

STRATA NES2402 CORP MINUTES OF THE 17TH ANNUAL GENERAL MEETING

Held March 30, 2019 at 9:00 am in the Amenities Building of *The Peaks* in Radium Hot Springs, BC

a) Call to Order: 9:01 AM

b) Call the Roll, Verify Proxies and Issue Voting Cards:

Quorum is established with 81 owners registered as either present or represented via signed proxy.

François advised that the roll and issuance of voter cards (one card per strata) was completed during the meeting check-in process.

c) Filing of Proof of Meeting

Notice of Meeting was sent out via email and by mail in the AGM information package to the owners of record on March 15, 2019.

d) Approval of Agenda

MOTION: To approve the agenda as amended.

Moved by: W216 Seconded: B201

CARRIED unanimously

e) Election of 2 scrutineers

MOTION: To approve Shelly Jaskela and Linda Lima to be appointed as the scrutineers.

Moved: P312 Seconded: B108

CARRIED unanimously

f) Approval of Minutes of Previous Annual General Meeting – March 24, 2018

MOTION: That the March 24, 2018 minutes be approved as presented.

Moved by: B309 Seconded: B201

CARRIED unanimously

g) Business Arising from Previous Annual General Meeting

No past business from the last AGM.

h) Report to the Ownership- Lead François Robert

Introduction of board members from the 2018/2019 term: Joanne Buckley, Purnima

Gosavi, Terry Larson, Wayne Loustel, Kelly McGovern, François Robert, Carla Simoes.

Highlights from the year:

- 1. Replacement of the Birch garage door.
- 2. Birch dryer vent cleaning.
- Education of board members at CHOA event.
- 4. Upgrades to signage on the property.
- 5. Fire systems testing.
- 6. Winter potluck event.
- 7. Established Community bulletin board.
- 8. Creation of Facebook group.
- 9. Renewal of Peaks newsletter.
- 10. CRT cases resolved (BoD Minutes 08-18-2018 and 02-23-2019)

Report from the Maintenance Committee- Colin McGovern

- -RDH Report, HVAC replacement project, Reroofing of Willow, Delaying the reroofing of the Amenities building,
- -Upcoming: deck inspections and decking replacement, site audit, stucco evaluation

Notes for the new board: they may want to consult with the New Home Warranty organization for compensation to do with the deck work. They should have information on who did the previous work.

i) Presentation by an RCMP officer regarding cannabis- Lead Purnima Gosavi Constable Drew Rivers spoke about the new legislation surrounding non-medical cannabis use.

Highlights: public use and use on private property (The Peaks property) is decided by municipal bylaws and strata rules/bylaws. Non-medical use is completely separate from use by those with a prescription for medical use. Under the new legislation, Canadians are able to grow up to a maximum of 4 plants for personal use.

10-minute break (10:15am-10:30am)

 j) Financial Report- Lead Carla Simoes, Board Treasurer (See AGM presentation for further details)

Acceptance of Audited Financial Statement as of January 31, 2019

MOTION: To accept the audited financial statement as of January 31, 2019, subject to the correction to the contingency.

Moved by: P314 Seconded: W314

CARRIED unanimously

The auditor will fix the one error on the Change in the Cash Flows

Notes to the new board: The management report to the board will include the recommendation that the Strata adopt the required accounting regarding tangible capital assets.

MOTION: As per Section 96 of the Strata Property Act, to approve expenditures of up to \$160,000 out of the Contingency Reserve Fund as per FY 2019-2020 in the 5 Year forecast contingency reserve expenditures spreadsheet in the AGM package.

Moved by: W110 Seconded: P103

For: 75 Against: 0 Abstain: 6 (Carried.)

MOTION: To ask the upcoming Board to appoint the Auditors for fiscal year

2019/2020.

Moved by: B310 Seconded: B101

CARRIED unanimously

k) 2019-2020 Budget

MOTION: That the 2019/2020 budget be approved in accordance with Section 103 of the Strata Property Act.

Moved by: B303 Seconded: P114

For: 63 Against: 12 Abstain: 1 (Carried.)

