



MINUTES OF THE MEETING OF THE STRATA COUNCIL, STRATA PLAN LMS 4071, THE EUROPA, HELD ON WEDNESDAY, NOVEMBER 22nd, 2006, AT 6:30 P.M., IN THE THEATRE, 63 KEEFER STREET, VANCOUVER, B.C.

Council in Attendance:	Fern Jeffries	President (arrived 6:43 p.m.)
	John Tulev	Vice-President
	Tim Richards	Treasurer
	Kirby Morrow	Secretary
	Sidney Dennison	Privacy Officer
	Marcello Pavan	
Property Manager:	Geraldine Svisdahl	The Wynford Group
Guests:	Anthony Leung	#2307
	Greg Head	TH-19
	John McDougall-Goulet	TH-19
Regrets:	Helen McLaughlin	

1. CALL TO ORDER

The Council Vice-President, John Tulev, called the meeting to order at 6:34 p.m.

2. OWNERS' FORUM

One of the Owner's present was in attendance to discuss the recent sprinkler head leak in a suite above his. He expressed concern over the damage to his improvements and his insurance deductible. The Owner was advised that the Council has not yet finished its research into this matter and that additional information will be provided as it becomes available.

Another Owner was present to express concern over people who continue to walk their dogs in the parkade, particularly during inclement weather. It was suggested that signs be placed on the doors to the P1 and P2 parkade areas to remind people that walking dogs in the parkade is not permitted.

It was noted that Council has already stated that fines will be assessed against irresponsible dog Owners. The Property Manager was directed to send a reminder letter to each dog Owner at Europa.

This same Owner also complained about vomit on the P1 stairwells, which has not been cleaned up by the janitor and suggested that the sign, with respect to garage gate security on P1, be relocated.

This same Owner also expressed concern over visitor parking and the ongoing problem for overnight guests, with the lack of designated spots. Council assured owner that this is on the list of issues to be taken up with Henderson.

3. MINUTES OF PREVIOUS MEETING

It was **MOVED** and **SECONDED** (Richards / Tulev) to approve the Minutes of the Council meeting held October 23rd, 2006. **CARRIED**

4. **BUSINESS ARISING FROM THE MINUTES**

A. Janitorial Contract

Council reviewed proposals to take over the janitorial contract. Kirby Morrow advised that he met with the incumbent with respect to the quality of service.

Following discussion, it was **MOVED** and **SECONDED** (Morrow / Tulev) to terminate the contract with B&R, effective December 31st, 2006, and enter into a contract with TMS, effective January 1st, 2007, at a monthly cost of \$2,750, plus GST. **CARRIED**

It was noted that this contract will be on a 90-day trial basis and that it will mean the Strata Corporation will be over budget, in the janitorial category, for the balance of the fiscal year's budget, by approximately \$1,000.

B. Emergency Planning

Work in progress.

A notice will be placed in the elevators to advise Residents to call 911 in the event of an emergency, following which they should call The Wynford Group office at 604-261-0285. This notice will be in English and Chinese characters.

C. 5th Floor Benches

Work in progress and is weather dependent.

D. Henderson / Small Claims Action

The Strata Council is awaiting a report from the Strata Corporation's lawyer. Fern Jeffries volunteered to call the lawyer in order to expedite this situation.

E. 2010 Advertising Agreement

The agreement is with one of the Strata Corporation's lawyers for review.

F. Townhouse #5

Considerable discussion took place and, based on the information provided by the Owner at the September Council meeting, it was **MOVED** and **SECONDED** (Dennison / Richards) to hold the Owner of Townhouse #5 responsible for the flood in his suite. **CARRIED**

The Property Manager was directed to send a letter to the Owner, advising the Owner that the Strata Council's recollection of the information provided by him at the September 2006 Council meeting, differs from the information provided by him in his letter of October 31st, 2006. The Council sees no reason to continue with repairs to his suite and, once the final invoices have been charged back to the Strata Lot concerned, the Council will commence Small Claims action if the amount is not paid in full within 30 days.

G. Levelton

The Council is awaiting proposals from contractors approached by Levelton.

H. Garage Sale

Items abandoned by Owners will be donated to a good cause, or disposed of in the garbage bin.

5. **COMMITTEE REPORTS**

A. Communications

The communication report will shortly be distributed to all Residents.

It was **MOVED** and **SECONDED** (Dennison / Pavan) to express appreciation and thanks to Perry Boldt for his work on the Communications hand out. **CARRIED**

6. **NEW BUSINESS**

A. Seasonal Message

The Strata Corporation's seasonal message is attached to and forms part of these Minutes. A copy of this seasonal message will be placed in the elevators and on the notice boards.

