



THE OWNERS: STRATA PLAN NES 2402 (THE PEAKS OF RADIUM)
TWELETH ANNUAL GENERAL MEETING
AMENITIES BUILDING, THE PEAKS CONDO COMPLEX, RADIUM HOT SPRINGS

Held Saturday March 29, 2014

1. Call To Order: 9:05 a.m.

- Carla Simoes, Board President, welcomed all the Owners
- Colleen Kroening introduced Curtis Franklin, the Property Manager and Miriam Woelfle the Assistant Property Manager and thanked them for the very good work that they have been doing at the Peaks.
- Carla Simoes introduced the remaining current Board Members :
 - Michelle Robinson Board Vice President / Landscaping/Secretary
 - John Scalise Treasurer / Financial Reporting
 - Colleen Kroening Manager Liaison / Building Maintenance
 - Rose Hennig Village of Radium/ CHOA / Property Management Company Liaison
 - Kathy Taylor Owner Communications /Newsletter
 - Vacant Position
- Carla acknowledged the following volunteers who assisted over the past year in various important capacities:
 - Rob Feddema Finance
 - D'Arcy Johnston Special Projects
 - Don Clayton Web Master and Administrator
 - Katy Pattison Newsletter / Owner Communications
 - Carol Nell Landscaping Committee
 - Brenda Mowbray Landscaping Committee
 - Jim Parker Canfor Community Advisory Board Representative
 - All Board Family Members and Previous Board Members

2. Roll Call, Certify Proxies, Issuance of Voting Cards and Determination of Quorum:

- Carla advised that the roll call and issuance of voting cards (one card for each Strata lot at the meeting) has been completed at the meeting check-in process
- There are 69 owners either present or represented via signed proxy which meets the Strata quorum requirement

3. Filing of Proof of Notice of Meeting

- Notice of meeting was sent out in the AGM information package on March 12, 2014 via email and regular mail to owners based on the information held by the Board on the most current Owner's Information List.

4. Approval of Agenda

An amendment was proposed to agenda item number 10 from “2013-2014 Budget” to “2014-2015 Budget”.

MOTION

Moved by B207 and seconded by P201 that the agenda be approved as amended.

CARRIED UNANIMOUSLY

5. Approval of Minutes of Last Annual General Meeting – April 6, 2013

MOTION

Moved by P309 and seconded by W209 that the Minutes of the April 6, 2013 Annual General Meeting be approved as presented.

CARRIED UNANIMOUSLY

6. Business Arising from Last Annual General Meeting

This was addressed in next section.

7. Reports:

a. Board President Update – Carla Simoes

Successes:

- Curtis and Miriam continue to take pride and have done a wonderful job in maintaining the Peaks property
- Revamped contracts for Curtis and Miriam to properly reflect their position and contributions to the Peaks
- Plastic pool loungers replaced with resin wicker loungers
- Landscaping – pots added to the pool and building entrances
- Owner & visitor awareness – specifically on where to take their pets to do their business.
- All committee volunteers and previous board members who stepped up and assisted the current board

Challenges:

- The Peaks owners, tenants, visitors and renters not abiding by all the Strata by-laws and rules
- Insurance

2014-2015 Board Focus:

- Continued awareness and education
- Continue to establish, amend and formalize various Board Policy and Procedures
- Complete Peak’s Website including: webhost, format and e-mail
- Continue to develop the Peaks Operating and Maintenance Manual

How owners can help out:

- Get involved – if you notice someone violating a by-law or being inconsiderate mention it to them
- Volunteer to become a board member
- Volunteer for a board committee

Questions and discussion points:

- P109 asked if it would be possible to set up a type of check in with Curtis for vacation renters to monitor number of people and animals per suite. Carla suggested that this is the responsibility of the owner and or their vacation rental managers. Problems renters should be identified to the Board.
- W304 suggested the Board return to the previous practice of posting the names and contact details of the property rental managers for each suite that is rented in a given building, in the lobby of that building. That owner will forward to the Board the last listing that they have so it can be updated.
- W308 suggested that this list of rental management companies also be posted on the website.
- B309 asked if the property manager's employment contract is on the website because the owners would like to know what is and isn't his responsibility and would help in terms of helping ensure owners are not asking him to do anything he is not responsible for. Carla responded that due to privacy issues we cannot circulate his full contract however the Board undertakes to post his and Miriam's roles and responsibilities on the website.