Notes for the new board: An owner has requested to know the cost for the lawsuit that the General Manager incurred. A possible direction for the new board to consider: differing management models and staff options within the next 3 months.

Acceptance of Strata Fees for 2019-2020

MOTION: To approve the increase in Strata Fees of 15.93% for the 2019/2020

Fiscal Year.

Moved by: W110 Seconded: B310

For: 59 Against: 12 Abstain: 6 (Carried.)

Notes for the new board: to consider a user pay scenario.

Break (12:20-12:39)

I) Report on Insurance-Lead François

The certificate of insurance was included in the AGM package.

m) New Business

a) Motion to ratify two Strata rules for Plan NES2402- Lead François Robert

MOTION: To confirm that awnings are permissible at The Peaks.

<u>Background information:</u> This rule was inadvertently missed last AGM when rules were confirmed, but now that a record of the rule has been found, it is important that the owners either confirm or defeat this rule.

Proposed amendment: Awnings are permissible at The Peaks. All awnings are subject to the owners signing an alteration and indemnification agreement for any board approved and installed awning. The awning must conform to approved colours, style and size, consistent with what is already installed at The Peaks.

Moved by: B216 Seconded: P312

For: 68 Against: 4 Abstain: 0 (Carried.)

MOTION: To confirm the March 3, 2019 rule: "Making any alterations to the building envelope is prohibited unless contrary to other approved rules."

Moved by: B101 Seconded: B303

For: 74 Against: 0 Abstain: 1 (Carried.)

b) Motions to approve revisions to Owner Developer's Notice of Different Bylaws. -Lead Joanne Buckley

MOTION: The current Bylaw 4 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 4.

"An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following: a reasonable number of fish or other small aquarium animals; a reasonable number of small caged mammals; up to 2 caged birds; one dog or one cat. With written approval of the Strata Council the numbers above may be increased. The Strata Council may at any time require the removal of any pet permitted by this By-Law or any additional written approval, if the pet is a nuisance or is causing an annoyance to others. Upon receipt of such notice, the pet shall be removed forthwith from the Strata Lot."

Moved by: B303 Seconded: P310

For: 68 Against: 2 Abstain: 2 (Carried.)

Proposed amendment: The original pet rule with the exception that the line "With written approval of the Strata Council the numbers above may be increased." be removed.

Moved by: W110 Seconded: P110

For: 15 Against: 54 Abstain: 3 (**Defeated**.)

MOTION: The current Bylaw 6 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 6.

"An owner, tenant or occupant must not use the surface parking lot for any purpose other than the parking of a motor vehicle which does not exceed the dimensions of a private automobile. Any vehicle in the surface lots to be parked (left) for more than 14 consecutive days must receive Strata Council approval."

Moved by: P110 Seconded: W108

CARRIED unanimously

MOTION: The current Bylaw 10 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 10.

"An owner, tenant or occupant must not keep, accumulate or permit to be kept or accumulated debris, scrap metal, car parts, refuse or waste material upon the Strata lot or surface parking lot."

Moved by: W108 Seconded: B112

CARRIED unanimously

MOTION: The current Bylaw 14 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 14.

"An owner, tenant or occupant must not use or play any instrument or device within a Strata Lot or upon common property which causes a disturbance or interferes with the comfort of other owners or occupiers."

Moved by: B209 Seconded: W115

For: 67 Against: 4 Abstained: 1 (Carried.)

MOTION: The current Bylaw 24 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 24.

"Owners, tenants, or occupants must maintain a minimum temperature of 10°C / 50°F at all times. It remains solely the responsibility of the owner to maintain the heat to prevent freezing and/or bursting of water pipes and equipment. Damages and repairs related to frost and/or freezing will solely be the responsibility of the owner."

Moved by: P110 Seconded: W202

For: 70 Against: 0 Abstained: 2 (Carried.)

MOTION: The current Bylaw 27 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 27.