B. Cigarette Butts

A complaint has been received from an Owner with respect to cigarette butts thrown off a unit above. On one occasion, the cigarette butt flew in through an open window. The Property Manager was directed to send a letter to the Owner and tenant concerned advising that, should there be further complaints of this nature, fines will be assessed and the Strata Corporation will consider evicting the tenant under the *Residential Tenancy Act*.

C. 2007 Meeting Schedule

Council agreed to meet on Thursday, January 25th, Thursday, February 22nd (budget meeting) and Thursday, March 29th (AGM), 2007.

The schedule for the balance of 2007 will be decided on by the Council to be elected at the March 29th meeting.

D. Bylaw Review

A Bylaw review was undertaken by the Council President and the Property Manager. Copies of the notes of this review were provided to members of the Council. Members of the Council are to provide the Council President with their input, so that the proposed Bylaw changes can be finalized.

E. Tree at the Front Entrance

This tree will now be planted in spring 2007.

F. P2 Enterphone

The Property Manager was directed to ensure that funds for replacing the P2 enterphone budget are on the Agenda for the 2007 Annual General Meeting.

G. Bike Racks

The Property Manager was directed to ensure that funds for this project are placed on the Agenda for the 2007 Annual General Meeting.

H. Special Levy Refunds

Members of the Council were provided with information with respect to Special Levy refunds. This is a legal analysis of what happens if there are unspent funds following a special levy.

I. Filtered Water

The Council received information with respect to filtered water for Europa and agreed to take no further action.

J. Parkade Leaks

It was **MOVED** and **SECONDED** (Dennison / Richards) to authorize repair to a ceiling crack above stall #20, at a cost of \$1,300, plus GST. **CARRIED**

The Property Manager was directed to budget for additional work in 2007 / 2008.

K. Fountain Water Tank

The Property Manager advised that Imperial Paddock Pools has confirmed that the tank itself is not leaking.

L. Christmas Tree for the Lobby

The Christmas tree will be erected during the first weekend of December. There will be a decorating party in the lobby on December 3 at 2 p.m.

M. New Year Concierge Coverage

The Property Manager was directed to arrange for Concierge coverage until 6:00 a.m. on January 1st, 2007.

N. Lobby Glass Top Table

The Property Manager was directed to ensure that sufficient funds are placed in the 2007 / 2008 Operating Budget to replace the lobby glass top table, which has been badly chipped.

O. Recreation Centre Equipment

The Property Manager was directed to arrange for warranty maintenance.

P. Water Ingress

Several suites have experienced water ingress during the recent heavy rainfall. This has been reported to Henderson via e-mail. The Property Manager was directed to send a registered letter to Henderson, asking for a response within 15 days.

Q. Sprinkler Head Leak

Consider discussion took place with respect to the possible cause of the sprinkler head malfunction, which caused damage to 12 suites.

The Property Manager was directed to ask the Owner and the Tenant of Strata Lot 191 for proof of insurance, in accordance with Bylaw 34(3).

Further research into the cause of the malfunction is required before the Council can make informed decisions with respect to the costs involved and provide information to the Owners.

The Council President will arrange for notices to be placed in the elevators, urging people to take extreme caution when placing or removing possessions from shelves in the vicinity of sprinkler heads.

7. **FINANCIAL REPORT**

A. Operating Statements

Following a review of the statement of receipts and disbursements and invoices paid on behalf the Strata Corporation, it was **MOVED** and **SECONDED** (Richards / Dennison) to approve the Operating Statement for the month of October 2006, as prepared by The Wynford Group. **CARRIED**

B. Receivables

It was **MOVED** and **SECONDED** (Dennison / Tulev) to commence Small Claims action against Strata Lot 19 for failure to pay charge backs. **CARRIED**

The Council President volunteered to undertake this project.

It was **MOVED** and **SECONDED** (Richards / Tulev) to commence Small Claims action against Strata Lot 107 and Strata Lot 109 for failure to pay the Special Levy, if the Special Levy is not paid within 15 days. **CARRIED**

It was **MOVED** and **SECONDED** (Dennison / Tulev) to registered a lien against Strata Lot 154 for failure to pay Strata Fees and that any and all costs be charged back to said Strata Lot. **CARRIED**

8. **PROPERTY MANAGER'S REPORT**

A. Staff Reports

Copies of the Property Manager's Site Inspection Reports and the Concierge Reports were sent to Council by e-mail.

The Property Manager advised that the pest control reports are on file.

B. Correspondence

Fifteen items of correspondence were reviewed.

A welcome letter has been sent to the new Owners of Strata Lot 4.