b. Property Manager Update – Colleen Kroening

- Colleen indicated that she and another board member (who has since sold his unit) build on what Jim Parker and D'Arcy Johnson had started with Curtis.
- She listed reporting structures and benchmarks that have been put into place over the past year to assist in managing the operations of the Peaks and in managing its staff.
 - Identified what the property manager does daily, monthly, annually
 - Developed benchmark times for each daily and weekly duty
 - Developed a Maintenance Task List
 - Prioritized each item; identified the date the issue was raised and the status of each issue
 - Drove issues to the Board
 - Identified a list of preventative maintenance issues that each owner is responsible for
 - Now need to build a 5 year plan
 - Trying to get Curtis to manage costs within a defined budget
 - Current high priority:
 - ❖ In September 2013 there was a toilet line leak that travelled down to the first floor. When accidents like this happen, the Board needs to assess what the likelihood is that this will happen again.
 - ❖ Boilers in Amenities Building
 - ❖ There is a leak in the parkade which the Board believes are related to the roof vents; however they are attempting to confirm that this is the actual source before taking action.

Questions and discussion points:

- One unit owner suggested that we send out an email when these things happened to see if anyone has any expertise in the area we are studying/fixing. Suggested a list of owners who volunteer for "odd jobs".
- Carla suggested that we add 'occupation' to the Owner's Information List for this purpose.
- P109 not that the sprinkler in her unit is broken and asked whether this issue is on the maintenance list? Colleen confirmed that it is on the list and that the part will need to be ordered from the US.
- P103 asked what board was doing to manage the aging building infrastructure. Michelle explained that Gerry Nell and David Mowbray have identified their initial efforts and discussions with RDH. They have also provided the Board with a copy of the CHOA/RDH the Essential Building Maintenance Workbook and that the Board has identified the development of a 5 year plan as a priority.
- Overall Colleen advised that the objective of the Board in this area is to become less reactive and more proactive. As an example Colleen cited the 2 boilers in the amenities building. The main one

seized in February and the backup boiler was not functional. Concern was expressed as to how this equipment ended up in such a state of disrepair. The goal is to better manage the Peaks aging infrastructure more proactively; which will hopefully in the long run save all owners money.

c. Lawyer and Birch Structural Assessment Update – D’Arcy Johnston

D’Arcy provided an update on the NHW Deck lawsuit and noted the following points:

- NHW did what they agreed to complete as far as repairs to some, but not all decks.
- We chose to make a claim for the decks on the Poplar and Willow decks that we not included in the scope of the NHW repair.
- Where we are today:
 - Strata served notice of claim to National Home Warranty (NHW)
 - Retained RDH Engineering to provide expert report
 - NHW has retained outside counsel to defend them
 - NHW filed a response to civil claim
 - NHW issued a list of documents for litigation D’Arcy and past Board members Mike Peacock and Russell Todd, have been compiling our own set of documents to substantiate our case which has been a significant undertaking
 - Strata has requested copies of NHW’s documents (should receive soon)
 - Strata is finalizing our list of documents (should be issued in the next few weeks)
 - Strata have agreed to trial dates in Nov. or Dec. 2014 (not scheduled formally as registry opens dates 2 months in advance)
 - Strata working to schedule a mediation hearing in Sept. or Oct. 2014. Overall we expect this matter to be settled within the coming year
 - Strata expects RDH’s completed report in the next 2 months (RDH wants to review NHW documents)
 - In terms of budget we have spent \$12K of the \$25K approved at the 2013 AGM for legal fees to date

Questions and discussion points:

- P109 asked what our compensation claim amounts to. D’Arcy replied that we are claiming compensation for the decks that were not repaired and out of pocket expenses relating to the whole deck repair issue since inception. NHW’s position is that they were not properly notified of the deficiencies when work started on the Poplar.