"Owners must not install or cause to be installed any hard flooring surfaces without written approval of the Board. Installation must be completed to meet or exceed the current Board approved Sound Transmission Class (STC), an Impact Insulation Classification (IIC) and Delta Impact Insulation Classification (Delta

IIC) specifications."

Moved by: W202 Seconded: P208

Proposed amendment: Remove the word "hard" from the rule.

Moved by: P309 Seconded: W303

For: 70 Against: 0 Abstain: 2 (Carried.)

MOTION: The current Bylaw 29 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 29.

"An owner, tenant or occupant shall only use parking space/stall specifically assigned to the strata unit corresponding to that parking stall. Parking/items must fit into the marked area of the parking stall as to not impair access to adjacent stall or occupy any common area. The strata accepts no responsibility for any property kept in the underground parkade."

Moved by: P110 Seconded: P103

Proposed Amendment: Addition of the line: Owners may not accumulate debris, scrap metal, car parts, refuse or waste material in their parking stall."

For: 72 Against: 0 Abstain: 0 (Carried.)

MOTION: Bylaw 33 of "Owner Developers' Notice of Different Bylaws" will be as follows:

"No strata unit or common area shall be used to grow or cultivate cannabis or any other high humidity plants."

Moved by: P309 Seconded: P114 For: 62 Against: 10 Abstain: 0 (Carried.)

Proposed Amendment: Addition of the word "non-medical" before cannabis in the rule. "No strata unit or common area shall be used to grow or cultivate non-medical cannabis or any other high humidity plants."

Moved by: P207 Seconded: P209

For: 10 Against: 62 Abstain: 0 (**Defeated**.)

c) Establishing number of board members- Lead François

MOTION: The number of Directors for 2019/2020 should be seven (7).

Moved by: P110 Seconded: B209

CARRIED unanimously

d) Election of strata board representatives 2019/2020- Lead François

Seven names were presented and elected without contest:

Carla Simoes,

Wayne Loustel,

Darwin Baker,

Patrick Fitzgerald,

David Bailey,

Vicky Kruger,

Linda Nickerson

Notes for future board: To extend the operating hours from 10:00 pm to 1:00 am of the Owners Lounge so that owners have a place to go to visit that does not disturb.

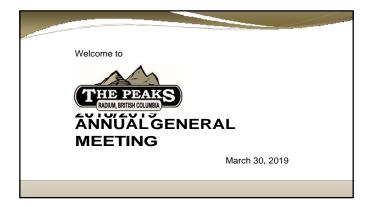
Look into the possibility of booking the Owners' Lounge for events by owners.

Look at the issue of owners using tarps in the parkade area as a possible fire hazard.

Adjournment Motion: 2:31 pm

Encl:

AGM presentation 9 pages



REQUIRED TO COMMENCE THE MEETING

Item #1

· Call to order.

Item #3

Verify a quorum exists.

Item #3

Filing of proof of meeting.



APPROVE AGENDA

Item #4

- Approval of agenda
- Motion: That the agenda be approved as presented.

Motion by _

Seconded by _



SELECTION OF SCRUTINEERS

Item #5

- Election of 2 scrutineers to oversee the return of two rules ratification ballots and the Strata Board election.
- Motion: That _____and ____be appointed as scrutineers.

Motion by _

Seconded by _



APPROVAL OF PASTMINUTES

Item

- Approval of minutes of previous Annual General Meeting held on March 24, 2018.
- Motion: That the Minutes of the March 24, 2018 Annual General Meeting be approved as presented.

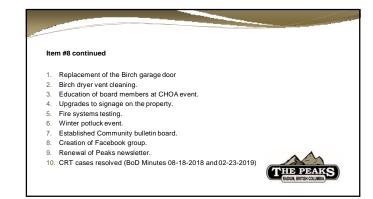
Motion by _

PAST BUSINESS

Item #7

There is no past business arising from previous Annual General Meeting.

REPORT TO THE OWNERSHIP Item #8 • Your Strata Board in 2018/2019 were; Joanne Bucklee Purnima Gosavi Terry Larsen Wayne Loustel Kelly McGovern François Robert Carla Simoes



Item #9 • Presentation by an RCMP officer regarding cannabis.



