

## **COMMERCIAL COUNCIL MEETING February 28th, 2012**

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

1. Called to order @ 1600
2. Motion to waive notice for the emergency board meeting. Seconded, carried.
3. This emergency board meeting was called due to the fact that a law suit was threatened, by way of email earlier today, by Mr. Tony Lum who is the owner of AEBC. AEBC is the primary tenant of the basement strata lots. The reason given for the threat of legal action was the fact that the building had informed the owner of the strata lots leased to AEBC, Mr. Glen Lum, last Friday of the fact that the building's cooling tower was to be taken off-line on Thursday, March 1<sup>st</sup>, 2012 for the day to perform regular annual maintenance. This was done as a courtesy as it's known that AEBC, who operates a 'server farm' places extraordinary demands on the building's cooling system 24/7/365 so they could make arrangements for alternate cooling. In his email Mr. Tony Lum stated that the LMS1866 owners will be sued for loss of income and damage to his equipment if we shut down the system for any reason.
4. It should also be noted that, approximately 20 days ago, the City of Vancouver's Water Dept. sent an inspector to do an annual review of all connections to the city's water supply. Every business was visited, and a number of owners were cited for non-compliance and remedies were ordered. One of the connections reviewed was the 'temporary' connection that AEBC had made to the water main as a back-up for their cooling system in the event the building's system failed. This connection was deemed to be completely illegal and a order to disconnect within 36 hours issues (see attached). The board contracted with one of its primary plumbing contractors to comply with this order. Mr. Glen Lum was immediately made aware of this order and disconnection. It was noted that this inspection was part of a regular annual inspection and that no one on the board or its employees contacted the city to request an inspection, despite assertions by Mr. Lum to the contrary.
5. The board discussed this matter with the owners' legal counsel, Mr. Jamie Bleay, and he advised us that reasonable notice was given and that the normal annual maintenance should proceed as scheduled.
6. As he's leaving for vacation Feb. 29<sup>th</sup>, 2012, Gene Cherneski agreed to waive the 7 days' notice should an emergency board meeting be called in his absence.
7. The meeting was concluded at 17:25.