

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

**STRATA COUNCIL
2016 / 2017**

PRESIDENT
Brian Pedersen

VICE-PRESIDENT
Mike Kuziw

TREASURER
Cindy Weiss

AT LARGE
*Marc Whittemore
Wayne Salisbury
Leslie Fee
Ralph Fege*

COMMUNITY MANAGER:
Susie Czinger
susie.czinger@associa.ca

BUILDING MANAGER:
Dan Bregolis
(250) 258 9251

**ASSOCIA
SERVICE CENTRE**
1-604-591-6060
1-877-591-6060
abc.service@associa.ca

MAILING ADDRESS:
ASSOCIA B.C.
13468 77TH AVENUE
SURREY, B.C. V3W 6Y3

PRESENT:
Brian Pedersen
Mike Kuziw
Cindy Weiss
Wayne Salisbury

REGRETS:
Marc Whittemore
Ralph Fege
Leslie Fee

Susie Czinger, Associa British Columbia
Dan Bregolis, Building Manager

(1) CALL TO ORDER

The meeting was called to order at 4:57 p.m. and a quorum was established.

(2) ADOPTION OF THE AGENDA

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

(3) ADOPTION OF PREVIOUS MINUTES

Following review of the Minutes of the Council Meeting held June 7, 2017 and there being no errors or omissions, it was then moved and seconded to approve the Minutes of June 7, 2017 as distributed. **CARRIED**

(4) BUILDING MANAGER'S REPORT

4.1 AMONG OTHER THINGS THE BUILDING MANAGER REPORTED:

- The monthly Fire Test/ Generator Test, weekly Fire Pump Tests Performed.
- Fan motor was replaced in the roof make up air unit due to failure.
- Hot water expansion tank was replaced.
- There may be a requirement to replace the pressure reducing valve on the 18th floor. This will require the water to be shut off to the building. Owners will be notified accordingly.
- A piece of the glass rail at SL 21 shattered. The unit was vacant at the time. Rutland Glass has been dispatched to replace.
- Tower carpet cleaning has been completed.
- Various windows were replaced in SL 116 and 124 due to breaks.
- More woodpecker holes have been repaired.
- Reported there is a wasp nest at SL 130. Pest control will be dispatched for removal.
- Planter wall repair required on two front townhomes. Quotes have been requested.

- The Falcon has re-located. It was moved and seconded to put bird spiking in the area at a cost of approximately \$100.

CARRIED

Don't forget to tag your bike. If you do not have a tag please see the Building Manager.

STRATA CORPORATION BYLAW 9.1

An Owner must obtain written approval of the Strata Corporation before making an alternation to a strata lot or common property or common asset.

Unit modification form may be found on the Strata online portal and please email susie.czinger@associa.ca in order to have approved by your Strata Council.

4.2 BYLAW AND RULE CONTRAVENTION REPORT

On June 10, 2017 the Building Manager was called at 1:30pm to attend to deck area of the outdoor pool due to loud music, alcohol and disruptive behavior. Determined it was residents of SL 124 and they would not adhere to the guard. The Strata Council and building manager received calls that the disruptive behavior did not subside. A fine in the amount of \$200 was levied.

On June 9 at 6pm the occupants of SL 128 unit were causing a disturbance at the pool and security was called. On June 10th at 3:24am Security was called to attend SL 128 due to noise and warning was issued. On June 11th at 3:28am Security was called to attend as a party was under way in SL 128. Security found 20 people within the unit and asked to quiet and/or vacate. At 4:07 security then received further calls and the police were requested to attend. A fine for nuisance at the pool was levied in the amount of \$200 and a fine for noise was levied in the amount of \$200.

On Sunday, June 11, 2017 at 4:00am an Owner called Security to attend for a large disruptive group of people at the pool. Security contacted the police to attend. When building maintenance arrived at 6:45am on Sunday morning they found 2 of the occupants from your unit passed out on the pool deck. The residents were found to be from SL 82 and a \$200 fine for nuisance was levied.

On June 24th at 8:00 p.m. Associa afterhours contacted the Building Manager to advise that there was drinking at the pool Security was dispatched and when they arrived 30 minutes later no one was at the pool and they contacted the Building Manager to report back.

RESIDENTS ARE REMINDED THAT CALL OUTS FOR SECURITY IS AN ADDITIONAL COST TO THE STRATA CORPORATION.

