

February 2, 2023

Dear Owner,

BOSA Development has requested that Balance enter into two easement agreements.

The first proposes that Balance grant BOSA Development an easement to allow a small portion of the foundation wall of the new strata building adjacent to Balance (369 Tyee) to remain in place. The foundation wall encroaches on our property, under the parkade ramp.

According to [section 80 of the Strata Property Act](#), a resolution approving an easement for common property must be passed by a 3/4 vote at an annual or special general meeting.

In this case, we need to hold a special general meeting (SGM) because our annual general meeting is not scheduled until July. BOSA wants to obtain the occupancy permit for 369 Tyee from the City of Victoria this spring and the city will only grant it once the easement is in place.

We have therefore scheduled a special general meeting of the owners, the subject of the attached notice, for February 23 via Zoom.

The second easement requested by BOSA proposes that BOSA Development grant Balance an easement to allow part of the new concrete access ramp behind Balance's parkade to remain in place. A portion of the ramp encroaches on property that is currently owned by BOSA and will be transferred to Dockside Green Victoria Society (DGVS) when 369 Tyee is completed. Technically this easement could be approved by the strata council, but the council would like to provide the owners with the opportunity to do so. Therefore, a resolution for this is included on the agenda of the February 23 SGM as well.

Finally, there is a third resolution on the agenda for the owners to consider whether to approve an expenditure to replace the existing elevator lighting systems, since the strata council has found that the plan proposed and approved at the AGM last July is not feasible.

Please see the attached meeting notice for more details on each of the above resolutions and the logistics for the meeting, including the registration link. Registration in advance is required.

We look forward to your participation at the SGM. If you are unable to attend, you can, as always, appoint a proxy to vote on your behalf and we encourage you to do so. Information about appointing a proxy is also included in the meeting notice.

Sincerely,

Your Strata Council and Management.

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Supplied to StrataDocs 2023/02/02
Ordered by Tom Fraser 2024/04/10

Ordered By: Tom Fraser of Royal LePage Coast Capital - Oak Bay on 2024/04/10
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**NOTICE OF
SPECIAL GENERAL MEETING
FOR THE OWNERS, STRATA PLAN VIS 6763
BALANCE AT DOCKSIDE GREEN**

WHERE: By Electronic Meeting via Zoom

To pre-register, click on this link:

https://us02web.zoom.us/join/zoom/register/tZAocuiopzgoE9DK_2pkMj9ueCz3fXyzFhRP

Please pre-register now, but please review the information on the next page before you do so.

WHEN: Thursday February 23, 2023

FINAL REGISTRATION: 4:30 PM to 5 PM. Please access the meeting by clicking on your personal Zoom link that was emailed to you after you registered.

MEETING START TIME: 5 PM

AGENDA

1. Call to order
2. Certify proxies and corporate representatives
3. Determine that there is a quorum
4. Elect a person to chair the meeting, if necessary
5. Present proof of notice of meeting or waiver of notice
6. Approve the agenda
7. Approve minutes from the last general meeting held on July 18, 2022
8. 3/4 Vote Resolution: *Easement for Building Encroachment* (Parkade Ramp)
9. 3/4 Vote Resolution: *Access Easement Pedestrian Exit Ramp*
10. 3/4 Vote Resolution: Elevator Lighting
11. Terminate the meeting

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Please bring this notice package with you to the meeting.

Zoom Registration Process

Owners who plan to attend the Zoom electronic Special General Meeting (SGM) **must pre-register** in advance by clicking on this link and completing and submitting the meeting registration form:

https://us02web.zoom.us/meeting/register/tZAocuiopzgoE9DK_2pkMj9ueCz3fXyzFhRP

Pre-registering is a simple process that will take two minutes at the most. You can do so by using a desktop browser or a mobile device.

You will be asked to provide your name, the unit number(s) that you own in Balance and your email address. Since only one person can vote for a unit, you will also be asked to identify whether you are registering as a voter for your unit or as a non-voting participant.

When your registration is approved, you will receive an email from Zoom with your personal link to access the SGM. Please save it in your calendar or somewhere else where you will be able to find it on the day of the meeting.

