

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

**STRATA COUNCIL
2013 / 2014**

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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www.kas2849.mybaywest

PRESENT:

Brian Pedersen
Hazel Christy
Alex McClelland
Cindy Weiss
Brenda Dwyer
Marc Whittemore

REGRETS:

Ron Moser

Susie Czinger, Baywest Management Corporation
Dan Bregolis, Building Manager

(1) CALL TO ORDER

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

(2) GUEST BUSINESS

An Owner called a hearing with Council to discuss the MyBaywest services. After guest was excused, Council discussed and voted on the matter. The Strata Manager to respond in writing to the owner.

(3) GUEST BUSINESS

A Tenant called a hearing with Council to dispute a fine that was implemented for noise. After guest was excused, Council discussed and voted on the matter. The Strata Manager to respond in writing to the tenant and owner.

(4) ADOPTION OF THE AGENDA

After several additions were made to the agenda, it was then moved and seconded to adopt the agenda as presented.

CARRIED

(5) ADOPTION OF PREVIOUS MINUTES

It was moved and seconded to adopt the Minutes of the Council Meeting of February 5, 2014 as distributed. The motion was

CARRIED

(6) BUILDING MANAGER'S REPORT

6.1 AMONG OTHER THINGS THE BUILDING MANAGER REPORTED:

- No issues with the monthly fire test and drills will continue periodically.
- Through a routine inspection it is discovered that 1/4" line on the main booster pumps located in the main floor mechanical room has blown off, causing both pumps to trip

out. I repaired the line and reset pumps. Escaped water had drained into the floor drains so there was no damage.

- Through routine inspection a small leak is detected on one of the two main floor hot water tanks which services floors 1 through 7. As I was observing a flame flared so I turned off the

gas and unplugged the tank. The flare up melted some control wires on the tank and as both tanks are connected through electronic controls it caused the remaining tank to short out and stop working. Can-Uk Plumbing was brought in and repaired the remaining tank which is keeping up with the demand. A new identical tank has been ordered and should arrive no later than mid April.

- Unfortunately an occupant of the building was stuck in Elevator 1 for approximately 20 minutes. When the elevator tech arrived to her out as she was on the first floor he asked her to push the door open button. The doors immediately opened. However, it appeared the emergency call button was not working appropriately. The Elevator was immediately serviced and confirmed operational.
- Some units on the 13th, 14th and 15th floors have been complaining about lack of hot water. Reinbold engineering (original Engineers) have been contacted several times and they have not responded. Tomnor and Can-Uk have been actively working with us to investigate and solve this issue.

Access holes have been cut in the ceiling of the 15th floor corridor to check temperatures of hot water (dhw) and recirculation line piping and to try and find a hot water pressure reducing (prv) valve that a diagram alluded to “was added.” No prv could be found but it was discovered that the hot water recirculation line is often hotter than the dhw line. Can-uk and Tomnor both agree the recirculation line should never be hotter than the dhw line as it is a return line.

The hot water for floors 15 through 8 for units 02-06 branches off from the main system at the 15th floor. There, it travels in the ceiling of the 15th floor corridor and feeds “risers” that drop down to the 8th floor. At the 8th floor the recirculation line tees in and pulls water out of the dhw line and returns it to the tanks for reheating. Thus, the water is always circulating. For the recirculation line to be hotter than the dhw line (and to be as hot as it is on the 15th floor), it indicates that the water in the recirculation line is travelling in the wrong direction. In theory, the dhw may not be circulating at all at night and cooling down as it sits idle in the pipes. It is also possible that hot water in some suites might be being supplied from the recirculation line as opposed to the dhw line. As the recirculation line is only 3/4” compared to the dhw line that is 2 1/2 “ the two lines may also be mixing and this may explain why the water isn’t able to get hot sometimes especially early in the morning.

Can-uk will be installing a secondary check valve on the recirculation line this week to see if this solves the problem of the recirculation water travelling in the wrong direction. We will then contact affected units in a few days for any sign of improvement. We will also have Quantus Electric check the recirculation pump to ensure it is working to specification.

- New power supplies were installed on the control panels for the parkade doors. This is to try and resolve the problem of the garage remotes not working periodically.
- An Owner advised there is a very small intermittent dripping from the P2 parkade ceiling onto their vehicle. I have caulked the area and will continue to monitor.

