



STRATA NES2402 CORP

## SGM Minutes - October 19, 2023 - DRAFT

October 19, 2023 at 7:00 pm on Google Meet Registration to begin at 6:30 pm

1. **Call to Order 710 pm**                      Lead Dawin Baker President
  - a.
2. **Call the roll and confirm the voting method.**                      Lead Dawin Baker President
  - a. 54 owner Present 57 people in attendance
  - b. Voting was agreed to be verbal online.
    - i.
3. **Quorum**                      Lead Dawin Baker President
  - a. Not required no bylaws were a part of the Agenda, just discussions.
    - i.
4. **Filing of Proof of Meeting**                      Lead Dawin Baker President
  - a. Minutes of the meeting will be posted for all owners
    - i.
5. **Approval of Agenda**
  - a. Motion Sean Harris second George Peters
  - b. For: 54                      Against: 0                      Abstain: 0
  - c. Motion Carried
    - i.
6. **Approval of Minutes of Previous Annual General Meeting – March 25, 2023**
  - a. Motion Sean Harris second Michael Prudhomme
  - b. For: 41                      Against: 0                      Abstain: 13
  - c. Motion Carried

**7. Response to the petition by at least 20% of the owners, as is required by the BC Strata Act, to request a Special General Meeting (SGM) was presented to the Board on September 26th at 2:10 pm**

*\*Please note as this was a discussion the following details are to the best of our ability to represent the discussions that took place.\**

After introduction and the above formalities the Petition Lead Peter Vail asked to address the group, before we got started.

Peter stated we are here today to talk about ideas on how we see the Peaks for the next 2 years. STRs are a critical part of the Peaks and are here to stay. There are 25 now and maybe there will be 50 in the next couple of years. Summer is particularly busy and there is high turnover of people coming and going. What is the plan for next year? Stated there is a potential Village Bylaw on the table regarding the possibility of posting the owners contact information on the outside of the STR unit door. He is happy to see that the Peaks Board is being proactive.

Board President Darwin Baker thanked Peter for his introduction and noted that there is no current Village Bylaw requiring the STR Owners to post their contact information on the outside of their suite and Village was not amending the bylaw but voting on the Bylaw Enforcement Policy and that requiring an owner to post their information on the outside of their unit was discussed when the village was drafting their bylaw and it was rejected due to privacy concerns.

## **7.1 Request to update owners on current policies and procedures related to Registered Short Term Rental units at THE PEAKS**

Bylaws for both the Peaks and the Village were supplied to all owner in the SGM package.

Board President Darwin Baker asked if there were any further questions on this topic?

An Owner frustrated that every year STR owners are always brought up when there are so few violations attached to their guests. They are original owners and stated the initial purpose and promotion of the property when it was first built was for vacation property and short term renter use. Owner asked if there are any STR owners who are not in compliance with all the rules and bylaws. Also asked what is the percentage of owners in respect of Permanent Residents (PR), Long Term Renters (LTR), Short Term Renters (STR) and vacation owners (VAC).

Board President Darwin Baker answered the questions.

Our Short Term Rental owners are in 100% compliance with both our Bylaws and the Village Bylaws.

The current ownership breakdown is:

VAC = Vacation Property Owners

RES = Resident Property Owners

STR = Short Term Rental Property Owners

LTR = Long Term Rental Property Owners

Owner Type	# of Units	Average Years of Ownership	2 or less years	% of Owners
VAC	67	10.4	9	46.53%
RES	39	5	10	27.08%
STR	25	3.7	9	17.36%
LTR	13	8.1	1	9.03%
Totals	144	7.6	29	100.00%

