

**STRATA COUNCIL MEETING MINUTES  
OWNERS' STRATA PLAN LMS 4456  
"ONE WALL CENTER"  
938 NELSON STREET  
VANCOUVER, BC**

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Tuesday, June 13, 2006  
In the Columbia Room  
4<sup>th</sup> Floor of the South Tower

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**PRESENT:** Phillip Jhin                      Nell Dragovan                      Jason Wong  
                    Shamin Lalani                      Allan Chapple

**REGRETS:** Shawn Maskerine                      Christopher Sayer

**STRATA AGENT:** Rick Dickson, President  
                    Michele Campbell, Executive Assistant  
                    *Ascent Real Estate Management Corporation*

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**CALL TO ORDER**

The meeting was called to order at 8:05 a.m.

**APPOINTMENT OF NEW COUNCIL MEMBER**

It was moved and seconded to appoint Jason Wong as the seventh member of the strata council.

**MOTION CARRIED UNANIMOUSLY.**

**MINUTES OF THE PREVIOUS MEETING**

It was moved and seconded to approve the minutes of the council meeting held April 4, 2006, as circulated.

**MOTION CARRIED.**

**BUSINESS ARISING:**

1. **Carla's Replacement:** The council is pleased to announce that Eleanor Andrew will be replacing Carla Beston as acting head concierge during Carla's maternity leave.

The strata council will be conducting interviews to fill Eleanor's current position.

2. **HDTV Satellite:** To date Nell has not received any conclusive answers from Bell Express View regarding HDTV Satellite. Nell will be sending a letter to the president of Bell Express View noting her concerns and lack of resolution.

3. **Repairs to Suite 4701:** Wall Financial has undertaken with the strata corporation, to investigate and repair the water ingress to suite 4701. To date the agent has not received a response from Wall Financial as to the progress of the repairs and restoration.

4. **Elevator Cab Re-Furbishing:** The agent has made arrangements for Richmond Elevator to visit the building and give their recommendations as to the refurbishing of the residential elevators.

Philip Jhin provided a quotation from Ray's Welding in the amount of \$6,505.60 to fabricate and install stainless steel brushed finished railings in each elevator as well as stainless steel brushed finished frames around the outside of each elevator door on all floors (34 in total).

The refurbishing will be discussed at a later date, once Richmond Elevator has given their recommendations and various quotations have been received.

5. **Renovations to P4 and P5:** The council has agreed to proceed with the renovations to P4 and P5 lobby floors and vestibules subject to additional quotes being received and approved by council.
6. It was moved and seconded to approve a quotation in the amount of \$1,463.00 to install two security wood desk gates to match the existing desk in order to provide added security to the concierge staff. Due to the shortage of labour in Vancouver, it has been difficult to find a contractor who will agree to do this small job.

**MOTION CARRIED.**

It was also moved and seconded to approve the installation of a front door release button in the amount of \$342.50. This will allow the concierge staff to open the door without leaving the desk, which is more secure and much more professional in appearance.

**MOTION CARRIED.**

7. **FOBS:** Most strata buildings only allow a maximum of four fobs per unit to ensure that security is maintained in the building. It was noted by council that some owners have more than six fobs issued for their units. Upon discussion, council agreed to make a rule that limits the number of fobs that can be issued to each strata lot. Indiscriminate use of FOBS is viewed as a potential security breach, as well as unfair use of facilities.

It was moved and seconded to adopt the following rule: "Owners will be limited to 6 FOBS per unit. Owners requiring additional FOBS over the limit must put their request in writing to the strata council in care of the agent noting the reason(s) for the additional FOB."

**MOTION CARRIED.**

<p><b>ALL OWNERS THAT HAVE MORE THAN 6 FOBS ARE REQUESTED TO RETURN THE EXTRA FOBS. OWNERS WILL BE REFUNDED FOR THE RETURNED FOBS. IF THE FOBS ARE NOT RETURNED ALL OVER THE LIMIT FOBS WILL BE DEACTIVATED.</b></p>
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## **CORRESPONDENCE**

1. Council received an email from an owner advising council that a window frame in her unit was scratched when the window was replaced after the inspection by RDH. Council requested the agent contact RDH to investigate, reply and repair.
2. Council acknowledged receipt of a letter regarding an owner's dog and the use of the grassy area in front of the hotel. The agent will respond to the owner in writing. Council noted that all owners must comply with the neighbouring hotel rules.

## **FINANCIAL**

1. It was moved and seconded to approve the financial statements for May 2006. The strata council requested the agent clarify with Sheraton Wall Centre concerning the March and April billing amounts for electricity, water/sewer and steam.
- MOTION CARRIED.**
2. The council reviewed an invoice from Belfor Restoration and requested the agent follow up with respect to the cause of the damage and make any necessary charge backs to responsible owners, if applicable.

