

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

**STRATA COUNCIL
2015 / 2016**

PRESIDENT
Brian Pedersen

VICE-PRESIDENT
Mike Kuziw

SECRETARY/TREASURER
Alex McClelland

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

COMMUNITY MANAGER:
Susie Czinger

BUILDING MANAGER:
*Dan Bregolisse
(250) 258 9251*

**ASSOCIA
SERVICE CENTRE**
1-604-591-6060
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ASSOCIA B.C.
13468 77TH AVENUE
SURREY, B.C. V3W 6Y3

STRATA WEBSITE
<https://kas2849.myassocia.ca>

PRESENT:

Brian Pedersen
Mike Kuziw
Alex McClelland
Cindy Weiss
Brenda Dwyer

REGRETS:

Ron Moser
Marc Whittemore

Susie Czinger, Associa British Columbia
Dan Bregolisse, Building Manager

(1) CALL TO ORDER

The meeting was called to order at 4:02 p.m. and a quorum was established.

(2) ADOPTION OF THE AGENDA

As there were no additions made to the agenda, it was then moved and seconded to adopt the agenda as presented. **CARRIED**

(3) ADOPTION OF PREVIOUS MINUTES

It was moved and seconded to adopt the Minutes of the Council Meeting of February 25, 2016 as distributed. **CARRIED**

(4) BUILDING MANAGER'S REPORT

4.1 AMONG OTHER THINGS THE BUILDING MANAGER REPORTED:

- Still in the process of installing the supplementary recirculating lines and pump. The lines are roughed in, manifold to be built and installed next week. Waiting on pump detail from Engineer. Still receiving complaints regarding time it takes to get hot water from one unit on 13th floor and one unit on 14th floor.
- We have been having heating issues with the indoor hot tub. It is likely a faulty actuator/ valve that will be replaced today.
- The annual generator test was performed April 5th. Monthly fire alarm, generator and weekly fire pump tests performed.
- The other hot water tank in the roof mechanical failed and was replaced end of March. This leaves one original tank remaining in the lower mechanical room. Council reviewed the quote from Peace Plumbing in the amount of \$10,575.95 plus tax and delivery. As these tanks have to be built and take 12 weeks or more for delivery it was moved and seconded to order the new tank as soon as possible and payment to be made after delivery. **CARRIED**
- Annual fall protection/roof anchor testing was performed

and certified on March 9, 2016.

- Awaiting on to hear from SL127 regarding date for toilet drain repair. We still do not know the direct cause. Leak is assumed to be a clamp connection near the toilet flange. It is suspected that this toilet piping was altered by previous owner but until leak is found we do not know. Should this be an alteration from original piping it is the responsibility of the home owner to pay for repairs. This would also include any repairs required to the unit below.
- **Parkade cleaning scheduled for April 12th upper, April 13th lower.**
- **Window cleaning to start April 11th.**
- Quote to replace existing fire lane chain bollards with 5 1/2 inch white powder coated bollards with an 8inch square base \$592. It was then moved and seconded to approve the quote and proceed with order and installation. **CARRIED**
- Monthly fire test, generator test and fire pump tests were performed.

IMPORTANT NOTICE REGARDING VISITOR PARKING

Strata Council has implemented Acme towing to monitor the visitor parking at different intervals at no cost to the Strata. Acme will tow any vehicle that does not display a proper visitor parking pass on the dash of their vehicle.

There will be no exceptions and the Strata Corporation is not responsible for any vehicle towed.

4.2 BYLAW AND RULE CONTRAVENTION REPORT

- On February 26, 2016 at 10:54pm Security was called to attend a unit on the 9th floor for noise and it was reported there were approximately 10 guests in the suite. Security reported guests left right away. As this was a first offense only a warning was issued.
- On February 28th at 1:55am Security was called to attend a unit on the 13th floor due to loud music. Security arrived at 2:05am and spoke with resident who admitted that the music was on previously but they had turned it down. Security had received a previous complaint from a unit on the 10th floor of loud music that night around 12:37am but was unable to locate the source, checking floors 8 thru 14. On March 5th at 10:22pm Security received a complaint of loud music from the same unit on the 13th floor. Security arrived at 10:30 and reported knocking loudly about 20 times before door was answered. Security reported the music was very loud upon arrival. As this unit was provided a warning on February 6, 2016 for noise a fine in the amount of \$200 was levied.
- On March 11th at 11:47pm, Security was called and arrived at 11:53 pm in response to a complaint from a unit on the 10th floor. Security reported minimal noise upon arrival, 3-4 guests in unit. Resident also advised that he and his guests would be leaving. Due to Security report and no other complaints no further action will be taken.
- On March 23rd at 12:09am Security received a complaint from a unit on the first floor regarding a unit on the 2nd floor stomping and loud voices. Security arrived at 12:20 and spoke with the residents who agreed to reduce noise level. Security reported 4 guests, 2 of whom left upon arrival. A Warning violation was issued.
- On March 25th at 10:49pm Security responded to a complaint made by a unit on the 10th floor of a major party in a unit on the 4th floor. Security arrived at 11:03 pm and spoke with the resident who advised that their guests had just left. Guard reported no party underway upon arrival and no further action will be taken.
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- On March 26th at 10:29pm Security received a complaint from a unit on the 17th floor about loud party. Security arrived at 10:40pm and reported music with approximately 30 guests in the unit. Everyone was reported to have left by security 15 minutes after security arrived. A warning had been issued to this unit on October 22, 2015 and therefore a \$200 fine was levied.
- On April 2, 2016 at 9:50pm Security responded to a "Nuisance" complaint made by a unit on the 10th floor regarding noise from a unit on the 9th floor. Security arrived at 10:10 and reported 4-5 people in the unit but there was not excessive noise. Security received a 2nd complaint from the same unit on the 10th floor at 10:55pm. Security arrived at 11:06pm and reported not hearing any noise. Security spoke with resident who confirmed everyone left at 11pm. As the guard reported no noise and there were no other complaints no action will be taken.