Birch Structural Assessment

D’Arcy provide some history related to Birch Building:

There is a larger crack in the drywall where the 2 building wings meet on all 3 levels

- Early 2013 tried to find an engineer in the Columbia Valley
- Owner in Birch works for Stantec and assisted in getting a quote at a reduced cost
- On May 10, 2013 a structural engineer visited the Birch building and inspected the issue. As it turns out the inspection missed several key concerns. D’Arcy Johnson was not able to attend the inspection
- On October 20, 2013 the same engineer re-visited the Birch building and D’Arcy Johnson was present.
 - Interviews with clients
 - Reviewed drawings
 - Reviewed structure, problem areas, as is condition

Findings:

- Parking structure and concrete slab do not show major cracking
- Wood shrinkage does not appear to be the cause

- Wood deflection or warping could be a cause (deflection is the framing will not return to initial position) could be type of wood, lower grade
- Building settlement (or wood framing settlement) could also be a cause, localized movement
- Clear that even after entering several suites that the crack is only showing up in the common areas not in private suites
- D'Arcy advised that the engineer did confirm that the building is safe for habitation

Questions and discussion points:

- B309 advised that she fixed a major travelling crack six years ago and nothing has come back since (in the loft of her unit).
- D'Arcy advised that in his unit in the Birch, he fixed a drywall crack that came back bigger than before.
- P113 advised that they have a recurring drywall crack. Pointing to the fact that all buildings shift.
- B316 advised that trusses are pulling drywall in his unit causing contracting cracks.
- One owner asked if this structural/drywall issue can be covered by NHW. D'ARcy advised that it is and that NHW has been notified.

Recommendations:

- Repair deficiencies and record future conditions such as:
 - Width of crack
 - Length of crack
 - Location
 - Pattern
 - Plot cracks on a building elevation
 - Spacing
 - Movement
 - Causes of cracking
- The Peaks monitor the conditions moving forward
- Ensure all drains in parkade are working properly
- Plotting cracking may indicate a point of concern
- If cracks re-appear, hire qualified surveyor to provide survey points on all 4 levels, monitor yearly
- Complete analysis of deficiencies by Stantec

d. Landscaping Committee Update – Michelle Robinson

For the benefit of the new owners Michelle provided the history of the work that landscaping committee has undertaken since 2012.

2012

- Formalized a committee
- Developed a budget and a 5 year rolling-plan
- Created a site map for landscaping purposes
- Added and improved beds around the Amenities Building
- Removed large rocks on east side of Poplar Hill Building to make mowing easier
- Established a more definitive mowing/trimming schedule
- Inspected state of irrigation system with contractor and many repairs done
- Fertilizer and weed control ongoing by outside contractor

2013

- Budget approved and 5 year rolling-plan updated
- Prepared a physical map of sprinkler zones
- Created new beds on both sides of Willow Building entrance
- Repaired irrigation system and added drip line for pots in front of Amenities Building
- Improved irrigation on the island between Birch and Willow
- Fertilizer and weed control ongoing by outside contractor
- Installed and anchored more robust hanging pots
- Installed pots around pool and at each building entrance
- Started top dressing lawns and aerating test patches of lawns
- Improved visibility of dog-zone by adding a dog-bag dispenser

2014

A. Landscaping tasks

- Install flower pots and hanging baskets like last year
- Fertilize trees and lawn (including weed control) now to be done by our Property Manager resulting in cost savings. The results will be monitored
- Aeration of lawns – test patches again
- Top dressing lawns in low spots like in front of Birch where water pools from rain or melting snow
- For the Willow Building - finish shrub beds in front and on east side and add a new bed on west side
- Irrigation repairs and add 2 new zones behind Poplar (north side)

B. Other related tasks:

- Build a 2 foot deep rock edging to protect from mower damage on the garbage buildings
- Add 2 foot deep edging along east side of Poplar at base of building where grass doesn't grow
- Fill under ground level decks that have no dirt left (approx. 10)
- Remove 2 overgrown and/or diseased trees and grind stumps (2 per year going forward as required)

