

04/14/10 Prepared By: Southview Property Management Inc.,
#110 – 7580 River Road, Richmond, BC V6X 1X6 Phone: 604-270-8811 Fax: 604-270-0881
E Mail: southview@telus.net
Property Manager: Kevin D. Green

**MINUTES OF THE SPECIAL GENERAL MEETING
OF THE OWNERS, STRATA PLAN LMS 280 CHATEAU COMOX
HELD ON TUESDAY APRIL 6, 2010
AT 7:00 PM WITHIN THE MEETING ROOM
AT 1272 COMOX STREET, VANCOUVER, BC**

1. CALL TO ORDER

The meeting was called to order by the Strata Council President and Chair of the Special General Meeting, Mr. Terry Ireland at 7:02 P.M.

Mr. Ireland then welcomed everyone present to the Special General Meeting, introduced the current Strata Council Members and further introduced the Property Manager representing Southview Property Management Inc. Mr. Kevin D. Green.

Mr. Green then provided the general ownership with some information regarding Agenda procedures and protocol.

After further review the President and Chair of the meeting Mr. Terry Ireland then proceeded with the regular business at hand.

2. CALLING OF THE ROLL AND CERTIFICATION OF PROXIES

The attendance register confirmed at the time of commencement of the meeting there were (12) eligible voters in attendance and (4) represented by proxy for a total of (16). The quorum requirements had been achieved and the meeting proceeded.

3. PROOF OF NOTICE OF MEETING OR WAIVER OF NOTICE

It was then **Moved and Seconded** that the Notice dated March 15, 2010 complied with all appropriate notice requirements in accordance with the Bylaws of the Strata Corporation and the Strata Property Act.

There being no discussion, question was called and the Chair then declared the **MOTION CARRIED** with the result being 16 IN FAVOUR, 0 OPPOSED, 0 ABSTAINED.

4. MINUTES OF THE ANNUAL GENERAL MEETING HELD ON AUGUST 6, 2009

There being no errors or omissions it was then **Moved and Seconded** to approve the Minutes of the Annual General Meeting of the general ownership held on August 6, 2009 as previously circulated.

There being no discussion, question was called and the Chair then declared the **MOTION CARRIED** with the result being 16 IN FAVOUR, 0 OPPOSED, 0 ABSTAINED.

5. COUNCIL PRESIDENT'S REPORT

Mr. Terry Ireland then addressed the general ownership and provided a detailed verbal and written President's Report, as was also contained within the agenda.

Mr. Ireland provided additional information to the general ownership regarding the resolutions to be voted upon, and many other building related matters, in accordance with the above-mentioned written report contained within the agenda.

Owners are advised that a copy of this report and other supporting documents are included with the Special General Meeting minutes.

Please keep these minutes as a permanent record of the Strata Corporation's business. Replacement of Minutes, Rules and Regulations or Bylaws will be at the expense of the Owner.

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6. CONSIDERATION OF RESOLUTION "A" ¼ VOTE – SPECIAL PROJECT FUNDING SHORTFALL
After a brief review regarding Agenda procedures it was then **Moved and Seconded** to adopt Resolution "A" ¼ Vote Special Funding Shortfall as follows:

RESOLUTION "A" 3/4 VOTE – Special Projects Funding Shortfall

WHEREAS the Owners, Strata Plan LMS 280, Chateau Comox, wish to raise the additional funds (\$18,290.15) to pay for the cost overruns on the recent special projects. The breakdown of the additional funds required is as follows:

1. \$16,299.87 for an increase in the National Home Warranty Program premium. The warranty on the Building Envelope project was based on a rate of 8% of the overall costs of the project. Since the cost of the Envelope project increased, as per owner-approved Resolutions, the National Home Warranty reassessed the owners an additional premium. The additional premium was not included in the original amount paid to National Home Warranty the fall of 2009.
2. \$868.77 for the overrun costs of the Roof Replacement project.
3. \$2,387.86 for the additional costs of the Window Seal Replacement project. This cost overrun was due to the contractor having to use a swing stage instead of a crane as they had originally quoted, along with a few additional window replacements not included in the original quote.

BE IT THERE RESOLVED as a ¾ Vote Resolution of the Owners, Strata Plan LMS 280, Chateau Comox that a onetime Special Levy of Eighteen Thousand Two Hundred Ninety Dollars and Fifteen Cents (\$18,290.15) to be divided amongst each strata lot owner based on unit entitlement to cover such costs.

This special levy is due and payable in full immediately upon passage of this Resolution by the owners of record on the date of passage. With reference to Section 109 of the Strata Property Act, in the event of a sale of a strata lot, the entire special levy is to be paid in full by the seller.

Pursuant to Section 108.5 and 108.6 of the Strata Property Act, if any owner is entitled to receive a refund of over \$100.00 from any unused portion of this special levy, a refund will be issued to the current owner(s) at the time of the refund. In the event of a sale, strata lot owners are responsible to make their own private arrangements with the purchaser with regards to the disposition of any refund.

The Strata Corporation may, under Section 116 (1) of the Strata Property Act, register a Certificate of Lien against the owner's strata lot for any unpaid special levy.

This Section Applies Only To Owners Currently Paying By Pre-authorized Payment (PAP)
(Optional)

Full Name: _____

Strata Lot #: _____ Unit #: _____ Phone #: _____

Property Address: _____

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Property Manager: Kevin D. Green

We hereby authorize Southview Property Management Inc. to debit our account for the amounts of the above special levy no earlier than the due date(s).

Date

Owner's Signature

PLEASE NOTE THAT THIS FORM MUST BE RECEIVED IN OUR OFFICES NO LATER THAN THE 20TH OF THE MONTH TO BE EFFECTIVE ON THE 1ST OF THE FOLLOWING MONTH.

Discussion

The floor was then opened up for discussion and several owners questioned the Council and the Chair in relation to cost of the windows, Council approval of invoices, the amount in the Contingency Reserve Fund, the HRTC tax credits and other matters all in relation to this resolution.

There being no additional discussion, question was called and the Chair then declared the **MOTION CARRIED** with the result being **16 IN FAVOUR, 0 OPPOSED, 0 ABSTAINED**.

7. CONSIDERATION OF RESOLUTION "B" ¾ VOTE – FIRE INSPECTION DEFICIENCY

After a brief review regarding Agenda procedures it was then **Moved and Seconded** to adopt Resolution "B" ¾ Vote FIRE INSPECTION DEFICIENCY as follows:

RESOLUTION "B" 3/4 VOTE – Fire Inspection Deficiency

WHEREAS the Owners, Strata Plan LMS 280, Chateau Comox, wish to raise the additional funds (\$34,200.00) to pay for changes to the external fire exit foyers in order to comply with City of Vancouver Bylaws with respect to an identified fire inspection deficiency – lack of unlocked crossover floor exit doors. The breakdown of the additional funds required is as follows:

1. \$29,300.00 to clean, paint and build new metal enclosures for both the north-west and south-east open air foyers. The enclosures will improve security such that the locked fire exit doors can be unlocked to comply with the City of Vancouver Bylaws requiring unlocked crossover fire exits.
2. \$3,900.00 for contingency to cover unforeseen expenses during the cleaning, painting and construction of the security enclosures.
3. \$1,000.00 for the contractual agreement between LMS-280 and Southview Property Management for a 3% fee for handling special projects.

BE IT THERE RESOLVED as a ¾ Vote Resolution of the Owners, Strata Plan LMS 280, Chateau Comox, that a onetime Special Levy of Thirty Four Thousand Two Hundred Dollars exactly (\$34,200.00) to be divided amongst each strata lot owner based on unit entitlement to cover such.

This special levy is due and payable in full immediately upon passage of this Resolution by the owners of record on the date of passage. With reference to Section 109 of the Strata Property Act in the event of a sale of a strata lot, the entire special levy is to be paid in full by the seller.

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Pursuant to Section 108.5 and 108.6 of the Strata Property Act, if any owner is entitled to receive a refund of over \$100.00 from any unused portion of this special levy, a refund will be issued to the current owner(s) at the time of the refund. In the event of a sale, strata lot owners are responsible to make their own private arrangements with the purchaser with regards to the disposition of any refund.

