

**FAIRCHILD COURT – STRATA PLAN LMS 1751**

**TIME & LOCATION:**

7:00 p.m. in the Social Room  
at 688 Fairchild Road

**STRATA COUNCIL 2008**

**PRESIDENT &  
LANDSCAPING LIAISON**

Lena Boykiw – A401

**VICE PRESIDENT, LEGAL**

Fred Warriner – A112

**GENERAL MANAGER  
& PUBLIC RELATIONS**

Benny Wong – B105

**TREASURER & LEGAL  
LIAISON**

Lawrence Chan – 637

**ENGINEERING & MECHANICAL  
REPAIRS LIAISON**

Clive Yeung – B210

**ENGINEERING & MECHANICAL  
REPAIRS LIAISON**

Saeed Jhatam – A309

**AT LARGE**

Judy Laban – A103

**STRATA MANAGER**

Carmena Pietroianu

**BAYWEST MANAGEMENT  
300-1770 BURRARD ST.  
VANCOUVER, BC V6J 3G7**

Email: cpietroianu@baywest.ca  
Direct Phone Line: 604-714-1524  
Fax: 604-592-3676

**ON-SITE OFFICE: 604-267-1112  
EVENING ON SITE OFFICERS:  
778-868-8028**

**PRESENT**

Lena Boykiw  
Fred Warriner  
Judy Laban  
Benny Wong  
Clive Yeung  
Saeed Jhatam  
Lawrence Chan

**REGRETS**

Carmena Pietroianu – Baywest Management Corporation  
Richard Tam- Strata Corporation Legal Liaison

**(1) CALL TO ORDER**

The meeting was called to order at 7:04 p.m. A quorum was established.

**(2) ADOPTION OF PREVIOUS MINUTES**

It was **moved** and **seconded** to adopt the minutes of April 14, 2008 as circulated.

**CARRIED**

**(3) ON-SITE OFFICER'S REPORT**

It was **moved** and **seconded** to adopt the On-Site Officer's report for the month of April 2008.

**CARRIED**

**(4) BUSINESS ARISING FROM PREVIOUS MEETING**

**4.1 LAWSUIT**

On going.

**4.2 ENGINEERING**

Morrison Hershfield has not yet provided the Council the final 100% tender documentations for Council approval. Saeed Jhatam will contact Morrison Hershfield to expedite their delivery of the documents.

The Strata Council directed the Strata Manager to send a letter to Morrison Hershfield advising them that the contact persons for the project are both Saeed Jhatam and Clive Yeung, and that any correspondence is to be forwarded to both liaisons.

**(5) FINANCIAL BUSINESS**

**5.1 ADOPTION OF FINANCIAL STATEMENTS**

It was **moved** and **seconded** to adopt the financial statements for the period ending March 31 and April 30, 2008 as presented to the Council.

# 風采閣委員會會議記錄

二零零八年五月十四日

出席者：

Lena Boykiw  
Fred Warriner  
Judy Laban  
Benny Wong  
Clive Yeung  
Saeed Jhatam  
Lawrence Chan

缺席者：

Carmena Pietroianu- Baywest 物業管理公司

Richard Tam- 立案法團法律事務聯絡人

(1) 因法定人數成立，會議於晚上 7 時 04 分宣佈開始。

(2) 接納會議記錄

經提議及和議接納 2008 年 4 月 14 日的委員會會議記錄。

(3) 大廈經理報告

經提議及和議接納 2008 年 4 月份的大廈經理報告。

(4) 上次會議後發生的事項

4.1 法律訴訟

法律訴訟繼續進行。

4.2 工程諮詢服務

Morrison Hershfield 工程顧問公司尚未向委員會提交最後的 100%的投標文件，Saeed

Jhatam 將聯絡 Morrison Hershfield 促請加速遞交有關文件。

委員會指示物業經理致函 Morrison Hershfield 工程顧問公司，通知他們委員會指派的工程諮詢聯絡人是 Saeed Jhatam 和 Clive Yeung 兩位。任何通信要同時送達兩位聯絡人。

(5) 財務事項

5.1 接納財務報告

經提議及和議接納 2008 年 3 月 31 日和 4 月 30 日提交委員會的財務報告。

5.2 待收款項

直至 2008 年 5 月 14 日，待收款項尚欠\$7,541.26 元，提示通知書已寄給遲交管理費的業主。警告信已送達三位遲付業主。如果未能按要求繳清管理費，個別物業的留置權將送

## 5.2 ACCOUNTS RECEIVABLE

The accounts receivable balance as of May 14, 2008 was \$7,541.26. Reminders notices have been sent to owners in arrears. Lien warning letters were sent to three strata lots. Should payment be not received as requested, liens will be placed for the specific strata lots.

## 5.3 INVOICES

Two invoices from Morisson Hershfield for completion of 100% of the design services for the building envelope rehabilitation were presented to Council for approval of payment. Council postponed approval of payment of the invoices until the report is provided as requested by Council.

## (6) CORRESPONDENCE

Correspondence was received from a strata lot owner informing Strata Council on in suite damages. Council inspected the unit and informed the owner that the damages are related to the building envelope and cannot be addressed at this time.

Correspondence was received from an owner requesting Strata Council's approval to install hardwood flooring. Council reviewed the request and directed Strata Manager to send the letter of approval and the alteration agreement. A letter will follow.

## (7) NEW BUSINESS

### 7.1 ANNUAL FIRE INSPECTION

Second fire inspection for the units not being accessed at the first inspection was held on May 7, 2008. At the time, a number of deficiencies were addressed. It was found out that a number of items were still outstanding and the repairs need to be scheduled. A report is expected from Fire Pro Fire Prevention.