You will not receive a link to the Zoom meeting, and you will not be able to get into the meeting, unless you pre-register.

Please pre-register as soon as possible but at the *latest by 5 PM on Wednesday February 22, the day before the meeting.*

Frequently Asked Questions

We both own our unit and plan to attend the meeting. Do we both need to pre-register?

There is only one vote for each unit in Balance. If you will both sit at the same computer and share the same Zoom connection, only the owner who will vote needs to pre-register.

However, if you will be in separate locations with two separate Zoom connections, you must both pre-register. On the registration form in the space provided, one of you must indicate that you will be the voter and the other must indicate that you will be a non-voting participant. The owner who identifies themselves as the voter will receive the electronic ballot for voting by email during the meeting.

I will be sitting with another owner who will access the Zoom meeting on their computer. We will share the same Zoom connection. Do I need to pre-register?

If you co-own the same unit with the other owner, you do not need to pre-register.

If you are an owner of another unit and you want to vote with respect to your own unit, you must pre-register. You will not be able to vote unless you do so.

I own two units in Balance and I want to vote with respect to both of them. Do I need to pre-register twice?

No. On the registration form, there is a space to identify each unit that you own.

I have been appointed as a proxy. Do I need to pre-register?

If you are an owner in Balance and you have already pre-registered with respect to your own unit, you do not need to pre-register with respect to any proxies. However, please ensure that the strata manager receives the proxy forms before the date of the meeting. (See [Appointing a Proxy](#), below.)

If you are NOT an owner in the strata corporation, you must pre-register in order to be able to access

the Zoom meeting and vote. Please enter YOUR name on the registration form, not the name of the owner who has appointed you.

I don't have email. Can I still vote at the meeting?

No. The electronic ballot will be sent by email during the meeting. You must be able to receive email and use a desktop, laptop, or mobile device to vote. If this is not possible, please appoint a proxy.

Do I have to pre-register if I am appointing a proxy?

No. Pre-registering is only required if you will be attending the Zoom SGM.

Why would my registration be rejected?

We need to ensure that registrations are for owners of Balance units and that only one person is registered to vote for each unit. Your registration request will be rejected if:

- The name entered is not a registered owner and/or eligible voter of a unit in Balance, or a person appointed to vote as proxy on an owner's behalf.
- The unit number is not correct.
- The email address provided on the form is not the same as the email address that we have on file. For security purposes, we need to send the electronic ballots to email addresses that are known to us. Please provide the same email address that you use to receive communication from Proline and the Strata Council.
- Two or more persons try to register as voters for the same unit. (There can only be one vote for each unit.)
- We have already received a proxy form from the person who is trying to register as a voter.

What will happen after I complete the registration form?

Your registration request will be reviewed and if approved, you will receive an email from Zoom with a unique link to access the Zoom electronic Special General Meeting. **Save it in your calendar or somewhere else where you will be able to find it on the day of the meeting – it will be your only way into the meeting.** Please do not forward the link to anyone. Only you can use the link. Zoom will not allow two or more people to access the meeting with the same link.

Appointing a Proxy

Owners who are unable to attend the meeting are encouraged to appoint a proxy. A proxy is someone, usually but not necessarily another owner, who you know will be attending the meeting and will vote on your behalf. You can either provide the person with full proxy powers, or you can identify any limitations on the proxy form.

Please note that Proline property managers and employees cannot be proxies.

Please complete the [Proxy Form](#) at the end of this package and send it to the person you are appointing as your proxy. Make sure the person you appoint is planning to attend the meeting!

In addition, a copy of the proxy form must be sent to us by 5 PM on Wednesday February 22, the day before the meeting, so it can be certified as per the bylaws. Without this, the proxy cannot vote. To send us a copy, [log into PowerStrata](#) and on the Dashboard under **Requests and Notifications**, click on *Submit a Proxy for the General Meeting*. Attach a PDF or a pic of the proxy to the form under *Supporting Documents* and press **Submit** at the bottom.

If you are in the Balance premises, you may also drop the copy in the black drop box by the recycle room.

