



**MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS, STRATA PLAN
LMS 4071, EUROPA, HELD ON THURSDAY, APRIL 27th, 2006, AT 7:00 P.M., IN THE
LOBBY, 63 KEEFER PLACE, VANCOUVER, B.C.**

In Attendance: Forty-seven Strata Lot Owners represented in person.
 Twelve Strata Lots represented by proxy.
 Total Fifty-Nine.

Property Manager: Geraldine M. Svisdahl The Wynford Group

1. CERTIFICATION OF PROXIES

The Property Manager advised that the Proxies were certified to be correct. As there was not a Quorum of Owners present in person or by Proxy, the meeting start time was delayed one 1/2 hour in accordance with the Strata Corporation Bylaws.

2. CALL TO ORDER

The Annual General Meeting was called to order at 7:30 p.m. by the Council President, Sidney Dennison.

3. ELECTION OF CHAIRPERSON

This was not necessary as the Council President was in attendance and had taken the Chair.

4. PROOF OF NOTICE OF MEETING

The Property Manager confirmed that the Notice of the Annual General Meeting was mailed and / or hand delivered to all Owners of record on April 5th, 2006.

5. APPROVAL OF THE AGENDA

It was **MOVED** and **SECONDED** (Chung TH #3 / Mullins #2010) to approve the Agenda. **CARRIED UNANIMOUSLY.**

6. MINUTES OF PREVIOUS MEETING

It was **MOVED** and **SECONDED** (McLaughlin #2309 / Jackson #708) to approve the Minutes of the Annual General Meeting held March 23rd, 2005. **CARRIED UNANIMOUSLY.**

7. PRESIDENT'S REPORT

The President's Report was attached to the Notice of the Annual General Meeting.

8. APPROVAL OF MAJORITY VOTE RESOLUTION #1

It was **MOVED** and **SECONDED** (McLaughlin #2309 / Picco #1009) to approve Majority Vote Resolution #1.

WHEREAS Council passed the following Rule on September 1st, 2005;

BE IT THEREFORE RESOLVED as a Majority Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to ratify the following addition to the Moving Rule A:

“(9) Access devices for furnished suites will not be reactivated for new tenants unless the move-in fee is paid.”

The question was called and the Motion was **CARRIED UNANIMOUSLY**.

9. APPROVAL OF 3/4 VOTE RESOLUTION #1

It was **MOVED** and **SECONDED** (Siggelkow TH #15 / Jackson #708).

WHEREAS the Owners, Strata Plan LMS 4071, The Europa, wish to transfer any year-end operating surplus to the Contingency Reserve Fund or fund any unexpected deficit from the Contingency Reserve Fund;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to transfer any year-end operating surplus or deficit (fiscal year ending February 28th, 2006), to or from the Contingency Reserve Fund, as and when cash flow permits and Council deems appropriate.

CARRIED UNANIMOUSLY.

10. APPROVAL OF AUDIT

It was **MOVED** and **SECONDED** (Jeffries TH #2 / Siggelkow TH #15) to approve the audit for the fiscal year ended February 28th, 2005, as prepared by Schroeder & Associates, Chartered Accountants. **CARRIED UNANIMOUSLY**.

11. REPORT ON INSURANCE

The insurance cover note was included in the Annual General Meeting package. The buildings are insured for \$27,600,000.

12. 2006 / 2007 OPERATING BUDGET

It was **MOVED** and **SECONDED** (Siggelkow TH #15 / Chung TH #3) to approve the Operating Budget for the fiscal year 2006 / 2007 in the amount of \$660,966.

The Budget was presented by the Council Treasurer, who advised that, if this Budget is approved, there will be no increase in Strata Fees.

An Owner questioned the other utilities account and was advised that this is the cost of steam heat, which provides domestic hot water and heating.

The question was called and the Motion was **CARRIED UNANIMOUSLY**.

13. APPROVAL OF 3/4 VOTE RESOLUTIONS

3/4 VOTE RESOLUTION #2

It was **MOVED** and **SECONDED** (Jackson #708 / Chung TH #3).

WHEREAS section 171 of the *Strata Property Act of B.C.* states the Strata Corporation must pass a 3/4 Vote Resolution before it sues an Owner;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize the Strata Council to sue any Owner for non-payment of Strata Fees including an application to the Supreme Court for an Order for Sale any time during the period immediately following the Annual General Meeting of April 27th, 2006, until the next Annual General Meeting without referring the matter to the Owners for a 3/4 Vote Resolution.

CARRIED UNANIMOUSLY.

3/4 VOTE RESOLUTION #3

It was **MOVED** and **SECONDED** (Jeffries TH #2 / Richards / Boldt TH #7).

