CHELSEA GARDENS – LMS 1416

ANNUAL GENERAL MEETING MINUTES ***TUESDAY, APRIL 19, 2011***

LOCATION:
7:00 pm. – Eaglequest Golf Centre
7778 152nd Street
Surrey, B.C.

PRESIDENT
Harry Steele - #T237

VICE-PRESIDENT
Don Pittendreigh - #W123

SECRETARY
Joan Brown - #T138

TREASURER
Gary Beirnes - #T333

LANDSCAPING
Bill Callagan - #T292
Joan Brown - #T138
Ray Smith – #T103

SECURITY
Lloyd Anderson - #K409

MAINTENANCE
Bill Callagan - #T292
Ray Smith – #T103

APARTMENT LIAISON
Lloyd Anderson - #K409

TOWNHOME LIAISON
Gary Beirnes - #333

STRATA MANAGER
Gerry Blanchard
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EMERGENCY CONTACT
24 HOUR SERVICE
(778) 578-4445
Go to local 222 and press "7"
Your call will be directed to
Gerry's cell phone.

ATTENDANCE:

118 Owners registered in person
94 Owners registered and represented by proxy

Shawn Smith – Strata Corporation Solicitor

(1) CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Harry Steele, President.

(2) CALLING THE ROLL/CERTIFICATION OF PROXIES

The roll was called and all proxies certified by Mr. Blanchard with the assistance of Verna Sandison, T276, in accordance with the requirements of the Strata Property Act. The Act requires that a quorum consisting of one-third of the Owners be present in order for the meeting to proceed. Mr. Blanchard reported that a quorum was present.

(3) PROOF OF NOTICE/WAIVER OF NOTICE

Mr. Blanchard advised that appropriate notice must be given to all Owners either by mail to their last-known address or hand-delivered on-site. In the case of this Annual General Meeting, the notices were mailed to all Owners on March 31, 2011 which is 20 days prior to the meeting date. It was MOVED – W422, that adequate notice was given for this evening's meeting.
SECONDED – T188

A point of order was raised that the AGM notice was incomplete and should the meeting be adjourned. Shawn Smith stated that the failure to supply a fee schedule does not invalidate the meeting and business can proceed.
211 in favour, 1 opposed. CARRIED

(4) ADOPTION OF AGENDA

It was MOVED – T153, to amend the agenda number system to reflect a continuous numbering sequence.
SECONDED – T149 CARRIED

(5) ADOPTION OF PREVIOUS MINUTES

It was MOVED – T320 to adopt the minutes of the AGM of April 27, 2010. SECONDED – K108. CARRIED

(6) PRESIDENT'S REPORT

Harry Steele, President, gave a report on activities that have taken place over the past year, for the benefit of Owners in attendance at the AGM. See attached.

(7) REPORT ON INSURANCE

Gerry Blanchard informed the Owners of details of the Strata Corporation's insurance policy. The policy was renewed on March 1, 2011, with premiums of $ 189,763.00 for 12 months. Details of the policy are as follows:

Property value -	$101,942,700 (Last year $100,152,000)	Deductibles: Water - $ 5,000
Liability coverage -	10,000,000	Flood - 10,000
Directors and Officers -	5,000,000	Glass - 1,000
		Earthquake – 10%
		All Risks - $ 2,500

Gerry invited Owners to call should they have any questions regarding the Corporation's insurance, or with any questions regarding their own in-suite insurance contents policy. He urged Owners to call their insurance companies to make sure that their policies cover any upgrades that they have made to their units, because the Strata insurance does not cover these improvements.

(8) ELECTION OF STRATA COUNCIL

Harry Steele explained to the Owners that the Bylaws required three positions to be filled for a two-year term. The new council members would join Harry Steele - T237, Joan Brown - T138, Bill Callagan - T292 and Lloyd Anderson, K409 who were elected last year to a two-year term.

The Nominating Committee received the following names of Owners to be considered for the Strata Council:

Ray Smith, T103 Gary Beirnes - T333 Harold Drobott, T191

It was MOVED – T184, that the Owners noted above be nominated to run for Council.
SECONDED – T153. CARRIED

As no further names were received from the floor, the Owners noted above were elected to Council by acclamation.

