



**UNAPPROVED MINUTES OF THE STRATA COUNCIL MEETING
STRATA PLAN VIS6763 – BALANCE AT DOCKSIDE GREEN
HELD ELECTRONICALLY VIA ZOOM, APRIL 12, 2022**

PRESENT:

Jennifer Cooper	379 Tyee
Peter Durrant	379 Tyee
Joyce Elliott	379 Tyee
Alex Fyfe	373 Tyee
Tanya Howes	379 Tyee
Chris Lawson	379 Tyee
Quinn Leitch	373 Tyee

PROLINE MANAGEMENT LTD: Sam Hasham, Property Manager

1. CALL TO ORDER

The meeting was called to order by Council President Chris Lawson at 10:05 AM.

2. CONFIRMATION OF QUORUM

The chair confirmed that there was a quorum with all council members present, enabling the meeting to proceed.

3. APPROVAL OF AGENDA

The meeting agenda was circulated in advance of the meeting. An additional item was added, and the following motion was made:

Motion: That the agenda of the Strata Council meeting be adopted as amended.

Moved: Quinn Leitch

Seconded: Tanya Howes

Carried unanimously.

4. APPROVAL OF MINUTES

The unapproved minutes of the March 8, 2022 Strata Council meeting were circulated prior to the meeting. With no requested amendments, the following motion was made:

Motion: That the minutes of the March 8 Strata Council meeting be adopted as written.

Moved: Alex Fyfe

Seconded: Peter Durrant

Carried unanimously.

5. BUSINESS ARISING FROM THE MINUTES (OPEN ITEMS FROM PREVIOUS MEETING)

5.1. Landscape Renewal

This project has been completed. Due to general shortages in all nurseries, Fallingwater has been unable to obtain enough Yew trees to replace the Witch Hazel plants in all the

PROLINE MANAGEMENT LTD.

201 – 20 Burnside Road West, Victoria, BC V9A 1B3 | T: 250.475.6440 F: 250.475.6442
Westshore: 250.915.8888 | Nanaimo: 250.754.6440 | Courtenay: 250.338.6900 | www.prolinemanagement.com

townhouse courtyards on Tye. Therefore, the replacements in A101, A102 and A103 have been done and the remainder will be done when the Yews can be obtained.

5.2. Bylaw Review

This project is complete! The new bylaws have been registered at the Land Title Office and are now in effect. They can be found in PowerStrata by clicking Documents on the lefthand sidebar and navigating to *Bylaws and Rules*.

5.3. Insurance Claim Subrogation – Water Damage Incident in 2017

No update has been received from the lawyer since the last council meeting.

5.4. Window Cleaning, Gutter Cleaning, Sunshade Cleaning and Repairs

Modern maintenance has advised that this work will start on April 13.

5.5. Failing Machstats and Infrastructure

Prior to the meeting, council received a firm quote from Island Temperature Controls (ITC) to replace the Machstat heating controllers in the strata lots and the control equipment in the common areas, which are all part of the same network and are interrelated. Based on the quote, the total replacement cost is expected to be about \$218,000 if both Balance and Synergy participate in the project at the same time, and \$232,000 if Balance proceeds independently. The difference is due to the shared server and related software, the cost of which would be shared with Synergy if they participate in the project. (Although the Synergy strata council agrees with the importance of the project, Synergy's participation will be dependent on it being approved at their AGM in June.)

As reported in previous council meeting minutes, the council has also received preliminary proposals from two other firms. The ITC quote is less than the others, including a quote that was received from Houle Controls in 2019, and council feels strongly that their solution is superior.

As a result, council tentatively plans to include a resolution to approve the project on the agenda of the Annual General Meeting (AGM) in July. The expenditure was anticipated in our Depreciation Report and as such, was planned for and can be covered from existing funds in the Contingency Reserve Fund. A special assessment will *not* be required.

Council also decided to proceed with the owner information meeting to be held on May 2. More details about the project will be provided to owners at that time, and there will be an opportunity to ask questions and give feedback.

5.6. Door Cleaning

Management has requested a quote from Delco for this, but it has not yet been received. Management is following up.

5.7. Main Entrance For-Sale Notice Panels

Management is still in the process of investigating this matter and hopes to have information for the council at the May meeting.

5.8. Building Exterior Maintenance

Management is following up with Alco to see when the work approved at the March meeting will be scheduled.

Management is still in the process of obtaining a quote from Modern Maintenance for cleaning of the building exterior and expects to have it before the May council meeting.

5.9. P2 Gate Repairs

Management has advised Harbour Door to proceed with the replacement of the bottom panel which was damaged in an incident in December 2021. Harbour Door has ordered the parts and are waiting for them to be received.

6. OPERATING STATEMENTS

The operating statements for February and March 2022 were provided to council members by management in advance of the meeting. With no amendments requested, the following motion was made

Motion: To approve the February and March operating statements as written.

Moved: Tanya Howes

Seconded: Alex Fyfe

Carried unanimously.

Based on estimated expenditures for April and May, council expects the closing balance of the operating fund will be very close to budget at fiscal year end May 31.

7. ARREARS

Council identified 4 accounts with outstanding utility invoices from 4Q 2021 as well as an account with outstanding kayak rack rental charges. Council asked management to take steps to collect these outstanding charges and have the owners enroll in the preauthorized debit plan, which is mandatory for both strata fees and user fees as per the bylaws.

Council also asked management to investigate several accounts which have been carrying credit balances for an extended period of time.

8. RATIFICATION OF ELECTRONIC VOTES SINCE LAST MEETING

No decisions have been made since the previous meeting.