FINANCIAL REPORT

Introduce Peaks 2018-2019 (FY19) Financial Auditor

Garry Pattison, Charter Professional Accountant

Prior Period Financials Adjustments Restatements

- The Board has taken \$57,952 of operating expenses that were charged to the contingency reserve fund and shown them as FY2018 operating expenses.
 - o Electricity \$20,969
 - o Management Fees \$34,871
- o Water and Sewer \$2,112
- The board has separated the Interest earned out of the Bank Charges and Interest expenditures account and put them into the Interest and Phoe Revenue account THE PEAKS

AUDITED FINANCIAL STATEMENTS

- Acceptance of Audited Financial Statement as of January 31, 2019
- Motion: That the Audited Financial Statements as of January 31, 2019 be approved as

Motion by -

Seconded by .





APPOINTMENT OF AUDITORS

- Motion to ask the upcoming Board to appoint the Auditors for fiscal year 2019/2020
- **Motion:** That the upcoming Board of Directors appoint the auditors for the preparation of fiscal year 2019/2020 Financial Statements.

Motion by _

Seconded by _



FY20 Budget Highlights

New Annual Capital Fund Budget

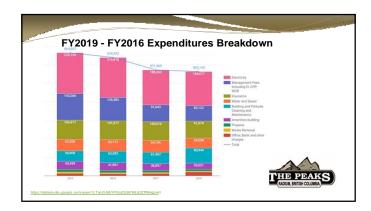
- . That takes into consideration the Rent we make from our W205 suite and the associated expenses - property taxes and strata fees.
- Budget Surplus of \$5,012

FY20 Budget Highlights

This year's Budget was prepared with the following assumptions:

- Electricity and Propane increase 10% due to Carbon Tax, BC Hydro rate hike and increased consumption
- Other than the above expenses the following assumptions were used
 - 4% increase over the FY2019 actuals;

 - 5 year average; or
 Best judgement (window and carpet cleaning)
- . Monthly amounts took into the ebbs and flows of our monthly expenses
 - o The 5 year monthly average
 - o If known the February actual figures were used



FY20 Budget Highlights Expenses have increased and outpaced strata fee

. Operating Expenses have increased and outpaced strata fee increases

Peaks Biggest Expenses Categories	Increase Percentage in past 4 years
Total Operating expenditures	18.02%
Electricity	19.20%
Management Fees	72.35%
Insurance	13.89%
Water and Sewer	15.08%
Amenities Building	29.26%
Building Maintenance and Repair	-53.88%
Propane	40.96%

Year	Condo Fee Increase
2018-19	4%
2018-17	1.83%
2017-16	0%
2016-15	2.86%



FY20 Budget Questions received from owners

Why have Management Fees increased over the last 2 years?

- o New Management Model was implemented 2 years ago
 - <u>Current:</u> Independent Contractors or Employee for each function: Cleaner, Maintenance, Pool Open/Close and New General Manager
 - <u>Previous:</u> In House Caretaker, Cleaner and Pool Open/Close (for Caretakers days off) with contracting when assistance was required. Previous Board Members took on the current GM operating functions.



Why a huge variance in landscaping maintenance?

- We changed providers from last year from Balance BobCat Services to Manfred Bernhardt.
- Costs depend on required maintenance of our irrigation system, lawn and trees.



FY20 Budget Questions received from owners

Carpet Cleaning - Why is the Budget up 300%? Does the 4,500, include some replacements?

- In the past two fiscal years our carpets have not been professionally cleaned.
- cleaned
 Carpet Cleaning budget was based on professional cleaning costs in
 2016-17 when the Peaks contracted Ptamigan Rug Cleaner \$3,858.75
- Additional funds were budgetted as we anticipate that the cost would have increased
- o Professional cleaning will help prolong our carpets

FY20 Budget Questions received from owners

Replacement Provision \$150,000 in budget last year \$0?

