

CASCADE HEIGHTS BCS 1682

MINUTES of the ANNUAL GENERAL MEETING WEDNESDAY, FEBRUARY 27, 2013

1. Call to Order

The meeting was called to order at 7:04 p.m.

2. Calling of the Roll, Certifying of Proxies, and Verification of Quorum

Verification of Proxies – 10 proxies were verified

Voting Cards Issued - 42 voting cards were issued

Quorum Present – Required 21 – Present 42, quorum verified

Proof of Notice of AGM - Notices were mailed on February 6, 2013, in conformity with the statutory requirement.

3. Appointment of Meeting Chair

Doug Gallop, President of the Council, was appointed to chair the meeting.

4. Approval of Agenda

The approval of the agenda was **MOVED** by SL owner #57 and **SECONDED** by SL owner #36. **UNANIMOUSLY** approved.

5. Approval of the Minutes of the 2012 AGM, February 29, 2012

The approval of the Minutes of the 2012 AGM was **MOVED** by SL owner #36 and **SECONDED** by SL owner #61.

UNANIMOUSLY approved.

6. Reports

President's report - The President's report has been attached to these minutes.

7. Insurance Coverage

The strata corporation has an insurance policy with COASTAL INSURANCE SERVICES LTD. and is providing the following coverage:

All property	\$ 55,370
Commercial General Liability	\$ 5,000,000
Medical Payments	\$ 10,000
Directors & Officers Liability	\$ 2,000,000
Pollution & Remediation Legal Liability	\$ 1,000,000
Comprehensive	
Employee Dishonesty	\$ 25,000
Forgery, Counterfeit, etc	\$ 10,000
Equipment Breakdown – Lamp posts	\$ 55,370

Deductibles:		
All Property	\$	1,000
Water Damage	\$	5,000
Sewer Back-up	\$	5,000
Earthquake		10%
Flood	\$	10,000

All strata lot owners are advised to ensure that their home insurance policy provides coverage for the strata's deductible to be claimed from you in the case that damage caused is deemed to be your responsibility.

8. Approval of Financial Statements of 2012

The acceptance of the Financial Statements over the fiscal year 2012 was **MOVED** by SL owner #22 and **SECONDED** by SL owner #49.

A discussion ensued and explanations were provided.

Approved **UNANIMOUSLY**.

9. Resolution #1: Distribution of Budget Surplus 2012

The Owner of SL 4 **MOVED** that:

“The surplus of revenue over expenses of \$1363.31 for the 2012 fiscal period be transferred to 2013 operating revenue, in accordance with section 105 (1) (a) of the Strata Property Act.”

SECONDED by the Owner of SL 36
Approved **UNANIMOUSLY**.

10. Approval of 2013 Budget

The motion to approve the 2013 budget as presented, was **MOVED** by SL 61 and **SECONDED** by SL 35.

An explanation of the financial needs for the book year 2013 was given by the President.

Approved **UNANIMOUSLY**.

11. Resolution #2 – Waiver of Audit Requirement

The owner of SL 21 **MOVED** that:

“The Strata Corporation BCS 1682 waives the requirement that the financial statements of the corporation be audited by a qualified person, in accordance with Section 103 (5) (a) of the Strata Property Act”

SECONDED by the Owner of SL 36. Accepted **UNANIMOUSLY**.

12. Resolution #3 – Rental Restriction Bylaw

The owner of SL 16 **MOVED, SECONDED** by the owner of SL 48, to accept the motion:

“The bylaw entitled “Residential Strata Lot Rental Restrictions Bylaw” as written below, be accepted and registered to become part of the Strata Corporation BCS 1682 bylaws:

RESIDENTIAL STRATA LOT RENTAL RESTRICTIONS BYLAW

1. The number of residential strata lots that may be leased or rented at any one time is limited to 18 lots.
2. The limit of 18 strata lots will exclude any rentals to family members, as defined under the Strata Property Act, meaning in part:
 - a. the spouse of an owner
 - b. a parent or child of the owner, or
 - c. a parent or child of the spouse of the owner where “spouse of the owner” includes an individual who has lived and cohabited with the owner for a period of at least two (2) years at the relevant time of a marriage-like relationship, including a marriage-like relationship between persons of the same gender.
3. All leases or rentals will be restricted to be not less than a one (1) year in term.
4. Strata lot owners must first apply in writing to strata council for prior approval to lease or rent and council will provide a decision within 14 days from the date of the application.
5. Upon acceptance of an application to rent, an owner must enter into a lease of the strata lot within three (3) months from acceptance by council of such owner’s application or the acceptance will be automatically revoked and the council will be entitled to advise the next following on the list that its application to rent a strata lot has been approved.
6. In the event that a maximum of 18 lots are already rented, strata lot owners will be offered the option of a waiting list, which will be maintained by the strata council and/or the management company, in order of application dates.
7. Rental approval to any strata lot owner automatically expires on the date that rental occupancy by tenant ceases.
8. No new tenant leases will be approved after the maximum has been reached.
9. Where an owner has leased a strata lot to a tenant pursuant to a tenancy agreement entered into before this bylaw was registered, this bylaw does not apply to such strata lot until the later of:
 - (a) One year after the tenant who is occupying the strata lot at the time this bylaw is registered ceases to occupy the strata lot as a tenant, and
 - (b) One year after this bylaw has been registered.Any strata lot with tenant occupancy on the date of registration of this bylaw is automatically grand-fathered even if the limit of 18 lots are tenanted or the limit is exceeded, and will be exempt from clauses 7 and 8 of this bylaw until the strata lot is sold, or the strata lot becomes owner occupied.
10. Strata lot owners must provide tenant with all Cascade Heights Strata bylaws and rules and must supply strata council a fully completed Form K “Notice of Tenants’ Responsibilities”.
11. Any contravention to this bylaw by any strata lot owner will automatically result in a fine of \$250.00 to the owner for the first contravention, increasing to \$500.00 per every seven (7) days of continuous contravention of the bylaw. The strata corporation shall pursue recovery of all costs, including legal and other fees and apply all powers granted by the Strata Property Act, it’s Regulations and Bylaws.
12. An exemption may be granted by the strata council to the provisions and terms of this bylaw on the basis of hardship as defined in the Strata Property Act. The strata lot owner must make written application to council and supporting documents will be required such as, but not

necessarily limited to, financial statements of the owner's proof of net worth, monthly income and monthly expenses.

13. This bylaw will not be effective until one (1) year after the date this bylaw is registered."

Much discussion ensued. The President read aloud a letter received from one owner which outlined concern over the proposed bylaw since that lot had been purchased for the sole purpose of being a rental income property. A variety of similar concerns were voiced such as the impact of the bylaw on residential sales within the strata and whether the large number of allowable rentals would have any significant effect against owners who rent their property to tenants and do adhere to all strata bylaws. The President reminded concerned owners that those who currently rent their units would be grandfathered under the terms of the bylaw, and that the restrictions would not be in effect until one year time after the current tenant has vacated the property.

VOTE: In Favour: 18 Against: 24

The motion required 3/4 approval and was thus **DEFEATED**.

13. Resolution #4 – Strata Lot Maintenance Bylaw

The Owner of SL 4 **MOVED, SECONDED** by the Owner of SL 48 to accept the resolution that:

"The bylaw entitled "Strata Lot Maintenance Bylaw" as written below, be accepted and registered to become part of the Strata Corporation BCS 1682 bylaws:

STRATA LOT MAINTENANCE BYLAW

All strata lots must be kept free of garbage and debris, lawns mowed regularly, and weeds controlled. At the council's discretion, owners and tenants will be notified in writing of a contravention of this bylaw, and given a grace period of seven (7) days after delivery of such notice to rectify the contravention. If the contravention has not been rectified within the grace period, the strata corporation has the right to have appropriate workers enter onto the strata lot and rectify the contravention at the owner's expense.

Council has the authority to present unpaid accounts to the small claims court for collection and can refuse to issue a Form "F" - "Certificate of Payment", at the time of a sale of the strata lot, until such time satisfactory arrangements have been made to satisfy the indebtedness."

Much discussion ensued. Overall, owners expressed frustration over those owners who do not maintain their strata lots to the standard of the neighbourhood of Cascade Heights neither/nor require their tenants to do so. However, many were also concerned with the maintenance of their strata lot being at the discretion of council and with the time limit of 7 days noted in the motion.

VOTE: In Favour: 25 Against: 16 Abstain: 1

The motion required a 3/4 approval and was thus **DEFEATED**.

14. Discussion:

Picnic - Unfortunately, Council was unable to plan a community picnic in 2012. The Owner of SL 50 volunteered to coordinate a picnic in the summer of 2013.

Concern over Speeding within the strata – Council continues to entertain the idea of installing speed bumps in the strata in an effort to lower traffic speeds to increase the safety in the complex. However, no speed bumps will be installed at this time.

Painting/Staining fences – Council found that it would cost approximated \$1300-1500 to have the fences, which face the common property (park), power washed and painted. Due to some opposed opinions, owners are strongly encouraged to take it upon themselves to maintain both sides of the fences on the borders of their property in an effort to minimize costs for the strata corporation.