Questions and discussion points:

- B207 proposed that we try holding a few work bee weekends, one in the spring, one in the summer and one in the fall. The idea was well supported and Michelle said the committee would organize these events.

e. **Canfor Community Advisory Committee** – Jim Parker

Jim provided the membership with an update on Canfor's commitment to the Kootenays, specifically he noted:

- Canfor's Kootenay operations form a cornerstone of their marketing and growth strategy
- The valley has a strong, high quality sustainable fiber base
- Canfor launched their Red Product line which they sell to Lowes, Home Depot and Japan
- Canfor is working on fibre strategies to extract more value and more products from the region's fibre
- Canfor economic impact:
 - Radium population: 800 people
 - Direct jobs at the Radium Mill: 170 employees
 - Total annual payroll: \$15M
 - Operating and maintenance supply purchases from local business or branches: \$5M
 - Annual payments to contract loggers and haulers: +/- \$27M

- Annual stumpage payments: \$7M
 - Total economic benefit: \$54M
- Hours of Operation:
 - The 4 Kilns run around the clock 7 days
 - The mill hours of operation are Mon-Thurs from 5:30 a.m. to 4:00 p.m.
Fridays 5:30 a.m. to 10:30 p.m. (Seasonally)
 - After Easter they expect to do only maintenance on Fridays
 - Statuary Holidays they close the mill
- Disruptions to residents
 - Noise and light from mill operations.
 - Air quality and dust from mill operations.
 - Truck Traffic concerns: speeding, dust and noise
- Canfor actions:
 - Enclosed buildings
 - Applied plastic coatings to chains & conveyors to reduce squealing
 - Applied dust control compounds to the log yard and forestry road
 - Modified yard lighting to shine away from residences
 - Dealt with speeding truckers who were reported
 - Future Plans
 - Paving around entrance to Canfor valued at \$1.5M to be done this spring
 - Yard being sprayed with dust control compounds and watered down regularly
 - A budget request has been put in for new equipment to reduce noise valued at \$3.5M. If approved, it will enclose the front end of the mill and reduce noise from falling logs
- Truckers
 - To report a Canfor trucker who is speeding or Jake Braking call their office at 250 347 6100. Canfor truckers have a white Canfor sign with a number
 - Many of the log trucks are from across the river. To report them get the truck info and call Village office
 - The Village has a radar speed sign that is being repaired. When installed, it will track speed & volume
 - The Village is responsible for cleaning the roads. They expect the road cleaning to be completed by Easter. They will do their best to reduce dust.
- Meetings to be held quarterly
- Members of Committee: Village staff including the Mayor, Canfor plant manager and some staff and Radium community residents

Ten Minute Break

9. Financial Report - John Scalise

- a. Acceptance of Audited Financial Statements as of January 31, 2014

MOTION

Moved by W303 and seconded by P201 that the audited financial statements as of January 31, 2014 be approved as presented.

CARRIED UNANIMOUSLY

- b. Motion to Approve 2013/2014 Expenditures from Contingency Reserve Fund

MOTION

Moved by B103 and seconded by W209 that the 2013/2014 Expenditures from Contingency Reserve Fund in the amount of \$9,672.70 be approved as presented in Schedule 1 as per Section 96 of the Strata Property Act.

CARRIED UNANIMOUSLY

- c. Appointment of Auditors for Fiscal 2014/2015

MOTION

Moved by P309 and seconded by W303 to appoint Carlson Roberts Seely as auditors for fiscal year 2014/2015.

CARRIED UNANIMOUSLY

10. 2014-2015 Budget - John Scalise

- a. Review of the Insurance Coverage in accordance with section 154 of the Act
- Renewed existing coverage
 - Two weeks prior to expiry in November 2013 Aviva notified that they no longer insure any short-term rental/seasonal occupancy strata's in BC
 - Our broker approached other insurance companies but these companies command a high premium as a result and were not interested in negotiating
 - The policy the strata renewed last fall represented the best deal available in the marketplace
 - There are currently 22 insurance companies on the policy, more than any other insurance contract in the history of Falkins Insurance
- b. Motion to approve 2014-2015 Budget in accordance with section 103 of the Act
John provided an overview of the budget highlights noting:
- Insurance increase of 46.2%
 - Management Fees reflect new management contract
 - Building Maintenance – Budgeted prior year actual

MOTION

Moved by P103 and seconded by P310 to approve the budget for fiscal 2014-2015 as included in the AGM package.

