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CHELSEA GARDENS – LMS 1416

SPECIAL GENERAL MEETING MINUTES

TUESDAY, JULY 28, 2020

LOCATION:

6:00 PM. – Chelsea Clubhouse/Zoom
13888 – 70th Avenue
Surrey, B.C.

STRATA COUNCIL - 2019/2020

PRESIDENT

Zenon Jalbert – TH-202

VICE-PRESIDENT

Murray Hill – K406

SECRETARY

Anita Thompson – W325

TREASURER

Victor Monasch- T153

COUNCIL MEMBERS AT LARGE

Ashley Orton – T243

Norm Reid – T302

Bill Zemianski – T329

COMMITTEE ASSIGNMENTS

Zenon – Executive, Bring Forward, Website

Murray – Townhouses, Irrigation

Bill – Clubhouse, Social Liaison, RV Liaison, Bylaws

Anita – Finance, Executive

Victor – Executive Committee

Ashley – Landscaping, Security, Volunteers, Ponds and Fountains

Norm – Apartments

CLUBHOUSE OFFICE

Valerie Morris

M, TU, TH, and F - 11:00 AM to Noon
Guest suite booking and Keys

CARETAKERS

John Unger - (604) 834-4578

(7:00 AM-3:00 PM-Monday-Friday) Valerie Morris – Nights/Weekends

(5:00 PM-7:00 AM Monday-Friday)

(7:00AM-1:00PM Saturday)

(604) 834-4578

STRATA MANAGERS

Ross Ruddick – ross@crpm.ca

Jesse Train – jesse@crpm.ca

Bogdan – bogdan@crpm.ca

CROSSROAD MANAGEMENT LTD.

1001- 7445 132ND STREET,

SURREY, B.C. V3W 1J8

Phone: (778) 578-4445

Fax: (778) 578-4447

241 - Owners registered by directed proxy

10 - Owners registered in person

1 – Owner represented by proxy

2 - Owners registered and participating in Zoom voting session

19 - Owners (counted above in proxies) participating in Zoom non-voting session

254 - Owners present/proxy/Zoom (voting) in total

(1) CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Zenon Jalbert, Strata Council President. The Strata Manager, Ross Ruddick from CrossRoads Management, was asked to chair the meeting from that point on.

The Strata Council and Strata Managers wish to Thank Verna Sandison for her assistance in spreadsheet work and organizing the registration volunteers. The volunteers were Gladys Bittner, Carol Bochen, Kathleen McLeod, Diane Anderson and Terry Hyde and, they too, are thanked for their assistance and working in the hot sun.

The Strata Council and Strata Managers also wish to thank and recognize the assistance of the volunteers who put together the pop-up tents (courtesy of the Social Committee) and the electronics and sound system for the SGM. Volunteers included Zenon Jalbert, Ashley Orton, Jim and Barb Parker, Bob and Terry Hyde, Doug and Kath McLeod, Charlie Sweet, Ron Plankeel and Norm Reid. Thanks as well to all the volunteers who put everything away after the SGM

(2) CALLING THE ROLL/CERTIFY PROXIES

The roll was called and all proxies certified by Ross Ruddick 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. Ruddick reported that a quorum was present.

(3) PROOF OF NOTICE/WAIVER OF NOTICE

Mr. Ruddick advised that, as per the Strata Property Act and Regulations, 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 Special General Meeting, the notices were distributed commencing on July 4, 2020 door to door by volunteer council members through the weekend. The balance of the packages were mailed on July 7, 2020.

It was **MOVED** – T153, that adequate notice was given for this meeting **SECONDED** – W325. **CARRIED**

(4) ADOPTION OF AGENDA

It was **MOVED** – T153 to adopt the SGM agenda as presented in the package distributed by mail/in person to the owners **SECONDED** – W325 **CARRIED**

(5) ADOPTION OF PREVIOUS MINUTES

It was **MOVED** – T153 to adopt the minutes of the AGM of April 29, 2019 AND April 20, 2020 as circulated. **SECONDED** – W325. **CARRIED**

(6) ELECTIONS OF COUNCIL AND THE INVESTMENT COMMITTEE**ELECTION OF STRATA COUNCIL**

Mr. Ruddick explained that Victor Monasch, Norman Reid, and Bill Zemianski are entering the 2nd year of their two-year terms and that they are not voted upon as per Chelsea Garden's bylaw #10.

There were four council positions open for election at this SGM and, nominated in advance were: Anita Thompson – W325, Ashley Orton – T243, Bob Hyde – T102, and Murray Hill – K406. Each of these candidates submitted a bio/resume that was included in the SGM package so that owners could have background information about all that were running.

Mr. Ruddick called for any additional nominations but did note that, on the directed proxies, there was insufficient authorization from the owners to allow proxy holders to vote for a nomination from the floor. Mr. Ruddick then provided each candidate an opportunity to speak to the assembled owners and the candidates declined this opportunity.

After the owners indicated up to their four choices, the ballots were collected and then counted by a volunteer scrutineer and Bogdan Mitoi.

Ross Ruddick was provided the voting tally and combined this with the Zoom votes and the directed proxy votes and announced the elected Strata Council members for the 2020 - 2022 term as:

Anita Thompson – W325, Ashley Orton –T243, Bob Hyde – T102, and Murray Hill – K406.

Ross indicated that the new Council would meet the next day to determine Executive and Committee positions.

There were no nominations for the Investment Committee positions so this committee will remain inactive.

(7) RATIFICATION OF RULES - SIMPLE MAJORITY VOTE (MORE THAN 50%)

A Strata Council is permitted to pass rules during the course of their term of office and these rules are valid and effective immediately upon passage. In order to remain valid the rules passed by council must be brought forward to the next Annual or Special General Meeting to be ratified by the owners and this requires a simple majority (more than 50%) vote.

Item # 1 - At the July 16, 2019 Council meeting a new rule was approved by Council to read:

1. GENERAL

- n. Quiet time on common and limited common property is from 10:00PM - 8:00AM.
Owners are responsible for their guests and pets.

It was MOVED by T153 and SECONDED by W325

CARRIED

Mr. Ruddick noted, after concerns were raised about exceptions that could include New Years Eve, Canada Day or other celebrations that the Strata Council would discuss amendments to this rule at their next meeting.

Item # 2 - At the July 16, 2019 Council meeting two new rules were approved to read:

b. Pool and Spa Area

- 18. No alcoholic beverages are permitted in the spa area.
- 19. No alcoholic beverages are permitted while in the pool.

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 3 - At the July 16, 2019 Council meeting three new or amended rules or were approved by Council to read:

4 g. GUEST SUITE RENTALS

Three suites are available for rental, for the convenience of residents, for overnight guests. The following set of rules has been approved by the Strata Council:

1. A rental fee per night will be charged. Personal cheques are payable to "STRATA PLAN LMS 1416", ONLY CHEQUES FROM Residents will be accepted. Bookings for the month of December, if not cancelled thirty days prior to the rental, are non-refundable. For all long weekends and the months of JUNE, JULY, AUGUST must be cancelled 14 days prior or NO refund will be issued. All refunds are done through CrossRoads. The charge or fee for this is to be determined by the Strata Council at the last Council meeting in March, prior to the approval and distribution of the Annual General Meeting agenda. The new rates or fees will take effect only after owner approval (or amendment) at the AGM.
2. All bookings must be made by the resident with the designated person from 11:00AM – 12:00 noon, Monday to Saturday with the exception of Wednesday and Sundays.