WHEREAS the Strata Corporation has been unable to arrange for the Developer to attend to building deficiencies identified by Levelton; and

WHEREAS the Strata Corporation has a duty to maintain the Common Property; and

WHEREAS failure to remedy the exterior deficiencies may result in building envelope problems which could affect the ten-year structural warranty; and

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize an expenditure of up to \$450,000 to remedy the exterior building deficiencies with these funds to be raised by way of \$100,000 from the Contingency Reserve Fund and \$350,000 by way of a Special Levy.

- (a) Each Strata Lot's share of the Special Levy is due and payable immediately on the date of passage of this Resolution. For convenience only, an Owner may pay the amount due on May 1st, 2006. The cheque must be for the amount shown opposite the Strata Lot on Schedule "A" attached hereto.
- (b) In the event that the amount collected for the Special Levy exceeds the amount required or, for any other reason, is not fully used for the purposes set out in this Resolution, then, in accordance with Section 108(5) of the *Strata Property Act*, S.B.C. 1998, c. 43, the Strata Corporation must return the money, in proportion to the Strata Lot's contribution, to the Owner of record at the date of such return of unexpended funds.
- (c) In the event that a Strata Lot is sold or there are any changes to title, prior to the Special Levy being paid, the Special Levy must be paid in full before a "Form F – Certificate of Full Payment" can be used pursuant to section 115 of the *Strata Property Act*.

It was **MOVED** and **SECONDED** (Dournovo #2706 / Holtzman / Regier TH #11) to amend subsection (b) of the Resolution to read "In the event that the amount collected for the Special Levy exceeds the amount required or, for any other reason, is not fully used for the purposes set out in this Resolution, then the excess funds be transferred to the Contingency Reserve Fund...."

DEFEATED. 19 in favour, 38 opposed, 2 abstentions.

Discussion took place on the Motion as originally presented:

- Owners were given a history of the building envelope deficiencies and were advised that the Strata Corporation has been unable to get the developer to fix the deficiencies, that were noted in a Levelton report, which was done when the building was one year old. Since that time, several engineering reports have been commissioned and the last report quantified the amount of work required.

- If this work is not done, the Strata Corporation will become a leaky condo, so it is prudent to go ahead and undertake this work and make a decision at a later date as to whether or not to commence legal action against the developer.
- We have been trying for six years to get the developer to attend to these problems.
- There are only a couple of suites in the building that are currently experiencing water ingress problems.
- Again, we have to stress the Europa is not a leaky condo, but that the building must be maintained.
- The \$450,000 in the Resolution is based on the latest Levelton report, with an allowance for increased costs.

The question was called and the Resolution was **DEFEATED. 27 in favour, 30 opposed, 2 abstentions.**

3/4 VOTE RESOLUTION #4

It was **MOVED** and **SECONDED** (Tan #2306 / Jackson #708).

WHEREAS the Strata Corporation has been unable to arrange for the Developers to attend to building deficiencies identified by Levelton; and

WHEREAS the Strata Corporation has a duty to maintain the Common Property; and

WHEREAS failure to remedy the exterior deficiencies may result in building envelope problems which could affect the ten-year structural warranty; and

WHEREAS the Strata Corporation wishes to proceed with remedial work on the exterior deficiencies;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize an expenditure of up to \$450,000 to remedy the exterior building deficiencies with these funds to be raised by way of \$150,000 from the Contingency Reserve Fund and \$300,000 by way of a Special Levy.

- (d) Each Strata Lot's share of the Special Levy is due and payable immediately on the date of passage of this Resolution. For convenience only, an Owner may pay the amount due on May 1st, 2006. The cheque must be for the amount shown opposite the Strata Lot on Schedule "B" attached hereto.
- (e) In the event that the amount collected for the Special Levy exceeds the amount required or, for any other reason, is not fully used for the purposes set out in this Resolution, then, in accordance with Section 108(5) of the *Strata Property Act*, S.B.C. 1998, c. 43, the Strata Corporation must return the money, in proportion to the Strata Lot's contribution, to the Owner of record at the date of such return of unexpended funds.
- (f) In the event that a Strata Lot is sold or there are any changes to title, prior to the Special Levy being paid, the Special Levy must be paid in full before a "Form F – Certificate of Full Payment" can be used pursuant to section 115 of the *Strata Property Act*.

CARRIED UNANIMOUSLY.

3/4 VOTE RESOLUTION #5

It was **MOVED** and **SECONDED** (Jackson #708 / Pavan TH #9).

