

The Owners Strata Plan LMS 1866 Commercial

Annual General Meeting – Draft of Minutes

Wednesday May 12th, 2010

970 Burrard Street, 1st floor Commercial Boardroom (Atrium)

Present (board member): John Davies, President
 Mark Bentz, Vice-President
 Tony Lum, Treasurer
 Keith Hyde, Director

Notes:

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

Quorum

- Quorum checked by President at 6 pm; insufficient; announcement made to wait until quorum was available.
- Quorum determined at 6:15 by the President with a total of 36,570 unit entitlements of a total of 58, 657 present in person or by proxy. The meeting was called to order at 6:22

Owner Peter Morgan (Unit 118) said he had been nominated by the President to chair the meeting as the President and Vice-President declined to do so. Asked for other nominations, none noted.

Motion (Davies (Unit L12), Seconded Lum (Unit B06)): That Peter Morgan be the meeting's chair. Carried

The Chair explained the agenda would need to be adjusted slightly because:

- The order of the two resolutions under Item G (Bylaws) in the circulated meeting binder was incorrect and needed to be reversed;
- That he would be grouping the resolutions regarding money together as some were separated by other resolutions; and
- Items 5 & 6 on the agenda would be reversed to get the housekeeping portions of the meeting completed in a group.

He also told the tenants in attendance they would not be able to participate or vote unless they had a signed proxy to that effect from their owner.

Motion (Davies (Unit L 12), Seconded (Unit 237)) to call the Roll, certify the proxies and file proof of notice of the meeting. Carried

Motion (Davies, (Unit L 12) Seconded (Unit 127)) to approve the minutes of the April 21, 2009 AGM. Carried

Motion (Davies, (Unit L 12), Seconded (Unit 135) to receive the building's insurance per the document in the meeting binder on pages 17 to 14. Carried.

PRESIDENT'S REPORT:

The chair invited the President to provide a report from the Commercial Council regarding its activities over the previous years and plans for the forthcoming year.

Mr. Davies did so.

Motion (Davies (Unit L 12), Seconded Unit 215)) to receive the President's report. Carried.

FINANCIAL REPORTS

Motion (Lum (Unit B6), Seconded (Unit 237)) to receive the balance sheet for the year ending March 31, 2010 per the document on page 18 of the binder.

The Chair invited Treasurer Tony Lum to report on the balance sheet.

Mr. Lum did so.

The Chair called the question. **Carried.**

Motion (Lum (Unit B6), Seconded (Unit 981)) to approve the Operating Budget for the year ending March 31, 2011, per the document on pages 18, 19 of the binder.

The Chair explained the financial impact on maintenance fees was listed in the table that started on page 22 of the binder. It goes by strata lot number, which is in column 1, or by Unit Number, which is column 2, and the number in column 5 is that lot's share of the cost of the proposed Budget. He invited owners to compare it with the amount they were currently paying, which was in column 4.

The Chair invited Treasurer Tony Lum to report on the Operating budget. Mr. Lum did so.

The Chair called the question. **Carried.**

FINANCIAL SPECIAL RESOLUTIONS

The Chair said that resolutions A-F, H and I all dealt with financial issues and would be dealt with in that order, and that all required a 3/4 vote of approval.

The Chair attempted to adopt resolutions by a consensus vote, except for those who wanted to hold any back for discussion. However, owners felt they should all be discussed.

The Chair read resolution A (Door replacement)

Moved by John Davies, Seconded by Unit 135

Whereas we would save money on maintenance, improve the look to the building and provide requisite handicap access to the building

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall raise the sum of \$24,000 to remove the existing 4 old manual push/pull open doors with 2 new automatic side way sliding doors.

Mr. Davies was invited to discuss the reasons for the resolution, which he did.

The Chair called the question. **Carried.**

The Chair read resolution B (LED replacement lighting)

Moved by John Davies, Seconded by Unit 135

Whereas the fin lights were not installed with proper weather-proof materials and the lamp tube bases are burning up;

Whereas these old lights don't last long and require replacement;

Whereas LED is more energy efficient and last lot longer;

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall raise the sum of \$16,000 to replace the existing fin lights with LED lights.

Mr. Davies was invited to discuss the reasons for the resolution

The Chair called the question. **Carried.**

The Chair read resolution C (Replace the building's cooling tower)

Moved by John Davies, Seconded by 215

Whereas all of the cooling tower's mechanical equipment has a life expectancy of about 15 years, and this cooling tower was installed in 1994 and the internal mechanisms are breaking down due to old age and corrosion

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall raise the sum of \$85,000 over 3 years to replace the aging HVAC cooling tower.

Mr. Davies was invited to discuss the reasons for the resolution

The Chair called the question. **Carried**

The Chair read resolution D (air-conditioning system's digital control system)

Moved by John Davies, Seconded by 135

Whereas the air conditioning system's direct digital control system (DDC) works well and it gives good details to help in troubleshooting any of the system's mechanical problems in the building and

Whereas expanding the monitoring and automating more of the building's equipment will make the systems more efficient.