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 4 - At the July 16, 2019 Council meeting several new or amended rules or were approved by Council to read:

Parking Rules for Recreational Vehicles

1. Resident owners will be given first opportunity to park in the parking area provided. Resident tenants will be accommodated if space is available. Residents must show proof of registration and ownership at the time a space is allocated. Sole ownership of the RV and tow vehicle by the Chelsea Gardens resident is required. RV and tow vehicle must be registered with the Strata Corporation along with proof of third-party liability insurance with the registered owners name, unit number and space allocated. All trailers and 5th wheels must have a tow vehicle registered with it. Should any license plate expire, proof of liability insurance must be provided to the Strata Corporation who will be responsible to maintain these records.
2. Owner requests a stall by contacting CrossRoads and provides detailed information about the size/type of rig.
3. Crossroads contacts the RV committee for stall availability.
4. Owner comes to CrossRoads with RV registration and insurance papers.
5. Owner makes payment arrangements giving PAP authorization. Once all the paperwork is in place, CrossRoads will collect for the key and provide it to the owner.
6. When an RV is sold CrossRoads Management must be notified to cancel the use of the RV space and the monthly fees. The user must return the key to CrossRoads.
7. When an RV is sold the allocated space reverts to the control of the Strata Corporation. RV spots are not transferable to another owner and are allocated by the RV Committee based on a priority list.

8. When an RV is sold it must be removed from Chelsea property upon completion of the sale.
9. If the new owner of the RV is a Chelsea resident they should contact CrossRoads to inquire about obtaining a parking space.
10. If the resident owner is replacing the RV with another unit they will be given 3 months to replace it without losing their space, providing rental fees for the 3 months are maintained.

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 5 - At the October 15, 2019 Council meeting Rule 4 f was amended and approved by Council to read:

RULES FOR RENTAL OF FIRESIDE LOUNGE

1. The Fireside Room and kitchen area are available to be rented on Saturdays or Sundays only, (and Christmas/Thanksgiving and between December 24 through to December 31) by an owner, for their own personal exclusive use. In the case of bereavement only, the Fireside Lounge may be rented at other times if it is not already booked. Bookings for the month of December, if **NOT** cancelled **THIRTY** days prior to the event, are **NON-REFUNDABLE**. The areas must not be used for commercial purposes. A rental fee of \$50.00 will be required to be paid, by the resident, to the Strata Corporation at the time of booking.
2. The Resident will also be required to pay to the Strata Corporation, a refundable Damage Deposit of \$250.00 made payable to "THE OWNERS, STRATA PLAN LMS 1416" prior to taking possession of the booked premises. Should the booked premises be damaged or left unclean, the costs will be deducted from the deposit to repair and/or replace damaged and/or missing property, and/or for the cleaning of the premises. Should these costs exceed the amount of the deposit, the resident will be held responsible for the excess.
3. All Guests, for special functions, must vacate the premises by 11:00 PM; however, cleanup operations are permitted until 11:30 PM. Cleanup **MUST** be completed by 10:00 AM the day following the special function. **However, the food MUST be cleaned- up the day of the function.**
4. A maximum of forty (40) guests is permitted for each special function.
5. Smoking is NOT permitted within the premises or around the swimming pool.
6. Animals are NOT permitted within the premises.
7. The ovens in the kitchen area are to be used for warming of food only – no cooking is permitted. Chairs, tables and the coffee pot may be used. Glasses, dishes, serving plates and cutlery are available for rental at a cost of \$25.00 per event. These items must be cleaned and the dishwasher must be emptied by 11:30 AM the next day.

8. Parking is available in the visitor's spaces in the Recreation Centre parking area or outside the complex. **Please note parking is not permitted on the roadways within the complex.**
9. It is the sole responsibility of the resident to obtain any liquor licensing, as required by law.
10. It is the responsibility of the resident to ensure that guests stay in the rented area **ONLY**.
11. The resident is solely responsible for the actions of their guests, and agrees that any guests acting contrary to Strata Bylaws, or Rules may be removed at the request of a representative of the Strata Corporation.
12. It is agreed and acknowledged that the undersigned take full responsibility for any cost incurred for damages or cleaning.
13. The Strata Corporation shall prepare and print a rental agreement, reflecting all these rules and the renter shall sign this agreement prior to the event.