WHEN CONTACTING SECURITY PLEASE PROVIDE YOUR TELEPHONE NUMBER, NAME AND UNIT NUMBER 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.

**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 their 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 SL 95 filing a noise and nuisance complaint against SL 128 and 124. These incidents are as noted above under bylaw contraventions and fines were issued.
- Correspondence was received from SL 24 regarding the constant noise from the gym. A quote for rubber flooring has been received. Due to the cost, Strata Council directed the Community Manager to bring this item forward for the new Council to review after the AGM to be considered in the new fiscal year operating budget.
- Correspondence was received from SL 62 with suggestion to beautifying the lobby/mezzanine handrail. Due to the cost, Strata Council directed the Community Manager to bring this item forward for the new Council to review after the AGM to be considered in the new fiscal year operating budget.
- Correspondence was received from SL 78 concerned there was no security for the long weekend. This has been addressed in item 8.1 below.

A reminder to Owners that all correspondence must be submitted to Susie.czinger@associa.ca and will be reviewed by Council at their next scheduled meeting.

Special Note: The Strata Council does not have authority to approve unit modifications for potential buyers and this cannot be made a condition of purchase/sale.

(6) FINANCIAL REPORT

6.1 FINANCIAL STATEMENTS

After a review of the statements for May 2017 and report from the President and Treasurer, it was moved and seconded to approve the financial statement for the periods ending May 31, 2017 as prepared. **CARRIED**

Fiscal year end financials for June 30, 2017 have not yet been reconciled and will need to be approved after the AGM.

6.2 RESERVE & GEOTHERMAL LOAN TRACKER (MAY 2017)

Contingency Reserve Funds Including GIC: \$804,293.16

Geothermal Reserve (in the bank) \$117,996.35

Geothermal Loan Outstanding \$2,109,967.44

Current portion of Loan Payable \$7,089.96

Equity in Geothermal \$458,918.37

the final payment for the 5 year term on the loan is December 2, 2017. Council will now explore renewing the loan and it is anticipated the interest rate will drop up to .05%

6.3 ACCOUNTS RECEIVABLE REPORT

The Strata Manager reviewed the accounts receivable and advised that as of June 7, 2017 there was a balance owing of \$14,611.57. Any units with a balance owing over \$1000.00 will be sent legal for collections and legal fees applied to strata lot.

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, 2016 AND IS DUE AND PAYABLE TO AVOID FURTHER PENALTIES.

(7) BUSINESS ARISING FROM PREVIOUS MINUTES

7.1 LETTER FROM PRIVACY COMMISSIONER

Strata Corporation Lawyer, Silvano Todesco received another piece of correspondence from the Privacy Commissioner titled "Investigator's Fact Report" (attached to these minutes) and a response is requested by July 19, 2017. The Strata Council notes that the "Fact Report" is missing some key facts and response will be crafted and sent.

7.2 SOUND PROOFING FOR GYM

Council reviewed a quote from Danburg flooring for a rubber type floor to replace the existing flooring and create a sound barrier. Due to budget constraints this item has been deferred to the new fiscal budget year. The Community Manager was directed to have this placed on the agenda for the first Council Meeting after the AGM.

(8) NEW BUSINESS

8.1 NEW AWNING MATERIALS

Artistic Awning have advised the old materials for awning is no longer available. The Strata Council has reviewed and approved a similar product. For those owners that require replacement due to age the product is Aristocrat Shade Products Ltd fabric L-121 and it comes with a 10 year warranty.

8.2 NEW LAGOON SYSTEM AGREEMENT

Management of the Delta Grand has now changed and a new agreement was provided to the Strata Corporations to sign. Discovery Bay sourced a legal opinion for the agreement and confirmed with Sunset the agreement was nothing other than name changes. Council President and Vice President signed the agreement and directed the Community Manager to return to Delta Grand.

8.3. ANNUAL GENERAL MEETING

Annual General Meeting has been confirmed for August 16, 2017 at the Ramada Hotel. The Strata Council reviewed the draft operating budget as presented by Associa. Council was not satisfied with the budget as presented and requested that two budgets be created and resent to Council for approval. It is anticipated there will be deficit in the 2016-2017 operating budget of approximately \$28,247.00. One budget will be created to repay the deficit over a 12 month period showing an increase in Strata Fees and one budget will be created showing no increase in Strata Fees with a ¾ resolution for repayment of deficit. Once the budget and resolutions have been approved by the Strata Council via email, Associa will mail out the AGM notices in accordance with the Strata Property Act.

