along with the details of the renovations (flooring replacement and bathroom renovations).

The council directed the agent to submit a letter of approval with the condition that the strata corporation alteration/renovation bylaws are strictly adhered to, the required sound proofing is installed between the hardwood and underlying structure and memos are submitted to neighbouring units and the building manager with the timeframe or renovations.

2. **Unit 2408/Leak/4 units / Unit 2303 leak/4 units:** Within the last month, Milani Plumbing was contacted to investigate two separate leaks. During the investigation of the source of the leaks, the plumber and building manager were unable to access several units as no emergency contact number or keys were available to access units. A locksmith was contacted (owner's cost) but the delay was costly to the strata corporation with additional damages and plumber costs.

The council has agreed to complete the drywall repairs (original paint only) in the affected units as the cause of the leaks were burst pipes within owners' walls; however, owners are responsible to contact their personal insurance for flooring replacement.

### **IMPORTANT**

**Residents are highly encouraged to leave a key to access their unit with the building manager in case of emergency. (Keys will be stored in high security lock box). Delayed access to units could cause additional damages for the strata corporation and owners along with unnecessary extra plumbing costs.**

It was also brought to the council's attention that during an investigation last week to determine the source of a leak, the building manager contacted a tenant to provide access

and was told to return after 5:00 p.m. (which is double time for the cost of the plumber). The council has implemented a policy that units not available to complete urgent investigations will be charged for the cost of the locksmith and plumbers extra cost while waiting to access the unit. Residents who refuse to provide access during the day will be charged a minimum of \$350.00 to pay for the overtime cost of the plumber.

The strata council will not authorize any unnecessary overtime plumbing investigations.

3. Sink/Sewer Backups: Milani Plumbing has been contacted in several occasions to investigate sewer and sink backups and discovered severely blocked drains/pipes from grease and too much soap (washing machine/dishwasher).

Reminders:

- As the water in Vancouver is extremely soft and soaps are extremely concentrated, residents are highly recommended to cut the amount of soap in half. More soap does not make cleaner clothes, but could cause costly damages to the owners from backups.
- Cooking oil, grease etc. should be put in a container and disposed of in the garbage and not poured down the kitchen sink drain, as this has proven to be the source of sink/drain backups causing costly repairs to residents who fell victim to another resident's abuse of pouring grease/oil down their sinks.

There being no further business, the meeting was adjourned at 8:50 p.m. The next council meeting will be held on Tuesday, March 9, 2010 at 6:00 p.m. and followed by the Special General Meeting, Thursday, March 11, 2010 for the Special General Meeting at 6:00 p.m.

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