### 7.2 BUILDING REHABILITATION SPECIAL LEVY

As already circulated by Council for information only, the Court approved the special levy of \$8.8 million to be assess to the strata lots in accordance with the unit entitlement. An official notice will be mailed to all owners of LMS1751. Failure to pay on time will result in penalties and/or further legal action. Fines of \$200/month will be applied to all accounts in arrears of the special levy installments, and further legal action will be taken if necessary to collect payment, including liens and/or foreclosure proceedings, with all legal and other costs to be borne by the defaulting Owner(s). For owners interested in applying for HPO help, the applications can be obtained from the on site officers-Eric or Norman.

## (8) ADJOURNMENT & NEXT MEETING

There being no further business, the meeting was adjourned at 8:10 p.m. The next Council meeting is scheduled for Tuesday, June 17, 2008 in the social room.

Please retain these Council Meeting Minutes for your records. In the event you decide to sell your strata lot, you will need to provide them to your realtor. There will be a charge for additional copies.
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交法庭處理。

### 5.3 發票

Morrison Hershfield 工程顧問公司已全部完成大廈修復建議報告，並提交 2 張發票要求付款，委員會決定審核報告是否能達到委員會的要求後才會支付。

### (6) 通訊

一業主來函告知其單位內有損毀，委員會檢查這單位後通知該業主那些損毀是與大廈漏水有關，故此暫時不能予以處理。

一業主致函委員會申請批准其安裝木地板，委員會審核這申請後；指示物業經理發出批准通知書和物業改造協議書。

### (7) 新事項

#### 7.1 年度防火檢查

5 月 7 日的第二次防火設施查驗主要是針對第一次查驗未能進入的單位，和上次測驗結果有防火設施不足而需要更換個別設施的單位。第二次查驗結果發現有數項防火設施不足的問題仍未維修而須要再作安排，現正等待 Fire Pro 防火有限公司的具體報告。

#### 7.2 大廈修復徵集特別資金

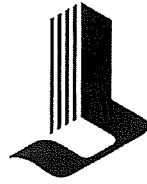
由於大廈委員會已經獲悉卑斯高等法院批准可以徵集八百八十萬元特別資金進行大廈漏水維修；按單位面積評估徵收資金。正式通知將派發或郵寄給全體業主。

不按期付款的業主將被罰款和/或面對進一步法律行動。按程序表依期付款，遲付者每月罰款\$200 元，如有必要，並採取進一步法律行動；保留對該物業的留置權和/或抵押權，相應法律和其他費用將由債務遲付的業主支付。徵收特別資金包括有關大廈牆漏水維修評估的所有費用和 Baywest 物業管理公司所提供的額外服務。如果有業主需要申請業主保護委員會(HPO)的免息貸款，請到大廈管理處向管理員 Eric 或 Norman 索取申請表格。

(8) 會議於晚上 8 時 10 分結束。下次委員會會議將於 2008 年 6 月 17 日（星期二）在會議室舉行。

業主們留意：請保存派發給你的會議記錄，因售賣房屋時須交買主審閱，額外的副本要另外付費。

（以上內容以英文版本為準）



# BAYWEST

BAYWEST MANAGEMENT CORPORATION  
300 – 1770 Burrard Street Vancouver  
British Columbia, Canada V6J 3G7  
Phone (604) 257-0325  
Fax: (604) 592-3590

May 25, 2008

## NOTICE OF BUILDING ENVELOPE REHABILITATION SPECIAL LEVY

**TO: ALL OWNERS, STRATA PLAN LMS 1751 – FAIRCHILD COURT**

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Please be advised that according to Adrienne Murray Law Corporation's correspondence dated April 11, 2008, the BC Supreme Court has ordered the Strata Corporation to proceed with building envelope repairs in the manner that the Strata Council deems appropriate having regard to the recommendations of Morrison Hershfield. The Court has made an order that the Strata Corporation is authorized to assess a special levy to The Owners based upon unit entitlement in an amount not to exceed \$8,800,000 in aggregate (see Adrienne Murray Law Corporation correspondence attached).

A schedule of the special levy according to strata lot and unit entitlement is attached for your reference. Owners will need to make four installment payments on September 1, 2008, December 1, 2008, March 1, 2009 and June 1, 2009. Failure to pay on time will result in penalties and/or further legal action. Fines of \$200/month will be applied to all accounts in arrears of the special levy installments, and further legal action will be taken if necessary to collect payment, including liens and/or foreclosure proceedings, with all legal and other costs to be borne by the defaulting Owner(s). The special levy includes all estimated expenses related to the building envelope rehabilitation project, including additional services to be provided by Baywest Management.

*Additional Services*

Owners are kindly advised to contact the Homeowner Protection Office (HPO) to find out if they will qualify for an interest free loan to assist with the special levy. HPO information packages can be obtained from the on-site officers at Fairchild Court.

Yours truly,

On behalf of The Owners, Strata Plan LMS 1751

  
Carmena Pietroianu

Strata Manager

Phone: (604) 714-1524

Fax: (604) 592-3676

E-mail: [cpietroianu@baywest.ca](mailto:cpietroianu@baywest.ca)

Encl: Adrienne Murray Law Corporation letter dated April 11, 2008  
Schedule of Special Levy

2008 年 5 月 25 日

## 致風采閣立案法團 LMS1751 全體業主

### 大廈漏水維修徵集特別資金通知

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根據 Adrienne Murray 律師事務所 2008 年 4 月 11 日來函，卑斯高等法院已批准風采閣立案法團進行大廈漏水維修；並且在維修過程內應遵照 Morrison Hershfield 工程諮詢顧問公司所提出的建議。而法院亦授權風采閣立案法團委員會以不超過八百八十萬元為限和根據單位面積徵集特別資金進行大廈漏水維修（詳見附件 Adrienne Murray 律師事務所信函）。

基於業主所持物業及單位面積計算徵收資金數額和繳費日期已附於通知書內。業主們將要分四次付款，繳費日期是：2008 年 9 月 1 日、2008 年 12 月 1 日、2009 年 3 月 1 日和 2009 年 6 月 1 日。不按期付款的業主將被罰款和/或面對進一步法律行動。若遲付在規定的日期內，每月罰款\$200 元；如有必要，並採取進一步法律行動；包括保留對該物業的留置或抵押權，相應法律和其他費用將由債務遲付的業主支付。特別徵收資金包括有關大廈漏水維修評估的所有費用和 Baywest 物業管理公司所提供的額外服務。

