

COMMERCIAL COUNCIL MEETING October 21st, 2011 - DRAFT MINUTES

Present: Peter Morgan, President, Chair
Amanda Lu, Treasurer
Johan Arnet, Vice-President

Regrets: Peter Cheung, Secretary

Guests: Alan Davis, Building Manager
John Davies, owner
Trevor Boudreau, Residential Council Secretary, Residential Section
Simon Chan, Commercial bookkeeper
Glen Lum owner
Tony Lum, owner

1. **Call to Order:** Meeting was called to order at 2:05 PM by Mr. Morgan, Chair, who declared a quorum.
 - a. Agenda Changes: Amanda Lu requested to add the AEBC air-conditioning follow-up on this agenda as last item on the Financials and before the Presidents report.
 - b. John Davies – owner request AGM apology letter to be mailed out along with minutes.

2. Review of minutes of September 16, 2011 meeting.

Amanda Lu requested amendments to the minutes of September 16th, 2011.

Item 5. Legal opinion on interest allegations.

Amanda Lu opposed the acceptance of the content of the letter but acknowledged the receipt of the letter.

Item 6 e. Coast Mountain Air was asked by President Morgan.

Motion (Arnet / **Morgan**): To authorize up to \$27,000 to repair or replace the basement air conditioning.

Director Lu opposed the approval but added on one condition for Director Lu to provide evidence in regards to the air-conditioning system of the basement being AEBC's responsibility.

Motion to approve the amended minutes for September 16, 2011: (Arnet/Lu). Carried.

3. Bylaws procedure presentation – Residential / Commercial Sections
Presentation by Trevor Boudreau, Residential Council – Secretary

Mr. Boudreau discussed the possibility of forming a joint governance committee comprised of both residential and commercial sections to modernize the joint bylaws of the entire building with guidance from legal counsel. Mr. Morgan stated that the Commercial Section bylaws were updated in 2009 and again in 2010. He also stated that there have been numerous changes since 2003 when the last strata bylaws were written and agreed that the bylaws for the entire building should be merged and that each section should also continue to have bylaws pertaining to their respective areas.

It was noted by Mr. Morgan that it may not be possible to re-write the bylaws before the next AGM but that both section should work on developing a timeline.

Peter Morgan volunteered to be on the committee for the Commercial section.

4. Christmas Holiday party planning with the Residential section.
The Residential section has sent Commercial Council an invitation for Commercial owners to attend the annual Christmas party.

Motion: To share, on a 60/40 split, a budget of \$1,500 for implementing 2011 holiday-party festivities to be planned by Residential and Commercial representatives to be appointed by the respective sections' councils.

Motion by Johan Arnet, 2nd by Amanda Lu. Carried.

Volunteer Committee: Trevor Boudreau, Residential Section and Amanda Lu, Commercial Section.

5. Owner's requests:

- a. Standard common-property usage rate for owners:

Johan Arnet spoke on this item questioning setting up a fixed rate. He indicated that outside rates ie BC Hydro should be higher than strata owner rental rates. Storage not being used frequently should be rented at a reduced rate and that owners should have a preferred rate versus third parties. It should be based on a case by case basis.

Proposed Motion: That the standard rental, lease or license rate for owners occupying Commercial Common property be set at \$1/square foot per month for any new or renewing agreements as of today.

Motion by Peter Morgan, 2nd by none. Motion not carried.

- b. AEBC request to license a defined portion of the Commercial roof for reception-only satellite dishes (Info from AEBC) – Tony Lum, CEO of AEBC.

Amanda Lu spoke on this item indicating that this would change the look of the common area of the property and should go to the all owners of the building for a vote. This change should also be reviewed and approved by the City of Vancouver Heritage Department. Furthermore, the unreasonable one day review time for AEBC proposals does not allow for a proper assessment.

Tony Lum indicated that this did not need a 75% vote because it is not required for Licensing.

Proposed Motion: To approve installation of AEBC satellite dishes on the Commercial roof as per presentation, with the Commercial president and lawyer to negotiate a license and rate for the area used by the footprint of the dishes as required, with any Commercial Section costs incurred to be paid by AEBC.

Motion by Peter Morgan, 2nd by Johan Arnet. Carried.

Amanda Lu objected to the motion.

- c. AEBC / Commercial Electrical panel issue – Tony Lum

There are three live wires in the control room B17. Pump and boiler are far away from the unit. Mr. Lum proposes to relocate the three wires and clean up the area.

Motion to remove the electrical panel and provide a plan to retain the heritage value.

Motion by Peter Morgan, 2nd by Johan Arnet. Carried.

d. Apology letter re May 2011 AGM:

John Davies, owner of strata lot 425, requests a written apology to be forwarded to all owners by Peter Morgan as chairperson for introducing and reading two defamatory and factually incorrect letters from a former tenant and a former owner misrepresenting the bylaw enforcement conducted by LMS 1866 commercial.

John Davies - an owner proposed that a letter of apology should go out to the owners with the minutes.

Motion: Johan Arnet. 2nd by Amanda Lu. Motion carried.

6. Building Manager's Report – Alan Davis

a. (Alan, Peter, Johan) Attempted break-in, Hyrise Produce and Electra Laser, Oct 10 and retail corridor security issues involved.

Proposed Motion: To reset the opening time for the retail corridor doors at its Nelson and Hornby entrances to 8:55 AM daily except on public holidays when the doors will automatically remain locked and on the occasional Sunday when all businesses along the corridor advise the Building Manager they will be closed.

Proposed Motion: Closing time of the retail corridor doors at its Nelson and Hornby entrances to be adjusted each day by the Building Manager between 7 PM and 9 PM to temporarily accommodate client-appointment schedules of a late-opening owner while a more consistent closing time is researched.

b. Water pipe repair project – Commercial status

Proposed Motion: That the project described be funded by the existing Water Pipe Repair Project special levy

c. First floor women's washroom issue

d. Building-wide water shutdown pending for pressure-meter repair

e. Doorframe damage - Room 222 and 2 other related doors

f. Any other operational comments. Alan to add check valves, heating valves

7. Financials (Treasurer Amanda Lu and accountant Simon Chan)

a. Monthly financials and their highlights (to Sept 30)

Motion by Amanda Lu to transfer \$161, 520. 93 from operating into the CRF. 2nd by Johan Arnett. Motion carried.

Motion by Amanda Lu to send a letter to the Electra residential section requesting the outstanding balance owed to the commercial section. 2nd by Johan Arnet. Motion carried.

b. Recommendation on annual interest rate charged on delinquent owner accounts (see background on last page of this document):

Proposed Motion by Peter Morgan: That [4.5%] be set as the annual interest rate for overdue owner's accounts per Commercial Bylaws 71 and 72 (see report on last page of this agenda).

Amended motion by Peter Morgan that 4.5% be charged for accounts overdue past 15 days in addition to the \$50 late payment fee. 2nd by Amanda Lu. Motion carried.

c. Any other financial comments

AEBC air-conditioning follow-up.

Amanda Lu provided copies of blueprints regarding the basement of the commercial section. The blueprints indicate the basement was storage at the original time of sale. Therefore, the cost of installation of working air-conditioning should be at the expense of the owner.

Johan Arnet suggested Tony Lum pay the cost of the unit and installing it and that the Strata Corporation provide the maintenance thereafter.

Peter Morgan presented his view that the air-conditioning in the basement should be reconnected.

Motion by Johan Arnet to install air conditioning at the owner's cost and that the Strata Corporation would look after the maintenance. A comparison was made regarding another owner who had installed an air-conditioning unit at their own expense and the required maintenance be maintained by the Strata Corporation.

A motion by Johann Arnet to have the owner of AEBC bring air-conditioning online at a serviceable level at their expense.

A further motion by Johan Arnet to inform AEBC that due to the original condition of the air-conditioning units, it is the position of the Commercial Council that the owner bear the sole expenses to remediate the air-conditioning system in the basement after which time the Strata Corporation would provide maintenance.

Peter Morgan brought forward an amended motion that the work be carried out to the standards indicated by Coast Mountain Air and by a building heritage contractor.

Motion by Johan Arnet. Ammended motion by Peter Morgan. 2nd by Amanda Lu

8. President's Report

a. Grease traps issues report:

- i. Proposed Motion: Owners with one or more grease traps installed on their premises may allow them to be cleaned by employees at least every 60 days, but must require an independent contractor to clean them at least once per year, and owners must provide a record to the Building Manager upon occasional random request that shows the dates and the name of the employee or contractor who cleaned the traps.

Motion by Peter Morgan. 2nd by Johan Arnett. Motion carried.

- b. Annual sump cleaning on Oct 19 as it affects Commercial retail, and consideration of retail sewage line
Peter Morgan to fill in.

c. Fines in process:

- i. Owners of M34, M36, M38 and M38 – 970 Burrard (Scotiabank)

The owner has been fined as they have not sent the required documents for the renovations.

- ii. L-05, 955 Hornby - Newspapers in window.

Proposed Motion: That the \$50 fine imposed by default on the owner of L-05, 955 Hornby be withdrawn due to the circumstances of their compliance.

Motion by Peter Morgan to reverse the fine. 2nd by Amanda Lu. Motion carried.

d. Previous fines:

Status of \$1,645 in fines imposed and paid during fiscal 2010/2011 re Bylaw 78 process (see attached spreadsheet PDF):

i. Proposed Motion: To return to owners any fines imposed on them by Commercial Council from June 1, 2010 to May 30, 2011, and which were paid, due to procedural irregularities in following the process required by Commercial Bylaw 78.

Motion by Peter Morgan. 2nd by Johann Arnet. Motion carried.

Amanda Lu opposed in reversing the fines.

ii. Proposed Motion: To cancel and remove from owners accounts any fines and related interest imposed by Commercial Council from June 1, 2010 to May 30, 2011, and which were not paid, due to procedural irregularities in following the process required by Bylaw 78.

Motion by Peter Morgan. 2nd by Johan Arnet. Carried.

e. Commercial Bylaws amendment status.

Privacy Act – Motion???? By Peter Morgan. 2nd by Amanda Lu.

f. Hallway painting project (Floor from Fringe [Commercial] and Lower Main [Strata]). Not discussed.

g. Meeting to be set with auditor re details of audit and bylaw requirements for major equipment depreciation report and re aid with prep of 5/10-year outlook reports. Not discussed.

h. “Occupy Vancouver” protest preparations and first-weekend status. Not discussed.

i. Report from Electra Commercial Privacy Officer regarding owner allegations of violations re the minutes are reported (Peter Cheung). Not discussed.

j. FYI: Strata projects – Any questions on these? Not discussed.

i. Fire alarm system replacement status

ii. Arborist work

iii. Commercial bikes in residential bike room

iv. Repair of mosaic tiles

v. Check valve repair (sump line 2)

vi. Sump cleaning (and alley drain cleaning)

vii. Plaza no-slip: cleaning, maintenance status

viii. Planter leak adjacent to biz entrance

ix. B-10 ground water leak status and investigation report

x. Sept 2010 incident – outstanding invoices reduced from \$609,695 to \$45,312, and that amount is withheld on legal advice

New Business

Meetings adjourned at 3:54 pm