CARRIED UNANIMOUSLY

- c. Motion to approve 2014-2015 Strata Fees as proposed in the AGM package.

MOTION

Moved by W209 and seconded by W303 to approve the 2014-2015 Strata Fees as proposed in the AGM package.

CARRIED

- d. Motion to Approve 2014/2015 Expenditures from Contingency Reserve Fund as per Section 96 of the Strata Property Act.

The items planned for 2014/2015 include:

Replacing hot water circulation lines in the Poplar	\$10,000
Toilet supply lines	\$ 7,000
Boilers	<u>\$15,000</u>
Total	\$32,000

Questions and discussion points:

- Discussed boilers seizing and the fact that one was last upgraded or replaced approximately six years ago.
- Discussed issues around the toilet supply lines and whether we are setting a precedent to undertake repairs of other issues owners are directly responsible for. Reply: We are doing this to do our utmost to keep up our proactive management measures to minimize future insurance claims which is expected by our insurance providers.
- Discussed having an auto shutoff valve for water supply inside each unit. Reply: not all units have access to their supply lines.
- Discussed the need to become better at proactively managing aging infrastructure and intervene where certain issues can become major expenses; versus items that should just be included in the preventative measures list that is provided to each owner.

Other items:

2013/2014 Expenditures from Contingency Reserve Fund

- No Motion needed – As per the attached schedule 1 – Contingency Reserve Expenditures, \$58,371.95 of the approved expenditures at the 2011 Annual General Meeting relating to deck repairs has not been spent. Projected expenditures relating to deck repairs in the 2014/2015 fiscal year are not expected to exceed this amount.
- No Motion needed – As per the attached schedule 1 – Contingency Reserve Expenditures, \$5,000 remains as unexpended expenditures approved at the 2013 Annual General Meeting relating to website. Projected expenditures relating to website design in the 2014/2015 fiscal year are not expected to exceed this amount.

Questions and discussion points:

- B309 is insurance renewal for one year only. John confirmed that the insurance renewal was for one year.
- Are we going to discuss line by line. Response: no. We will take questions. Main focus is on 3 areas: insurance, management fees and maintenance. Any specific line items that an owner would like to enquire about can be dealt with during the question period.
- B312 how does the board distinguish operating expenses and contingency expenses? Response: we use the one year test: if benefit of expense will last more than a year then it is deducted from the contingency fund.
- B310 \$4200 to open and close what is this? Response: was part of the 2013/2014 actuals and was not included in 14/15 budget
- W304 advised that the Depreciation Report has to be redone this year so should we not be including a provision to replace?

AMENDED MOTION

Moved by B209 and seconded by W216 to increase by \$20,000 (new total \$52,000) the proposed expenditures from the Contingency Reserve Fund for 2014-2015 to add an allowance for Depreciation Report and update Asset Management Plan.

CARRIED UNANIMOUSLY

11. Ratify any new rules made by the strata corporation under section 125 of the Act

Carla reviewed the draft motion and the rationale for the new proposed Water Gun and Water Balloon Rule which would ban the use of water guns and water balloons in the Peaks amenities building, including pool and hot tubs and surrounding areas.

Questions and discussion points:

- B104 suggested we add that no metal toys that could rip the pool liner be included.
- W104 asked what we meant by surrounding area. Reply: inside the fenced area around the pool.

MOTION

Moved by P208 and seconded by B214 to approve the Water Gun and Water Balloon Rule banning the use of metal toys, water guns and water balloons in the Peaks amenities building, including pool and hot tubs and surrounding areas inside the fence, by all owners, tenants and visitors.