業主們可自動聯絡業主保護辦公室(HPO)查詢是否合乎資格申請無息貸款以幫助支付特別徵集資金。業主保護辦公室（HPO）的有關資料，請到風采閣大廈管理員處索取。

僅代表風采閣立案法團（LMS1751）全體業主

物業經理：Carmena Pietroianu

電話：（604）714-1524

傳真：（604）592-3676

電郵：[cpietroianu@baywest.ca](mailto:cpietroianu@baywest.ca)

隨信附件：Adrienne Murray 律師事務所 2008 年 4 月 11 日信函  
特別徵收資金付費程序表

（以上內容以英文版本為準）

**ADRIENNE MURRAY**  
**LAW CORPORATION**

**STRATA LAW**

April 11, 2008

File 464.07

VIA FAX

Mr. Mark Ritchie  
6880 Gamba Drive  
Richmond, B.C. V7C 2G3

Dear Sirs:

**Re: Mark Thomas Ritchie et al v. The Owners, Strata Plan LMS 1751**  
**BCSC Vancouver Registry Action No. S078118**

I am writing to you to advise you of the decision rendered by Madam Justice Gerow on April 10, 2008.

As you will recall, at the end of the submissions before Madam Justice Gerow on March 28, 2008, the Judge reserved her decision, to April 10, 2008. On April 10, 2008 the Court reconvened and the Judge delivered her decision.

The Judge issued a declaration that the repairs to rehabilitate the building cladding, windows and sills were necessary. The Judge ordered that the Strata Corporation proceed with the repairs in the manner that the Strata Council may decide, but that the Strata Council should have regard to the observations and recommendations of Morrison Hershfield. The Judge also ordered that the Strata Corporation was authorized to issue a special levy to the owners based on unit entitlement in an amount not to exceed \$8,800,000.00.

With respect to the matter of costs, the Judge ordered that each side bear their own costs.

I am in the process of preparing an Order to be entered in the Court. The Order must first be approved as to form by the Counsel for the Strata Corporation and Mr. Tam. This should occur within the next week. In the meantime however, the Strata Council may proceed to advise the owners of the special levy, the amount each strata lot must pay and the due dates for payment.

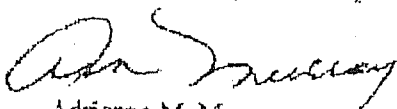
In British Columbia, a judgment takes effect from the day it is pronounced by a Judge in open court. The Order need not be drawn up or entered to be effective. Thus, the Strata Council can immediately proceed to assess the owners a special levy up to the amount of \$8,800,000.00.

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I will forward a copy of the entered Order to you once it is returned from the Court. In the meantime, if you have any questions regarding the Order rendered by Madam Justice Gerow, or any other aspects of the case, please do not hesitate to contact me.

Yours truly,

Adrienne Murray Law Corporation



Adrienne M. Murray

AMM/sk

02/24/11 LTR:hltc



FAIRCHILD COURT - LMS 1751

BUILDING ENVELOPE REPAIRS SPECIAL ASSESSMENT

DUE SEPTEMBER 1, 2008, December 1, 2008, March 1, 2009 and June 1, 2009

AMOUNT 8,800,000

STRATA LOT	SUITE	UNIT ENTITLEMENT	TOTAL SPECIAL ASSESSMENT	DUE 01-Sep-08	DUE 01-Dec-08	DUE 01-Mar-09	DUE 01-Jun-09
1	A112	1646	115,623.10	28,905.78	28,905.78	28,905.78	28,905.78
2	A111	1199	84,223.63	21,055.91	21,055.91	21,055.91	21,055.91
3	A110	976	68,559.02	17,139.76	17,139.76	17,139.76	17,139.76
4	A107	979	68,769.76	17,192.44	17,192.44	17,192.44	17,192.44
5	A106	1179	82,818.74	20,704.68	20,704.68	20,704.68	20,704.68
6	A105	1182	83,029.47	20,757.37	20,757.37	20,757.37	20,757.37
7	A104	981	68,910.25	17,227.56	17,227.56	17,227.56	17,227.56
8	A103	1270	89,211.02	22,302.76	22,302.76	22,302.76	22,302.76
9	A102	930	65,327.76	16,331.94	16,331.94	16,331.94	16,331.94
10	A108	956	67,154.12	16,788.53	16,788.53	16,788.53	16,788.53
11	A113	946	66,451.67	16,612.92	16,612.92	16,612.92	16,612.92
12	A212	1646	115,623.10	28,905.78	28,905.78	28,905.78	28,905.78
13	A211	1199	84,223.63	21,055.91	21,055.91	21,055.91	21,055.91
14	A210	987	69,331.72	17,332.93	17,332.93	17,332.93	17,332.93
15	A207	983	69,050.74	17,262.68	17,262.68	17,262.68	17,262.68
16	A206	1239	87,033.43	21,758.36	21,758.36	21,758.36	21,758.36
17	A205	1186	83,310.45	20,827.61	20,827.61	20,827.61	20,827.61
18	A204	981	68,910.25	17,227.56	17,227.56	17,227.56	17,227.56
19	A203	1270	89,211.02	22,302.76	22,302.76	22,302.76	22,302.76
20	A202	930	65,327.76	16,331.94	16,331.94	16,331.94	16,331.94
21	A201	1148	80,641.14	20,160.29	20,160.29	20,160.29	20,160.29
22	A209	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
23	A208	956	67,154.12	16,788.53	16,788.53	16,788.53	16,788.53
24	A213	938	65,889.72	16,472.43	16,472.43	16,472.43	16,472.43
25	A312	1646	115,623.10	28,905.78	28,905.78	28,905.78	28,905.78
26	A311	1199	84,223.63	21,055.91	21,055.91	21,055.91	21,055.91
27	A310	987	69,331.72	17,332.93	17,332.93	17,332.93	17,332.93
28	A307	983	69,050.74	17,262.68	17,262.68	17,262.68	17,262.68
29	A306	1235	86,752.45	21,688.11	21,688.11	21,688.11	21,688.11
30	A305	1236	86,822.70	21,705.67	21,705.67	21,705.67	21,705.67
31	A304	981	68,910.25	17,227.56	17,227.56	17,227.56	17,227.56
32	A303	1270	89,211.02	22,302.76	22,302.76	22,302.76	22,302.76
33	A302	930	65,327.76	16,331.94	16,331.94	16,331.94	16,331.94
34	A301	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
35	A309	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
36	A308	956	67,154.12	16,788.53	16,788.53	16,788.53	16,788.53
37	A313	938	65,889.72	16,472.43	16,472.43	16,472.43	16,472.43
38	A412	1646	115,623.10	28,905.78	28,905.78	28,905.78	28,905.78
39	A411	1199	84,223.63	21,055.91	21,055.91	21,055.91	21,055.91
40	A410	987	69,331.72	17,332.93	17,332.93	17,332.93	17,332.93
41	A407	983	69,050.74	17,262.68	17,262.68	17,262.68	17,262.68
42	A406	1235	86,752.45	21,688.11	21,688.11	21,688.11	21,688.11
43	A405	1236	86,822.70	21,705.67	21,705.67	21,705.67	21,705.67
44	A404	981	68,910.25	17,227.56	17,227.56	17,227.56	17,227.56
45	A403	1270	89,211.02	22,302.76	22,302.76	22,302.76	22,302.76
46	A402	930	65,327.76	16,331.94	16,331.94	16,331.94	16,331.94
47	A401	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
48	A409	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
49	A408	956	67,154.12	16,788.53	16,788.53	16,788.53	16,788.53
50	A413	938	65,889.72	16,472.43	16,472.43	16,472.43	16,472.43
51	A512	1646	115,623.10	28,905.78	28,905.78	28,905.78	28,905.78
52	A511	1199	84,223.63	21,055.91	21,055.91	21,055.91	21,055.91
53	A510	987	69,331.72	17,332.93	17,332.93	17,332.93	17,332.93
54	A507	983	69,050.74	17,262.68	17,262.68	17,262.68	17,262.68
55	A506	1235	86,752.45	21,688.11	21,688.11	21,688.11	21,688.11
56	A505	1236	86,822.70	21,705.67	21,705.67	21,705.67	21,705.67
57	A504	981	68,910.25	17,227.56	17,227.56	17,227.56	17,227.56

