

ESCADA
STRATA PLAN BCS 2783
Annual General Meeting Minutes
Wednesday, August 31, 2011

LOCATION

Amenity Room
15322 – 101 Avenue, Surrey

STRATA COUNCIL
2010/2011

COUNCIL MEMBERS

Mike Ber
Donghee (Tony) Kang
Dong Qi Liao
Emily Pan
John Wang
James Zhang

CARETAKER

Carlos Baca
Phone: 604-230-3978

STRATA MANAGER

Alfred Marchi
Phone: 604-576-3868
Email:

alfmarchi@paragonrealty.ca

Paragon Realty Corporation
#101 – 5550 – 152 Street
Surrey, BC V3S 5J9

Email:

admin@paragonrealty.ca

Phone: 604-576-3868
Fax: 604-576-3813

PRESENT

Sixty-eight (68) of The Escada's one hundred seventy-three (173) Owners were signed in as being present, either in person or by proxy, as recorded on the registration sheet. It was determined that one hundred sixty-four (164) of The Escada's Owners had strata accounts in good standing and would therefore have been eligible to vote at this AGM. It was further determined that all sixty-eight (68) of the Owners present were among the one hundred sixty-four (164) eligible voters. A quorum of at least one-third of the eligible voters for The Escada having been established, the Meeting was called to order at 7:05 p.m.

Alfred Marchi, Paragon Realty Corporation
Gillian Chiang, Paragon Realty Corporation

CERTIFICATION OF PROXIES

Thirty-seven (37) proxies were presented for registration. All thirty-seven (37) proxies were certified as being valid.

PROOF OF NOTICE OF MEETING

The Owners accepted the Notice of Meeting, dated August 10, 2011, as proper notice.

ADOPTION OF THE AGENDA

A Motion was **Moved** by J. Wong #88-316 and **Seconded** by J. Berry #88-410 to adopt the Agenda as circulated in the Notice of Meeting. **Motion Carried.**

ADOPTION OF THE AUGUST 31, 2010 AGM

A Motion was **Moved** by J. Berry #88-410 and **Seconded** by J. Wong #88-316 to adopt the August 31, 2010 AGM Minutes as circulated in the Notice of Meeting. **Motion Carried.**

INSURANCE COVERAGE REPORT

In accordance with Section 154 of the *Strata Property Act*, which requires that a report on the adequacy of the Strata Corporation's insurance coverage be provided at each Annual General Meeting, the Property Manager advised the owners that, as of the date of this AGM, the buildings were insured for a replacement value of \$38,746,000.00. The Property Manager further advised that the buildings' replacement value had been based upon a July 2010 "*Insurance Update Appraisal Report*" prepared by Normac Appraisals Ltd., an accredited appraisal firm. A copy of Dominion's 2010/2011 "*Coverage Summary*" for the buildings had also been included in the Notice of Meeting package.

FINANCIAL REPORT

The Property Manager noted during his review of the year end financial statements that the Strata's *Chequing Account* held \$79,182.05 at the June 30/11 fiscal year end and the *Contingency Account* held \$157,678.17. The Property Manager also noted that the *Caretaker Suite* had a recorded value of \$293,900.00, and that the *Mortgage* against the Caretaker Suite had a recorded balance of \$208,538.00. The Property Manager further noted that the Strata had a surplus at the end of the fiscal year in the amount of \$47,486.43 which, when added to the prior year's surplus provided for a total of \$164,144.98 in the *Operating Fund Surplus* account.

A Motion was **Moved** by T. Tai #88-302 and **Seconded** by D. Gao #TH-2 to accept the Financial Report as presented. **Motion Carried.**

ADOPTION OF THE PROPOSED OPERATING BUDGET

The Property Manager noted that the outgoing Council was recommending acceptance of a budget which would result in a reduction of strata fees while still maintaining an adequate level of building maintenance.

After a review of the proposed operating budget a Motion was **Moved** by J. Berry #88-410 and **Seconded** by C. Tomlin #22-406 to adopt the Operating Budget as presented. **Motion Carried.**

[Owners are reminded that the adoption of the Proposed Operating Budget will result in a strata fee decrease for the 2011/12 fiscal year. Paragon will make the necessary adjustments to those owners' accounts that pay their strata fees by way of the preauthorized payments system. Those owners who pay by way of monthly cheques will receive a statement showing the adjustment to their account and the new monthly strata fee. Owners are further reminded that the strata fee reduction is retroactive to July 1, 2011]

SPECIAL RESOLUTION

The Owners proceeded to consider the following Special Resolution included in the Notice of Meeting package for this AGM:

RENTAL RESTRICTIONS

3/4 VOTE RESOLUTION

THE OWNERS, STRATA PLAN BCS 2783 (ESCADA)

Regarding Amendment to the Bylaws

WHEREAS the Strata Corporation, legally known as The Owners, Strata Plan BCS 2783 (the "Strata Corporation"), has registered bylaws for the governance of the Strata Corporation;

AND WHEREAS, the Strata Corporation now wishes to amend the registered bylaws with the addition of the following bylaw;

BE IT RESOLVED AS A 3/4 VOTE RESOLUTION of the Strata Corporation that the Strata Corporation amend the current bylaws by adding Bylaw 51, Rental Restrictions.