The Strata Corporation may, under Section 116 (1) of the Strata Property Act, register a Certificate of Lien against the owner's strata lot for any unpaid special levy.

This Section Applies Only To Owners Currently Paying By Pre-authorized Payment (PAP)
(Optional)

Full Name: _____

Strata Lot #: _____ Unit #: _____ Phone #: _____

Property Address: _____

We hereby authorize Southview Property Management Inc. to debit our account for the amounts of the above special levy no earlier than the due date(s).

Date

Owner's Signature

PLEASE NOTE THAT THIS FORM MUST BE RECEIVED IN OUR OFFICES NO LATER THAN THE 20TH OF THE MONTH TO BE EFFECTIVE ON THE 1ST OF THE FOLLOWING MONTH.

Discussion

The floor was then opened up for discussion and review, and the Chair then provided additional comments and went through and summarized in detail the materials as contained within the Special General Meeting Notice.

Several owners then questioned the Chair regarding possible aesthetic appearances of the proposed installations, a possible design committee, locking and unlocking of the stairwell doors, possible alternatives to approving the resolution and some other items in relation to it.

There being no further discussion, question was called and the Chair then declared the **MOTION CARRIED** with the result being 15 IN FAVOUR, 0 OPPOSED, 1 ABSTAINED.

8. ADJOURNMENT

There being no further business it was then **Moved and Seconded** to adjourn the meeting at 8:01P.M. The next meeting of the Strata Council was tentatively scheduled for June 15, 2010.

Minutes/280SGMApr10.doc

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RESOLUTION #2 – CITY OF VANCOUVER BYLAW DEFICIENCY

BACKGROUND

On July 24, 2009 the City of Vancouver Fire Inspector attended Chateau Comox and identified two deficiencies:

1. Lack of an approved fire department lock-box containing keys to access the building, roof and other areas of the building.
2. Lack of emergency unlocked crossover floors as required for buildings over six stories.

The first deficiency, the lack of a fire department key lock-box has been dealt with. A new approved lock-box lid and keys were installed in late November 2009.

The City of Vancouver bylaws require buildings over six stories to have clearly identified unlocked crossover floors such that in the event of a fire in the emergency exit people that have entered that exit stairwell can re-enter the building through an unlocked door in order to cross over to the emergency exit on the other side of the building by going up or down no more than two stories. This deficiency has been more problematic to resolve due to security concerns at the ground-level open air side foyers as intruders could climb over the glass block walls and enter the building through unlocked crossover floor(s).

APPROACH

A two-pronged approach was adopted by Council to deal with the crossover floor deficiency identified by the Fire Inspector:

1. **Exclusion from the Bylaw:** Determine whether Chateau Comox could be excluded from complying with the bylaw, and
2. **Comply with the Bylaw:** Identify improvements that would allow for both safety (unlocked crossover floors) and security.

1. Exclusion from the Bylaw

A number of resources were contacted to assist with determining whether an exclusion from the bylaw was feasible. It should be noted that it took some time for the Council to identify the correct process (“Alternative Solution Proposals and Acceptance of Existing Conditions with Mitigating Features”). The list of contacts includes:

1. Southview (Property Managers contacted their lawyer)
2. CHOA (Condominium Homeowners Association)
3. City of Vancouver Service Centre
4. City of Vancouver Development Inquiry Centre
5. City of Vancouver Zoning Variance department
6. City of Vancouver Building Inspector
7. City of Vancouver Fire Inspector (directly) and Fire Chief (indirectly)
8. Baker & Baker (Lawyer)
9. Barclay Street “sister” building – Council President
10. Bull, Housser & Tupper (Lawyer – Bylaw practice)
11. GHL Consultants Ltd. (City of Vancouver Building & Fire Bylaw consultants)

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There was a mix of positive and negative responses as to the question of whether Chateau Comox could be excluded from complying with the bylaw. The advice from GHJ Consulting was the most informative:

- Chateau Comox is considered a relatively new building (even though it is nearly 20 years old).
- Chateau Comox must comply with the bylaw or seek approval from the City of Vancouver for an 'alternative' to crossover floors.
 - i. An 'alternative' is simply that, an alternative to having unlocked doors, for example, having doors that are locked but automatically unlock in the event of a fire alarm.
- Changes and variances to emergency exits are considered to be "very significant" by city staff and as such, are difficult to obtain.
- The cost to obtain an approval for an 'alternative' can be expensive and there is no guarantee approval will be given by the city.