FAIRCHILD COURT - LMS 1751

BUILDING ENVELOPE REPAIRS SPECIAL ASSESSMENT

DUE SEPTEMBER 1, 2008, December 1, 2008, March 1, 2009 and June 1, 2009

AMOUNT 8,800,000

STRATA LOT	SUITE	UNIT ENTITLEMENT	TOTAL SPECIAL ASSESSMENT	DUE 01-Sep-08	DUE 01-Dec-08	DUE 01-Mar-09	DUE 01-Jun-09
58	A503	1270	89,211.02	22,302.76	22,302.76	22,302.76	22,302.76
59	A502	930	65,327.76	16,331.94	16,331.94	16,331.94	16,331.94
60	A501	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
61	A509	1211	85,066.57	21,266.64	21,266.64	21,266.64	21,266.64
62	A508	956	67,154.12	16,788.53	16,788.53	16,788.53	16,788.53
63	A513	938	65,889.72	16,472.43	16,472.43	16,472.43	16,472.43
64	A613	2987	209,821.51	52,455.38	52,455.38	52,455.38	52,455.38
65	A608	2903	203,920.94	50,980.24	50,980.24	50,980.24	50,980.24
66	A601	2890	203,007.76	50,751.94	50,751.94	50,751.94	50,751.94
67	B107	685	48,117.76	12,029.44	12,029.44	12,029.44	12,029.44
68	B108	950	66,732.65	16,683.16	16,683.16	16,683.16	16,683.16
69	B109	952	66,873.14	16,718.29	16,718.29	16,718.29	16,718.29
70	B110	952	66,873.14	16,718.29	16,718.29	16,718.29	16,718.29
71	B101	972	68,278.04	17,069.51	17,069.51	17,069.51	17,069.51
72	B102	678	47,626.04	11,906.51	11,906.51	11,906.51	11,906.51
73	B103	961	67,505.35	16,876.34	16,876.34	16,876.34	16,876.34
74	B104	955	67,083.88	16,770.97	16,770.97	16,770.97	16,770.97
75	B105	701	49,241.67	12,310.42	12,310.42	12,310.42	12,310.42
76	B106	679	47,696.29	11,924.07	11,924.07	11,924.07	11,924.07
77	B207	685	48,117.76	12,029.44	12,029.44	12,029.44	12,029.44
78	B208	950	66,732.65	16,683.16	16,683.16	16,683.16	16,683.16
79	B209	952	66,873.14	16,718.29	16,718.29	16,718.29	16,718.29
80	B210	958	67,294.61	16,823.65	16,823.65	16,823.65	16,823.65
81	B201	972	68,278.04	17,069.51	17,069.51	17,069.51	17,069.51
82	B202	678	47,626.04	11,906.51	11,906.51	11,906.51	11,906.51
83	B203	961	67,505.35	16,876.34	16,876.34	16,876.34	16,876.34
84	B204	955	67,083.88	16,770.97	16,770.97	16,770.97	16,770.97
85	B205	701	49,241.67	12,310.42	12,310.42	12,310.42	12,310.42
86	B206	679	47,696.29	11,924.07	11,924.07	11,924.07	11,924.07
87	B307	685	48,117.76	12,029.44	12,029.44	12,029.44	12,029.44
88	B308	950	66,732.65	16,683.16	16,683.16	16,683.16	16,683.16
89	B309	952	66,873.14	16,718.29	16,718.29	16,718.29	16,718.29
90	B310	959	67,364.86	16,841.21	16,841.21	16,841.21	16,841.21
91	B311	880	61,815.51	15,453.88	15,453.88	15,453.88	15,453.88
92	B301	969	68,067.31	17,016.83	17,016.83	17,016.83	17,016.83
93	B302	678	47,626.04	11,906.51	11,906.51	11,906.51	11,906.51
94	B303	961	67,505.35	16,876.34	16,876.34	16,876.34	16,876.34
95	B304	955	67,083.88	16,770.97	16,770.97	16,770.97	16,770.97
96	B305	701	49,241.67	12,310.42	12,310.42	12,310.42	12,310.42
97	B306	679	47,696.29	11,924.07	11,924.07	11,924.07	11,924.07
98	B407	685	48,117.76	12,029.44	12,029.44	12,029.44	12,029.44
99	B408	950	66,732.65	16,683.16	16,683.16	16,683.16	16,683.16
100	B409	952	66,873.14	16,718.29	16,718.29	16,718.29	16,718.29
101	B410	959	67,364.86	16,841.21	16,841.21	16,841.21	16,841.21
102	B411	880	61,815.51	15,453.88	15,453.88	15,453.88	15,453.88
103	B401	969	68,067.31	17,016.83	17,016.83	17,016.83	17,016.83
104	B402	678	47,626.04	11,906.51	11,906.51	11,906.51	11,906.51
105	B403	961	67,505.35	16,876.34	16,876.34	16,876.34	16,876.34
106	B404	955	67,083.88	16,770.97	16,770.97	16,770.97	16,770.97
107	B405	701	49,241.67	12,310.42	12,310.42	12,310.42	12,310.42
108	B406	679	47,696.29	11,924.07	11,924.07	11,924.07	11,924.07
109	655	2038	143,159.10	35,789.78	35,789.78	35,789.78	35,789.78
110	657	2305	161,914.49	40,478.62	40,478.62	40,478.62	40,478.62
111	659	2032	142,737.64	35,684.41	35,684.41	35,684.41	35,684.41
112	637	1567	110,073.76	27,518.44	27,518.44	27,518.44	27,518.44
113	635	1573	110,495.23	27,623.81	27,623.81	27,623.81	27,623.81
	AGGREGATE	125276	8,800,000.00	2,200,000.00	2,200,000.00	2,200,000.00	2,200,000.00

