

## **DRAFT 1.05**

### **COMMERCIAL COUNCIL MEETING February 17th, 2012 - DRAFT MINUTES**

**Present:** John Davies, President  
Keith Hyde, Vice-President  
Amanda Lu, Treasurer  
Gene Cherneski, Director

**Regrets:**

**Guests:** Alan Davis, Building Manager  
Peter Morgan  
Simon Chan  
Volker Henning Ahlborn  
Luc Bouliane

1. Call to order: meeting was called to order at 11:07 AM by Mr. Davies, President and Chair, who declared a quorum.
2. Guests: Peter Morgan

Mr. Morgan reiterated his comments from the January 20<sup>th</sup>, 2012 Commercial meeting indicating that Mr. Cherneski is not a strata lot owner of LMS 1866 Commercial and according to the Strata Property Act, an investigation must be conducted to determine if this is the case.

Mr. Davies, interjected Mr. Morgan stating that this issue would be discussed later in the meeting.

3. Genset Back Up Generator:

Mr. Davies indicated that he met with Ray Cousineau of the Residential Council and Gene Cherneski of the Commercial Council regarding the replacement of the backup generator for the building. Four quotes are being obtained.

Mr. Cherneski is also in the process of obtaining quotes for repair of the existing generator. The suppliers for a new generator are Frontier, Cummins, Finning and Cullen He noted that the approximate cost of a new generator is approximately \$75,000.

Mr. Davies pointed out that a temporary generator for the building has been rented and is located in the back lane.

4. Review of minutes:

**Motion by Keith Hyde to table the review of the January 20<sup>th</sup>, 2012 minutes to February 24<sup>th</sup>, 2012. Seconded by Gene Cherneski. Carried.**

Mr. Davies and the current Council had requested many times from Peter Morgan of the previous Commercial Council to provide the in camera minutes of those Commercial Strata meetings. Mr. Morgan stated that he would not be providing the minutes at this time. Mr. Davies followed up stating to council that Mr. Morgan was refusing to provide the minutes.

Mr. Hyde asked for a timeline to provide the minutes which Peter Morgan would not commit to. Eventually in the meeting, Mr. Morgan did commit to a date of February 29<sup>th</sup>, 2012 to provide them.

5. Answering Service and New Phone Number:

An answering service company has been selected and new office phone numbers have been obtained.

**Motion by Keith Hyde - to complete the contract and implement the answering service as soon as possible and also authorize a cheque for payment to proceed with the installation. Seconded by Gene Cherneski. Carried.**

6. Financials: (item #6 and #7 on the agenda combined below as i) and ii):

i) Treasurer's report on financials:

A new bank account for Special Levies has been opened. There are three accounts currently, CRF, Special Levies and a Current Account. The books are all in order.

Keith Hyde asked about the new building assessment and insurance. The insurance has been paid to November 2012.

ii) Review and approve financials from prior meetings:

The financials were tabled until Amanda Lu arrived.

Keith Hyde stated that previous financials were approved. No motion was made.

7. Standardize all address signage in the Hornby Retail section:

**Motion by Keith Hyde for Alan to obtain a design and quote from Onco. Seconded by Gene Cherneski. Carried.**

John Davies indicated that the commercial strata will pay for the costs so they will not be incurred by the owners of the retail section.

8. General review of major projects by the basement tenant:

The report from Gene Cherneski indicates that an illegal cross-connect pipe has been removed on an order issued by the City of Vancouver. Peter Morgan interrupted the meeting to state that the cross connect was approved about a year ago. Mr. Cherneski indicated that the BC safety Authority toured the basement. The city of Vancouver will be coming and reviewing the building permits as well as a site review.

Amanda Lu indicated that the owner AEBC should attend the council meeting as representative of the basement strata lots. Mr. Morgan should not be commenting on a situation that doesn't pertain to his strata lot.

Gene Cherneski indicated that BC safety Authority came to see the elevator installed between the lower main floor and the basement floor. **The inspector condemned the installation.** The building inspector asked why this elevator was built. The basement owner said that it was needed. **The inspector also indicated that it was not to code and was an illegal installation.** The power box to the elevator was red tagged and sealed prohibiting any use. The owner in the basement was served with notice that the elevator has been closed. The inspector met with Glen Lum who signed the document which we will receive in a few days.

Keith Hyde suggested that a letter of explanation go out to the owners.

Peter Morgan interrupted the meeting to state that the approval of the installation of the elevator was discussed three years ago by John Davies and Council at that time and was approved.