51. Rental

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 thirty-five percent (35%) [equals 61] strata lots may be leased for terms of not less than six (6) months, 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 six months (6) 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 or the date the strata lot is sold by the Owner to a third party.
- (b)** notwithstanding paragraph (a), where cases of undue 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 undue 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 an Owner has leased 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 the later of:
 - (i)** 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; and
 - (ii)** one year after the bylaw has been passed; and

- (e) prior to renting a strata lot, an Owner must give the prospective tenant:
- (i) the current Bylaws and Rules, and
 - (ii) a Notice of Tenant's Responsibilities in Form "K" and within two (2) weeks of renting the strata lot, submit a copy of Form "K" to the Strata Corporation.
- (f) the Strata Corporation will impose a fine of up to Five Hundred Dollars (\$500) for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.

Exemptions to this bylaw are:

1. Rental to a family member

A rental restriction bylaw does not apply to prevent the rental of a strata lot to a family member. Under the Act, a family member is defined as:

- a spouse of the owner;
- a parent or child of the owner; or
- a parent or child of the spouse of the owner.

A "spouse of the owner" includes an individual who has lived and cohabited 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.

2. Exemption for Hardship

An owner may apply to the strata corporation for an exemption from a rental restriction bylaw on the grounds that the bylaw causes hardship to the owner.

3. Owners who purchased their strata lot from the Developer.

4. Owners who **have not** purchased from the Developer but currently rent their strata lot. However, in these situations, the exemption only applies until one year after a tenant who is occupying the strata lot at the time the bylaw passed ceases to occupy it as a tenant.

A Motion was therefore **Moved** by C. Baca #88-315 and **Seconded** by J. Wong #88-316 to adopt the proposed Rental Restriction Bylaw. **Motion Defeated [30 In Favour, 38 Opposed]**

NEW BUSINESS

1. **Pre-Pay Mortgage** – A discussion ensued on the issue of using some of the Operating Fund Surplus to pay down the mortgage on the Caretaker's suite. A Motion was eventually **Moved** by C. Baca #88-315 and **Seconded** by F. Kung #88-214 to pay 15% of the principal amount of the mortgage on the anniversary date. **Motion Carried**
2. **Bicycle Rack** – An owner raised the issue of the lack of a bicycle storage area in the building. Council agreed to look into the matter.
3. **Visitor Parking** – An owner raised the issue of lack of parking stalls available for rent. The owner suggested that perhaps some of the "Visitor" parking stalls could be converted to rental stall for residents as the these stalls appear to be underutilized. Council advised the owner that the feasibility of this suggestion will be investigated.
4. **Suggestion to Join BC Condominium Association** – An owner raised the issue of joining the BC Condo Association. The cost to the Strata Corporation would be \$3.00 per unit per year.

After a discussion of the issue a Motion was **Moved** by F. Kung #88-214 and **Seconded** by M. Ber TH14 to instruct the incoming Council to join the BC Condo Association. **Motion Defeated.**

5. **Email Distribution of Minutes** – An owner asked Council if it would be possible to distribute the Minutes by email or alternatively, setup a website where owners could visit to download Minutes. Council advised the owner that the feasibility of this suggestion will be investigated.
6. **Move-In Fee** – An owner requested that Council investigate the possibility of removing and or reducing the Move-in Fee.

ELECTION OF COUNCIL

The following owners were nominated and agreed to stand for Council:

Dong Lio #TH4	James Zhang #TH12	Mike Ber #TH14
Donghee (Tony) Kang #88-414	Li (Emily) Pan #88-117	Fei Kung #88-214
Liudmila Lipova #88-205	John Wang #88-116	

The Strata Property Act provides for a minimum of three and a maximum of seven members to serve on council. As the number of nominated owners exceeded the permitted maximum under the Strata Property Act, an election was held and the following owners were declared elected for 2011/12:

Dong Lio #TH4	James Zhang #TH12	Mike Ber #TH14
Donghee (Tony) Kang #88-414	Li (Emily) Pan #88-117	Fei Kung #88-214
John Wang #88-116		

There being no further business to discuss, the Meeting adjourned at 8:50 p.m.

Please keep a copy of these minutes for future reference. They will be required at time of sale and a charge, as per the Strata Property Act, will be assessed for replacement copies.