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 6 - At the November 19, 2019 Council meeting a new rule was approved to read:

If the caretaker is required to deal with in-suite owner issues on Strata Time a service fee will be charged to the unit. **(Please see Rental Rates and User Fees for details)**

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 7 - By way of an email vote on March 4, 2020 a new rule was approved to read:

Guest Parking in RV Lot

Extra vehicle parking spaces within the RV lot can be rented out on a short term basis at Council discretion for a fee set by Council for guests of Owners. (Please see Rental Rates and User Fees for details)

Precedence will be given to RV Owners if the spot is required for their Tow vehicle. Deposit fee set by Council for the RV key will be required. (Please see Rental Rates and User Fees for details)

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 8 - At the March 17, 2020 Council meeting a new rule was approved to read:

Owners wishing to make permanent alterations to the landscaping on common areas around their unit are required to follow the steps and guidelines below:

Any request must be submitted in writing to the Council. The request needs to contain details of the changes, which will need Council approval (after consultation with the landscaper):

- a) The area being affected and its dimensions
- b) What actual plants they intend to use, a plan of how they intend to lay it out – diagrams would be helpful. The plants should not be invasive and should be appropriate for the location where they will be planted.
- c) The area affected must have a soil base. For example, mulch, garden soil – no form of rock cover.
- d) Provide a reasonable timeframe for when the change will be implemented.
- e) Any approved changes are subject to inspection by council upon completion.
- f) Any approved changes are now the responsibility of the owner (and subsequent owners) to maintain. (passed at Council meeting 2020-03-17)

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 9 - By an email vote on March 27, 2020 a new rule was approved to read:

All Chelsea Gardens Residents, returning from out of the Country, must self-isolate for a period of 14 days. Self-isolation means that, other than initially returning to Chelsea Garden and going directly to their unit, all residents are prohibited from accessing all common property during that self-isolation period. For the apartments, this would mean staying entirely within the suite and not accessing common hallways for any reason. For the townhouses, this would mean confining oneself to the unit and the limited common property balcony or patio. **This rule is only in effect in conjunction with pandemic guidelines set out by the B.C. Health Authorities at the specific time.**

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 10 - By an email vote on April 2, 2020 an amended rule was approved to read:

Owners may place free standing, pre-manufactured sun protection gazebos on their patios from May 1 to September 30 provided that the gazebo does not extend beyond the boundaries of the patio, is not attached to the patio and that the proposed colour be approved by council. **The canopy cannot have any sidewalls and the maximum size permitted is 10' X 12'.**

MOVED BY T153 AND SECONDED BY W325

CARRIED

Mr. Ruddick noted, after concerns were raised about this rule not referencing a maximum height of the gazebo, that the Strata Council would discuss amendments to this rule at their next meeting.

Item # 11 - At the June 16, 2020 meeting a revised rule was approved by Council to read:

Wind barriers/Balcony Enclosures – Townhouse owners may install partial wind barriers/balcony enclosures on the strata lots rear facing balcony at the owners cost provided that written permission is obtained from the Strata Council prior to installation. Wind barriers/enclosures are to be located in the open area above the railing and may not enclose more than 60% of the total horizontal linear distance of the balcony’s open outside perimeter wall and any sliding windows are to be included in that percentage. No balcony or any portion of the balcony may be fully enclosed. (A simple diagram will be included of an example of what is approved and what is not.)

MOVED BY T153 AND SECONDED BY W325

CARRIED

Item # 12 - At the June 26, 2020 informal meeting a new rule was approved by Council to read:

An owner or resident may not install or place bird feeders, install any bird baths, feed pigeons, gulls or other birds, squirrels, rodents or other animals from the exterior of a strata lot or anywhere on or in close proximity to the common property or any limited common property. Hummingbird feeders are permitted.

MOVED BY T153 AND SECONDED BY W325

CARRIED

Mr. Ruddick noted, after concerns indicated that bird baths should not be included in this rule, that the Strata Council would discuss amendments to this rule at their next meeting.