(9) ELECTION OF UTILITY COMMITTEE

Harry Steele explained to the Owners that the Bylaws required three positions to be filled.
Bob Hurley – 3-year term Patti Scott – 2-year term Bob Dresser- 1-year term

As no further names were received from the floor, it was MOVED – T153, the Owners noted above were elected to the Utility Committee by acclamation. SECONDED – T187. CARRIED

(10) ELECTION OF INVESTMENT COMMITTEE

No names were received from the floor so this function will be filled by the Strata Council.

(11) RATIFICATION OF RULES

In the past year, Council did not pass any Rules and therefore no Rules were needed to be ratified.

(12) CONSIDERATION OF 3 / 4 VOTE RESOLUTIONS

12.1 3 / 4 VOTE "A" – CAPITAL REPAIRS – APARTMENTS – 2010-2011

Therefore be it resolved as a 3 / 4 Vote of the Owners, LMS 1416, Chelsea Gardens, that authority is hereby given to transfer from the Contingency Reserve Fund $26,778.42 to cover capital equipment repairs which have been made in the apartments in 2010-2011.

It was MOVED – T103 and SECONDED – T153 to adopt 3 / 4 Vote "A" as presented.
208 in favour, 0 opposed, 4 abstained. CARRIED

12.2 3 / 4 VOTE "B" – COMMON AREA EQUIPMENT – APARTMENTS – 2011-2012

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend from the Contingency Reserve Fund up to $30,000.00 for equipment replacements that may take place in 2011-2012.

It was MOVED – T103 and SECONDED – T153 to adopt 3 / 4 Vote "B" as presented.
204 in favour, 0 opposed, 8 abstained. CARRIED

12.3 3 / 4 VOTE "C" – COMMON AREA EQUIPMENT – 2011-2012

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend from the Contingency Reserve Fund up to $30,000.00 to inspect, and where necessary, replace pumps, tanks, valves and other common area equipment as required.

It was MOVED – T103, and SECONDED – T153 to adopt 3 / 4 Vote "C" as presented.
212 in favour, 0 opposed, 0 abstained. CARRIED

12.4 3 / 4 VOTE “D” – BUILDING ENVELOPE REPAIRS – TOWNHOMES - 2011

Therefore be it resolved as a 3 / 4 Vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend from the Contingency Reserve Fund up to $100,000.00 to inspect, and where necessary, repair and caulk those townhouse units as required, repair balcony spindles, and replace doors and windows as required on a priority basis.

It was MOVED – T103, and SECONDED – T153 to adopt 3 / 4 Vote “D” as presented.
210 in favour, 2 opposed, 0 abstained. CARRIED

12.5 3 / 4 VOTE “E” – LIGHTING UPGRADES - WALKWAYS

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend from the Contingency Reserve Fund a sum up to $8,000 to acquire new walkway lighting.

It was MOVED – T103 that this Resolution be retracted and withdrawn as some of the facts relating to this resolution has changed. No seconder, therefore the Resolution disappears.

12.6 3 / 4 VOTE “F” – INSURANCE BYLAW

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens that bylaw 33 be rescinded and replaced with a new bylaw 33 as noted below:

33. Insurance Deductible and Damage to Property

(1) The owner of a strata lot shall be obligated to pay to the strata corporation upon demand the amount of any insurance deductible paid by the strata corporation in relation to any claim made under or against the strata corporation’s insurance policy, the cause of which claim the owner, a tenant, an occupant of that owner’s strata lot or their guest or invitee are responsible for or the source of the damage giving rise to the claim originated in that owner’s strata lot.

(2) If an owner makes an insurance claim under the strata corporation’s insurance policy in relation to any portion of that owner’s strata lot which the strata corporation is required to insure for which the owner, a tenant, an occupant of that owner’s strata lot or their guest or invitee are responsible for the damage which gave rise to the claim, the owner shall pay directly any deductible related to such claim.

(3) The strata corporation, subject to the terms of the Strata Property Act and these bylaws, shall recover from an owner or tenant (as the case may be) the costs to repair any physical damage to the common property, limited common property or those portions of a strata lot which the strata corporation is required to repair and which is not covered by the strata corporation’s insurance policy for which the owner, a tenant, an occupant of the strata lot or their guest or invitee are responsible or the source of which originated in that strata lot. The strata corporation may choose to seek recovery (including suing) from only the owner of a strata lot in relation to damage caused by a tenant or occupant of that strata lot or their guest or invitee. Nothing in this section shall act to restrict the rights of the strata corporation pursuant to s.133 of the Strata Property Act.