9. NEW BUSINESS

9.1. Hot Water Tank Repair

Prior to the meeting, council was advised by South Island Mechanical of a leak in one of the hot water storage tanks. South Island provided a quote of \$2150 plus GST to conduct the repairs. After discussion, council agreed that the repair must be done, and the following motion was made:

Motion: To approve the quote from South Island Mechanical to repair the hot water storage tank leak, at a cost of \$2150 plus GST. This expenditure is to be charged to the Major Mechanical and Interior Maintenance

allocation in the Contingency Reserve Fund.

Moved: Jennifer Cooper
Seconded: Quinn Leitch
Carried Unanimously

9.2. Delco Workplan and Price Increase

Prior to the meeting, council received notice from Delco of a planned increase to the monthly janitorial charge, effective May 1. Delco proposes to increase the rate from \$4150 to \$4650, an increase of approximately 13%. While council understands all costs are increasing, council feels this one is excessive, and asked management to have Delco reconsider. In addition, if an increase is to be incurred, it should not be effective until June 1, the beginning of the next fiscal year since this year's budget is based on the existing monthly charge.

9.3. AGM Date and Location

Council is planning to hold the annual general meeting on July 18, 2022, at the Da Vinci Centre on Bay Street. The meeting notice will be sent to owners in late June.

9.4. Tenancy vs License

Council discussed the difference between a tenancy and license, with respect to bylaw enforcement.

A tenancy is a lease under the Residential Tenancy Act. According to Sections 130 and 131 of the BC Strata Property Act, when "tenants" have allegedly breached a bylaw, the bylaw enforcement action must be taken with the tenant and any fines must be assessed to the tenant, although the strata corporation may collect the fine from the owner/landlord if the tenant does not pay.

A license is an occupancy that does not involve a lease under the Residential Tenancy Act and is usually short-term. A number of units in Balance are being let on licenses of a minimum of 30 days (per the bylaws). When an occupant of a licensed unit allegedly breaches a bylaw, bylaw enforcement action can only be taken with the owner (not the occupant) and the strata can only fine the owner.

After discussion, management and the council agreed that licensees should be recorded in the systems as "occupants" not tenants, so the appropriate action is taken in the event of bylaw complaints.

10. CORRESPONDENCE

10.1. Move-in Fee

Prior to the meeting, council received a request from the owner of SL 73 to waive the move-in fee for his move in January.

After discussion and review of the bylaws, council determined that it does not have the authority to waive move-in charges for owners and tenants. Section 1.16 (2) of the bylaws in effect at the time states:

The owner of a strata lot (or the owner's tenant or other occupant, via the owner) must pay to Balance strata corporation a non-refundable fee of \$100 for each move-in to a Balance Strata lot prior to the move-in date, to offset the administrative cost and the cost to the strata corporation of cleaning and wear-and-tear on common property.

10.2. Bus Stop

Prior to the meeting, council received correspondence from the owners of SL 98, advising that persons are sitting on the steps in front of their unit when waiting for the bus. They requested that council put up some kind of sign. Council has asked the owners to refer the matter to BC Transit and the City to see if there is anything they are willing to do and decided to wait for this information before determining what, if anything, should be done.

11. COMPLAINTS AND BYLAW ENFORCEMENT

(The BC *Strata Property Act* requires strata councils to enforce the bylaws of the strata corporation. Section 135 describes the process that must be followed when a bylaw complaint is received by the strata council.)

11.1. Following a complaint about smoking that was dealt with at the previous council meeting, 3 additional complaints were received alleging smoking by the same occupants of SL 94, on 3 separate occasions. Bylaw enforcement letters were sent, and the owner responded that the occupant who was smoking has since left the unit. Normally for "repeat" bylaw infractions such as this, fines of \$200 for each incident (the maximum amount allowed) would be assessed. However, given the owner did take some steps to resolve the matter, council decided to ask management to send a "strong warning" letter to the owner, and to assess a fine of \$100 for all 3 incidents. While the owner did get involved, council noted that there have been complaints regarding activities of previous occupants of this unit as well, causing significant disruption for neighbouring units, so council would like the owner to be aware that he must diligently screen all potential occupants and ensure that they are aware of the bylaws and will respect them. In addition, council has evidence that the occupant who was smoking has not, in fact, left the unit. The following motion was made:

Motion: That management send a warning letter to the owner of SL 94, and assess a fine of \$100, with respect to the 3 incidents of smoking.

Moved: Jennifer Cooper

Seconded: Quinn Leitch

Carried, 2 opposed.

11.2. Prior to the meeting, management wrote to the owners of SL 21 on behalf of the council, regarding damage to the P2 gate resulting from an incident on December 19, 2021, involving an occupant of the unit. The letter advised that the council planned to charge the repair costs to the owners' account and gave the owners an opportunity to respond, including requesting a hearing. The owners responded that they were referring the matter to their insurance company and did not request a hearing. Harbour Door has invoiced the strata \$490.35 for repairs on the day of the incident and council therefore directed management to recharge the invoice to the owners' account. The following motion was made

Motion: That the invoice from Harbour Door for repairs to the P2 gate dated

December 19, 2021, totaling \$490.35, be recharged to the owner account for SL 21.

Moved: Quinn Leitch
Seconded: Peter Durrant
Carried Unanimously

12. **ANY OTHER BUSINESS**

Council reviewed topics for inclusion in the next edition of the Balance Bulletin.

13. **DATE OF NEXT MEETING**

The next council meeting is scheduled for May 10, 2022.

14. **ADJOURNMENT**

The meeting was adjourned at 12:19 pm.

2022 Residential Heating/ Water Utility Rates - Variable

Heat and Hot Water Energy Consumption: \$0.072/ kwh

Water Consumption: \$0.00155/ litre

Rates are subject to change.

Supplied to StrataDocs 2022/04/20
Ordered by Tom Fraser 2024/04/10