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 IF NECESSARY.

RENTAL PROPERTY OWNERS FORM K

MUST BE SUBMITTED FOR YOUR RENTAL PROPERTY

In accordance with the Strata Property Act and Strata Corporation Bylaws a form K must be submitted for every rental in Sunset Waterfront. Those Owners who have not submitted Form K's for their rental properties will have a \$200.00 fine levied against there Strata Lot and the Strata Council will review posting fines every 7 days for non-compliance.

Owners and agents are to fax Form K's to Associa 250-448-0046 or scan and email susie.czinger@associa.ca.

(5) CORRESPONDENCE

- Correspondence was received from a Resident on the 10th floor regarding Bylaw and Rule Contraventions. Complaints have been received from Residents and Security regarding this Owner following security recording audio/visual interactions which is a breach of privacy and consider this harassment and bullying. The Community Manager was directed to write to the Owner to cease and desists following Security while they are attending a unit.
- Council received an inquiry from a resident on the 10th floor regarding the City Bylaw 8000 which addresses short term rental. Council by way of these minutes is providing the information to Owners and City bulletin has been attached to these minutes for convenience purposes. It is the individual Owner's responsibility to ensure they are adhering to this City Bylaw and receive an interpretation from the City of Kelowna.
- Correspondence was received from a Resident regarding a noise violation but did not provide specific detail of date, time of occurrence. It is important that if a resident is filing a complaint all pertinent information is provided so that the Strata Council may act.

- Correspondence was received from a Resident on the 13th floor with several inquiries/suggestions and responses are as follows:
 - No definite time frame for hot water issue – Engineer and Dan are working diligently on this project.
 - Suggestion for deodorizer in garbage room has been received and building manager will be requested to install as soon as possible.
 - Panel for elevator is still under review and sourcing of products.

IMPORTANT REMINDER - CORRESPONDENCE

Strata Council will not be responding to anonymous correspondence. It is difficult for Council to address concerns without the appropriate unit number, date, time and pertinent information. All correspondence must be submitted to Associa via email susie.czinger@associa.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. Council receives their agenda package 5 business days prior to a meeting. To allow Council to review the package, any items/correspondence received after agenda is distributed, will be brought forward for the next council meeting.

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 susie.czinger@associa.ca.

(6) FINANCIAL REPORT

6.1 FINANCIAL STATEMENTS

After a review of the statements for February 29, 2016 and report from the President and Treasurer, it was moved and seconded to approve the financial statement for the period ending February 29, 2016 as prepared. **CARRIED**

6.2 RESERVE & GEOTHERMAL LOAN TRACKER (FEBRUARY 2016)

Contingency Reserve Funds Including GIC: \$690,529.71 (~~\$210,000.00~~ removed for driveway and \$70,860.80 loan for Insurance)

Geothermal Reserve Funds & Loan

Geothermal Reserve (in the bank) \$105,082.57

Geothermal Loan Outstanding \$2,192,884.17

Current portion of Loan Payable \$26,614.65

Equity in Geothermal \$463,809.27

6.3 ACCOUNTS RECEIVABLE REPORT

The Strata Manager reviewed the accounts receivable and advised that as of February 25, 2016 there was a balance owing of **\$14,076.14**. 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 Associa 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 Associa 250-448-0044 or via email susie.czinger@associa.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 RE-SURFACE OF DRIVEWAY

Work on the driveway has been completed and the sealant will be applied sometime in May.

7.2 LETTER FROM PRIVACY COMMISSIONAIRE

A response was prepared and sent to the Privacy Commissionaire and he has acknowledged receipt. Council is currently awaiting a response.

(8) NEW BUSINESS

8.1 POWER SWEEP AND PARKADE SCRUB

Accu-Sweep has been scheduled to conduct the parkade sweep for April 12 & 13.

8.2 WINDOW CLEANING

Council reviewed the window cleaning quote from Ever-Clear and it was moved and seconded to accept the cost of \$7796.25 including tax. **CARRIED**

Window Cleaning will commence on April 11, 2016.

(9) TERMINATION OF MEETING

There being no further business, the meeting was terminated at 5:10 p.m.