(9) TERMINATION OF MEETING

There being no further business, the meeting was terminated at 5:45 p.m.

(10) NEXT MEETING DATE

Future Council meetings will be determined after the AGM on August 9, 2017.

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 CONFIRMED FOR AUGUST 9, 2017**



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

OIPC File: P14-58354

Strata Corporation KAS 2849 - Sunset Waterfront Resort File: 20122428

June 29, 2017

To: The Applicant

Rick Adrian
1001-1128 Sunset Drive
KELOWNA BC V1Y 9W7

To: The Organization

Strata Corporation KAS 2849
Sunset Waterfront Resort
c/o Silvano Todesco
Access Law Group
Suite 1700, 1185 West Georgia Street
VANCOUVER BC V6E 4E6

Re: Investigator's Fact Report (draft)

The above-referenced file is proceeding to inquiry. As the Investigator responsible for the matter, I have prepared and enclosed a draft Fact Report providing:

- a) A chronology of the request, review and inquiry processes;
- b) Setting out the facts and indicating any that are in dispute;
- c) Describing the records and issues in dispute and any issues no longer in dispute; and
- d) Specifying which provisions of FIPPA are in issue.

The Fact Report does not include details relating to any attempts the parties made to settle the matter through mediation, other than to note any issues that have been settled and are no longer in dispute.

The Fact Report is the foundational document going into the inquiry process, so please review it carefully. If either party has any questions or concerns about the enclosed Fact Report, please contact me by July 19, 2017. Submissions received within this time frame will be considered and the fact report amended if appropriate.

Once the inquiry commences, the Registrar of Inquiries will issue the finalized Fact Report to the parties along with a Notice of Inquiry and other materials.

Once the inquiry is scheduled, extensions will only be granted in exceptional circumstances.

We encourage parties who may require legal assistance regarding matters set out in the Fact Report and/or for the upcoming inquiry to act immediately to find a legal representative, as the inquiry dates will not be rescheduled because of unreasonable or avoidable delays in seeking legal assistance. Parties are asked to begin preparing for the inquiry now.



DRAFT

Investigator's Fact Report

In the Matter of a Complaint between

**A Complainant
and**

Strata Corporation KAS 2849 - Sunset Waterfront Resort ("organization")

**Written Hearing under the *Personal Information Protection Act* "PIPA"
Scheduled for
Office of the Information and Privacy Commissioner**

- 1) On July 10, 2014, the Complainant wrote to the Information and Privacy Commissioner alleging that the organization was:
 - a) improperly collecting and using personal information contrary to ss. 6, 11 and 12 of the *Personal Information Protection Act* (PIPA) by providing live-feeds from 23 video surveillance cameras to any resident in the strata complex;
 - b) viewing the live feeds from the video surveillance system daily in an unauthorized manner in order to levy strata bylaw infraction fines;
 - c) failing to properly notify strata owners and guests about the video surveillance system contrary to s. 10(1) of PIPA;
 - d) using information gathered by video surveillance cameras in a manner contrary to s. 14 of PIPA; and
 - e) retaining personal information contrary to s. 35 of PIPA.
- 2) Mediation did not resolve the issues and the Complainant asked that the matter proceed to a Hearing.
- 3) The draft Investigator's Fact Report was issued to the Complainant and the organization on June 29, 2017.

4) At the inquiry, the Information & Privacy Commissioner or his delegate will consider whether the organization:

- a) is using the information collected by video surveillance cameras in a manner permitted under ss. 6, 10(1) 11, 12 and 14 of PIPA;
- b) is protecting personal information as required by s. 34 of PIPA;
- c) is retaining personal information in accordance with s. 35 of PIPA; and
- d) has developed and is following an appropriate privacy policy in accordance with s. 5 of PIPA.

Prepared by: Justin Hodkinson,
Office of the Information and Privacy Commissioner

OIPC File No.: P14-58354
Organization's Lawyer's File No.: 20122428

For further information about the inquiry process, please review the OIPC's Instructions for Written Inquiry at <https://www.oipc.bc.ca/guidance-documents/1744>.

If you have any questions or concerns, please contact me by telephone at 250-387-0035 or by email at jhodkinson@oipc.bc.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JHodkinson', with a stylized flourish at the end.

Justin Hodkinson
Investigator