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Ordered by Tom Fraser 2024/04/10

Meeting Procedures

Registration

- The official registration period will be from 4:30 pm to 5 pm on February 23, immediately before the start of the meeting. During this period, all eligible voters who have pre-registered in Zoom must connect using the Zoom link that was sent after pre-registration, so final registration can be completed. The meeting will start promptly at 5 pm.
- When participants access the meeting, they will enter an electronic waiting room. The name that was entered on the registration form will be displayed to the host/ administrator. Participants may be asked to identify themselves by name and strata lot number. Once the registration is verified, the participant will be allowed into the meeting. Please be patient while registration is completed.
- Those persons acting as proxies for other owners will be asked to confirm for which units they will be voting as proxy so receipt of the written proxies can be confirmed, and the proxies certified as per the bylaws.

Meeting Conduct

- As per [section 49 \(4\) of the BC Strata Property Act](#), a person who attends an electronic general meeting is considered to be present “in person” at the meeting.
- The meeting will be conducted the same way as a meeting in a physical location except that an electronic voting platform will be used for voting on the resolutions. In addition, the voting will only be conducted after all resolutions are moved and seconded and after discussion on the resolutions has occurred.
- Participants who wish to comment or ask questions will be asked to use the **Reactions** button at the bottom of the screen and then click on **Raise Hand**. They will be given the opportunity to speak by the chair at the appropriate time.
- The chair will ask for a mover and seconder for each procedural motion (e.g., approving the agenda) and for the 3/4 vote resolutions on the meeting agenda. Once a motion or resolution is seconded, comments and questions may be raised as per above.
- Once discussion on procedural motions is complete, the chair will call the vote and ask for a show of hands to either approve or oppose the motion or abstain from voting.
- The chair may at his or her discretion limit comments or questions to one per topic, per participant.
- Please note that [section 49](#) of the *Strata Property Act* has recently been amended to provide that “a voting card is not required to be issued to an eligible voter attending an annual or special general meeting by electronic means.” In addition, “an eligible voter attending an annual or special general meeting by electronic means is not entitled or required to vote by secret ballot.”

3/4 Vote Resolutions – Voting Procedures

- When the vote on the resolutions is called, eligible voters will receive an email with an electronic ballot at the email address provided on the pre-registration form. The ballot will contain the resolutions contained in this meeting notice with options to vote in favour, opposed or abstain. Each voter will be able to make their selections and then submit their ballot electronically.
- Voters who are proxies will receive separate emails, with separate electronic ballots, for each proxy. Each email will indicate which unit in Balance the ballot is for. The voter will then be able to vote separately with respect to each proxy.
- At the end of the voting period and before the meeting is adjourned, the results of the vote will be announced by the chairperson.
- Eligible voters are asked not to disconnect from the Zoom meeting until the voting period is complete, the results are announced, and the meeting is adjourned.

NOTE TO ALL PARTICIPANTS: Owners with multiple proxies will need time to vote with respect to each proxy. We estimate it may take up to 15 minutes. Please be patient while the voting period is underway.

Zoom Tips

To help us ensure the meeting runs smoothly, please read the following information before you attend the meeting:

1. Please use a desktop, laptop or iPad with a reliable internet connection, not a mobile device, so that you will be able to clearly see the documents that may be shown on the screen during the meeting.
2. In the registration confirmation email from Zoom, there is a link to add the meeting link to your calendar. Do this so you have the link handy on the day of the meeting.
3. If you don't have Zoom on your laptop or desktop, download it before the day of the meeting by using this link: <https://zoom.us/support/download>. There is no charge for this, and it will make it easier to connect.
4. Please click on the link to join the meeting after 4:30 PM on February 23 and well before 5 PM when the meeting will start. If you get a video window, click on **Join with Video**. While you are in the waiting room, you can click on **Test Computer Audio** to make sure you will be able to hear the meeting and people will be able to hear you if you speak.
5. You will be moved from the waiting room to the meeting as soon as your registration is confirmed.
6. We have set your video to be on when you join. Please leave it on at least until you are let into the meeting from the waiting room, so we can confirm who is attending. We request that participants leave their video on so everyone can see each other. It needs to be on for voting.
7. Please stay on mute unless you are speaking.
8. If you wish to make a comment or ask a question, click on **Reactions** at the bottom of the screen, then **Raise Hand**. You will be given the opportunity to speak at the appropriate time.
9. If you lose your connection to the meeting, just use the meeting link again to re-join. You will be placed back in the waiting room, and someone will let you back into the meeting.
10. If your internet is unstable and you are getting shaky reception, it can help to turn your video off.
11. If you want to see all the participants at the meeting and not just the person speaking, then set your view to "gallery" by using the **View** button in the upper right corner. When material is being shared by the presenter, use "side by side gallery."
12. When the presentation is shared, you can make it smaller or larger by moving the vertical lines in the middle of the screen (between the document and the thumbnail pictures of each participant) left and right. This will also make the thumbnails of the participants bigger or smaller.
13. If you are having a technical problem, rather than interrupting the meeting, click on **Chat** at the bottom and then use the "chat" function on the side to state your concern and someone will help you.
14. As a voter, you will receive an electronic ballot by email, and you will vote electronically during the meeting. We recommend that if you have both a desktop/ laptop and a mobile device, you use the desktop/ laptop for the Zoom meeting and your mobile device to receive your electronic ballot by email and to vote. This will make it easier to stay focused on the Zoom meeting because you will not have to go back and forth between the meeting and your email on the same device. If you decide to use the same device to participate in the Zoom meeting and to access your email and vote, please be sure that you know how to navigate between Zoom and your email before the meeting starts.

Neither Balance nor Proline are responsible for the connections to the Zoom Meeting. We will do everything possible to ensure the meeting runs smoothly, but if any participant has concerns about their technical ability to participate in and vote during the meeting, we recommend that they appoint a proxy.

Resolution #1 – ¾ Vote

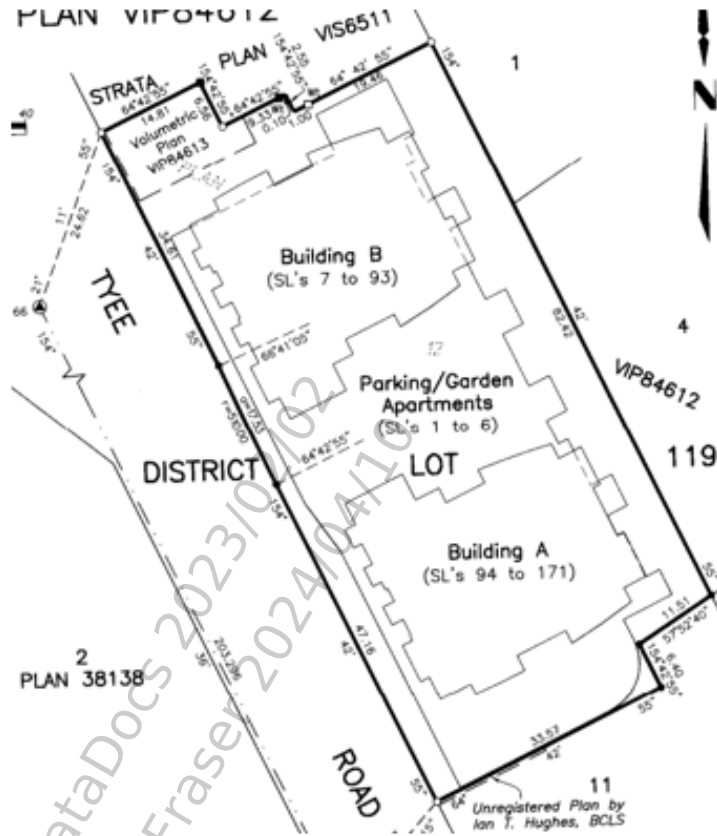
Easement for Building Encroachment – The Owners, Strata Plan VIS 6763 (Balance) to BOSA Development: Background

On the south side of Balance’s property, the property line runs in a straight line from Tyee Road to a point adjacent to where the curve in the parkade ramp ends. In the drawing to the right from Balance’s strata plan (Figure 1), you can see the property line (the heavy black line) right next to the parkade ramp.