Keith Hyde indicated that it is not the responsibility of Council but of the owner for such projects meeting the requirements of permits, letter of comfort etc.

Peter Morgan interrupted the meeting to indicate that Council was responsible to ensure permits etc were in place for any given project.

Gene Cherneski indicated that the owner of AEBC should have known that permits and building to code were needed also. Two cement slabs were removed to install the elevator. Permits for electrical should have been

obtained by the owner and reported back to Council. Mr. Cherneski indicated that there are no permits for this work.

9. AEBC Current Projects:

Alan Davis indicated that there nothing to report on. He is unaware of any new or further projects commenced by AEBC or other basement tenants.

10. Status of Terrazzo Repair:

We are waiting on the contractors to get all necessary supplies.

11. Use of Nelson Street Planters:

It was determined that the planters are Strata.

12. Building Manager's Report:

a. Hot water pipes

The next section of leaking hot water pipes on the Lower Main floor has been stripped of the asbestos insulation. The pipes will be replaced in the next week or so

b. Washroom re-repair at Pattison School

Necessary repairs are under consideration

c. Heating steam valve

The new heating steam valve has been ordered and will be installed soon.

d. Pattison hand dryers

An electric hand dryer has been installed in the Men's washroom at Pattison School and the paper towel dispenser removed.

e. Lobby planter

The lobby planter will have the contents removed to determine why it is leaking and how much damage has been done to the floor.

f. Retail ladies washroom toilet paper dispensers and notice.

Someone has been stealing toilet paper from the Womens washroom in the Retail Section and the dispensers are sometimes completely empty. A notice was distributed to all owners and tenants in the Retail Section warning people not to do it and that the area is under video surveillance..

g. Water back flow device:

City of Vancouver has advised that the building must install a back flow device for premises protection within 45 days. Cost is estimated to be \$30,000.

13. Building business hours:

Currently, the business hours for the commercial section 08:00 to 18:00 Monday to Friday.

For the retail section, business hours are different.

Keith Hyde suggested that owners who operate outside of the business hours should have an operating agreement for extra ordinary use of building systems ie HVAC, elevators and charged accordingly. He also suggested that an analysis should be done to recoup extra ordinary costs.

Peter Morgan indicated that the arrangement of previous councils be looked at. Some of the work was done on this but is incomplete. He indicated that various arrangements for additional usage were made when he was on council. It has to be determined the amount of usage and charge owners.

Gene Cherneski indicated that there be a depreciation report listing all machinery and usage in the building as well owner use calculation after regular building business hours.

14. Ratify all Common Commercial area fines from previous years:

**Motion by John Davies to have Council ratify the Common Commercial property fines for 2010 and 2011 so that the Commercial Strata is in compliance with the Commercial Section bylaws. Seconded by Gene Cherneski. Carried.**

15. New Business:

- i) Peter Morgan has attended past council meetings as well as this one and is continually attempting to disrupt the meeting by interrupting. His disruptions have gotten to the point of disturbing

the strata lots around the board room. He has been cautioned repeatedly to the extent of causing an interruption to the people in the offices surrounding the board room. The board extends its apologies to owners that have been disrupted by this.

- ii) 4 Retail Section owners received orders from the City of Vancouver for either Anti Backflow devices or vacuum breakers on hoses.
- iii) The issue of handwritten and other notices about what number to call after hours to be let in the Commercial entrance after hours was discussed. Alan suggested a permanent notice on enterphone operation be posted

**Motion by Keith Hyde to have Alan make proper signage.  
Seconded by Gene Cherneski. Carried.**

- iv) Peter Morgan interrupted and challenged Gene Cherneski with regards to Gene not being an owner and sitting on the board. Gene submitted a letter from the owner to Council authorizing him to be the agent for his spouse's strata lot. A review was done by the current Council.
- v) Amanda Lu spoke regarding the HST. The HST application was signed by John Davies and sent to CRA via David Benson. The Strata Council is ready to submit the HST funds and voluntary disclosure. The funds are in a trust account. Amanda noted that there were numerous repairs in 2011.
- vi) Master keys were discussed and tabled on the completion of a list of all persons who have master keys including staff, councils in the residential and commercial section and all contractors.
- vii) John Davies stated that the review of the camera system has been completed. There will be discussions in the next two weeks to decide what cameras to keep, what not to keep and what cameras need to be relocated if any. A report is due soon.
- viii) Gene asked about the fob system and who holds master access fobs to the commercial section. Perhaps a review of fob access levels could be reviewed.

16. Adjournment: 1:00 pm.

17. In camera: