

Electra

*Strata Corporation LMS 1866 – Electra Commercial Section
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Minutes of the Board of Directors Meeting

Electra Commercial Section

Thursday, May 21, 2009 in the Commercial Boardroom

Note that these are draft minutes; corrections, if any, will be reported in subsequent minutes

Present: John Davies (president), Mark Bentz (vice-president), Tony Lum (treasurer), Keith Hyde (director)

Guests: Peter Morgan of Morgan:Newsletters (minutes), Simon Richard and Leoni Doukoure of Paragon, Martha Welsh of Plan A Strategies

1. President Davies called the meeting to order at 3:05 pm and declared a quorum.
2. **Motion:** To approve the minutes of the Commercial Section meeting for March 16, 2009 as circulated. Carried.
3. **Request to use the Commercial Boardroom by Unit 114 for regular presentations and sales meetings at specific times on an on-going basis.**

Mr. Richard, representing his leasehold tenant, outlined the nature of the request and the rationale for it, noting that such presentations were a part of his tenant's business.

Various members of the Board explained that the idea of the Commercial Boardroom was to be for ad hoc or spontaneously planned meetings and its use and booking was to be as informal as possible, so as to make it easy for all Commercial owners to use it at times convenient to them. It was also noted that the tenant had originally attempted to pre-book the room every Thursday on the calendar adjacent to the room from May until the end of the year, late in the day.

When this was discovered, the calendar was replaced with a new one and meetings were held with the tenant to let him know that this was not considered to be a proper use of the boardroom, such requests were made occasionally and that others had understood the situation and agreed not to use it in such a way. It was also explained that the Board preferred to make as few rules as possible about its use to maintain the informality of it.

There was also discussion about the fact that rules about sounds in using the boardroom must also be respected because there are surrounding offices and the acoustics are poor.

However, the tenant strongly persisted, suggesting that his proposed use was enabled by his payment of maintenance fees. The subsequent difficulties that ensued made it necessary that Mr. Richard was now asking the Board for approval.

It was noted that a Board committee was being formed to deal with the acoustics issues, and Mr. Richard wondered if it was possible to allow his tenant the proposed use until the acoustics had been resolved. Board members felt that the Committee's work had only just begun and that it would likely be a long process, given the nature of the building, the room and the requirements.

It was also noted that various other rooms in the building were offered at various rates for the meetings but these had so far been declined.

Motion to decline the requested use: Carried.

Action: The first meeting of the Boardroom Acoustics Committee was set for the Boardroom at 3 pm, Tuesday, May 26, 2009. The offer of Mr Richard and Ms Doukoure offer to help with the issues was welcomed by the Board. Others also volunteered to take part in the Committee, including Peter Morgan, Ms. Welsh, Mr. Davies and Mr. Hyde.

Motion: To bring forward agenda item #3, regarding updating Boardroom rules, and tabling until a future meeting: Carried.

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Mr. Richard and Ms. Doukoure left the meeting.

4. Request to display a company's signage to the Commercial Tower Lobby from the entrance to the north hallway.

A retailer moving into an office in the north hallway that has a door to the lobby requested permission to set up a self-standing sign about their business at the doorway so it could be seen from the lobby.

It was noted that this was in contravention of the Building's office tower signage policy, and that if it were allowed, other companies would make similar requests and introducing a number of difficulties in the appearance and administration of the building. There was also some discussion among Board members as to whether it would be possible to establish more formal direction-type signage in the area, but this too produced its own set of difficulties there and elsewhere.

Motion to decline request: Carried.

5. Financials and Treasurer's Report (Lum)

Mr. Lum's Report:

- i. A \$5,000 insurance rebate in connection with a flood was paid and received by us. The insurance company was successful in convincing a company called FirePro, which caused the flood, to pay for a deductible in the matter.
- ii. The Maintenance budget to date was about \$1,000 above expectations due to some problems with the HVAC system that required repair.
- iii. The steam costs for heating were above normal because April was a particularly cold month and it required steam to be acquired around the clock during the month. However, Mr. Davies noted that once the weather warms up, it should be possible to turn off the steam for several months.
- iv. Electrical power costs are lowering now that we have reset the correct schedules for our heating and air conditioning system. Mr Lum said he expected the building would use more power for the chiller in the summer due to warmer weather but that he expected the budgeted amount to be sufficient to cover this major recurring expense.
- v. The mechanical systems projects of replacing pumps and valves was continuing. Mr. Lum expected that 10 more valves would likely be replaced this year.
- vi. During the review of Commercial property locations that was part of the work necessary for a court declaration — see item 10 below — it was discovered that the communications relay dish lease on the roof is actually on Commercial property, and the revenue does not have to be shared with Residential. Mr. Lum says he expects expecting to receive 100% of the lease cash-flow, about \$800, starting in June. He is working on the issue with Bob Nash of BC Hydro, which owns the dish, and he is working with Facilitatech to get this sorted out.
- vii. The cost of legal fees should be dropping as issues are now being resolved much more easily with Residential (See item #9).

