

SPECIAL GENERAL MEETING MINUTES

Strata Plan NW 2912 – Mayfair Gardens

January 16, 2023

ATTENDANCE:

- 29 Owners represented in person
- 5 Owners represented by proxy

Mike Browne, HomeLife Advantage Realty (Central Valley) Ltd.

1. CALL TO ORDER

Strata Council President, April Butler, called the meeting to order at 6:00pm.

2. CALLING THE ROLL/CERTIFICATION OF PROXIES

Prior to the start of this evening's meeting, the roll was called and the Strata Manager, in accordance with the requirements of the *Strata Property Act*, Section 56, certified all proxies. Also required by the Act, Section 48 (2) is that a quorum, which consists of one-third of the Owners in good standing, be present either in person or by proxy, in order for the meeting to proceed. There were 36 Owners eligible to vote of which 34 Owners were represented: 29 in person and 5 via proxy. The quorum requirement for this evening's meeting was 12 and with 34 Owners represented, the quorum requirement was met at the start of the scheduled meeting and the meeting proceeded.

3. PROOF OF NOTICE

Section 45 (1) of the *Strata Property Act* states the Strata Corporation must give at least 20 days notice of an Annual General Meeting, specifying the place, date, time and nature of the business. Section 61 (3) states a notice given by post is deemed to have been given 4 days after it has been mailed. The notices of this evenings meeting were mailed to each owners last known address on December 27th, 2022 which is in accordance with the time frame set out in the Act. Notices contained the Agenda, the proposed Resolutions and fee schedule and a Proxy Voting Form.

4. ELECT CHAIR

The Strata Council President had asked that Mike Browne from HomeLife chair the meeting, with no objections, the meeting continued.

5. APPROVE AGENDA

It was MOVED by strata lot 18 and SECONDED by strata lot 21 that the Agenda for this Special General Meeting be approved as distributed. With all votes in favour, the motion was **CARRIED**

6. ADOPTION OF PREVIOUS MINUTES

With the Owners having reviewed the Minutes of the last Annual General Meeting held May 31st, 2022, and noting no errors or omissions, it was **MOVED** by strata lot 17 and **SECONDED** by strata lot 20 that the Minutes be adopted as distributed. With all votes in favour, the motion was **CARRIED**

7. NEW BUSINESS: APPROVE PROPOSED RESOLUTIONS

RESOLUTION 1 – ¾ VOTE – SIDING REPLACEMENT

A general discussion took place where the owners had an open forum to discuss with the current Council the process of which brought this vote to the table, as well as the history of Mayfair Gardens, the benefits of approving this resolution and moving forward with the project and the ramifications if not approved. Following this open forum and some chat regarding affordability, it was moved by Strata lot 21 and seconded by Strata lot 17 to amend the proposed resolution (to also amend a clerical date error) from:

“BE IT RESOLVED by a ¾ (three-quarter) vote of the Owners of Strata Plan NW2912 at the Special General Meeting held on January 16, 2023, to approve a Special Levy in the amount of **\$94,000.00** in proportion to the strata lot entitlement as set out in the attached Schedule “A”, and in addition, pursuant to Section 96 (a)(b) of the Strata Property Act, a withdrawal of **\$100,000.000** from the Contingency Reserve Fund for the purpose of replacing the current siding with hardi siding.

The Special Levy shall be assessed and shall become due and payable upon the passing of this resolution at the Special General Meeting held January 16, 2022. For the convenience of Owners, the levy may be paid by/on March 1, 2023. No penalties will be applied if payments are received on or before March 1, 2023. Any Owner who fails to make payment in accordance with this resolution will be charged interest on the late payment in the amount of 10% per annum, compounded annually and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it was paid. Pursuant to Sections 108(5) and 108(6) of the Strata Property Act, if any Owner is entitled to receive a refund of more than \$100.00 (one hundred dollars) from any unused portion of this special levy, a refund will be issued to the current Owner at the time of the refund. Otherwise, any funds not spent for this project will be transferred to the Contingency Reserve Fund at the end of the fiscal year.”

to read:

“BE IT RESOLVED by a ¾ (three-quarter) vote of the Owners of Strata Plan NW2912 at the Special General Meeting held on January 16, 2023, to approve a Special Levy in the amount of **\$94,000.00** in proportion to the strata lot entitlement as set out in the attached Schedule “A”, and in addition, pursuant to Section 96 (a)(b) of the Strata Property Act, a withdrawal of **\$100,000.000** from the Contingency Reserve Fund for the purpose of replacing the current siding with hardi siding.

The Special Levy shall be assessed and shall become due and payable upon the passing of this resolution at the Special General Meeting held January 16, 2023. For the convenience of Owners, the levy may be paid by/on March 1, 2023. No penalties will be applied if payments are received on or

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before July 1, 2023. Any Owner who fails to make payment in accordance with this resolution will be charged interest on the late payment in the amount of 10% per annum, compounded annually and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it was paid. Pursuant to Sections 108(5) and 108(6) of the Strata Property Act, if any Owner is entitled to receive a refund of more than \$100.00 (one hundred dollars) from any unused portion of this special levy, a refund will be issued to the current Owner at the time of the refund. Otherwise, any funds not spent for this project will be transferred to the Contingency Reserve Fund at the end of the fiscal year.”