Item # 13 - At the June 26, 2020 informal meeting four new rental rates/user fees were approved by Council – all other fees remain the same:

- Fobs and scan cards\$10.00 - Clickers - \$60.00.
- Caretaker attending in-suite issues..... \$25.00
- Extra Guest Parking in RV lot.....\$10.00 per week
- Deposit for RV lot key\$50.00

MOVED BY T153 AND SECONDED BY W325

CARRIED

(8) CONSIDERATION OF 3 / 4 VOTE RESOLUTIONS**3 / 4 VOTE "A" – 3 / 4 VOTE "A" – GARAGE DOORS - 2020**

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 replace townhouse garage doors as required on a priority basis.

MOVED BY T153 AND SECONDED BY W325

CARRIED

3 / 4 VOTE "B" – KENSINGTON INTERIOR IMPROVEMENTS – 2020

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that Council is hereby authorized to spend up to \$169,500.00 from the Contingency Reserve Fund to do significant updating to the interior hallways and carpeting of the Kensington.

MOVED BY T153 AND SECONDED BY W325

CARRIED

3 / 4 VOTE "C" – BYLAW CHANGE – USE OF PROPERTY

Therefore be it resolved as a 3 / 4 Vote of the Owners, LMS 1416, Chelsea Gardens, that Bylaw 3 (3) that now reads:

No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected or displayed on the common property or the strata lot (such that they are visible from the exterior of the strata lot) without prior written approval by the strata council. During a duly called Municipal, Provincial, or Federal election, any prevailing legislation regarding free expression of support will over-ride this bylaw but only to the extent of permitting elections signs displayed within a strata lot. Political signs may not be displayed on common or limited common property.

Be amended to now read:

No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected, **distributed** or displayed on the common property or the strata lot (such that they are visible from the exterior of the strata lot) without prior written approval by the strata council. During a duly called Municipal, Provincial, or Federal election, any prevailing legislation regarding free expression of support will over-ride this bylaw but only to the extent of permitting elections signs displayed within a strata lot. Political signs may not be displayed on common or limited common property.

MOVED BY T153 AND SECONDED BY W325

CARRIED

3 / 4 VOTE "D" –BYLAW AMENDMENTS

Therefore be it resolved as a 3 / 4 vote of the Owners, LMS 1416, Chelsea Gardens, that the bylaws that have been approved at the Special General Meeting of July 28, 2020 incorporated into the existing set of bylaws that are on file at land titles and include the bylaw changes approved at previous Annual General Meetings and that, following this consolidation into one complete set, that this set be filed with Land Titles and, in so doing, rescind and repeal all old sets of bylaws.

MOVED BY T153 AND SECONDED BY W325

CARRIED

(9) UPDATE ON INSURANCE

Ross Ruddick provided the owners an update on insurance. Ross had written to the Minister of Housing, Selina Robinson, in late March and received a reply on July 10th. Mr. Ruddick had expressed numerous concerns regarding strata insurance concerns and, in his letter, made a number of recommendations for the Government to consider. The Minister's response appeared to indicate that the Government is prepared to act on some of these recommendations with legislative changes that could make the strata insurance industry more competitive and potentially lead to lower premiums. Ross will continue to advocate for other changes that will be beneficial to strata insurance renewals and he will correspond with the Minister of Housing, the Finance Minister and other regulatory bodies.

Ross referenced a statement made by Carol James, the Minister of Finance that was widely reported in the media. In that statement, Ms. James noted high commissions earned by insurance brokerages (as much as 20%) and commissions or referral fees paid to strata management companies. CrossRoads Management does not solicit nor accept commissions or referral fees from any vendor as they do not consider that to be ethical. Mr. Ruddick did note that some strata management companies do solicit commissions or referral fees but far less than the Minister appeared to indicate. It is expected that this practice will be eliminated in the legislation. Ross also noted that Ms. James statement about strata insurance premiums rising by an average of 40% was erroneous and based on unreliable anecdotal information provided by one consumer association. While there certainly were some strata corporations who were not hit hard, there was an even much larger number who faced increases of 200 to 400 percent.