C. Items in Progress

1. Preparation of Maintenance Manual
2. Repairs #2108 post leak under sink
3. Plant grasses / tree
4. Levelton work
5. Clear out storm sumps
6. Repair broken window #1701
7. Replace door stop by #507
8. Replace electrical cover by theatre
9. Repair base of wall behind concierge desk
10. Repair holes in men's room
11. Repair pump below stall 102
12. Seal / paint over old stains in #1809 / #1701
13. P2 enterphone replacement (2007)

D. Completed Items

1. Repair window trim #1208
2. Quarterly service exercise equipment
3. Fountain light #19 replaced
4. Light supplies, chemicals for pool / spa / fountain & janitorial supplies purchased
5. Irrigation system winterised
6. Smoke alarm replaced #709
7. Graffiti removal
8. Parkade sprinkler system winterised
9. Repair bathroom ceiling #1801 post plumbing pipe repair
10. Repair noisy fan floors 5 to 8
11. Bylaw review
12. Parkade pressure washing
13. Repair computer access system
14. Repair leak ladies room
15. Research into cause of no DHW in #708

9. MEETING TERMINATION

There being no further business, the Council Meeting was terminated at 9:45 p.m.

The next Council Meeting will be held on **Thursday, January 25th, 2007.**

NOTE: PLEASE MAKE YOUR CHEQUES PAYABLE TO “STRATA PLAN LMS 4071” AND ENSURE THAT YOUR UNIT NUMBER IS CLEARLY MARKED ON THE FACE OF YOUR CHEQUES.

Do you have a question regarding payment of your account?
If so, please call 604-261-0285 and ask for Local 335.

ATTENTION

Please keep these Minutes on file as a permanent legal record of your Strata Corporation's business. Replacement of either Minutes or Bylaws will be at the Owner's expense and not at the expense of the Strata Corporation.

Please note that The Wynford Group office has a multiple phone line system and that there are several different numbers that may appear on your call display. These numbers are for outgoing calls and cannot be used to return calls. Please use only the main contact number: 604-261-0285 to ensure a proper response. Thank you for your cooperation.

**The Strata Corporation's website is: www.theeuropa.com
The Council's e-mail address is: europacouncil@novuscom.net**

PLEASE NOTE
HOLIDAY SEASON OFFICE HOURS

The Offices of The Wynford Group will be closed over the holidays as follows:

Wednesday, December 20th	At 12:00 Noon (Staff Function)
Monday, December 25th	All Day (Stat Holiday)
Tuesday, December 26th	All Day (Stat Holiday)
Monday, January 1st, 2007	All Day (Stat Holiday)

Our “On Call” Property Manager will be available for emergencies.

THE WYNFORD GROUP OFFICE HOURS ARE MONDAY TO FRIDAY, 9:00 A.M. TO 5:00 P.M. FOR AFTER-HOUR EMERGENCIES ONLY, PLEASE CALL 604-261-0285, THEN PRESS “1” TO BE CONNECTED TO THE ANSWERING SERVICE.

APPROVED _____ DATE: _____

BY
COUNCIL: _____

(11/24/06) (Min-11.22.4071)

Attachment: Seasonal Message
Council Update

SEASONAL REMINDERS

LMS 4071 – EUROPA

*** Christmas Trees ***

Please take care when bringing Christmas trees in and out of the building to prevent needles from tracking onto the carpets and into the elevator tracks.

Please refer to Bylaw #4(5)(f) which reads: “An owner, tenant or occupant shall not dispose live trees i.e. Christmas trees, on any strata lot or common property. An owner shall be responsible for cleaning needles or debris left in any part of the common property, including hallways, elevators, lobbies and parkade.”

*** Christmas Lights ***

Please refer to Bylaw #4(5)(e) which reads: “An owner, tenant or occupant shall not display Christmas lights except during the period of November 15 through January 31.”

*** Balconies ***

If it snows make sure your balcony drains are clear so that melting snow can drain away.

*** Fireplaces ***

Gas fireplaces will operate more efficiently if they are cleaned and serviced annually.

*** Absence From Your Home ***

Please check the requirements of your homeowners' insurance policy if you are going to be away for extended periods. Most insurance companies require a regular check of your home (every 48 hours), for the insurance policy to be valid. We also recommend you turn off all supply lines to sinks, toilets, washing machines, etc.

Thank you.

The Strata Council
LMS 4071

COUNCIL UPDATE TO EUROPA OWNERS

Please review the following important information regarding the Strata Council's progress on issues discussed with owners at Europa's 2006 Annual General Meeting (AGM).