All in attendance and proxies were in favour of the amendment and it was then moved by Strata lot 33 and seconded by Strata lot 25 that:

“BE IT RESOLVED by a $\frac{3}{4}$ (three-quarter) vote of the Owners of Strata Plan NW2912 at the Special General Meeting held on January 16, 2023, to approve a Special Levy in the amount of **\$94,000.00** in proportion to the strata lot entitlement as set out in the attached Schedule “A”, and in addition, pursuant to Section 96 (a)(b) of the Strata Property Act, a withdrawal of **\$100,000.000** from the Contingency Reserve Fund for the purpose of replacing the current siding with hardi siding.

The Special Levy shall be assessed and shall become due and payable upon the passing of this resolution at the Special General Meeting held January 16, 2023. For the convenience of Owners, the levy may be paid by/on March 1, 2023. No penalties will be applied if payments are received on or before July 1, 2023. Any Owner who fails to make payment in accordance with this resolution will be charged interest on the late payment in the amount of 10% per annum, compounded annually and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it was paid. Pursuant to Sections 108(5) and 108(6) of the Strata Property Act, if any Owner is entitled to receive a refund of more than \$100.00 (one hundred dollars) from any unused portion of this special levy, a refund will be issued to the current Owner at the time of the refund. Otherwise, any funds not spent for this project will be transferred to the Contingency Reserve Fund at the end of the fiscal year.” The motion was

DEFEATED

24 in favour | 9 against | 1 abstention

-- END OF RESOLUTION --

RESOLUTION 2 – $\frac{3}{4}$ VOTE - HYTEC WATER MANAGEMENT SYSTEM

Hytec Water Management had previously hosted a meeting at the building where they presented their treatment system that would assist as a preventative measure against leaks. After a thorough group discussion and input from many of the owners and Council, it was motioned by Strata lot 28 and seconded by Strata Lot 27 that the resolution be revised from:

“BE IT RESOLVED by a $\frac{3}{4}$ (three-quarter) vote of the Owners of Strata Plan NW2912 at the Special General Meeting held on January 16, 2023, to approve the installation of the HYTEC Water Management System on a lease agreement for a 66-month term for \$964.80 per month. This will result in an additional monthly cost of \$26.80 per month per unit (see attached Fee Schedule).

To read:

“BE IT RESOLVED by a $\frac{3}{4}$ (three-quarter) vote of the Owners of Strata Plan NW2912 at the Special General Meeting held on January 16, 2023, to approve the installation of the HYTEC Water Management System on a lease agreement for a 66-month term for \$964.80 per month. The motion was

CARRIED

27 in favour | 6 against | 1 abstention

-- End of Resolution --

RESOLUTION 3 – $\frac{3}{4}$ VOTE - AGE RESTRICTION BYLAW

With the recent passing of Bill 44 amending the Strata Property Act, it was brought to the Special General Meeting to amend the Bylaws to have the owners vote on the age restriction bylaws. It was motioned by Strata Lot 36 and second by Strata Lot 10, that

“BE IT RESOLVED by a three-quarter ($\frac{3}{4}$) vote of the Owners for Strata Plan NW2912 at the Special General Meeting held on January 16, 2023, to amend the bylaws by repealing Section 38.1, that currently reads:

38.1 All persons who occupy a strata lot must be 45 years of age or older. No person under 45 years of age is permitted to visit, reside in or occupy any Strata Lot for a period of time greater than 30 days during a 12- month period unless specific approval in writing has been given by the Strata Council. Any such approval not to be deemed to be setting a precedent and each application to be considered individually on its own merits.

and replace it with:

38. Age Restrictions

38.1 Owners, Tenants, Occupants and Residents living in any unit in Mayfair Gardens must have reached a minimum age of 55 years or older.

- a) Owners living in the unit prior to January 16, 2023, are exempt from this Bylaw.*
- b) Owners must notify the Strata Corporation through the Strata Council if they intend to have Visitors staying longer than 14 consecutive days and request approval in writing, prior to the scheduled visit.*
- c) Nothing in this bylaw shall restrict the right of any owner to freely sell, mortgage or otherwise dispose of the strata lot or an interest in the strata lot. Prior to occupancy of a strata lot, an owner must provide proof of age for any occupant of the strata lot, if requested. The Strata Council, at its discretion, may request proof of age of any additional occupants of the strata lot.*

The motion was

CARRIED

29 in favour | 5 against | 0 abstention

-- End of Resolution --

8. **TERMINATE MEETING**

There being no further business, the meeting was adjourned at 7:52pm.

Please be advised it is important to retain all copies of Council and General Meeting Minutes for a period of two years.