**FAIRCHILD COURT – STRATA PLAN LMS 1751****TIME & LOCATION:**

7:00 p.m. in the Social Room  
at 688 Fairchild Road

**STRATA COUNCIL 2008****PRESIDENT &  
LANDSCAPING LIAISON**

Lena Boykiw – A401

**VICE PRESIDENT, LEGAL**

Fred Warriner – A112

**GENERAL MANAGER  
& PUBLIC RELATIONS**

Benny Wong – B105

**TREASURER & LEGAL  
LIAISON**

Lawrence Chan – 637

**ENGINEERING &  
MECHANICAL REPAIRS  
LIAISON**

Clive Yeung – B210

**ENGINEERING &  
MECHANICAL REPAIRS  
LIAISON**

Saeed Jhatam – A309

**AT LARGE**

Judy Laban – A103

**STRATA MANAGER**  
Carmena Pietroianu  
**BAYWEST MANAGEMENT**  
300-1770 BURRARD ST.  
VANCOUVER, BC V6J 3G7

Email: cpietroianu@baywest.ca  
Direct Phone Line: 604-714-1524  
Fax: 604-592-3676

**ON-SITE OFFICE: 604-267-1112**  
**EVENING ON SITE OFFICERS:**  
**778-868-8028**

**PRESENT**

Lena Boykiw  
Judy Laban  
Benny Wong  
Clive Yeung  
Saeed Jhatam  
Lawrence Chan

**REGRETS**

Fred Warriner

Carmena Pietroianu – Baywest Management Corporation

**(1) CALL TO ORDER**

The meeting was called to order at 7:04 p.m. A quorum was established.

**(2) ADOPTION OF PREVIOUS MINUTES**

It was **moved** and **seconded** to adopt the minutes of March 10, 2008 as circulated. A motion was made to amend the minute's section 4.1 to read: "On going. A likely mediation is to be held in the fall for preparation for trial in 2009 if necessary". It was **moved** and **seconded** to adopt the minutes of March 10, 2008 as amended.

**CARRIED**

**(3) ON-SITE OFFICER'S REPORT**

It was **moved** and **seconded** to adopt the On-Site Officer's report for the month of March 2008.

**CARRIED**

**(4) BUSINESS ARISING FROM PREVIOUS MEETING****4.1 LAWSUIT**

The Strata Council has been informed by McLarty Wolf that defense counsel would like to retain Halsall Associates Limited, at their own cost, to provide a further evaluation of the building envelope problems. Defense counsel had previously hired Tom Morstead to do a building envelope evaluation; however, Mr. Morstead has recently passed away due to illness. The Strata Council has agreed to let Halsall do further investigation which will include looking at some suite interiors with leak problems. Individual suite owners will be contacted and all test holes will be properly repaired. The Strata Council and/or owners will have a chance to review the Halsall findings and recommendations once the evaluation has been completed. Our consulting engineers, Morrison Hershfield, will accompany Halsall to ensure the investigation and repair work is completed properly.