## **7.2 Request to canvass owners on their expectations on how STRs will be handled going Forward at THE PEAKS.**

- An Owner mentioned that she appreciates all the work the Board is doing to keep on top of not only STRs being compliant, but also all ownership. She feels as a resident owner the STR owners are doing everything they can to ensure that they are getting quality people in their units.
- An Owner asked if all STR owners are also vacation property owners?
  - It was confirmed that all STR owners use their units themselves, and/or have friends and family stay at their unit, so they are really STR/Vacation property owners.
- Question was posed: What are the issues with STRs and how many legitimate violations have come forward? Do renters not behave? What are we trying to solve here today?
  - Board President – Since the last AGM, there have been only 2 proven violations linked to STR guests. One was a noise violation, and the owner was contacted ASAP and given a warning (the complaint was not filed with the Board until the following morning). The Board agreed to allow for one warning before they hand out a fine in this case. The second was too many adults in an STR and advertisement violation – no issues with the guests was reported, just that too many adults were staying in the unit as per village and strata bylaws. The owner was fined by the Board as they had missed one rental platform noting the correct # of adult guests allowed they were required to change that ASAP which they did. The Board reported the action with the town Bylaw Enforcement Officer. Problems with all types of owners are present, and not only specific to STR owners, but it could be asked if some owners might be picking and choosing who they report based on the type of ownership. If you walk around the building, there are at least 19 owners with violations of items hanging from or fastened to common property (balconies) and no one has reported these to the Board even though they have been there for months if not years. Things like a BBQ, a mattress, TV, microwave were tossed in the garbage bin when it should only be used for common household waste and recyclable products. Photos were sent to the ownership but no one came forward admitting they were the violator. Not likely a STR guest tossing these items into the bins.
- Peter stated that STRs have a rapid turnover and the only person who knows them is the owner. BC provincial government is looking into banning STR in all areas except 14 areas of higher tourism, Radium is included as one of the 14 areas. It was asked where the contact information for the owner is and where we put it? Suggested that someone from the Board attend the village meeting on October 23, 2023. Asked if there is a Board member available immediately if there is a problem and the owner needs to be contacted right away.
  - Board President state that the Emergency # 1-866-364-7424 is Posted and provided to all owners and that his cell # 306-222-1772 was provided to all

owners and that can call any time should they not get a response from the emergency #. Darwin, asked for some examples of Peter's concerns about STR units/guests?

- Peter's examples given were who do we call if we see more than 4 adults entering a unit and what do we do if we see someone taking mountain bikes into their neighbor's unit?
  - Board President, stated owner's contact information is confidential and cannot be shared with everyone. The Board Members are the only ones who can access this information and need to be the liaison between the concerned owner and the alleged violator. Asking that 1 group of owners share their owners contact information with all other owners is not reasonable or allowed under the privacy act. It was pointed out that the type of ownership should not matter, because if you see a valid violation, it should be reported to the board, regardless of who it is. STR Owners can have guests join them or have family stay the same as all owners so it may not be a violation and needs to be investigated by the board, also it is not a violation to take a bike into a condo if it was if would be a violation for all owners and I guess all owners need to post their contact information outside of their units. If the concern regarding the bikes was that you witness damage to the property by anyone please provide as much detail as possible to the Board so we can take action with the owner.
- Peter, said he was happy to know a board member is available by phone at all times. but was concerned this might be a deterrent for someone to join the Board
  - The emergency # has always been posted and available for Owners to contact the Board and always will be. Allowing My personal cell # to all owners is my choice as President other may feel differently in the future.
- One Resident commented that she did not feel it was up to other neighbors to worry about people taking bikes into someone else's unit. As we would have no way of knowing if the owner gave permission to take their bikes into their unit.
- Peter mentioned he did not feel that all issues are valid to call the RCMP so now he knows he can call the Board
  - This has always been the case.
- Another Owner suggests that you can knock on the door of a noisy neighbor and ask them to try to be quieter. He noted that he has had no problem with parking or at the pool and he was there all summer.
- Someone else commented that they did have problems with parking this summer.
- A Resident Owner said he did have problems with finding a place to park and asked if people who live there should have more privileges when it comes to parking?
- A Resident Owner stated that we are all owners and have the privilege of a minimum of 1 parking stall underground.
  - Board President – Stated that all owners pay the same amount of fees and should have the same amount of privilege – the above ground parking is first come first serve. STRs actually do not have the privilege to use their underground parking stall for storage of boats, recreation vehicles or anything

else as other owners do, which results in those owners using underground for storage having to use above ground parking. The president noted that he was visiting in the low season of last week of September first week of October and every evening/morning there were approximately 25 vehicles parked above ground which would indicate that a majority of permanent residents/Long term renters have more than one vehicle. Also STR are required to provide their stall to their guests but it is not mandatory that the renters use and do not park above ground as they may not be comfortable parking underground or have a vehicle that does not fit underground, they can park above ground.