3. The treasurer signed off on the 2004 Audit documentation. The audit reported the strata corporation accounts to be in good standing. A copy of the audit is available at the concierge desk for review by owners.

## **NEW BUSINESS**

1. **RDH Engineering Status Report:** In response to complaints by numerous owners regarding "fogging" of the glazing units resulting in impaired visibility, the strata corporation retained RDH Engineering Ltd. ("RDH") to carry out an investigation of the windows.

On or about February 28, 2006, RDH presented a verbal interim report of its findings to the strata council. RDH concluded that the glazing failure was likely caused by a discontinuity of the sealant bond to the outer glass or inadequately sealed desiccant tubes to the glazing units. RDH proposed that it meet with the window manufacturer to better appreciate how the windows were constructed. To that end, council authorized RDH to travel to Edmonton and meet with the window manufacturer, Vision Wall Corporation ("Vision Wall").

RDH attended the Vision Wall's manufacturing plant on May 17, 2006. By letter dated June 7, 2006, RDH reported that the fogging was most likely caused by a "discontinuity between the stainless steel edge band and the hot melt butyl seal at the edges." RDH noted that Vision Wall developed (or had developed) a new edge seal which could remedy the noted problem. In RDH's opinion, the new design was superior to that used in the original construction. However, RDH voiced some concern around the ability of the new design to resist water vapour flow. RDH is making further inquiries in this regard.

RDH noted that some of the affected window units are scheduled to be replaced by Wall/Vision Wall. The new units will incorporate the improved technology. That will allow RDH and the strata corporation an opportunity to carry out further testing on the replaced units.

The strata corporation has also retained the law firm of Jenkins Marzban Logan LLP to advise the strata corporation on legal issues associated with the glazing failure, including issues relating to the developer, window manufacturer and the third party warranty provider.

At this point in time, there is every indication that the window units will be repaired and/or replaced, in a multi-phase process, without further costs to the strata corporation. However, there can be no guarantees on that front. Council is working with the relevant stakeholders to that end. Council will report to the owners, in a timely manner, on all matters relating to the windows.

The June 7, 2006 letter from RDH is available for viewing by owners at the concierge desk.

2. **Legal Advise re: Warranty Program:** With a view to ensuring that all appropriate and necessary measures are being taken to protect the interests of the owners with respect to the failed glazing units, Strata Council has retained the law firm of Jenkins Marzban Logan LLP to assist the corporation.

Following a review of documentation provided by the strata corporation, including warranty certificates and the original disclosure statement filed by the developer, JML reported back to the owners with some preliminary observations, comments and recommendations. In JML's opinion, the current glazing problem is covered under the window manufacturer's warranty and under the 3rd party warranty issued by National Home Warranty Programs Ltd., an agent for Wellington Insurance Company. Further, and in addition to the relief available under those warranty programs, JML is of the opinion that the developer could ultimately be responsible for repairs to, or replacement of, the windows. JML has recommended against any legal proceedings at this time in light of the fact that all stakeholders, including the developer and window manufacturer are working with the strata corporation to address the problem.

3. Council discussed building a storage area in the bike room to house the strata corporation document files for a cost of approximately \$1,450.00.

It was moved and seconded to proceed with the building of a storage area in the bike room.

**MOTION CARRIED.**

4. The agent received a written request from an owner, who owns two strata lots, to transfer the parking stalls and lockers. The agent has requested clarification from Wall Financial as to the status of the parking stalls and lockers, i.e. common or limited common property. After discussion, council agreed to authorize the transfer of the parking stalls and locker subject to the clarification of common or limited common property and that the owner bear any legal costs which may be incurred.
5. **Bylaw Infractions:** Council noted there were three noise complaints, three unleashed dog complaints and two uninsured vehicles in the parking lot. Council instructed the strata agent to send a letter to an owner whose vehicle is uninsured.

Owners and residents are reminded of the following rule:

- 6.4 **Pets, particularly dogs, should be restrained by a leash while on common property and if the pet menaces or harms other persons, or causes damage, the fact that a pet was not secured by a leash will be regarded as an aggravating factor in the council's determination of fines and other remedies.**

## ADJOURNMENT

There being no further business, the meeting was adjourned at 10:15 a.m.

The next meeting of the strata council will be held August 2, 2006 at 8:00 a.m.

Ascent Real Estate Management Corporation  
Managing Agents  
On Behalf of Owners' Strata Plan LMS 4456

R. S. (Rick) Dickson  
Strata Agent

RSD/mc