WHEREAS the Strata Corporation wishes to purchase additional exercise equipment;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners Strata Plan LMS 4071, The Europa, to authorize an expenditure of up to \$10,000 from the Contingency Reserve Fund to cover the cost of a treadmill and a recumbent bicycle.

CARRIED. 45 in favour, 9 opposed, 5 abstentions.

3/4 VOTE RESOLUTION #6

It was **MOVED** and **SECONDED** (Hill #1002 / Tan #2306).

WHEREAS at the Annual General Meeting held on March 23rd, 2005, the Owners approved an expenditure of \$6,955 to have an outside consulting firm prepare a maintenance manual; and

WHEREAS the funds were insufficient to undertake the project;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize an additional expense of up to \$10,000 from the Contingency Reserve Fund to complete the maintenance manual.

CARRIED UNANIMOUSLY.

3/4 VOTE RESOLUTION #7

It was **MOVED** and **SECONDED** (McLaughlin #2309 / Hooper #2709).

WHEREAS attempts to address the deficiency list associated with the building envelope of The Europa with the Developer have resulted in the requirement of a legal opinion;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize an amount of \$10,000 from the Contingency Reserve Fund to obtain a legal opinion relating to the deficiencies.

CARRIED. 51 in favour, 5 opposed, 3 abstentions.

14. NEW BUSINESS

The following topics were discussed:

- Can we make it mandatory that Residents replace their supply lines? Only if it is a Strata Corporation Bylaw, as it is a Strata Lot issue and not one of common property.
- Forty-one Owners have signed up so far for the bulk purchase of supply lines. It was suggested that the Notice be changed to include the washer hoses and the dishwasher supply lines.
- Visitor parking is a contentious issue, in that visitors to Europa have to pay market rates in the parkade.
- Minutes – an Owner complained that the Minutes are too vague and there is not enough information provided. Mr. Boldt of TH #7 volunteered to produce a newsletter for the Residents. The Council President noted that the Minutes are a record of decisions made by the Strata Council and are not verbatim, nor are they a “Hansard.”

- It was suggested that the Owners protest in front of the Henderson buildings, currently under construction, in an effort to pressure the developer to fix the deficiencies. The Council to be elected at this meeting will sponsor a special forum to strategize a plan of action.
- It was suggested that a 24-hour concierge service would be of considerable help in times of water leaks, such as the one that occurred in the middle of the night on March 31st, 2006.
- Owners were provided with an update on the status of the damage to the lobby and it is hoped that the repair work will be undertaken as soon as possible.
- It was suggested that the Annual General Meeting should be held on a day other than Thursday, and Monday was suggested. The Council to be elected at this meeting will take this matter under advisement.

15. ELECTION OF STRATA COUNCIL

A hearty vote of thanks was extended to the outgoing Council for all their efforts on behalf of the Owners over the past year.

Darcy Siggelkow, TH #15, was nominated and declined to let his name stand.

The following Owners were nominated and agreed to let their names stand:

Kirby Morrow	TH #1
Marcello Pavan	TH #9
John Tulev	#2709
Fern Jeffries	TH #2
Tim Richards	TH #7
Sidney Dennison	#708
Helen McLaughlin	#2309
David Holtzman	TH #11

David Holtzman withdrew his name from the list of candidates. Therefore, Kirby Morrow, Marcello Pavan, John Tulev, Fern Jeffries, Tim Richards, Sidney Dennison and Helen McLaughlin were declared elected by acclamation.

16. MEETING TERMINATION

There being no further business, the Annual General Meeting was terminated at 9:13 p.m.

Immediately following the Annual General Meeting the Council met briefly to elect the following officers:

President	Fern Jeffries
Vice-President	John Tulev
Treasurer	Tim Richards
Secretary	Kirby Morrow
Privacy Officer	Sidney Dennison
Website Liaison	Sidney Dennison (temporary)

17. MANAGEMENT CONTRACT

Two members of the Council signed the management contract addendum, which allows for increased management fees, as per the approved Operating Budget, and for the Real Estate Council's Trust Audit, to be charged to the Strata Corporation at net.

18. MEETING TERMINATION

There being no further business, the Council meeting was terminated at 9:30 p.m.

The next Council meeting will be held on **Thursday, May 25th, 2006**, at 6:30 p.m.

NOTE: PLEASE MAKE YOUR CHEQUES PAYABLE TO “STRATA PLAN LMS 4071” AND ENSURE THAT YOUR UNIT NUMBER IS CLEARLY MARKED ON THE FRONT OF EACH 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 the expense of the Strata Corporation.

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 _____
BY
COUNCIL: _____

DATE: _____

(05/4/05)

(06-AGM-M.4071)