- Instead of having a Replacement Provision line item in our F/S We are showing the Replacement Provision in the Statement of Operations as Excess of contributions over expenses before contribution to contingency reserve fund
- Budget in FY2019 was \$96,084 and actual was \$92,325 We transferred \$101,313 as we received revenue from information certificates fees and interest.
- 2018 Depreciation Report recommends the unit owners will need to contribute \$189,000 each year over the next 5 years

FY20 Budget Questions received from owners

How much fines did we collect from owners last year?

- o Fines 2 collected totalling \$100
- o NSF Fee 7 collected totalling \$105



129.08 0.44

141.29 0.31

219 000

219 000 145.61 0.36 175 000 165.09 0.36

165 000 156.55 0.34

482.02

552.01

356.18

1504

FY20 Budget Questions received from owners

Why not a special levy with a smaller increase in condo monthly fees?

- Special levies are usually assessed to pay for a contingency expense and not to cover operating costs
- Key issue is that our operating costs have gone up 18.2% in the past 4
 years and our fees have not increased to reflect this, therefore we used
 contingency funds in the past to fund our operating costs
- $\circ~$ If we do a special levy it will not address the root cause of the issue.



CONTINGENCY RESERVE EXPENDITURES FY20 (Feb 1, 2019 - Jan 31, 2020)

Total	\$160,000
Electrical	\$3,100
Fire Safety	\$8,900
General & Inspections	\$17,000
Walls	\$29,823
Balconies	\$101,177

5 Year Planned Contingency Reserve Expenditures \$1.2 Million



ater and Sewer not included ditionally No Pool, Hot Tub or Amenities Building

Pool, Hot Tub or Ame

BUDGET

Item #11a

- Acceptance of Draft Budget for 2019/2020
- Motion: That the 2019/2020 budget be approved in accordance with Section 103 of the Strata Property Act.

Motion by _

Seconded by _

BUDGET

Item #11b

- Acceptance of Draft Budget for 2019/2020
- Motion: To approve the increase in Strata Fees of 15.93% for the 2019/2020 Fiscal Year.

Motion by _

Seconded by _

CONTINGENCY RESERVE EXPENDITURES

Item #10b

- Motion to approve the 2019/2020 Contingency Reserve Fund Expenditures
- Motion: As per Section 96 of the Strata Property Act, to approve expenditures of up to \$160,000 out of the Contingency Reserve Fund as per FY 2019-2020 in the 5 Year forecast contingency reserve expenditures spreadsheet in the AGM package.

Motion by _

Seconded by _



INSURANCE

Item #12

- · Report on Insurance
- The current Certificate of Insurance is in the AGM Package.
- The current Certificate as well as the complete policy document can be found on the Strata Corp website through the Owners Archive page.



NEW BUSINESS

- · 10 motions will be presented
- 1 motion to confirm if current owners support the awning rule by 50% or more.
- 1 motion to confirm if current owners support the alterations to building rule by 50% or more.
- 8 different motions relate to bylaws



CURRENT RULES

Item #13a

- ${}^{\star}{}\,$ First motion to ratify one of two Strata rules for Plan NES 2402
- Motion: That a secret ballot be conducted to confirm if the awning rule as documented in the February 23, 2019 BoD Minutes will receive 50% or more of the votes to remain a rule of Strata Plan NES 2402.

Motion by _

Seconded by _



CURRENT RULES

Item #1

- Second motion to ratify one of two Strata rules for Plan NES 2402
- Motion: That a secret ballot be conducted to confirm if the following rule as documented in the March 3, 2019 BoD Minutes will receive 50% or more of the votes to remain a rule of Strata Plan NES 2402.

March 3, 2019 rule: "Making any alterations to the building envelope is prohibited unless contrary to other approved rules."

Motion by _

Seconded by .

BYLAWS

Item #13b
- Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 4 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 4.

"An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following: a reasonable number of fish or other small aquarium animals; a reasonable number of small caged mammals; up to 2 caged birds; one dog or one cat. With written approvad of the Strata Council the numbers above may be increased. The Strata Council may at any time require the removal of any pet permitted by this By-Law or any additional written approval, if the pet is a nuisance or is causing an annoyance to others. Upon receipt of such notice, the pet shall be removed forthwith from the Strata Lot."

