

*Held in the Meeting Room
at 1128 Sunset Drive, Kelowna*

**STRATA COUNCIL
2014 / 2015**

PRESIDENT
Brian Pedersen

VICE-PRESIDENT
Hazel Christy

SECRETARY/TREASURER
Alex McClelland

AT LARGE
*Cindy Weiss
Brenda Dwyer
Ron Moser
Marc Whittemore*

STRATA MANAGER:
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PRESENT:

Brian Pedersen
Hazel Christy
Alex McClelland
Brenda Dwyer
Marc Whittemore
Susie Czinger, Baywest Management Corporation
Dan Bregolis, Building Manager

REGRETS:

Cindy Weiss
Ron Moser

(1) CALL TO ORDER

The meeting was called to order at 4:00 p.m. and a quorum was established.

(2) ADOPTION OF THE AGENDA

After one correction was made to the agenda, it was then moved and seconded to adopt the agenda as amended. **CARRIED**

(3) ADOPTION OF PREVIOUS MINUTES

It was moved and seconded to adopt the Minutes of the Council Meeting of December 3, 2014 as distributed. **CARRIED**

(4) BUILDING MANAGER'S REPORT

4.1 AMONG OTHER THINGS THE BUILDING MANAGER REPORTED:

- No issues with the monthly fire test and drills will continue periodically.
 - Sixty shower cartridges were ordered three weeks ago for the ongoing hot water issue. They arrived last week but were the wrong ones. Awaiting replacements. Hopefully for next week. I have not had any complaints of no hot water or low cold water pressure in the last month. One unit mentioned some days it takes longer than other days to get hot water.
 - The pressure washer is beyond repair and the Strata will require a new one. It was then moved and seconded for the building manager to expense up to \$2000.00 for a new pressure washer. **CARRIED**
 - Carpets in all corridors and social room were cleaned last month.
 - A new aluminum ramp for the indoor pool is being built including anti-slip coating applied for an estimated cost of \$500.00. Vanity lights bathrooms will also be replaced.
 - Lower garbage room window was replaced as it was broken as a result of thermal stress.
- A new camera was installed in the gym as the old one had failed.
 - Roof anchor inspection has now been re-scheduled for March 12, 2015.
 - Window washing will be scheduled after roof anchors inspected and repairs to pigeon netting will be done at the same time.

4.2 BYLAW AND RULE CONTRAVENTION REPORT

- On February 6, 2015 Security was called to a unit on the 3rd floor at 11:30pm due to noise. Security reported numerous people in the unit which left upon arrival of the guard. As this is a first offence the Strata Manager was directed to issue a formal warning letter.
- On February 6, 2015 Security was called to attend another unit on the 2nd floor at 11:30pm due to noise. Upon arrival it was reported there was loud music which was turned off upon arrival of the guard. A fine in the amount of \$100.00 has been levied against the unit and the Strata Manager was directed to issue a formal letter implementing the fine.
- On February 6, 2015 Security was called at 2:55am due to noise on the 2nd floor. Upon arrival the guard reported no noise to be found.
- On February 20, 2015 Security was called by a unit on the 9th floor at 12:01am due to noise. Security reported a large group of people were leaving the building upon his arrive but no noise to be found.
- On February 21, 2015 Security was called by a unit on the 9th floor at 11:02pm due to noise. Security arrived at 11:16pm and no noise was to be found.
- On February 27, 2015 Security was called to a unit on the 6th floor at 10:23pm due to noise. The on-site guard reported very loud music and voices. Upon arrival of the guard 20-25 people left the unit by 10:47pm. As this is a first offence the Strata Manager was directed to issue a formal warning letter.
- On February 27, 2015 an Owner expressed concern and frustration about people writing with their fingers on vehicles in the parkade. The video surveillance has been reviewed but due to the distance and the motion sensitivity building manager was unable to see when it occurred. Anyone witnessing the persons responsible is asked to contact the building manager right away and provide date time.

RESIDENTS ARE REMINDED THAT WHEN CONTACTING SECURITY YOUR NAME AND UNIT NUMBER MUST BE PROVIDED OR THE COMPLAINT MAY NOT BE RESPONDED TO.

SHOULD SECURITY BE CALLED AND NO NOISE IS FOUND THE COMPLAINANT RISKS BEING CHARGED THE CALL OUT FEE.

IT IS IMPORTANT TO MAKE YOURSELF AVAILABLE FOR SECURITY TO CORROBERATE THE NOISE COMPLAINT.

