

MINUTES OF SPECIAL GENERAL MEETING STRATA PLAN LMS-3432 THE PARK

HELD: On Wednesday, March 26, 2008 7:00 p.m. in the Amenities Room, 1723 Alberni Street, Vancouver, B.C.

PRESENT: 94 owners in person or proxy, as per the registration sheet.

STRATA AGENT: Bunny Porteous, Vancouver Condominium Services Ltd.

QUORUM REPORT

There being a quorum present, the meeting was called to order at 7:10 p.m.

ELECTION OF CHAIR

It was agreed that Bunny Porteous chair the meeting.

PROOF OF NOTICE

It was moved, seconded and carried to accept the notice dated March 5, 2008 as proper Notice of Meeting.

APPROVAL OF AGENDA

It was moved, seconded and carried to accept the agenda distributed with the Notice of Meeting, with the following amendment:

3/4 Vote Resolution #2 – Interior Painting entered as the last resolution of the night.

3/4 VOTE RESOLUTIONS

The following $\frac{3}{4}$ Vote Resolution #1 was distributed to the owners for their consideration:

3/4 VOTE RESOLUTION #1 - SECURITY CAMERA SURVEILLANCE SYSTEM

WHEREAS The Owners, Strata Plan LMS-3432, wish to install a camera surveillance system at The Park, 1723 Alberni;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners, Strata Plan LMS-3432, that a sum of money not exceeding \$20,000 be spent for the purpose of upgrading the security at The Park with the installation of a security camera surveillance system, such expenditure to be charged against the Contingency Reserve Fund.

Mr. Ravi Singh, chair of the Security Committee, reviewed details from proposal received from two security companies to install a camera surveillance system around the building. There was a lengthy question and answer exchange with owners who were supportive of the initiative. Council reminded the owners that a camera surveillance system is an additional source of security and owners must be vigilant in not allowing strangers into the building, ensuring doors and parkade gates are closed behind them while entering and exiting.

Following discussion, it was moved, seconded and **carried** by more than 75% of the vote to adopt the 3/4 Vote Resolution #1 – Security Camera Surveillance System (84 in favour, 5 opposed, 5 abstentions).

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3/4 VOTE RESOLUTION #3 - BYLAW AMENDMENT

The following $\frac{3}{4}$ vote resolution was presented to owners for their consideration:

WHEREAS The Owners, Strata Plan LMS-3432, pursuant to Division 2 of Part 7 of the Strata Property Act, S.B.C. 1998, may amend the bylaws of their Strata Corporation;

AND WHEREAS The Owners, Strata Plan LMS-3432, wish to amend the bylaws of their Strata Corporation;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners, Strata Plan LMS-3432, that the bylaws of their Strata Corporation be amended as follows, such amendments to be effective upon the filing of an Amendment to Bylaws in prescribed form in the Land Title Office:

Replace Bylaw 29.7 which reads:

29.7 All new residents must pay a non-refundable moving fee of \$50.00, 48 hours prior to moving.

To read:

29.7 All new residents must pay a non-refundable moving fee of \$200.00, 48 hours prior to moving.

Replace Bylaw 29.9 which reads:

29.9 A resident contravening the moving bylaws and rules will be subject to a fine of \$100.00

To read:

29.9 A resident contravening the moving bylaws and rules will be subject to a fine of \$200.00

Add the following Bylaw:

- 10.2 Where the strata corporation or its representatives require access to a strata lot to carry out regularly scheduled inspections/servicing, such as in respect of in-suite smoke detectors, fire alarms, fireplaces, dryer ducts and vents, plumbing and electrical wiring or otherwise, access must be provided at the time(s) specified in the notice circulated to owners, unless other arrangements are made in advance between the owner/occupant of a strata lot and the strata council. If any such inspection/service visit has to be re-scheduled due to the failure of an owner or occupant to comply with the foregoing, it shall be done at the cost of the owner. All charges incurred as a result will be become due and payable immediately.

Add the following Bylaw:

- 28.2(1) The strata corporation may do what is reasonably necessary to remedy a contravention of its bylaws or rules, including
- (a) doing work on or to a strata lot, the common property or common assets
 - (b) Removing objects from the common property or common assets.
- (2) The strata corporation may require that the reasonable costs of remedying the contravention be paid by the owner responsible, who may also be fined for the contravention.

A motion was presented and seconded to amend Bylaw 29.7 to read: *All new residents must pay a non-fundable moving fee of \$100, 48 hours prior to moving.* The motion was **defeated**.

Following discussion, it was moved, seconded and **defeated** to adopt $\frac{3}{4}$ Vote Resolution #3 - Bylaw Amendment (68 in favour, 25 opposed, 1 abstention).