In the picture below right (Figure 2), the location of the property line is indicated by the pink spray paint on the ramp. Since a portion of the upper ramp near Tyee Road is angled out beyond the property line, an easement was granted to Balance and registered on title of all strata lots in 2009, allowing this encroachment on the adjacent property to remain. You can see the area of this easement on the strata plan drawing to the right (depicted by the dotted line just outside of the property line).

Last summer (2022), BOSA advised us that a portion of the foundation of the new strata building next to Balance encroaches on our side of the property line under the ramp. (The ramp overhangs the foundation, and the encroachment.) This is because based on good building practices, the foundation wall for the adjacent building was built flush to ours. It would not have been desirable to build the new wall out from our wall, leaving a gap between.

As a result, BOSA has requested an easement to allow the encroachment to remain in place. The orange lines on the same picture above (Figure 2) show where the proposed easement area begins.



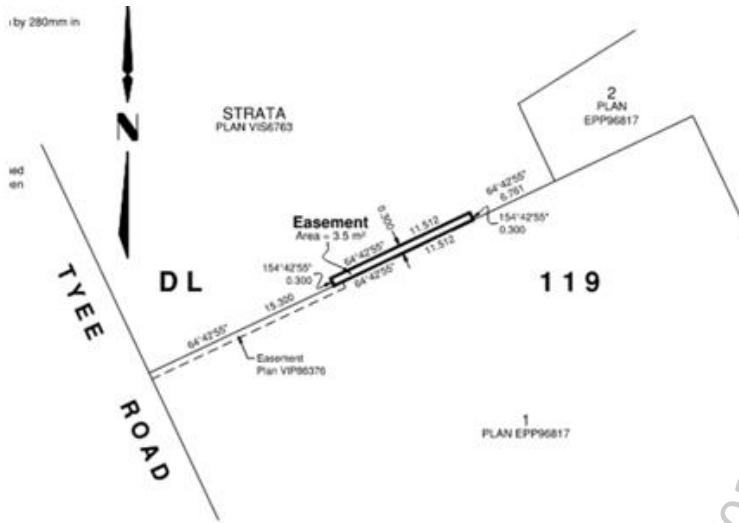
1 Drawing from Strata Plan showing property lines



2 Parkade Ramp Showing Property Line and Starting Location of Requested Easement

The easement area starts 15.3 metres from Tye Road and is a rectangular area 0.3 metres wide (just less than a foot) and 11.5 metres long.

The same proposed easement area is shown in this plan:



3 Plan of Easement Area

BOSA provided a draft of the proposed easement agreement to the strata council in early November, 2022. The council then engaged a lawyer who has experience with easements to review it. The lawyer provided comments and suggested some changes, which BOSA has incorporated into the final easement document. [Click here](#) to view the easement document. The document is filed in PowerStrata together with this meeting notice on the Documents tab under *Meeting Minutes and Notices*.

The lawyer advised the strata council that “if the strata refuses to grant the easement, BOSA could apply pursuant to section 36 of the *Property Law Act*, for a court order permitting the continued encroachment.”

The strata council recommends that the owners approve the proposed easement.

Easement for Building Encroachment – The Owners, Strata Plan VIS 6763 (Balance) to BOSA Development: Resolution

BE IT RESOLVED BY A ¾ VOTE OF THE OWNERS – STRATA PLAN VIS 6763 THAT, pursuant to section 80 of the BC *Strata Property Act*:

1. The Owners approve the *Easement for Building Encroachment* which is dated for reference the 1st day of February 2023 and was included with the notice of this special general meeting.
2. The strata council of the strata corporation (the “Strata Council”) take all such actions as are required pursuant to the *Land Title Act* to execute the *Easement for Building Encroachment*.
3. That two members of the strata council are authorized to sign and execute the *Form C Easement* in accordance with this resolution.