Whereas the DDC system allows us to be proactive in managing the building equipment;

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall raise the sum of \$35,000 to continue to expand the building's digital control system.

Mr. Davies was invited to discuss the reasons for the resolution.

The Chair called the question. **Carried**

The Chair read resolution E (Multi-year project roll-over, no new money requested)

Moved by John Davies, Seconded by Unit 122

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' OF STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall continue to use the remaining \$30,000 of the \$50,000 raised by way of special levy for the purpose of repairing or upgrading the Commercially owned water pipes.

Mr. Davies was invited to discuss the reasons for the resolution

The Chair called the question. **Carried**

The Chair read resolution F (Moving money to a newly created legal defence and operational emergencies fund)

Moved by John Davies, Seconded by Unit 116

Whereas there are still unreasonable people at The Electra trying to cause problems for the Commercial Section and this fund will act as a tool to suppress problems for Commercial owners.

Whereas this money can also be used for building emergencies and we are not using it to refill the existing CRF of \$96,000.

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' STRATA CORPORATION OF LMS1866 COMMERCIAL that the Strata Corporation shall create a \$50,000 legal defence budget from the remainder of special levies totalling \$20,643 and the operating account surplus of \$29,357, and that this \$50,000 is mainly for legal defence but it can be used in case of a building emergency.

Mr. Davies was invited to discuss the reasons for the resolution

The Chair called the question. **Carried**

The Chair read resolution H (LED lighting on Hornby building)

Moved by John Davies, Seconded by Unit 981

Whereas the colour LEDs as noted can boost the image of The Electra commercial property in keeping with the upgrading and other and enhancement that have been completed on the Nelson/Burrard side of the Electra,

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' OF STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall raise the sum of \$7,500 to install blue and green coloured LED lighting strips along the Hornby retail awnings.

Mr. Davies was invited to discuss the reasons for the resolution

The Chair called the question. **Carried**

The Chair read resolution I (BC Hydro antenna agreement)

Moved by John Davies, Seconded by 215

Whereas 70% of the cost of the project is charged to Commercial and 30% is charged to Residential.

BE IT RESOLVED, with a 3/4 vote of THE OWNERS' OF STRATA CORPORATION LMS1866 COMMERCIAL that the Strata Corporation shall grant a Statutory Right of Way for the commercial penthouse room, common wall, cabling and access to BC Hydro for the sum of \$183,120 over 120 months.

Mr. Davies was invited to discuss the reasons for the resolution

The Chair called the question. **Carried**

BYLAWS

The Chair explained that the approval of any of the Bylaws required a 3/4 vote of approval.

The Chair read resolution G-1 (Bylaws approval motion):

Moved by John Davies, Seconded by Tony Lum

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that the following bylaws and amendments be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 ("Commercial Section").

These bylaws and amendments bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c. 43 as amended from time to time.

The Chair asked the floor to adopt resolutions by consensus, except for those who wanted to hold any bylaws back for discussion.

The following were requested from the floor to be held back:

64 and 65 together, 29, 25, 34, 10.

The chair called the question with the exception of those held back.

Carried.

Moved by John Davies, Seconded by Tony Lum

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that bylaw 64 be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 (“Commercial Section”).

These bylaws bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

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The Chair invited the person who asked these bylaws be held back to speak to them. Maria Lowe (Unit 91) asked that 64 b (ii) be amended to include 'or acupuncture', however, when it was explained to her that her proposed wording did the opposite of what she wanted, and what she wanted was what the wording of the bylaw said, she withdrew her amendment.

Amanda Lu (Unit166) asked that 64 a (i) be amended.

Motion: That the words “in the high-rise building’ be added to the end of the clause, for further clarity.

Seconded by John Davies (Unit L12)

Amendment carried by ¾ vote

Oliver Upshaw tenant with owner’s permission, (Unit 237),

Motion: To remove 64 a and a(i)

Second: Scott Yeoman, tenant, with permission of owner in attendance (Unit 114)

Oliver Upshaw contended that his business would be affected as he considered his business a school, but that the type of student was not causing the problems as described in Claus a.

Defeated

Mark Bentz (Unit MZ01) asked that 64 b (ii) be replaced

Motion: With the phrase: "Sexually explicit businesses"

Seconded by John Davies

It was noted by the Chair that the request was essentially the same as 64 b (iv).

Amendment carried by ¾ vote.

The Chair called the question to approve Bylaw 64 as amended.

Carried.

Moved by John Davies, Seconded by Tony Lum

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that bylaw 65 (Grandfathering of existing businesses referred to in Bylaw 64) be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 ("Commercial Section").

These bylaws bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c. 43 as amended from time to time.

The Chair invited the person who asked these bylaws be held back to speak to them. Michael Sanderson (Unit 135) asked that 65 a be amended

Motion: that the following be added at the end to read "Until the current tenant's business moves from the building, or"

Secunder was Maria Lowe (Unit 981)

Amendment withdrawn

Derek Yang (Unit 234) asked that 65b be removed

Secunder was Maria Lowe (Unit 981)

Amendment defeated

The Chair called the question to approve Bylaw 65.

Carried.