(5) CORRESPONDENCE

- Correspondence was received from an Owner requesting a unit modification and enclosing their alcove to create a closet. The renovation was approved with conditions and the Strata Manager was directed to put the approval in writing.

IMPORTANT NOTICE – FIRE LANE NO PARKING – VEHICLES WILL BE TOWED

PARKING IN THE FIRE LANE IS NOT ALLOWED. MARIO'S WILL BE PATROLLING THE LANEWAY AND VEHICLES WILL BE TOWED AT OWNER'S EXPENSE. SIGNAGE IS POSTED IN THE LANEWAY AND THERE WILL BE NO EXCEPTIONS.

It is difficult for Council to address concerns without the appropriate unit number, date and time. All correspondence must be submitted to Baywest via email sczinger@baywest.ca and not directly to the building manager or individual on the Strata Council in order for all of Council to review and have as a matter of record.

Owners are reminded that an application for unit modifications must be submitted for Council approval prior to any work commencing. Please obtain modification form from the Strata Manager sczinger@baywest.ca.

(6) FINANCIAL REPORT

6.1 FINANCIAL STATEMENTS

After a review of the statements for December 2014 and January 2015 report from the President and Treasurer, it was moved and seconded to approve the financial statement for the period ending December 31, 2014 and January 31, 2015 as prepared. **CARRIED**

6.2 RESERVE & GEOTHERMAL LOAN TRACKER (January 2015)

Contingency Reserve Funds Including GIC: \$827,244.23

Geothermal Reserve Funds & Loan

Geothermal Reserve (in the bank) \$ 90,498.16

Geothermal Loan Outstanding \$2,271,248.59

Current portion of Loan Payable \$31,368.19

Equity in Geothermal \$492,495.81

6.3 ACCOUNTS RECEIVABLE REPORT

The Strata Manager reviewed the accounts receivable and advised that as of March 4, 2015 there was \$17,518.71. Due to new legislation the strata council will be aggressive with collections being sent legal and Owners risk forced sales on units. Unit Owners in 60 days arrears are in jeopardy of having their account sent to legal for collection.

Reminder notices and letters to Owners are additional costs to the Strata Corporation. Overdue accounts are subject to 10% late penalties as per the Strata Bylaws. The Strata Manager has been directed to send files to the Strata Lawyer when they are 60 days in arrears. In the event that Baywest is directed to write a demand letter there will be a \$50.00 plus taxes charge applied to the Strata Lot.

Owners who would like to review their account and set up pre-authorized payment are requested to contact Susie Czinger at Baywest 250-448-0044 or via email sczinger@baywest.ca

IMPORTANT REMINDER

BYLAW 7 Residential Renters (5) User Fee (a) every owner who uses their strata lot as a rental property at any time during a calendar year shall pay a User Fee of \$300.00 per annum.

THIS HAS BEEN APPLIED TO ALL STRATA LOTS RENTED AS OF JANUARY 8, 2015 AND IS DUE AND PAYABLE TO AVOID FURTHER PENALTIES.

(7) BUSINESS ARISING FROM PREVIOUS MINUTES

7.1 FUTURE POTENTIAL PROJECTS

These items are deferred until quotes received and reviewed by Council and a determination of when to present to the Owners for consideration.

- Resurfacing of Driveway/3rd level
- Pergola at Pool – awaiting updated quote from Ray's on Deck
- Creation of Resident Lounge
- Bicycle Room Upgrades

(8) NEW BUSINESS

8.1 TELUS FIBRE OPTIC

The Strata Council received and signed the TELUS Fibre Optic agreement. This means Fibre Optic will be pulled into the building main hub and then Owner's who wish to have TELUS bring the service into their units will need to make arrangements directly at their own expense.

8.2 AMI METER INSTALLATION

Fortis BC is in the process and may have now completed the installation of the AMI meters into the electrical room.

8.3 PICKLE BALL LINES

An owner submitted a request to Council offering his labour services to paint pickle ball lines on the existing tennis court with Strata Corporation supplying the paint. The council had previously approved this by email vote. It was then moved and seconded to ratify the email vote for this to be completed when weather permits. **CARRIED**

8.4 A DEMAND FOR SGM

Council received Correspondence from an Owner advising that 20% of the Owners were petitioning/demanding a Special General Meeting be called to consider a bylaw amendment for age restriction. The demand was not presented in accordance with Section 43 of the Strata Property Act as no names or signatures of petitioners were provided in support of the demand. The Strata Council will not be calling a Special General Meeting.