Motion to accept the Financials as circulated, and the Treasurer's Report: Carried

6. Wind Storm Damage Repair Report (Davies, Lum)

The contractor has begun taking scaffolding to the room to begin the repair's completion. Some work can be done now, but it will require a longer stretch of warm weather to allow the sealing chemicals to work before it can be finished. This is a common project to complete the repair of the wall and tiling on the mechanical penthouse, with the cost being shared 60/40 with Residential. It is being funded by an insurance-claim payment, involving a contractor requested by the insurance company, and the funds have been received.

Motion to receive the report: Carried

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7. Crown Repair Project (Davies, Lum)

The project engineer has approved the scaffolding plan with one small change: that the contractor nail down some of the plywood decking to ensure it doesn't shift. Mr. Lum said that a development permit had been obtained from the City by Mr. Lum himself so that the contractor would not have to bill the building for the time required by the lengthy process. The total cost of permit was the actual outlay, \$320, and that Facilitech had agreed, on behalf of Residential to pay for 60% of that cost, along with other aspects of the project.

Motion to receive the report: Carried

8. Heating Water Pump #5 Report (Davies, Lum)

The pump needed to be reconditioned, which was a relatively expensive repair due in part to the reconditioning work required and also due to the pump's requirement for tungsten-based gaskets, totalling \$2,600 including parts, labour and taxes. There were discussions about clarity of invoicing by the contractor. The contractor agreed to provide more detail in the future, and the bill was approved to be paid.

Motion to approve expense and receive report: Carried.

9. New Residential Council and Relationship (Davies)

Mr. Davies said that a completely new Board had been elected to the Residential Section, and it was warmly welcomed by the Commercial Board. Mr. Davies said that he welcomed in particular the fact that it was much more cooperative than the previous Board, that it was a team council, and that its members quickly got to work with him on a number of issues of common interest.

He noted that Commercial's access to common property, such as the roof via the Residential Elevators, and other areas where members of the Commercial Board and Commercial Strata Council had been barred had been completely restored as of May 20.

He also reported that Residential Board vice-president Ray Cousineau and Residential Treasurer Gordon Forest has been appointed as the Residential's representatives on the Strata Council. A Strata Council meeting had not yet been called, but Mr. Davies expected one shortly.

He also reported that one of the first orders of business for the new Board was to give Facilitech the required 60 days notice of its termination as Residential's property manager and that a process was place to select a replacement manager.

Motion to accept the reports and welcome the new Residential Board on behalf of the entire Commercial Board: Carried

10. Lawsuits

- a. Mr. Davies reported that Commercial's request for a BC Supreme Court Order of Compliance that Residential could not bar Commercial representatives from accessing common or Commercial common property at any time in the future would proceed, to ensure Commercial's rights would be upheld should there be an attempt at some point to repeat the former Residential Council's actions. It was not seen to be an issue with the new Residential Council, but Mr. Davies noted that councils are selected every year and that it was important to protect Commercial's interest. He noted that he had been told that the new council had instructed its lawyer to not oppose the application in any significant way.
- b. Mr Lum and Mr. Davies reported that a settlement had been reached in a dispute with a former Commercial owner over payment of delayed maintenance fees. The Council had requested full payment of \$1,600 when the owner was still in possession of his unit, but it had not received it. It intended to take the matter to court, but when the building's insurance company was informed of the decision, it assigned a lawyer to see if a settlement could be reached. The lawyer noted there were some administrative issues with notifications in this particular instance. The case was resolved by splitting the amount, with the Commercial Council obtaining \$800 and forgoing the balance.

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- c. The Commercial Council had filed a formal complaint of conflict of interest against a former lawyer that had done work for the Council in the past, but who had taken various non-court actions against Commercial's interests on behalf of another client. The Registrar of the Law Society of BC had provided a letter acknowledging receipt of the complaint, and that it would be investigated in due course.

Motion to accept the reports: Carried

11. Replacement of missing water meter

A new water meter has been purchased and quotes had been received for the cost of installing it, coming to \$7,800. Mr. Davies reported that Residential would be asked to pay for it as the previous meter had been uninstalled and subsequently went missing under the care and control of an agent of the Residential section.

He also reported that a protocol for reading the meter had been set up with Residential so that an employee of Residential and a contractor of Commercial would read the meter together at specific times so there would no dispute as to the reading. If that proved difficult to arrange on occasion, it was proposed that Commercial would take a dated photo of the reading. Commercial would then pay for only the water it used, after applying the reading to the main meter for the building. This would all be further discussed at a Strata Council meeting prior to installation.

Motion to accept the report: Carried

12. Electra Parking at Electric Avenue — Advisory

Commercial owners and tenants are reminding that due to previous agreements with Electric Avenue, their parking lot next door has a number of parking spaces that must be maintained for the use of Commercial at market rates, and that if they are unable to provide a parking stall, the issue should first be discussed with Electric Avenue's management and, if there is no satisfaction, to bring to the attention of Electra Commercial.

13. Administrator's Annual Vacation — Advisory

Terry Wright, the Commercial Section Administrator, will be on vacation from May 23 to June 8 inclusive. Although the office door will be closed, there will be a sign posted on it with contact information for dealing with owner requests, and the phone, fax and e-mail contacts were being forwarded to Mr. Lum for the duration.

14. Motion to adjourn: Carried at 4:40 pm.