- Also all owners should share with a few other friends/owners if they are not going to be there, sort of a buddy system, so they can use their underground parking when it is available.
- A STR Owner stated STR owners do not make money but rather rent it to help defer some of the costs so they can use it as a vacation property for themselves. He feels that most STR owners care about how their guests treat their units and the common property and that the Board and Village are quite strict. STR owners have a higher responsibility and more rules to follow than other owners. STR owners have to have their underground parking spot open for guests to use therefore the impact on the above ground parking is likely minimal. STRs have to have a local contact that can be there in less than 30 minutes. Other owners do not require this. STR guests have to be verified and have to provide a copy of their drivers license and credit card. Other owner's friends and family staying at their place do not. STR owners do not want problems or problematic people. He stated that he posts online and emails prior to their stay all of the rules/bylaws to his guests and has a copy of them posted in his unit.
- An Owner asked about insurance and how the different types of ownership impacts the strata fees.
  - Board president – we have contacted the insurance company and are still waiting to hear back for the breakdown. The Board will share the information once available.
  - Board member Sean Harris stated the cost for utilities and the pool are high. Insurance for the pool and several other factors are a significant part of our insurance.
  - Board President stated the Peaks has always been a mix of STR/LTR/RES and VAC Owners and absent owners likely do affect our insurance but it has always been this way.
- A STR owner asked why it was so strictly upheld that STR owners have the basic insurance as well as the extra cost for STR insurance and there are still 35 other owners that don't have any insurance at all and have been asked for it several times since the month of May 2023.
- An owner commented that there are lots of owners who are absent from their property besides STR owners such as Vacation Property Owners and Owners that do not rent but are away for extended periods.
- A LTR Owner asked if all owners are compliant with the insurance requirements?

- Board president – No, still 35 outstanding and some of the policies that were submitted appeared to be new rather than renewals. This is a big concern for the ownership as that if one of these owners is liable for any damage to property, the Board will have to file a lawsuit against that owner and those legal expenses could be exuberant and would fall directly to the ownership to pay.
- A Resident Owner thanked Darwin and the Board for all the hard work they have put in regarding STRs compliance and asked are STRs really an issue? She also asked how do we know that they are an issue if no proven facts have been brought forward? She asked if it is possible that some owners are renting without a license, and if so, how would we prove that? At least the ones that do have the license are on the up and up and doing everything they can to follow the rules. Stated we are one community made up of 4 major types of ownership and we have to work together to find solutions and not take the easy option of targeting one type of ownership for every violation that occurs if you don't know who the violator was.
- An Original Birch Owner pointed out he uses his place 5-6 weeks per year. Thanked the Board for all that they do. Asked if September, our cleaner, is consulted about the wear and tear and marks on the walls?
  - Board President response: Yes she is but unfortunately she is not witnessing who causes the damage so there is no way the board can prove who the violator is and fine them. When the board has enough evidence to fine someone, they will.
  - Darwin also noted the Board is responsible for choosing a poor color and quality of carpet and installers and we will make sure going forward we do take this as an important lesson to improve going forward.
- An owner had a circumstance where someone was running on the floor above her at 11:30, 1:40 and 2:15 am over a couple nights. She asked who she should call as she didn't feel comfortable confronting the owners herself and didn't feel it enough to call the RCMP.
  - Board President: You can call the emergency # and/or Darwin at 306-222-1772 and we will follow up with the owner. Also, if you like, the board can arrange a meeting between you and the owner to discuss your concern in a safe space with a board mediator.
- An Owner has spoken to other friends who live in condos in Radium and Invermere and it appears owners at the Peaks condo fees are higher than comparable Strata's.
  - Board Member Sean – suggested that all owners can review the financial statements from past AGMs. The Board is doing their best to keep expenses down where they can but most expenses are out of their control.
- A Past President and Resident Owner stated that when she was on the Board 4 years ago, they looked back at 4 years of other fees charged by other comparable stratas and found the Peaks fees were still lower. She pointed out that each Strata is unique in regards to utilities covered, amenities available, how well they are managing their contingency fund and so on.