Motion: (Michael Sanderson (Unit 135), Secunder: Maria Lowe (Unit 981), that the remainder of the outstanding bylaws be moved to a special Owner's meeting at a date to be set early by the Board.

Defeated

The Chair read resolution G-1 (Bylaws approval motion) for Bylaw 29

Moved by John Davies, Seconded by Tony Lum

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that bylaw 29 be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 (“Commercial Section”).

These bylaws bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

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The Chair invited the person who asked this bylaw be held back to speak to it

Hearing no answer, the Chair called the question

Carried.

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that bylaw 25 be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 (“Commercial Section”).

These bylaws bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c. 43 as amended from time to time.

The Chair invited the person who asked this bylaw be held back to speak to it

Hearing no answer, the Chair called the question

Carried.

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that bylaw 34 be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 (“Commercial Section”).

These bylaws bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c. 43 as amended from time to time.

The Chair invited the person who asked this bylaw be held back to speak to it

Hearing no answer, the Chair called the question

Carried.

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that bylaw 10 be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1866 (“Commercial Section”).

These bylaws bind the owners, tenants and occupants in the Commercial Section to the same extent as if they had been signed by the Commercial Section and each owner, tenant and occupant in the Commercial Section and contained covenants on the part of each owner, tenant and occupant in the Commercial Section with every other owner, tenant and occupant in the Commercial Section and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c. 43 as amended from time to time.

The Chair invited the person who asked this bylaw be held back to speak to it

Hearing no answer, the Chair called the question

Carried.

The Chair read resolution G-2 (Bylaws transition motion)

BE IT RESOLVED by a 3/4 vote of the Commercial Owners of The Owners, Strata Plan LMS 1866 that the following be passed for the Commercial Owners, also known as Section 2 of The Owners, Strata Plan LMS-1558 (“Commercial Section”).

Whereas this meeting desires to implement new bylaws 45 (AGM elects replacements for directors), 46 (Terms are for two years), 47 (First time, terms are two years for half, one year for other half) and 18 (Procedures to elect table officers, privacy officer and Strata reps) as soon as possible and before the 2011 AGM, and,

Whereas it's the intention of the Commercial Section to register these and other bylaws approved at this AGM within the next 30 days, and

Whereas those intending to run for office at this AGM need to know the conditions of their service before accepting a nomination,

Therefore be it resolved that those persons standing for election shall do so as if bylaws 45, 46, 47 and 18 were duly registered in the land title office and further, their election shall, for the purpose of this AGM, be ratified as of the date of registration of bylaws 45, 46, 47 and 18 in the land title office.

Moved by John Davies, Seconded by Tony Lum

The Chair invited discussion

The Chair called the question

Carried.

The Chair read resolution J (Building and Elevator operating hours)

Whereas an owner has requested that there be public access to the 1st and 2nd floors on weekends and holidays,

BE IT RESOLVED, with a ¾ vote of the THE OWNERS OF STRATA CORPORATION LIMS 1866 COMMERCIAL, that the Board shall decide on the public access to the 1st and 2nd floors on weekends and holidays.

Moved by John Davies, Seconded by Tony Lum

The Chair called upon Mr. Davies to speak to the resolution

Anne Benson (Unit 108) asked for the following amendment, Scott Yeoman, with owner's permission (Unit 114):

That the building's exterior doors be unlocked from 7am to 8 pm weekdays, and the elevators the same except for the Electra Health Floor (Mezzanine), which would remain open from 8am to 8 pm.

The Chair called the question on the amendment

Carried.

The Chair called the question on the resolution as amended.

Carried.

NEW BUSINESS

The Chair asked if there was any new business.

Motion (Oliver Upshaw, Seconded by Scott Yeoman), that the washrooms be unlocked on the first and second floor of the tower during business hours.

Defeated.

Motion (Michael Sanderson, Anne Benson) that the Board further investigate the acoustics of the Boardroom to further improve its use

Defeated

ELECTIONS

The Chair explained that all of the Board members under the existing bylaws when they were elected were required to step down after one year, and that new council members must be nominated and elected by owners.

He also explained the incumbents can stand for re-election.

He also explained the election processes under new Bylaws 45, 46 and 47 were to be used as a result of the transition resolution earlier, which mean that those nominated for office must be willing to serve a term up to two years, but this first time through it might be just a one-year term, as for the first time only under the new bylaws, two of the four directors will be eligible to serve for two years, and two for one year.

He said that which director would serve which term would be decided by the directors at the first Board meeting.

The Chair called for nominations.

Tony Lum nominated John Davies. Mr. Davies accepted

Mark Bentz nominated Keith Hyde. Mr. Hyde accepted

John Davies nominated Mark Bentz. Mr. Bentz accepted

John Davies nominated David Benson. Mr. Benson was not present, but Mr. Davies provided the meeting with a letter signed by Mr. Benson accepting the nomination.

The Chair asked three times if there were further nominations. Hearing no further nominations, the Chair declared the four nominees elected as directors by acclamation.

The Chair asked for a Motion to adjourn

John Davies, Seconded by Tony Lum

Carried

The meeting was adjourned at 11:02 pm.