CARRIED

12. New Business – including any matters about which notice has been given under section 45 of the Act

- a. Motion to approve proposed Dumping of Household items By-law
This by-law would prohibit all owners, tenants and visitors from dumping household items on Peaks Property including the waste disposal buildings.

Question and discussion points:

Bylaw was discussed as to the reason behind drawing this up. Questions asked about what is meant by 'household items'. The President advised that signage will be posted and will include a definition which will be those items that our waste disposal contractor will not accept.

MOTION

Moved by P201 and seconded by B309 to approve the by-law amendment as follows: Dumping of household items as defined by the Council for the Strata Plan NES2402 is prohibited anywhere on the Peaks Property.

CARRIED UNANIMOUSLY

- b. Motion to approve proposed Peaks Amenities Room Private Function Policy
The Board reviewed the proposed policy for the allowing the Peaks Amenities Room to be rented for Private Functions.

Questions and discussion points:

- Bookings will be done on the new website
- Public function or event is one that is available for any owner to attend. A private function is restricted to those who are invited.
- Who is responsible for cleaning will be deferred to next motion.
- No alcohol can be consumed in the social room.

MOTION

Moved by P103 and seconded by W304 to approve the following policy with respect to the Peaks Amenities Building: "The Peaks amenities room is available for Private functions to Peaks owners only. The room will only be available during the Peaks amenities building hours of operation. No alcoholic beverage is permitted and the owner will be responsible for any damages occurred during the private function."

CARRIED UNANIMOUSLY

- c. Motion to approve proposed Amenities Room Private Function Rental Fee of \$25 per hour. The Board outlined their proposal to charge a fee of \$25.00/hour for renting the Amenities for a Private Function.

There was a lot of discussion about the policy and how much to charge. It was suggested that this item be left for the next Board to decide and subsequently no motion was put forward by the membership.

- d. Motion to approve proposed Granting Access to Owners Unit Policy including fees
The Board members explained that they would like to establish a policy that would involve charging owners a \$50 fee during normal business hours and \$100 fee after normal business hours for all requests to be let into their unit by the Property Managers.

MOTION

Moved by B103 and seconded by P311 to approve the proposed Granting Access to Owners Unit Policy which will require all owners to be charged a \$50 fee for all requests to be let into their unit during Property Managers normal business hours and \$100 after normal business hours. Owners must be physically present for the Property manager to open the owner's unit. The Property Manager cannot open any unit for tenants, guests, service providers, etc. unless the owner is physically present.

CARRIED UNANIMOUSLY

13. Information and Questions from the floor

There was discussion about Curtis' back-up Mike who works 2 hours on each of Curtis's days off including vacation and is on call for emergency. For emergencies while Curtis is on vacation or on regular days off, owners are to still call Curtis and email the Board.

14. Establish number of directors for 2014/2015 fiscal year

The president explained that 5 director positions need to be filled on the Board.

14. Election of Strata Board Directors for 2014/2015 term

MOTION

Moved by W304 and seconded by W209 to approve the following as Board members:

P116 Susan Rathgeber
P114 Jay Forbes
P201 David Mowbray
B316 Jeff Owen
B206 John Scalise
B106 Kathy Taylor
W309 Rose Hennig

CARRIED UNANIMOUSLY

It was also discussed and encouraged that if any one just wanted to volunteer for odd jobs, or committees to present themselves. It was also suggested that the Board is encouraged to send out requests for various areas of expertise that different owners may have for any given future issue. The following owners offered to volunteer:

- B309 Shelley Harris
- W304 Gerry Nell
- W209 Brian Arbuckle: expertise landscaping
- W308 Dean Kroetsch: expertise in boiler
- P207 Elaine Cunningham: landscaping committee
- P103 Susan Gal: expertise in regulations, understanding meeting process, Roberts Rules of Order, process
Offered to keep owners lists up to date, assist with communications

15. Adjournment motion

Prior to the meeting being adjourned W304 thanked the Board on behalf of all the owners for their contribution during the past year, to running the Peaks.

Meeting adjourned: 12:47