The Strata Council recommends that Owners not support this petition because an age restriction will only affect Owners and potential buyers. In accordance with Human Rights Code, unless the building is restricted to age 55 and older it is considered discrimination and does not affect the tenancy of a unit.

For further information, please find attached *Guide 16 "What to know about Age Restriction Bylaws"* from the Superintendent of Real Estate of British Columbia.

(9) TERMINATION OF MEETING

There being no further business, the meeting was terminated at 4:45 p.m.

(10) NEXT MEETING DATE

The next council meeting will be held on Wednesday, April 8, 2015 at 4:00pm in the meeting room.

Please be advised you should retain copies of Council and General Meeting Minutes for a period of 2 years.

**NEXT ANNUAL GENERAL MEETING
HAS BEEN TENTATIVELY SCHEDULED FOR
JULY 22, 2015**

Guide 16

What to Know about Age Restriction Bylaws

IMPORTANT NOTICE

This guide was prepared by the Superintendent of Real Estate and updated by the Ministry of Housing and Social Development. This guide, along with other guides in the series, provides basic information about certain parts of the British Columbia *Strata Property Act* (the "Act") and its Regulations.

Readers cannot rely on the guides for legal advice

The guides do not:

- provide a legal interpretation of provisions of the Act or Regulations. Please consult the Act and Regulations and court judgments to determine the complete and precise requirements of the legislation.
- include information about how the courts may have interpreted provisions of the Act or Regulations.

Readers should seek professional advice if they need to determine specific legal rights and duties which may apply in their particular situations.

The Province of British Columbia may periodically update the guides. Nevertheless, neither the Superintendent of Real Estate, nor any other authority of the Province of British Columbia, is liable for any inaccurate or incomplete information in any guide. For the convenience of readers, **updated information has been flagged in bold italic** in the guides and will remain marked this way for approximately one year from their noted revision dates.

In addition, the Standard Bylaws referred to in the guide do not necessarily apply to every strata corporation. Strata corporation bylaws can be enacted, amended or repealed by the developer or the strata corporation. Please conduct a search at the Land Title Office to obtain a copy of all filed bylaws and bylaw amendments for a specific strata corporation to determine which bylaws are applicable.

1. **Age Restriction Bylaws**

An age restriction bylaw is a bylaw of the strata corporation which requires that some or all of the persons occupying a strata lot be over a certain age. Age restriction bylaws are allowed by the Act. **Bill 8, the Strata Property Amendment Act, Section 18 adds a new provision to Section 123 of the Strata Property Act to expressly allow for age restriction bylaw to be passed by a strata corporation.**

["Guide 13: How to Create or Amend Bylaws and Rules" and "Guide 14: How to Enforce Bylaws and Rules" provide additional information on bylaws and rules]

2. Provisions of the Human Rights Code

The *Human Rights Code* contains provisions prohibiting discrimination on certain grounds in relation to both the purchase and the rental of a property.

The discriminatory grounds that are prohibited in relation to the purchase of a property include factors such as race, colour, ancestry, religion etc., but do not include age or family status.

Only the provisions of the *Human Rights Code* that relate to tenancy prevent discrimination on the basis of age or family status (with one exception noted below).

The *Human Rights Code* therefore only applies to prevent discrimination based on age or family status in relation to tenancies.

3. 55+ Exception

The provisions of the *Human Rights Code* respecting discrimination based on age and family status do not apply to rental premises if the age restriction is set at persons 55 years of age or older.

4. Application of the Human Rights Code

Bylaws that restrict occupancy based on age or family status are unenforceable against tenants (renters) unless the entire development is limited to persons 55 years and older (or a couple, one of whom is at least 55).

Unless the building is restricted to age 55 and older, it is not possible for a strata development to prevent strata lots from being occupied by children in rental suites.

However, age and family status restriction bylaws can apply to owners. Thus, a bylaw that prevents children can apply to owners who occupy a strata lot. The table below outlines this application:

Table: How Age Restriction Bylaws Affect Tenants and Owners in Buildings

Person	Age Restriction for an Age Less than 55 (for example, no one under the age of 19 or no one under the age of 45)	Age Restriction for Age 55 and Over
Owner	Age restriction applies	Age restriction applies
Tenant	Age restriction does not apply	Age restriction applies

5. "Grandfathering" i.e. Conditional Exemptions

An age restriction bylaw does not apply to a person who resides in the strata lot at the time the bylaw is passed and who continues to reside there after the bylaw is passed.

References: Sections of the Act: 121, 123