

The Owners Strata Plan LMS 1866 Commercial **DRAFT**  
Annual General Meeting  
Wednesday, May 30, 2012 at 6pm  
970 Burrard Street, Vancouver, BC -1st floor Commercial Boardroom

**Present:**

John Davies, President  
Keith Hyde, Vice-President  
Amanda Lu, Treasurer  
Gene Cherneski, Director

Notes:

- Resolutions approved by show of hands unless otherwise noted.
- Owners asked to signify approval or disapproval.

1) Quorum:

Quorum checked by President at 6:15 pm which was insufficient. The announcement was made to wait until a quorum was available as owners were still in the process of registering their attendance which concluded at 6:30 pm.

A quorum was determined at 6:35 pm by the President with a total of 45,467 units entitlements (77.5%) out of a total of 58,657 unit entitlements present in person or by proxy. The meeting was called to order at 6:45 pm by the President.

a) Majority Vote Motion: To receive the quorum report from the meeting Secretary.

**Motion by Strata Lot 317, Second by 349. Carried.**

2) Elect a person to share meeting, if the president and vice president decline.

a) Majority Vote Motion:

**To approve Susan DeBeck as chair of the Annual General Meeting.**

**Susan thanked the Council for their work in the past six months. John Davies kept the speakers' list.**

3) Notice of Meeting Report:

a) To receive the report of the meeting secretary that the notice of this meeting was posted in accordance with the provisions of the Strata Property Act on May 9<sup>th</sup>, 2012 as well as to call the Roll and to certify proxies presented for this meeting.

**Motion by Strata Lot 348. Second by Strata Lot 349. Carried.**

4) Agenda approval

a) Majority Vote Motion: To approve the meeting's agenda

**Motion by Strata Lot 304. Second by Strata Lot 409. Carried.**

5) Minutes:

a) Majority Vote Motion: To approve the minutes from the previous Annual General Meeting held on May 30, 2011 at circulated in the AGM package.

**Motion by Strata Lot 348. Second by Strata Lot 409. Carried.**

b) Majority Vote Motion: To approve the minutes from the Special General Meeting held on November 23, 2011 as circulated in the AGM package.

Amended motion made by Peter Morgan, Strata Lot 317:

Regarding the minutes of the Special General Meeting, that they should be amended as an owner challenged the calculating voting method of unit entitlement. The commercial strata lawyer ruled that the current voting method of unit entitlement as correct.

**Motioned by Strata Lot 317. Seconded by Strata Lot 348. Carried.**

Majority Vote Motion: To approve the amended minutes from the Special General Meeting held on November 23, 2011.

**Motion by Strata Lot 349 Seconded by Strata Lot 398. Carried.**

6) Board Reports:

a) President's Report (see page 29 – 30 for written report):

i) Comments on the previous year;

ii) Report on insurance coverage (see pages 21 – 28 for policy details);

(1) Majority Vote Motion: To receive the report on insurance coverage.

**Motion by Strata Lot 317. 2<sup>nd</sup> by John Davies. Strata Lot L11. Carried. One opposed, Strata Lot M01.**

(2) 3/4 Approval Resolution: BC Hydro antenna (see page 31 – 39)

iii) Majority Vote Motion: To receive the President's report

**Motion by Strata Lot 432. 2<sup>nd</sup> by Strata Lot 279. One apposed, Strata Lot 317.**

Amended motion by Peter Morgan that the \$16,000.00 in the special levy account for replacing the building fin lights in the fins with LED lights as per section 108.(5) of the strata property act to the owners.

**Motion by Peter Morgan, Strata Lot 317. 2<sup>nd</sup> by Strata Lot 279  
Vote – In Favor-none Opposed-none**

Amended motion to carry the \$16,000.00 from the special levy account forward for 2013 and if not spent by this time in 2013, it will be returned.

**Motioned by Strata Lot 403. 2<sup>nd</sup> by 348. Carried. One opposed. One abstention.**

b) Treasurers Report:

Comments on the previous and new fiscal years;

(1) Financial Statements April 1, 2011 – March 31, 2012 (p. 41 – 50)

(2) Proposed Budget April 1, 2012 – March 31, 2013 (p. 51)

(3) Majority Vote Motion: To receive the Treasurers Report, Balance Sheet, Financial Statement of Revenues and Expenses and preliminary audit

figures as circulated in the AGM package.