A notice will be sent out shortly to all owners at Fairchild Court

# 風采閣委員會會議記錄

二零零八年四月十四日

出席者：

Lena Boykiw  
Judy Laban  
Benny Wong  
Clive Yeung  
Saeed Jhatam  
Lawrence Chan

缺席者：

Fred Warriner

Carmena Pietroianu- Baywest 物業管理公司

(1) 因法定人數成立，會議於晚上 7 時 04 分宣佈開始。

## (2) 接納會議記錄

經提議及和議接納 2008 年 3 月 10 日的委員會會議記錄。有動議修改會議記錄 4.1 款為“法律訴訟繼續進行，調解仲裁很有可能在秋季進行，如有必要，立案法團的律師將籌備 2009 年上庭的須要”。經提議及和議接納修正的 2008 年 3 月 10 日的委員會會議記錄

## (3) 大廈經理報告

經提議及和議接納 2008 年 3 月份的大廈經理報告。

## (4) 上次會議後發生的事項

### 4.1 法律訴訟

立案法團代表律師 McLarty Wolf 已經通知委員會，被告方自費雇用 Halsall Associates Limited 公司對大廈外牆漏水問題作進一步的評估，被告方律師從前聘用 Tom Morstead 為大廈外牆漏水評估，然而，Tom Morstead 最近已因病過世。委員會同意讓 Halsall 深入調查；其中包括一些單位的內部漏水問題。個別單位業主將會被聯絡，並且所有檢測鑿洞也會適當修補。一旦評估完成，委員會和/或業主們有機會審核 Halsall 的調查結果和建議。而立案法團的工程顧問公司 Morrison Hershfield 將陪同 Halsall 以確保調查和維修正確地進行和完成。

風采閣全體業主將很快獲得通知，是關於有些業主集體向卑斯高等法院提出法律訴訟解決漏水維修問題的判決結果。依據 2008 年 4 月 10 日法院口頭判決令，大法官 Gerow 女士同意上訴業主們的意見，並命令立案法團通過立案法團委員會執行大廈漏水維修，並

regarding the results of the petition to BC Supreme Court by a group of owners seeking a court order to effect building envelope repairs. By an oral judgment delivered April 10, 2008, Madame Justice Gerow agreed with the petitioners and has ordered the Strata Corporation, through the Strata Council, to carry out building envelope repairs as it sees fit having regard to the recommendations of Morrison Hershfield. A special levy of up to \$8.8 million can now be collected from the owners to carry out the repairs.

## **4.2 ENGINEERING**

The final documents from Morrison Hershfield have been provided to Council for review. After review it was noted that a number of items are not included in report and Council agreed that a meeting will be scheduled with Morrison Hershfield's representatives to discuss the matter.

## **(5) FINANCIAL BUSINESS**

### **5.1 ADOPTION OF FINANCIAL STATEMENTS**

It was **moved** and **seconded** to adopt the February 29, 2008 financial statements as presented to the Council.

**CARRIED**

### **5.2 ACCOUNTS RECEIVABLE**

The accounts receivable balance as of April 14, 2008 was \$5,733.66. Reminders notices have been sent to owners in arrears.

### **5.3 INVOICES**

Two invoices from Morisson Hershfield for completion of 100% of the design services for the building envelope rehabilitation were presented to Council for approval of payment. Council postponed approval of payment of the invoices until the report is provided as requested by Council.

An outstanding invoice from Milani Plumbing for work provided in 2006 was presented to Council for approval. Supporting documents have been presented to Council for consideration. Council discussed the matter and agreed that payment be issued.

## **(6) CORRESPONDENCE**

None at this time.

## **(7) NEW BUSINESS**

### **7.1 ANNUAL FIRE INSPECTION**

After the annual fire inspection a report of units that have not been accessed and the deficiencies found was presented to Council for consideration. It was agreed that a second inspection be held and owners that would not provide access be fined with \$200. A second quote from Simplex Grinnell was presented to Council for deficiency repairs as reported by Fire Pro.

Council agreed to proceed with the repairs and directed Strata Manager to contact Fire Pro to schedule the date for second inspection of units not accessed during the first inspection and proceed with the repairs as per deficiency report.

A number of units have not provided access at the first annual fire inspection and notices will be sent out to the non accessed units and those that need to have the deficiencies addressed. The inspection is imperative.

根據 Morrison Hershfield 的維修建議作出適合的維修方案，同時亦可向業主們籌集不超過八百八十萬元（\$8.8 million）的特別維修費。

#### 4.2 工程諮詢服務

Morrison Hershfield 工程顧問公司已向委員會提交最後的諮詢報告，經審核後發覺還有許多事項沒有納入報告內。委員會同意將與 Morrison Hershfield 代表們開會討論此事項。

#### (5) 財務事項

##### 5.1 接納財務報告

經提議及和議接納 2008 年 2 月 29 提交委員會的財務報告。

##### 5.2 待收款項

直至 2008 年 4 月 14 日，待收款項尚欠\$5,733.66 元，提示通知書已寄給遲交管理費的業主。

##### 5.3 發票

Morrison Hershfield 工程顧問公司已全部完成大廈外牆修復建議報告，而提交 2 張發票，委員會決定審核報告是否能達到委員會的要求後才會支付。

#### (6) 通訊

今次會議未收到業主來函。

#### (7) 新事項

##### 7.1 年度防火檢查

年度防火檢查之後，委員會收到檢查結果報告；有些單位未能進入及一些單位防火設施不足。委員會同意進行第二次防火檢查，如有業主仍未能讓檢查人員進入其單位測試將會被罰款\$200.00 元。另一份報價是由 Simplex Grinnell 公司根據 Fire-Pro 設施不足的檢查報告而提出。

委員會同意對防火設施不足進行維修，並指示物業經理聯絡 Fire-Pro 提供對第一次檢查時未能進入的單位進行第二次防火檢查以及對防火設施不足的單位進行安排維修的日期。

在第一次年度防火檢查未能進入的單位及檢查後發現防火設施不足的單位將會收到通知。因為年度防火檢查是必要的。

委員會決定對 2008 年 5 月 7 日第二次檢查和維修仍未能進入的單位罰款\$200.00 元，並且相關業主要向委員會提交自費防火檢查的證明。

Council agreed that the units that have not been accessed on May 7, 2008 will be fined with \$200 and owners should provide Council with proof of inspection at their own cost.

## **7.2 WINDOW CLEANING QUOTE**

Council was provided with a quote from Sea To Sky Window Cleaning for the cleaning of the windows and balconies. Council discussed the quote and agreed that due to the building envelope rehabilitation issue, the cleaning of windows will be postponed.