### **7.3 Develop new and modify existing policies based on these expectations.**

- Peter commented again wondering if STRs continue to increase, and that they have rapid turnover, can the Peaks handle it?
- A Vacation Owner commented that the high turnover will not make any difference. as people will be coming and going from all 144 units regardless of the type of ownership.
  - Board President: this is why the Strata has specific bylaws aligned with the Village to ensure we are following the guidelines
  - We are not responsible to manage who an owner can sell to and what their intent will be as future owners. It could be noted that our biggest concern might actually be that we end up with 25 more Resident Owners as we are not prepared for that and parking and utilities fees would become a daily challenge not just a summer challenge.
- An Owner appreciates all that the Board does and is doing. In respect of STRs, she is quite upset about the hard feelings that have resulted from the constant attacks on STR owners and the divide that some of the Permanent Residents are causing in the Peaks community and the fact that STR owners have become the easy blame for all the problems without any real validity other than just speculation.
- A Resident Owner is frustrated on why these meetings and discussions about STRs keep coming up when there were only 2 proven issues over the entire year caused by STR renters.
- One Owner supported creating a committee made up of all types of ownership that could put together a visitors guide for ALL owners to provide to guests when they are not present. Furthermore, this committee could share best practices and ideas that could be shared with everyone to use. Example: Everyone who is absent from their unit for any period of time of 2 or more days could install a wifi thermostat that can not only be controlled from their phone, but it would be a warning that their heater has stopped working. This could help reduce the heating and A/C expenses as you can turn it way down when absent.
- An Owner said she used her unit as a vacation property but is considering doing both STR/Vacation. She is wondering what happens now. Is she still able to use her unit as she likes based on the current bylaws.
  - Board President: answer Yes.
- A Resident Owner asked that we stop discussing something that is not an actual problem and move on to discussing the Indoor Hot Tub

Board President asked if anyone had anything further to add to the STR discussion, no one spoke up and we moved on.



## 8. Discuss what to do regarding the indoor hot tub

- Question was asked as to how many quotes to fix it have been sought out.
  - Board President and a Member of the Maintenance Committee confirmed that there has been several quotes requested.
- Resident Owner stated that she is a frequent user of the hot tub and has owned since 2019 and had never seen anyone using the indoor hot tub except for kids going back and forth from the pool. She does not feel the ownership needs the extra expenses, especially when we just spent the last hour talking about the expense of insurance and other strata fees. Why would we want to add another expense for something rarely used.
- Another Resident Owner who is also is a long-time owner agreed she has rarely seen the indoor hot tub used.
- Another Resident and Original Owner since Willow was built, felt he needed to know the costs of the different options in order to vote and he will trust the Board's decision.
  - Member of the Maintenance Committee (12 years) and owner since 2006, stated a lot of work and costs have gone into trying to figure out what the problem with the indoor hot tub is and getting quotes. He feels we should get rid of it and re-purpose the room.
  - Board President – will send out a survey regarding the indoor hot tub and have that ready for the final vote at the AGM in March. In the meantime, the Board will ask to get the space covered over better so it is less of an eyesore.
- Another Resident Owner would like to see the room repurposed.
  - Board President asked if there was anymore input at this time and we would work on an informed proposal for the next AGM in 2024
- **Board President Closing statement:** was to remind us that we are all in this together and we all have equal rights and responsibilities to follow all the rules and bylaws. We appreciate this opportunity to discuss your concerns and please note the Board is open to answering your questions anytime, a petition and Special AGM is not required. It was nice to hear from everyone and I am glad we all seem to understand that we are one community and that we need to show respect to each other without bias.
- **Adjournment Motion \*some owners had left the meeting already**

Motion Darwin Baker

Second Sean Harris

For: 43

Against: 0

Abstain: 0

Motion Carried

- **Meeting adjourned at 8:35 pm**