The "alternative" option, while possibly attractive from a financial perspective, does have some risk. Meetings with five consultants and contractors the following alternatives were considered:

Option	Description	Cost est.	Pros	Cons
1. Bylaw "Alternative" application – "Scenario A"	<ul style="list-style-type: none">• Apply to City to grant approval to existing locked doors given open air and outside sprinklers	\$ 10,000	<ul style="list-style-type: none">• Little to no remedial work• Doors remain locked	<ul style="list-style-type: none">• Requires City approval• Risk of non-approval
2. Bylaw "Alternative" application – "Scenario B"	<ul style="list-style-type: none">• Change some or all of the exit door locks to be tied into the Fire Alarm system to unlock in the event of an alarm; either magnetic closures or electric locks	\$ 23,100	<ul style="list-style-type: none">• No change required to outside foyers• Doors could remain locked (TBC)	<ul style="list-style-type: none">• Requires City approval• Risk of non-approval• Technology may not be reliable

GHJ Consulting suggests there is a 25% chance of City approval for an Alternative application. GHJ recommends not pursuing the 'alternative' option but rather improving foyer security. GHJ Consulting costs to date for providing the advice and review of Chateau Comox (blueprints) is \$410.00 plus taxes. Additionally there was a cost of obtaining copies of floor plans from City Hall in the amount of \$170.00 that were distributed to consultants and contractors for estimating purposes.

The Strata Council is recommending to the owners of Chateau Comox **"to not pursue further investigation or costs relating to the submission of an application of Alternative Solution Proposals and Acceptance of Existing Conditions with Mitigating Features to the City of Vancouver"**.

2. Comply with the Bylaw

The Strata Council advised the Fire Inspector of the security concerns with complying with the bylaw – that being the limited amount of security at the two outside side exits/entrances. The Fire Inspector understands the concern; however the deficiency must be dealt with in a timely manner.

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The number of unlocked crossover floors required was discussed with the Fire Inspector. A single crossover floor on the 6th floor would meet the bylaw requirements. Alternatively should the foyers be enclosed – either open air or fully (see #3 and #4 below) all floors could be unlocked, thus sharing the risk of not closing external doors properly amongst all residents.

Through meetings between members of the Strata Council and eight contractors a number of alternatives to deal with the deficiency were identified.

Option	Description	Cost est.	Pros	Cons
3.	“Cage in the Ground-level foyers”	<ul style="list-style-type: none"> • Build open air, metal structure on the inside of the glass walls support a metal diamond mesh (1”) canopy that encloses the foyer; refurbish the existing gate, including a new self-closing door arm. • Unlock exit doors on all floors 	<ul style="list-style-type: none"> • Significant improvement of security • If all floors are unlocked then there is shared accountability for security 	<ul style="list-style-type: none"> • Possible building esthetics
4.	Fully enclose the Ground level foyers	<ul style="list-style-type: none"> • Fully enclose the foyers to be water-tight sealed lobbies. • Install new doors. • Unlock exit doors on all floors 	<ul style="list-style-type: none"> • Significant improvement of security • If all floors are unlocked then there is shared accountability for security 	<ul style="list-style-type: none"> • Building permits and density changes • Neighbour impact • Costs
5.	“Build a higher fence around the foyer”	<ul style="list-style-type: none"> • Build a metal post fence on the inside of the glass walls that either: <ul style="list-style-type: none"> ○ bend outward (by 45°) at the top; refurbish the gate. OR ○ straight top extending one or four or more feet above the glass wall • Refurbish gate, including a new self-closing door arm. • Unlock exit doors on one floor (6th) with crossover notices on each floor 	<ul style="list-style-type: none"> • Moderate improvement of security 	<ul style="list-style-type: none"> • Building esthetics • Neighbour impact
6.	“Do Nothing”	<ul style="list-style-type: none"> • Unlock the exit doors on one floor (6th) in Chateau Comox and ‘do nothing’ to improve ground-floor security 	<ul style="list-style-type: none"> • Fast • Low cost 	<ul style="list-style-type: none"> • Building security is compromised

RECOMMENDATION:

The Strata Council recommends to the owners of Chateau Comox “to implement Option 3 above and approve a special levy of \$34,200”. Further, Council plans to investigate obtaining a bulk discount for installing improved locks for unit doors – this would be optional for the owners and as such, at the owners’ expense and is not included in the special levy amount.