## **(8) ADJOURNMENT & NEXT MEETING**

There being no further business, the meeting was adjourned at 8:20 p.m. The next Council meeting is scheduled for Monday May 12, 2008 in the social room.

Please retain these Council Meeting Minutes for your records. In the event you decide to sell your strata lot, you will need to provide them to your realtor. There will be a charge for additional copies.
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## 7.2 大廈窗戶清潔報價

委員會收到“海連天窗戶清潔公司”清潔大廈窗戶和陽臺的報價。因為大廈維修工程即將展開，清潔窗戶之事，委員會暫不予以考慮。

- (8) 會議於晚上 8 時 20 分結束。下次委員會會議將於 2008 年 5 月 12 日（星期一）在會議室舉行。

業主們留意：請保存派發給你的會議記錄，因售賣房屋時須交買主審閱，額外的副本要另外付費。

（以上內容以英文版本為準）



April 18, 2008

To: **The Owners, Strata Plan LMS 1751  
Fairchild Court**

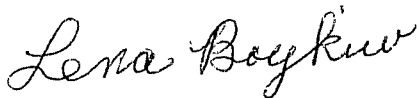
Dear Owner:

**Re: Court Order; Mark Thomas Ritchie et al v. The Owners, Strata Plan  
LMS 1751, BCSC Vancouver Registry Action No. S078118**

Please be advised that pursuant to an order by the BC Supreme Court on April 10, 2008, the Strata Corporation, through the Strata Council, is required to proceed with building envelope repairs at Fairchild Court. A summary of the Court's decision is provided in the attached reporting letter from Adrienne Murray Law Corporation to Mr. Mark Ritchie and other petitioners.

The Strata Corporation is now authorized by the Court to assess a special levy of up to \$8.8 million to the owners of Fairchild Court to pay for building envelope repairs. The specific amount(s) and timing of payments will be determined shortly, and the owners will be notified, once the Strata Council has consulted further with Morrison Hershfield regarding the repair budget, tendering process and repair schedule.

Yours truly,



Lena Boykiw  
Strata Council President  
Fairchild Court

Encl.

2008 年 4 月 18 日

致風采閣立案法團全體業主

尊敬的業主們：

關於：法院判決令；Mark Thomas Ritchie 風采閣立案法團眾業主，卑斯高等法院（BCSC）溫哥華登記處 訴訟宗號：S078118

依據 2008 年 4 月 10 日卑斯省高等法院判決令，風采閣立案法團被要求經由立案法團委員會執行；進行大廈漏水維修。卑斯高等法院判決的概要將附於 Adrienne Murray 律師事務所致函 Mark Rietchie 及其他訴訟業主的報告內。

法院現授權風采閣立案法團向風采閣業主籌集特別資金以不超過八百八十萬元（8.8million）支付大廈漏水維修。一旦立案法團與 Morrison Hershfield 顧問公司商定維修預算、招標進程和維修計劃，特別維修費數額和繳付時間將會很快決定並通知全體業主。

風采閣立案法團委員會主席

Lena Boykiw

（以上內容以英文版本為準）

**ADRIENNE MURRAY****LAW CORPORATION****STRATA LAW**

April 11, 2008

File 464.07

**VIA FAX**

Mr. Mark Ritchie  
6880 Gamba Drive  
Richmond, B.C. V7C 2G5

Dear Sirs:

**Re: Mark Thomas Ritchie et al v. The Owners, Strata Plan LMS 1751  
BCSC Vancouver Registry Action No. S078118**

I am writing to you to advise you of the decision rendered by Madam Justice Gerow on April 10, 2008.

As you will recall, at the end of the submissions before Madam Justice Gerow on March 28, 2008, the Judge reserved her decision, to April 10, 2008. On April 10, 2008 the Court reconvened and the Judge delivered her decision.

The Judge issued a declaration that the repairs to rehabilitate the building cladding, windows and sills were necessary. The Judge ordered that the Strata Corporation proceed with the repairs in the manner that the Strata Council may decide, but that the Strata Council should have regard to the observations and recommendations of Morrison Hershfield. The Judge also ordered that the Strata Corporation was authorized to issue a special levy to the owners based on unit entitlement in an amount not to exceed \$8,800,000.00.

With respect to the matter of costs, the Judge ordered that each side bear their own costs.

I am in the process of preparing an Order to be entered in the Court. The Order must first be approved as to form by the Counsel for the Strata Corporation and Mr. Tam. This should occur within the next week. In the meantime however, the Strata Council may proceed to advise the owners of the special levy, the amount each strata lot must pay and the due dates for payment.

In British Columbia, a judgment takes effect from the day it is pronounced by a Judge in open court. The Order need not be drawn up or entered to be effective. Thus, the Strata Council can immediately proceed to assess the owners a special levy up to the amount of \$8,800,000.00.

I will forward a copy of the entered Order to you once it is returned from the Court. In the meantime, if you have any questions regarding the Order rendered by Madam Justice Gerow, or any other aspects of the case, please do not hesitate to contact me.

Yours truly,

Adrienne Murray Law Corporation



Adrienne M. Murray

AMM/sk

**FAIRCHILD COURT – STRATA PLAN LMS 1751**

**TIME & LOCATION:**

7:00 p.m. in the Social Room  
at 688 Fairchild Road

**STRATA COUNCIL 2008**

**PRESIDENT &  
LANDSCAPING LIAISON**

Lena Boykiw – A401

**VICE PRESIDENT, LEGAL**

Fred Warriner – A112

**GENERAL MANAGER  
& PUBLIC RELATIONS**

Benny Wong – B105

**TREASURER & LEGAL  
LIAISON**

Lawrence Chan – 637

**ENGINEERING & MECHANICAL  
REPAIRS LIAISON**

Clive Yeung – B210

**ENGINEERING & MECHANICAL  
REPAIRS LIAISON**

Saeed Jhatam – A309

**AT LARGE**

Judy Laban – A103

**STRATA MANAGER**

Carmena Pietroianu

**BAYWEST MANAGEMENT**  
300-1770 BURRARD ST.  
VANCOUVER, BC V6J 3G7

Email: cpietroianu@baywest.ca  
Direct Phone Line: 604-714-1524  
Fax: 604-592-3676

**ON-SITE OFFICE: 604-267-1112**

**EVENING ON SITE OFFICERS:**  
778-868-8028

**PRESENT**

Lena Boykiw  
Benny Wong  
Clive Yeung  
Fred Warriner  
Saeed Jhatam  
Lawrence Chan  
Carmena Pietroianu – Baywest Management Corporation

**REGRETS**

Judy Laban

**(1) CALL TO ORDER**

The meeting was called to order at 7:04 p.m. A quorum was established.