(10) NEXT MEETING DATE

The next council meeting will be in the Sunset meeting room at 4:00pm on Wednesday, May 4, 2016.

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

NEXT ANNUAL GENERAL MEETING IS TENTATIVELY SCHEDULED FOR JULY 27, 2016

Created: July 9, 2010
Revised: July 14, 2010

This bulletin is for informational purposes only. Please be sure to consult the relevant City of Kelowna bylaw.

PURPOSE

This bulletin is to inform staff, home owners, developers, builders, and realtors of the provisions under the RM6 Zone for short-term rentals.

BACKGROUND

The City of Kelowna has received numerous enquiries regarding provisions of short-term rentals under the High Rise Apartment Housing - RM6 Zone.

Strata

The Strata Council of any multiple residential housing may, within its Bylaws, establish specific terms for short-term rentals. Strata bylaws can be more stringent than the City bylaws, and are enforced by each Strata Council. All bylaws that are Strata specific are not enforced by City Bylaw Enforcement.

City of Kelowna Zoning Bylaw 8000

Section 13 - RM6 - High Rise Apartment Housing

Section 13.12.1 - The purpose is to provide a zone for high density high rise apartments.

Principal Uses - multiple dwelling housing

Secondary Uses - hotel/motel accommodation within a multiple residential unit.

Definition

The City has defined the primary use for the RM6 zone as a residential zone with the following interpretation:

RESIDENTIAL ZONES means any zones described in Sections 12 and 13 of this bylaw, or any CD zone in which the predominant use as determined by its general purpose and list of permitted uses is of a residential nature, and in which the minimum (residential) tenancy period is at least 1 month.

Under Section 13.12.1, short-term rentals are only considered a secondary use, and in accordance with the Zoning Bylaw, must be in conjunction with a principal use. In this case, the principal use is the multiple dwelling housing, and the secondary use would be the hotel/motel accommodation. This would allow short term transient accommodation for visitors, of the type provided by hotels and motels. There is no minimum length of stay, however the use must remain secondary to the principal residential use (i.e. greater than half of the year to be used by the residential owner).

CONCLUSION

Business Licenses - Short term rental

Should the primary use of a property zoned RM6 be residential, the City of Kelowna will consider a business license application for short-term rentals in an RM6 zone. The City of Kelowna Bylaw Services will enforce any contravention to City of Kelowna Bylaw 8000.

City of Kelowna
Land Use Management
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8626
FAX 250 862-3320

13.12 RM6 – High Rise Apartment Housing

13.12.1 Purpose

The purpose is to provide a **zone** for high **density** high rise apartments.

13.12.2 Principal Uses

The **principal uses** in this **zone** are:

- (a) **multiple dwelling housing**
- (b) **congregate housing**
- (c) **group home, major**
- (d) **supportive housing**

13.12.3 Secondary Uses

The **secondary uses** in this **zone** are:

- (a) **agriculture, urban**
- (b) **child care centre, major**
- (c) **community recreation services**
- (d) **home based businesses, minor**
- (e) **hotel/motel accommodation within a multiple residential unit**
- (f) **household repair services**
- (f) **participant recreation services, indoor**
- (g) **personal service establishments**
- (h) **retail stores, convenience**

13.12.4 Buildings and Structures Permitted

- (a) **apartment housing**
- (b) **stacked row housing**
- (c) **permitted accessory buildings and structures**

13.12.5 Subdivision Regulations

- (a) The minimum **lot width** is 30.0 m.
- (b) The minimum **lot depth** is 35.0 m.
- (c) The minimum **lot area** is 1700 m².

13.12.6 Development Regulations

- (a) The maximum **floor area ratio** is 1.5, except that it may be increased by 0.1 for each additional 10% increment of **open space** above 50% of **open space**. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath **useable** common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.2 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**, but in no case shall this amount exceed 0.2. In no case shall the **floor area ratio** exceed 2.0.

- (b) The maximum **site coverage** for principal **buildings**, accessory **structures**, and parking areas and driveways is 50%.
- (c) The maximum **height** is the lesser of 55.0 m or 16.0 **storeys**, except that it shall be 4.5 m for accessory **buildings** and **structures**.
- (d) The minimum **site front yard** is 6.0 m.
- (e) The minimum **site side yard** is 4.5 m, except it is 6.0 m from a **flanking street**.
- (f) The minimum **site rear yard** is 9.0 m, except it is 6.0 m for accessory **buildings**.

13.12.7 Other Regulations

- (a) Convenience retail services, **household repair services**, and **personal service establishments** are limited to a total maximum floor area of 235.0 m² and only permitted when developed as an integral component of a principal **building**. These **uses** will not be permitted above the **first storey**.
- (b) Indoor participant recreation services are only permitted when developed as an integral component of a principal **building**.
- (c) A minimum area of 7.0 m² of **private open space** shall be provided per **bachelor dwelling**, **congregate housing bedroom** or **group home bedroom**, 12.0 m² of **private open space** shall be provided per 1 **bedroom dwelling**, and 18.0 m² of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.
- (d) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.