15. Election of New Strata Council Members

The current Council members resigned as per statutory requirement.

Thanks and applause was expressed to the outgoing Council members for their work in 2012.

The following members were nominated for Council:

Bush, Roger	SL # 34
Dawson, Linda	SL # 13
Gallop, Doug	SL # 11
Page, Reid	SL # 1
Muri, Agnes	SL # 3

All nominees were elected with at least a majority vote and all members have accepted the nomination.

16. Adjournment

The meeting was adjourned at 8:30 p.m.

PRESIDENT'S REPORT

Good evening and again a welcome to the 2013 Annual General Meeting.

Again this evening it is a pleasure to have Harry Drost with us, the owner of our management company, Malaspina Realty & Property Management, who will be the secretary of the meeting, conduct any votes, and advise us on any issues relative to Strata Bylaws and the Strata Property Act. Harry has been invaluable in aiding your Council in many ways throughout the year, especially with the agenda for this evening's meeting, and the wording of the proposed bylaws. His company continues to maintain our finances and record books in a legal and orderly manner with the continuity that is so necessary for the sound management of a Strata Corporation.

Your Council met 5 times during 2012 plus the AGM, and discussion revolved around many items, which included the water egress at the southeast corner of the park, the Depreciation Report, painting of the fences around the park, a picnic, a Rental Restriction Bylaw, speed bumps, and a Strata Lot Maintenance Bylaw, all of which you will have an opportunity to review later this evening.

One item that is not offered as a resolution is the Depreciation Report. As you will have read in the minutes of one of the recent Council meetings, the Strata Corporation is obligated under the Strata Property Act to have a Depreciation Report completed before December 13, 2013, unless we postpone the report for another year by passing a resolution. As mentioned in those minutes, the Depreciation Report lays out the costs of repair and replacement of the strata common property over time, and makes recommendations to the Strata Corporation of what adjustments to the strata fees may be required such that should a repair or replacement of any common property be required the funds will be available, and no assessment will be required.

The Strata has little common property, basically the roads, the fresh water lines, run-off water and sewage drains beneath those roads, the curbs, light standards, signage and the park. We are advised that the cost of a professional licensed advisor to complete a report would be in the \$1,500 to \$2,000 range. Council feels that the benefits of having the report completed are significant, especially to a person wishing to sell, as a buyer of a strata lot always wishes to know if there are any impending common property problems, and thus any possible assessments. This report will alleviate that concern. Further, the cost to have the report completed can be handled within our budget, without any increase in fees.

Some may suggest that this is not an ongoing cost, and thus not an annual budget item. They are advised that this report has to be updated every three years, and therefore monies should be allocated annually to cover that cost. The update cost would be significantly lower than the initial report.

Your Strata Corporation is in excellent financial condition, having a Contingency Reserve Fund in excess of \$25,500, and an additional amount of \$9,200 in the operating account. This money will be a major influence on any adjustments to our annual dues that possibly may be required by the Depreciation Report.

The offering of two bylaws relative to renters and strata lot maintenance is evidence that your Council is concerned about the condition of the strata lots in the complex. One might suggest that it is the renters that are not maintaining their lots, but we have noticed that some owner occupied lots are not being maintained either. Therefore, Council responded to an owner's request to place a rental restriction bylaw before the owners for debate, and further decided to add the strata lot maintenance bylaw to cover all lots. We look forward to enthusiastic discussion on both bylaws.

One of the purposes of a Strata Council is to be vigilant and continually monitor the common property, and encourage owners to maintain their property such that the values of our complex continue to improve. We hope that intent is read into the rationale of these proposed bylaws.

Once again we remind the owners on Louise Way to attend to the areas behind their rear fences, which is part of their lot, and remove all growing things. These weeds can grow to become very large, and possibly dislodge the rocks that form the step barrier between properties. We also commend the owners on Emily Way that have property that face Tyler Road. The fences are nicely stained, and the flowers and bushes are well attended and provide an excellent appearance for the entry to the complex. We just wish we could get the owner of Strata Lot #8, 5712 Emily Way, to upgrade that lot area as well.

It has been my pleasure to serve on Council for another year, and you will note that Linda Dawson and Roger Bush along with myself have put our names up for election to Council again next year. We ask all owners to consider devoting some time to serving on Council. It is an excellent way to find out what is happening in your neighbourhood, and offer counsel on the furtherance of the complex. We are in need of two additional members, and ask that you think about perhaps joining us in our deliberations.

Thank you.

Doug Gallop