(4) The owner of a strata lot shall be obligated to pay to another owner the costs (including any insurance deductible) to repair any damage to that other owner's strata lot for which the owner, a tenant, an occupant of the strata lot or their guest or invitee are responsible or the source of which originated in the owner's strata lot.

It was MOVED – T103, and SECONDED – T153 to adopt 3 / 4 Vote "F" as presented.
208 in favour, 4 opposed, 0 abstained. CARRIED

12.7 3 / 4 VOTE "G" – POOL COVER

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend from the Contingency Reserve Fund a sum up to $3,600.00 to replace the pool cover.

It was MOVED – T103, and SECONDED – T153 to adopt 3 / 4 Vote "G" as presented.
212 in favour, 0 opposed, 0 abstained. CARRIED

12.8 3 / 4 VOTE "H" – INTERIOR APARTMENT PAINTING

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend from the Contingency Reserve Fund a sum up to $23,000.00 to repaint the halls and stairwells in the 3 apartment buildings.

It was MOVED – T103, and SECONDED – T153 to adopt 3 / 4 Vote "H" as presented.
212 in favour, 0 opposed, 0 abstained. CARRIED

12.9 3 / 4 VOTE "I" – SECURITY UPGRADES

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens Council is hereby authorized to borrow from the Contingency Reserve Fund a total of $65,320.00 to purchase security upgrades as noted above and the loan will be repaid from the operating budget with 4% interest per annum over 65 months.

It was MOVED – T103, and SECONDED – T153 to adopt 3 / 4 Vote "I" as presented.

It was MOVED – T246, and SECONDED – T318 to separate this Resolution into 3 parts and vote independently on each part. 47 in favour, 144 opposed, 0 abstained. DEFEATED

The question was called on the Resolution as presented

126 in favour, 77 opposed, 0 abstained, 3 spoilt. (62% In favour) DEFEATED

(13) CONSIDERATION OF PROPOSED OPERATING BUDGET 2011-2012

At this time, Gary Beirnes was planning to present the budget but could not attend the meeting and the floor was turned over to Dave Brennan (a past Chelsea Treasurer and President) who went over the budget for 2010-2011 and the proposed annual operating budget for the fiscal year March 1, 2011 to February 29, 2012.

A concern was noted that the Utility Fund Surplus and its Cash account did not balance. This will be researched and reported back to the Ownership.

It was MOVED – W123 to adopt the 2011-2012 proposed Operating Budget as presented.
SECONDED – K409

It was MOVED – W324, and SECONDED – K315 that the Utility Surplus of $52,751.42 be removed from the operating budget and refunded to the current Owners of the apartments.

46 in favour, 122 opposed, 0 abstained. DEFEATED

It was MOVED – W125 to challenge the Chair. At this point, the Chair stepped down and a vote was called to have Mr. Steele re-instated as Chair. 169 in favour, 1 opposed, 1 abstained. CARRIED

It was MOVED – T246 to terminate the meeting. SECONDED – W324.
54 in favour, 117 opposed. DEFEATED

After further discussion from the floor, a vote was called on the proposed 2011-2012 budget as presented. 126 in favour, 50 opposed, 0 abstained. CARRIED

(14) PAYMENT OF STRATA FEES

The payment of your monthly Strata fees **will not change** and can be made in the following ways:

1. Automatic withdrawal from an Owner's account by completing a Personally Approved Payment (PAP) agreement and forwarding a "Void" cheque for that account.
   IF AN OWNER IS ALREADY ON THIS SYSTEM, NO FURTHER ACTION IS REQUIRED.

2. Post-dated cheques, whereby an Owner submits to Crossroads Management twelve (12), post-dated cheques. These should be dated for the first of each month, commencing March 1, 2011, payable to **Strata Plan LMS 1416 – Unit #____**. If you have paid March and April, please forward only 10 cheques. Cheques may be left in the "Property Manager" mailbox in the clubhouse mailroom or the foyer of each apartment building for pick-up.

If you would like to know your strata fee amount, please call the accounting department at Crossroads.

(15) DISCUSSION

As quorum was lost, no further discussion or new business was able to be discussed.

(16) TERMINATION OF MEETING

It was MOVED - #T196 to terminate the meeting at 10:05 p.m. Council will meet on Wednesday, May 4, 2011 to elect council positions.
Gerry Blanchard, Strata Manager