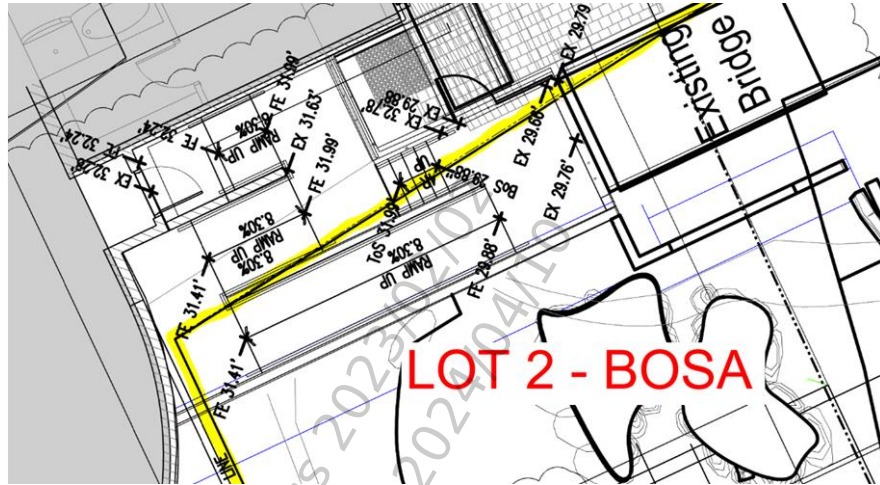
Resolution #2 – 3/4 Vote

Access Easement Pedestrian Access Ramp – BOSA Development to The Owners, VIS 6763 (Balance): Background

Below right is a plan showing the new pedestrian access ramp (built last summer) that leads out from the parkade exit door on P3. The yellow line on the diagram is the property line that separates our property from BOSA's property, which will eventually be transferred to Dockside Green Victoria Society (DGVS).

As shown on the diagram, the property line intersects the ramp diagonally such that the ramp is partly on Balance's property and partly on the property of BOSA/ DGVS.

For this reason, BOSA has proposed the easement that is the subject of this resolution. It grants Balance access to the portion of the ramp that is not on our property and makes Balance responsible for the upkeep of the entire ramp.



The lawyer reviewed the original draft of the easement agreement and suggested some revisions which have been incorporated into the final easement document. [Click here](#) to view the easement document. The document is filed in PowerStrata together with this meeting notice on the Documents tab under *Meeting Minutes and Notices*.

The strata council recommends that the owners approve the proposed easement.

Access Easement Pedestrian Access Ramp – BOSA Development to The Owners, VIS 6763 (Balance): Resolution

BE IT RESOLVED BY A $\frac{3}{4}$ VOTE OF THE OWNERS – STRATA PLAN VIS 6763 THAT:

1. The Owners approve the *Access Easement Pedestrian Access Ramp* which is dated for reference the 1st day of February 2023 and was included with the notice of this special general meeting.
2. The strata council of the strata corporation (the "Strata Council") take all such actions as are required pursuant to the *Land Title Act* to execute the *Access Easement Pedestrian Access Ramp*.
3. That two members of the strata council are authorized to sign and execute the *Form C Easement* in accordance with this resolution.

Resolution #3 – 3/4 Vote

Replace Elevator Lighting: Background

At the Annual General Meeting (AGM) in July 2022, the owners approved the following resolution:

BE IT RESOLVED, AS A 3/4 VOTE RESOLUTION OF THE OWNERS OF STRATA PLAN VIS 6763 THAT the Owners authorize a change in the appearance of the elevator lights, so the light is uniform in all 4 elevators, less bright (in lumens) than the existing lights in elevator 2 in 373 Tyee and brighter (in lumens) than the lights in all the others.

In proposing the above resolution, the strata council assumed that the change in the ambiance of the elevator lighting could be accomplished simply by purchasing new light bulbs, and that the light bulbs could be obtained at a nominal cost. As such, the resolution did not authorize any spending from the Contingency Reserve Fund (CRF).

However, on further investigation conducted after the AGM, the council determined that the only light bulb that is compatible with the existing elevator lighting systems is type MR16. There are only a few variations of this light bulb now on the market and the council tested all available colour temperatures and all available wattages. (Colour temperature refers to how yellow or white the light is, and wattage generally affects the brightness.) None were satisfactory and most introduced a noticeable flicker which would be unacceptable.