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3/4 VOTE RESOLUTION #4 - RENTAL BYLAW AMENDMENT

The following $\frac{3}{4}$ vote resolution was presented to the owners for their consideration:

WHEREAS The Owners, Strata Plan LMS-3432, pursuant to Division 2 of Part 7 of the Strata Property Act, S.B.C. 1998, may amend the bylaws of their Strata Corporation;

AND WHEREAS The Owners, Strata Plan LMS-3432, wish to amend the bylaws of their Strata Corporation;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners, Strata Plan LMS-3432, that the bylaws of their Strata Corporation be amended as follows, such amendments to be effective upon the filing of an Amendment to Bylaws in prescribed form in the Land Title Office:

By adding a new Division 8 entitled "Rentals", and including the following new bylaw 36 within that division:

36. Rental Restrictions

36.1 Subject to the provisions of this bylaw strata lots shall be owner-occupied only, with the following considerations and exceptions:

- (a) at any given time up to 35% of the strata lots at The Park may be leased for tenants of not less than one month, and the procedure to be followed by the strata corporation in administering this limit will be as follows:***
 - (i) any owner wishing to rent a strata lot must make an application in writing to the council;***
 - (ii) 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;***
 - (iii) 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;***
 - (iv) the council will consider each application upon receipt and will respond to each application in writing within one week of receipt;***
 - (v) 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;***
 - (vi) upon acceptance of an application to rent, an owner must enter into a lease of a strata lot within three (3) months 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***
 - (vii) an owner may continue to lease his or her strata lot until the earlier of the date such owner moves into the strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.***
- (b) notwithstanding paragraph (a), where cases of 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 hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;***
- (c) this bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:***
 - (i) the spouse of the owner;***
 - (ii) a parent or child of the owner; or***
 - (iii) a parent or child of the spouse of the owner,***

where "spouse of the owner" includes an individual who has lived and cohabitated 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;

- (d) where, on the date when this bylaw was passed, an owner is then renting a strata lot to a tenant pursuant to a tenancy agreement entered into before this bylaw was passed, this bylaw does not apply to such strata lot until one year after the tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy the strata lot as a tenant. In all other cases, this bylaw does not come into effect until one year after it is passed; and
- (e) before all or part of a strata lot is leased (whether pursuant to paragraph (a), (b) or (c) above), the owner/landlord shall give the prospective tenant a copy of the current bylaws and rules of the strata corporation and a Form K Notice of Tenant's Responsibilities, and within 2 weeks of renting, shall give a copy of that Form, signed by the tenant, to the strata council or the property manager.

36.2 The strata corporation is entitled to impose a fine of up to \$500 for a contravention of bylaw 36.1, other than paragraph (e), in respect of which a fine of up to \$200 may be imposed. Further, the strata corporation may impose any such fine every 7 days for so long as the contravention continues.

36.3 Any fine or penalty assessed against the strata corporation by the City of Vancouver or any other outside body with jurisdiction to do so, in respect of the rental of all or a part of a strata lot, may be charged back to the owner(s) whose act or inaction gave rise to the fine or penalty.

Following a lengthy discussion, it was moved, seconded and **defeated** to adopt $\frac{3}{4}$ Vote Resolution #3 - Rental Bylaw Amendment (54 in favour, 40 opposed, 0 abstentions).

An owner recommended the council propose a bylaw rental restriction allowing strata lots to be leased for not less than six months. The council will propose the bylaw at the next council meeting.

The strata council advised the owners, that units noted to be renting for less than 30 days will be reported to the City of Vancouver, and a \$2,000 City of Vancouver bylaw violation fine could be charged against the owners' strata lot. All owners are required to submit a Form K for their tenants (all tenancies 30 days or longer) as per the strata corporation bylaw 6.1:

6.1 Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.

Owners noted in violation will be assessed a \$200 bylaw violation fine against their accounts.

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3/4 VOTE RESOLUTION #2 - INTERIOR PAINTING

The following $\frac{3}{4}$ vote resolution was presented to the owners for their consideration:

WHEREAS The Owners, Strata Plan LMS-3432, wish to complete the interior painting of the common area hallways;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners, Strata Plan LMS-3432, that a sum of money not exceeding \$10,000 be spent for the purpose of completing the interior painting of the common area hallways, such expenditure to be charged against the Contingency Reserve Fund.

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Following a short discussion, it was moved, seconded and **carried** to adopt the $\frac{3}{4}$ Vote Resolution #2 – Interior Painting (87 in favour, 2 opposed 0 abstentions).

There being no further business, the Special General Meeting was adjourned at 8:30 p.m.

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BP/mc

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.