SUMMARY:

- **The Europa Strata Council is proposing a strategy that will hopefully recover owners' shares of the Special Levy and Contingency Reserve Funds through a Small Claims Court action.**
- **A special meeting will be held on February 19, 2007 to discuss this strategy with owners.**
- **Preventative maintenance on the building's exterior will proceed in spring 2007.**

BACKGROUND:

In 2001, the Europa Strata Council hired Levelton Consultants Ltd. to conduct an envelope study on the exterior of the tower and townhouses. Levelton identified and documented a number of building deficiencies that threatened to compromise the integrity of the building envelope. For a number of years, Council has been trying to engage Henderson Development in accepting responsibility for remedying these building deficiencies. Henderson has remained largely unresponsive to these efforts.

In April 2006 at the Europa AGM, owners authorized an expenditure of up to \$450,000 to proceed with required preventative maintenance work on the building's exterior. It was agreed that funds would be raised 1) by taking \$150,000 from the Contingency Reserve Fund and, 2) through a special levy of \$300,000 shared among owners. Owners further authorized the use of up to \$10,000 from the Contingency Reserve Fund to allow Council to obtain a legal opinion regarding an appropriate course of action to recover the \$450,000 from Henderson Development.

WHAT HAS HAPPENED SINCE THE 2006 AGM?

1. Council has obtained a legal opinion from the Strata Corporation's lawyer, John Logan, and has agreed on a course of action. Mr. Logan has assessed Europa's case against Henderson and advises that while our case is reasonably strong, the exorbitant cost of Supreme Court action would likely outweigh any benefit we might accrue. Accordingly, it has been proposed that owners pursue individual small claims actions against Henderson to recover their respective shares of the Special Levy and Contingency Reserve Funds. Council will be working with Mr. Logan to prepare wording and develop a strategy to assist all interested owners with the process for filing a notice of claim. It should be noted that the small claims is a "do-it-yourself" court system, allowing individuals to handle their own cases without requiring individual lawyer representation.

Council will hold a special meeting with all owners on February 19, 2007 to discuss the small claims strategy in further detail. In the meantime, please don't hesitate to raise any questions you may have at an owners' forum (held at the beginning of every Strata Council meeting) or by contacting a Council member.

2. Council has now collected the Special Levy from the majority of owners and will be securing a contractor to commence the required exterior maintenance work in spring, 2007. Regrettably, Council experienced difficulty in collecting Special Levy payments from a significant number of owners. This prevented Council from being able to proceed with securing a contractor to conduct the maintenance work prior to this year's rainy season. Council has registered liens against the property of all owners who have not yet paid the Special Levy. If payment is not received shortly, Council will commence a Small Claims Court action against owners.

大廈委員會給業主的最新資訊

請細閱以下有關 2006 年業主週年大會後，委員會處理各重要事項的進度。

簡述：

- 大廈委員會建議一項計策，希望經小額錢債法庭，替各業主追討已支付之特別收費及臨時儲備金。
- 特別會議將於 2007 年 2 月 19 日舉行，與業主們一齊商討此計策。
- 將於 2007 年春季開始，進行大廈外牆預防保養工程。

事故原由：

在 2001 年，大廈委員會聘請 Levelton 顧問公司進行一項大廈外牆結構檢查，包括五樓城市屋。顧問公司發現外牆有多處損壞，將會直接影響樓宇結構。多年來，委員會與恒基發展商交涉，希望獲得適當維修處理，但恒基始終不願負擔任何責任。

在 2006 年四月之業主週年大會時，業主們批准以\$450,000，進行大廈外牆預防保養工程。並同意費用中之\$150,000，從臨時儲備金內撥出；其餘之\$300,000，則以特別收費名義，由所有業主承擔。業主們還贊成從臨時儲備金內，再撥出 \$10,000，給予委員會去諮詢法律意見，以向恒基發展商作出適當行動，追討回這\$450,000。

2006 年業主週年大會後之事項發展：

1. 委員會接受 John Logan 律師的建議，同意採取法律行動。律師評估本大廈對恒基的訴訟，雖然理由充份；但即使時勝訴，亦可能得不償失，追回數目不足以支付高等法院之費用。因此律師建議須由個別業主，經小額錢債行動，去追討各人所佔有之特別收費及臨時儲備金。委員會將與律師共同工作，協助有意提出訴訟之業主，填寫及遞交申請表格。這項小額錢債追討，是由個人親自辦理自己的案件，無須經律師代表。

特別會議將於 2007 年 2 月 19 日舉行，與業主們一齊商討小額錢債追討計策及其細節。因此請勿猶疑，於委員會每月會議前之業主集會時，提出任何問題，或連絡其中一位委員。

2. 委員會已收到大部份業主支付之特別收費，並將僱用承建商，於 2007 年春季開始，進行大廈外牆預防保養工程。但很抱歉仍有小部份業主，還未繳交此款項；以致委員會未能及時聘請承建商，在今年雨季前進行工程。委員會已向那些業主的物業註冊了留置權，倘若該等業主短期內仍未付款，則對其採取法律行動。