As a result and after further investigation, the council determined that the lighting systems above the dropped ceilings in each elevator would need to be changed in order to accommodate a suitable change in the ambiance of the lighting and to obtain lights that are not blindingly bright.

The council has found a US company that specializes in elevator lighting. They provide a solution with a large selection of options, both in terms of colour temperature and wattage (brightness) and there would clearly be an option suitable for our elevators.

Based on a quote that they provided for their lighting system, the council estimates that the total cost to equip the four elevators with new lighting, including the cost of an electrician, would be about \$6000.

The council is including this resolution on the agenda of the SGM so that owners can decide whether they wish the strata to incur an expenditure to replace the elevator lighting at this time. A new elevator lighting solution would very likely enhance the ambiance of the lighting in the elevators, but since the existing lights are still functional, aside from a slight flicker in a few cases, the council would like the owners to determine whether this resolution, and the associated expenditure, should be approved.

Replace Elevator Lighting: Resolution

BE IT RESOLVED, BY A 3/4 VOTE RESOLUTION OF THE OWNERS – STRATA PLAN VIS 6763 THAT the Owners authorize an expenditure of up to \$6,000 from the Contingency Reserve Fund to replace the lighting systems in the four elevators.

Voting

All owners of strata lots are encouraged to attend the meeting either in person or by proxy.

Please note that as per bylaw 50 (7), if an owner's strata assessments are in arrears as of the date of the Special General Meeting, they may not be eligible to vote at the meeting, either in person or by proxy.

In accordance with [Part 1 of the Strata Property Act](#) a "¾ vote" means a vote in favour of a resolution by at least ¾ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and also have not abstained from voting.

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Questions

If you have any questions regarding this meeting notice or the practicalities of the meeting, please contact the property manager by using the link under *Main Contacts* on the Dashboard of PowerStrata to “Send a Message to Property Manager,” by email at sam@prolinemanagement.com or by phone at 250 475-6440.

If you have specific questions about the easements or the elevator lights, please use the link under *Main Contacts* on the Dashboard of PowerStrata to “Send a Message to Strata Council,” or send an email to vis6763@pms.powerstrata.com

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Proxy Form – Make Sure Your Vote Counts!

STRATA PROPERTY ACT – FORM A – PROXY APPOINTMENT (Section 56)

This form must be completed by the owner appointing the proxy and must be given to the proxy holder before the meeting. In accordance with the *Strata Property Act*, employees of the management company cannot be appointed as a proxy. Please confirm that the named proxy holder will attend the meeting, as the appointment of a proxy holder is not transferable.

To ensure receipt and certification in time for the meeting, a copy of this completed form must also be given to the strata corporation before the meeting. Please provide the copy by 5 PM on Wednesday February 22 (the day before the meeting).

To send us a copy, [log into PowerStrata](#) and on the Dashboard under **Requests and Notifications**, click on *Submit a Proxy for the General Meeting*. Attach a PDF or a pic of the proxy to the form under *Supporting Documents* and press **Submit** at the bottom. **If you are in the Balance premises, you may also drop the copy in the black drop box by the recycle room.**

I/we, _____ (the owner(s), mortgagee) of the strata lot described above, appoint _____ to act as my/our proxy at the special general meeting to be held on February 23, 2023.

Limitations on Proxy, if any:

If no limitations are identified above, I/we confirm that there are no limitations on the proxy holder with respect to the resolutions and other matters identified in the Notice of the General Meeting.

Signature of Owner/ Mortgagee: _____

Signature of Owner/ Mortgagee: _____

Unit Number: _____ Strata Lot Number: _____

The Owners, Strata Plan VIS 6763

Date: _____

Notice to the proxy holder:

1. You are required to vote this proxy appointment in accordance with the owner's instructions printed hereon.
2. This proxy appointment is given to you alone, and you may not transfer this proxy appointment to another person.
3. The person providing the proxy does not have to use this form and may use a different form or the forms from the Strata Property Regulation if they prefer.