Motion by _

Seconded by .



BYLAWS

Item #13b

Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 6 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 6.

"An owner, tenant or occupant must not use the surface parking lot for any purpose other than the parking of a motor vehicle which does not exceed the dimensions of a private automobile. Any vehicle in the surface lots to be parked (left) for more than 14 consecutive days must receive Strata Council approval."

Motion by _

Seconded by _



BYLAWS

Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 10 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 10.

"An owner, tenant or occupant must not keep, accumulate or permit to be kept or accumulated debris, scrap metal, car parts, refuse or waste material upon the Strata lot or surface parking lot."

Motion by _

Seconded by _



BYLAWS

Item #13b

Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 14 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 14.

"An owner, tenant or occupant must not use or play any instrument or device within a Strata Lot or upon common property which causes a disturbance or interferes with the comfort of other owners or occupiers."

Motion by _

Seconded by _



BYLAWS

Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 24 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 24.

"Owners, tenants, or occupants must maintain a minimum temperature of 10°C / 50°F at all times. It remains solely the responsibility of the owner to maintain the heat to prevent freezing and/or bursting of water pipes and equipment. Damages and repairs related to frost and/or freezing will solely be the responsibility of the owner."

Motion by _

Seconded by _

BYLAWS

Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 27 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 27.

"Owners must not install or cause to be installed any hard flooring surfaces without written approval of the Board. Installation must be completed to meet or exceed the current Board approved Sound Transmission Class (STC), an Impact Insulation Classification (IIC) and Delta Impact Insulation Classification (Delta IIC) specifications."

Motion by _

Seconded by _

BYLAWS

· Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: The current Bylaw 29 of "Owner Developers' Notice of Different Bylaws" is rescinded and replaced by the following Bylaw 29.

"An owner, tenant or occupant shall only use parking space/stall specifically assigned to the strata unit corresponding to that parking stall. Parking/items must fit into the marked area of the parking stall as to not impair access to adjacent stall or occupy any common area. The strata accepts no responsibility for any property kept in the underground parkade."

Motion by _

Seconded by .



BYLAWS

Motions to approve revisions to Owner Developer's Notice of Different Bylaws

Motion: Bylaw 33 of "Owner Developers' Notice of Different Bylaws" will be as

"No strata unit or common area shall be used to grow or cultivate cannabis or any other high humidity plants.

Motion by _

Seconded by _



Item #14

QUESTIONS & INFORMATION FROM THE FLOOR



ESTABLISHING NUMBER OF BOARD MEMBERS

- Establish number of directors for fiscal 2019-2020
- Motion: The number of Directors for 2019/2020 will be seven (7).

Motion by _

Seconded by _



ELECTION OF STRATA BOARD OF DIRECTORS

Item #16

- Names will be presented. Those who will let their names stand as Strata Board member. will be up for election through a secret ballot.
- · Ballots will be prepared and handed to those eligible to vote.
- The two Scrutineers selected near the beginning of the meeting will count the ballots.
- If more than 7 candidates garner more than 50% of votes, the 7 candidates with the higher % will be elected.
- · If more than 7 candidates are marked on a ballot,

the ballot will be declared null and void.

ELECTION OF STRATA BOARD OF DIRECTORS

- Election of Strata Board Directors 2019-2020
- Motion: Board members will be selected by the membership and voted in through secret ballots

Motion by _

Seconded by _

STRATA BOARD CANDIDATES

Carla Simoes Wayne Loustel Darwin Baker Patrick Fitzgerald David Bailey Vickie Kurger Linda Nickerson



YOUR NEW STRATA BOARD!

Carla Simoes Wayne Loustel Darwin Baker Patrick Fitzgerald David Bailey Vickie Kurger Linda Nickerson



MEETING ADJORNED

Item #17

Motion: That the Annual General Meeting be adjourned.

Motion by _

Seconded by _

Thank you to everyone who took the time to be in attendance, and we look forward to a successful 2019/2020!