6.2 BYLAW AND RULE CONTRAVENTION REPORT

- On February 15, 2014 at 2:30am Security was called to attend a unit for noise. Upon arrival security could not find any noise.
- On February 15, 2014 at 9:20pm Security was called to attend a unit for noise. Upon arrival security could not find any noise.
- On February 15, 2014 at 11:58pm Security was called to attend a unit for noise. Upon arrival loud noise was detected and security issued a warning. The Strata Manager was directed to write a formal warning letter to the Owner and/or Agent.

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 NOISE IS FOUND THE COMPLAINANT RISKS BEING CHARGED THE CALL OUT FEE.

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

(7) CORRESPONDENCE

Correspondence was received from an Owner regarding the removal of the annual rental premium. This is currently under review and bylaw amendment will be proposed at the Annual General Meeting.

Correspondence was received from an Owner regarding AGM council election and proxies. In Accordance with section 56 of the Strata Property Act any person eligible to vote may appoint their proxy. There is no limit to the proxies and proxy holders are not required to stand up and divulge how many proxies they are holding. Sign in sheets are on the table at sign in and can be viewed by anyone in attendance at the meeting. The Strata Council is of the opinion that any owner wishing to stand for election to strata council may provide their proxy holder with a brief bio to read at the general meeting. Council is also of the opinion that should an Owner wish to stand for strata council they should make themselves available at the general meeting so that other Owner may know who they are voting for in person.

Correspondence was received from an Owner with regards to the lower mechanical room hot water tank failure and provided an informative handout for Council along with the request to purchase spare tanks and replace all the tanks. The Strata Council would like to advise Owners that these tanks are costly and that although one may go down until a new arrives there is not a shortage of hot water. To purchase spare tanks would put the risk on the Strata Council and Strata Corporation of no warranty being available as the warranty is effective at time of purchase not installation. Therefore, Council does not feel this would be a prudent handling of strata corporation resources and further quotes and information is being requested from various vendors.

Correspondence was received from an Owner who provided a maintenance workbook which was produced by CHOA and RDH to assist Strata Corporations with organizing and planning for future repair needs as noted in the Depreciation Report. The Strata Council is currently reviewing negotiations with Fortis whereby Fortis could possibly purchase the geothermal equipment and thus the burden of the geothermal equipment be removed from Sunset Strata Corporation. Council would like to thank the owner for the valuable information/workbook and assure Owners that the Depreciation report will also be used as a tool for planning the new budget for 2014/2015. This may also have an impact on the strata fees.

Correspondence was received from an Owner requesting why a fall window wash had not been conducted. Due to the extra pigeon spiking and repair of woodpecker holes Council did not approve fall window cleaning. Window cleaning will be done prior to summer.

Correspondence was received from an Owner regarding their previous email to Council in September 2013 regarding the Annual Rental premium. In the opinion and quote of this Owner ***“I would like you to readdress my question and publish Council’s response in detail in the Monthly Council Minutes to reflect their reasoning and solution to this escalating cost expenditure to all Strata Lot Owners”*** also again the opinion and quote of this Owner ***“I would like our Council to re-examine the Annual Rental Premium and come up with a solution to offset the spiraling costs associated with rentals in our building.”*** This bylaw is currently under review and an amendment will be presented at the Annual General Meeting.

Correspondence was received from and Owner regarding their previous email to Council in December 2013 regarding the video surveillance and personal information they collect. Baywest has provided a bylaw amendment addressing this and Council voted to present as a Bylaw amendment at the Annual General Meeting.

Correspondence was received from an Owner asking ***“why am I not receiving replies from Susie (Baywest) via email on my Correspondence to Council?”*** Council would like to advise Owners they are not required under the Strata Property Act to respond directly to correspondence but can answer them by way of Council Minutes. The Strata Council has instructed Baywest to respond directly to Owners where they feel it is prudent to do so and all others will be responded to by way of Council Meeting Minutes under this correspondence section.