In respect to what we can anticipate for a renewal cost in 2021, Mr. Ruddick indicated that it is too early to predict but, with some Government intervention leading to transparency and more competition, it may be more favourable than it was this year. Mr. Ruddick noted that, by being proactive in the repair and maintenance of our buildings, capital improvements and aggressively pursuing loss mitigation solutions such as automatic water shut-offs, we will be a more attractive risk to the insurers.

Our team of strata managers will be very active, along with the Strata Council, in encouraging all owners to install these water shut off systems over the course of this year.

(10) APPROVAL OF THE 2019-2020 OPERATING RESULTS

The year end financial statements have been previously circulated and need to be approved by the owners and a motion to that effect was placed on the floor.

MOVED BY T153 AND SECONDED BY W325

CARRIED

(11) NEW BUSINESS

- It was suggested that our landscapers start to replace gas powered equipment such as mowers, trimmers, leaf blowers or other items with quieter and more environmentally friendly battery or electric powered equipment.
- An owner noted that we continue to have both residents and visitors who drive at excessive speeds on our roads. Council will fine owners for their own actions and the actions of their guests when it can be confirmed what unit was involved. We need the plate number, date and time and the unit that the vehicle is associated with. With other visiting vehicles such as delivery trucks, vendors, caregivers, etc., we need the name of the company, the plate or truck number and the date and time.
- A comment was made that sprinklers are sometimes directed onto doors or windows instead of the garden beds and lawns. Please ensure that you contact staff and/or the irrigation crew to have adjustments made.
- A concern was raised about our landscapers not weeding or cultivating some common garden beds in between unit driveways. This will be communicated to Allen Brothers.
- Owners also noted that our landscapers are also damaging irrigation sprinkler heads and this will also be discussed with the landscapers.
- There was a question about some of the aspects of a Civil Resolution Tribunal action that has just been initiated by one owner against the Strata Corporation as note in the latest Council minutes. They asked about our costs (legal or otherwise) to date. Mr. Ruddick noted that, due to some legal constraints as well as a non-disclosure agreement arising out of the Human Rights action by the same owner, that not much else could be publically discussed. There have been some costs incurred by the Strata Corporation along with a considerable amount of extra work load on the part of the Council President and the Strata Managers and those costs will be disclosed as much as possible as we move forward. The Strata Managers and the Strata Council consider the CRT Action to be unfounded and defensible given that the Strata Corporation has been acting, in a timely manner, on the commitments made in a negotiated HRT settlement. That settlement now appears to be in jeopardy as the mediator has withdrawn from the case.
- A Zoom participant suggested that there may be a cost savings to townhouse owners if we were to coordinate a bulk purchase arrangement for hot water tanks and boilers. This will be investigated.

- A couple of owners noted that some recent sign-up sheets for boiler and fireplace servicing appear to only be recommending those firms and excluding others such as Alloyd Plumbing. We will look at how these bulletins are worded in the future as this was not the intent. All that was intended was to offer bulk pricing. Owners are certainly free to use the contractor of their choice and, if you are happy with your regular plumber (or any other trade), by all means stay with them.
- An owner took the microphone to publically thank Zenon Jalbert for his great service to Chelsea Gardens both on Council and as President. The assembled audience responded with a round of applause. Ross also commented on Zenon's service and noted that he will be missed around the Council table.
- Mr. Ruddick thanked the owners for their cooperation regarding the way this Special General Meeting needed to be conducted due to Covid-19 and the Provincial restrictions placed on meeting size. Obviously this is not our ideal and we do hope to return to full, in-person, gatherings in the future.

(12) TERMINATION OF MEETING

It was **MOVED - #W-422** to terminate the meeting at 7:33 PM.

Ross Ruddick, Strata Manager

Owners are advised that they should retain their printed copies of the minutes for future use. Should an owner decide to sell, most prospective buyers will usually request two years worth of minutes and, if you do not have them, there is a charge of .25 per page from CrossRoads for this service. Retaining the minutes will help you and/or the buyer avoid this charge.