**Motion by Strata Lot 409. 2<sup>nd</sup> by Strata Lot 417. Vote carried.**

ii) Fire Costs and Insurance Recovery:

(1) Comments from the Treasurer

(2) Majority Vote Motion: To receive the Treasurers Report on Fire Costs and Recovery

**Motion by Strata Lot 403. 2<sup>nd</sup> by Strata Lot 349. Carried unanimously.**

(3) HST Status Report

(a) Comments from the Treasurer

(b) Majority Vote Motion: To approve the Treasurers Report on the HST Status.

**Motion by Strata Lot 422. 2<sup>nd</sup> by Strata lot 407. Carried unanimously.**

iii) Budget presentation and comments

(1) Majority Vote Motion: To transfer the operating surplus from fiscal 2012 of \$40,085.59 to replenish the Commercial Section's portion of the Strata's Contingency Reserve Fund

**Motion by Strata Lot 432. 2<sup>nd</sup> by Strata Lot 398. Carried unanimously.**

(2) Majority Vote Motion: To approve the Operating Budget for 2012/2013 as circulated in the AGM package

**Motion by Strata Lot 279. 2<sup>nd</sup> by Strata Lot 409. Carried. One opposed, Strata Lot 317.**

**New Business:**

Peter Morgan spoke re bullying.

John Davies spoke of bullying.

Keith Hyde spoke regarding the resenting of accusations by Peter Morgan.

Tony Lum spoke regarding invoices.

Peter Morganspoke of the conflict of interest

Motion by Mark Bentz, Strata Lot M35, that an independent committee be formed to discuss all issues on the basement level and bring back a report to the owners at a Special General Meeting. 2<sup>nd</sup> by Strata Lot 349. Carried unanimously.

A motion by Johan Arnet, Strata Lot 432 that: where no member of the independent committee shall be party to AEBC or on the current Strata Council.

Motion by Strata Lot 432. 2<sup>nd</sup> by Strata Lot 349

In favor 8 votes

Opposed 33% / 77% Defeated.

## 8) Election of new council

The Commercial Section council members must resign at this point in the meeting, so that a new Council can be elected.

Per our Bylaws and the Strata Property Act:

The Members of the Commercial Section Council shall be elected by and from amongst:

- The owners of the Commercial Section (but only one person may represent a corporate owner on council), and
- Tenants with leases of more than two years remaining on commercial strata lots (and the tenants must also provide written proof upon registration that they have been assigned their landlord's right to stand for council under sections 147 or 148 of the BC Strata Property Act)

Any person at the meeting may nominate an owner to stand for election, or an owner may nominate themselves. Those who were on council just ending may be nominated for another term. A person nominated must say whether they accept or decline the nomination, or, if they aren't there in person, provide a signed letter confirming their agreement to stand.

There are a minimum of three and a maximum of four positions available, all with a one year term.

If more than four people are nominated, an election is required. A secret ballot will be held, with the four receiving the largest number of votes declared elected. Two volunteer scrutineers will be asked by the chair to help with counting the ballots.

If only three or four people are nominated, they are considered elected by acclamation, and no vote is required.

The nominations for Council put forth were as follows:

Johan Arnet

Gene Cherneski

John Davies

Keith Hyde

Amanda Lu

Tony Lum

Peter Morgan – Tony Lum nominated Peter Morgan. Mr. Morgan declined the nomination.

The results on the vote by the Owners/Proxies of the nominations for a new Council were:

Gene Cherneski

John Davies

Keith Hyde  
Amanda Lu

New business:

Election of a new independent committee for basement issues.

**Motion by Strata Lot 295. 2<sup>nd</sup> by Strata Lot 348. Carried.**

Motion by Peter Morgan, Strata Lot 317 that no property manger by hired for the Strata Corporation and that the commercial strata lawyer confirms that the bylaws support the proposed operation of the property manager.

**Motion by Strata Lot 317. 2<sup>nd</sup> by Strata Lot 432. Not passed.**

Adjournment: 10:25 pm