Correspondence was received from an Owner following up on an email provided to Council on January 29, 2014 regarding two male residents who had entered the hot tub around 10pm without showering and put them in an uncomfortable position and interfered with their ability to enjoy the spa area and they immediately left. The question posed to Council was how are **(they)** enforcing Rule #6. At that time the building manager had reviewing the security footage and fob activity and unfortunately was unable to identify the individuals as they were not seen on the footage and therefore unable to match the users of the FOB. The correspondence following up is asking ***“how is it that Dan has the ability to observe video records (elevators, etc) and records of FOB activity within our building yet he cannot identify the individuals in question?”*** Unfortunately the users of the FOB could not be corroborated as not photo of individuals was seen on the video footage due to positioning of the camera.

Correspondence was received from an Owner regarding the correspondence received from Gowling Lafleur Henderson LLP correspondence to the Strata Corporation in 2011 and 2012 with regards to the EEU negotiations prior to the Strata Corporation purchasing the geothermal system. The buyout of the geo system was a negotiated transaction with EEU that evolved from litigation between EEU and the developer POV. This buyout was approved by the overwhelming majority of the owners. During the lengthy negotiations the Strata Corporation considered various appraisals and evaluations of the system as well as accounting analysis of the 50 year lease. Various positions and posturing went on between the parties as part of the negotiation to arrive at a consensus. Several arguments took place concerning maintenance issues on both sides and other matters relating to the system all designed to achieve the best outcome. In the end EEU and the Strata Corporation were satisfied with the result. Proper maintenance has been in place by the Strata Corporation for the system since it become operational. Budgeting is in place in anticipation of expected ongoing maintenance of the system.

Correspondence was received from an Owner with regards to their parking stall at the bike storage area and damage received to their vehicle. The Strata Manager was directed to respond to the Owner directly.

Correspondence was received from an Owner requesting a copy of the Owners' list. In accordance with section 36 of the Strata Property Act the Strata Manager was directed to provide the list containing "owners, with their strata lot addresses, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall numbers if any and unit entitlements." The Strata Council is hereby advising the Owner to review the Personal Information Protection Act and the Strata Property Act in reference for use of the Owners information list. Correspondence received as a result which is not on Baywest letterhead is deemed not approved by Council.

RULE REMINDER

All correspondence for Council to review must be received by Baywest 5 business days prior to a Council Meeting or it will be tabled to the next meeting.

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.

(8) FINANCIAL REPORT

8.1 FINANCIAL STATEMENTS

After a review of the statements and the report from the President and Treasurer, it was moved and seconded to approve the financial statements for January 31, 2014. The motion was **CARRIED**

8.2 RESERVE & GEOTHERMAL LOAN TRACKER (January)

Contingency Reserve Funds Including GIC: \$688,781.01

Geothermal Reserve Funds & Loan

Geothermal Reserve (in the bank) \$ 77,013.64

Geothermal Loan Outstanding \$2,345,310.63

Current portion of Loan Payable \$29,645.99

Equity in Geothermal \$536,618.99

8.3 ACCOUNTS RECEIVABLE REPORT

The Strata Manager reviewed the accounts receivable and advised there is currently \$12,847.49 outstanding. 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.

ANNUAL RENTAL PREVMIIUM OF \$300.00 HAS BEEN APPLIED TO STRATA LOTS BEING RENTED. THIS IS DUE AND PAYABLE AS PER BYLAW 7.5. IF YOU WOULD LIKE FOR BAYWEST TO REMOVE THE AMOUNT FROM ACCOUNT ON FILE PLEASE EMAIL SCZINGER@BAYWEST.CA WITH AUTHORIZATION INCLUDING YOUR UNIT NUMBER.

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 HST 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

(9) BUSINESS ARISING FROM PREVIOUS MINUTES

7.3 KELOWNA DISTRICT ENERGY SYSTEMS

Fortis was unable to attend the meeting today to provide their presentation to Council. The Strata Manager was directed to set up a time for Fortis and Council to meet in camera on Tuesday March 25, 2014 at 4:00pm.

(8) NEW BUSINESS

No new business was tabled.

(9) TERMINATION OF MEETING

There being no further business, the meeting was terminated at 5:41 p.m.

(10) NEXT MEETING DATE

The next council meeting will be held Wednesday, April 2, 2014 at 4:00 p.m.

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

ANNUAL GENERAL MEETING JULY 23, 2014