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RESOLUTION #2 SUPPORTING DOCUMENTATION:

Chateau Comox Crossover Floor Estimates

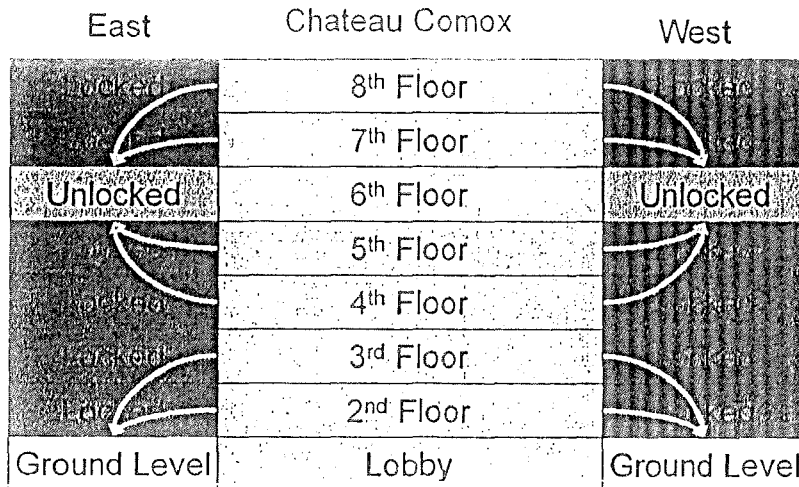
		Option 1 Exemption	Option 2 Alt. Locks	Option 3 Open Air	Option 4 Enclosed	Option 5 Fence	Option 6 Nothing
Consulting (GHL Ltd.)		6,500.00	6,500.00	500.00	500.00	500.00	500.00
Permits		1,000.00	1,000.00	1,000.00	2,000.00	-	-
Construction		-	10,000.00	21,000.00	85,000.00	19,000.00	-
Cleaning & Painting		-		2,500.00	2,500.00	2,500.00	-
Locksmith		-		1,000.00	1,000.00	200.00	200.00
Taxes (HST)	12%	900.00	2,100.00	3,100.00	10,900.00	2,700.00	100.00
Building Plans		200.00	200.00	200.00	200.00	200.00	200.00
Contingency	15%	1,100.00	2,600.00	3,900.00	13,700.00	3,300.00	-
Southview	3%	300.00	700.00	1,000.00	3,500.00	900.00	-
Total		10,000.00	23,100.00	34,200.00	119,300.00	29,300.00	1,000.00

Crossover Floor:

There are many combinations of unlocked crossover floors that would meet the City bylaw. The simplest approach is to have one floor – which would have to be the 6th floor to meet the bylaw requirements of access within no more than 2 floors.

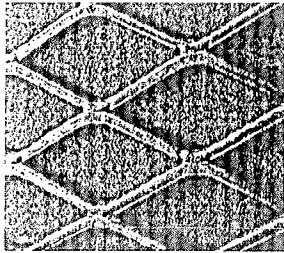
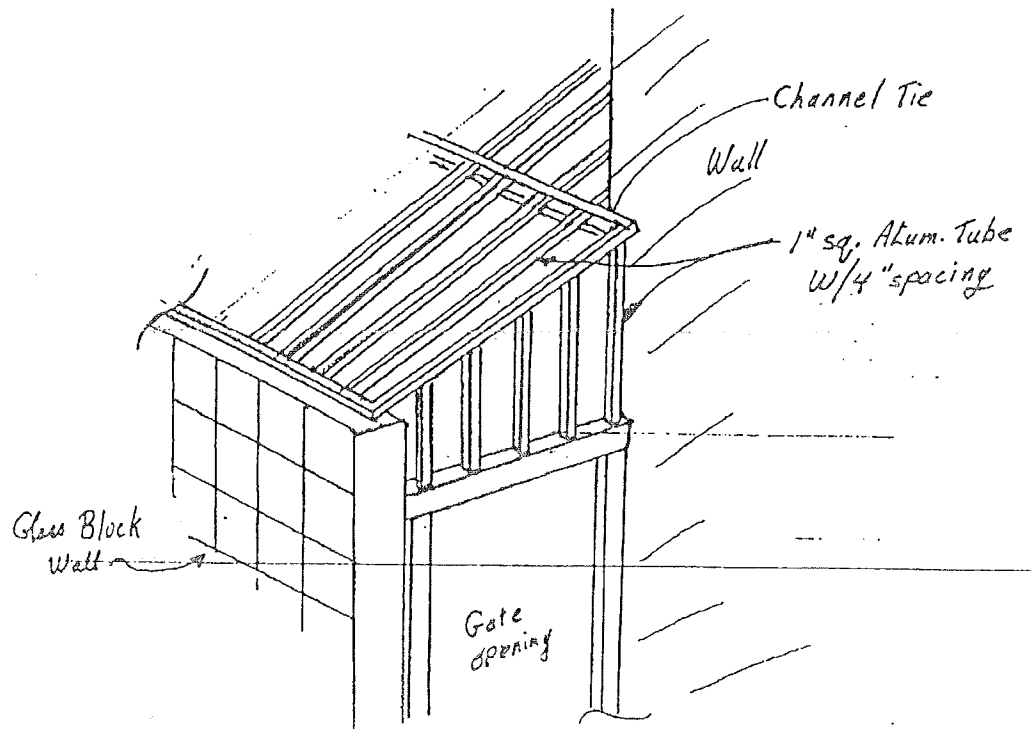
Alternatively, if the foyers are secured, council believes all owners and residents should share in the change to unlocked doors by unlocking all floors. If owners want to optionally improve their own unit's locks, Council intends to investigate bulk purchasing to help reduce the per unit cost to owners.

Bylaw: ...doors providing access to floor areas from exit stairs shall not have locking devices to prevent entry into any floor area from the travel distance up or down to an unlocked door is more than 2 stories,



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Example of Design and Possible Enclosure Material (Exact design is to be confirmed):



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Unit Assessments:

		m ² to ft ² rate		Levy Amount ₤	Levy Amount ₤	Levy Amount ₤
		10.76391042		\$ 18,290.15	\$ 34,200.00	\$ 52,490.15
Strata Lot #	Suite #	m ²	ft ²	Project Overage	Fire Exits	Total
1	201	67	721	621.42	1161.97	1783.39
2	202	75	807	695.62	1300.71	1996.33
3	203	79	850	732.72	1370.08	2102.80
4	204	70	753	649.24	1214.00	1863.24
5	301	67	721	621.42	1161.97	1783.39
6	302	75	807	695.62	1300.71	1996.33
7	303	79	850	732.72	1370.08	2102.80
8	304	70	753	649.24	1214.00	1863.24
9	401	67	721	621.42	1161.97	1783.39
10	402	75	807	695.62	1300.71	1996.33
11	403	79	850	732.72	1370.08	2102.80
12	404	70	753	649.24	1214.00	1863.24
13	501	142	1,528	1317.04	2462.68	3779.72
14	502	79	850	732.72	1370.08	2102.80
15	503	70	753	649.24	1214.00	1863.24
16	601	142	1,528	1317.04	2462.68	3779.72
17	602	149	1,604	1381.96	2584.08	3966.04
18	701	134	1,442	1242.84	2323.94	3566.77
19	702	141	1,518	1307.76	2445.33	3753.10
20	801	117	1,259	1085.17	2029.11	3114.27
21	802	125	1,345	1159.37	2167.85	3327.22
Total		1,972	21,226	\$ 18,290.15	\$ 34,200.00	\$ 52,490.15