**(2) ADOPTION OF PREVIOUS MINUTES**

It was **moved** and **seconded** to adopt the minutes of December 20, 2007 as circulated.

**CARRIED**

**(3) ON-SITE OFFICER'S REPORT**

It was **moved** and **seconded** to adopt the On-Site Officer's report for the month of December 2007, January and February 2008.

**CARRIED**

**(4) BUSINESS ARISING FROM PREVIOUS MEETING**

**4.1 LAWSUIT**

On going. A likely mediation is to be held next year and preparation for trial in 2009 if necessary.

**4.2 ENGINEERING**

On going. Awaiting final documents from Morrison Hershfield.

**(5) FINANCIAL BUSINESS**

**5.1 ADOPTION OF FINANCIAL STATEMENTS**

It was **moved** and **seconded** to adopt the December 31, 2007 and January 31, 2008 financial statements as presented to the Council.

**CARRIED**

**5.2 ACCOUNTS RECEIVABLE**

The accounts receivable balance as of March 10, 2008 was \$4,337.55. Reminders notices have been sent to owners in

# 風采閣委員會會議記錄

二零零八年三月十日

出席者：

Lena Boykiw  
Benny Wong  
Clive Yeung  
Fred Warriner  
Saeed Jhatam  
Lawrence Chan

缺席者：

Judy Laban

Carmena Pietroianu- Baywest 物業管理公司

(1) 因法定人數成立，會議於晚上 7 時 04 分宣佈開始。

## (2) 接納會議記錄

經提議及和議接納 2007 年 12 月 20 日的委員會會議記錄。

## (3) 大廈經理報告

經提議及和議接納 2007 年 12 月份,2008 年 1 月份和 2 月份的大廈經理報告。

## (4) 上次會議後發生的事項

### 4.1 法律訴訟

法律訴訟繼續進行，調解仲裁很有可能在明年進行，如有必要，立案法團的律師將籌備 2009 年上庭的須要。

### 4.2 工程諮詢服務

工程諮詢繼續進行，委員會等待 Morrison Hershfield 諮詢公司的最終報告。

## (5) 財務事項

### 5.1 接納財務報告

經提議及和議接納 2007 年 12 月 31 日及 2008 年 1 月 31 日提交委員會的財務報告。

### 5.2 待收款項

直至 2008 年 3 月 10 日，待收款項尚欠\$4,337.55 元，提示通知書已寄給遲交管理費的業主。

## (6) 通訊

委員會收到 Cooperate 保險公司對保費的調整通知書。由 2008 年 2 月 1 日起大廈最新的估價為\$44,850,000 元。委員會同意 Normac 評估公司所提交的大廈增值報告，增加保費

arrears.

**(6) CORRESPONDENCE**

Correspondence was received from Cooperators for the insurance endorsement due to the new appraisal for the building. The replacement value as of February 1, 2008 is \$44,850,000. Council agreed that the insurance be updated to cover the increase in the building value as presented by Normac Appraisals Ltd. The cost of the insurance premium will be increased with \$3,669.00, unforeseen amount due to the increase of the replacement value of the property.

**(7) NEW BUSINESS**

**7.1 ANNUAL FIRE INSPECTION**

After the annual fire inspection a report of units that have not been accessed and the deficiencies found was presented to Council for consideration. It was agreed that a second inspection be held and owners that would not provide access be fined. Council directed Strata Manager to present to Council a new quote from Simplex Grinnell. Tabled to the next meeting.

**7.2 ROOF TOP BOILER REPLACEMENT IN "B" BUILDING**

Latham's has proceeded with the replacement of the roof top boiler in building "B". An invoice has been provided to the management for payment. Council agreed that a copy of the warranty for the equipment and labour be presented prior to invoice be processed for payment.

**7.3 RENTAL UNIT**

Council was reported that a rental unit is advertised in the Chinese newspaper conducting illegal business. Council directed Strata Manager to write a letter to the owner and advise that the unit is used in violation of Bylaw 3(19e)). Should the unit resident will continue using the unit for illegal business purposes, fines will be applied to the strata lot account in accordance with the bylaws.

**7.4 USE OF GAMES ROOM**

The charges for the use of the games room have been discussed and it was agreed that if any owner/resident of Fairchild Court wishes to use the games room unlimited the following charges will apply yearly:

- \$120.00 for the use of the ping pong table only
- \$175.00 for the use of billiard table only
- \$175.00 for use of the dance floor only

The use of the amenities rooms will be first come first serve and with prior booking. Payments should be made to LMS1751 and cheques should be handed to on site officer.

**(8) ADJOURNMENT & NEXT MEETING**

There being no further business, the meeting was adjourned at 7:50 p.m. The next Council meeting is scheduled for Monday, April 14, 2008 in the social room.

Please retain these Council Meeting Minutes for your records. In the event you decide to sell your strata lot, you will need to provide them to your realtor. There will be a charge for additional copies.
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\$3,669.00 元，未預期的數目是因為大廈重置價格的提升。

## (7) 新事項

### 7.1 年度防火檢查

年度防火檢查之後，委員會收到檢查結果報告；有些單位因不能進入及一些防火設施不足。委員會同意進行第二次防火檢查，如有業主仍未能讓檢查人員進入其單位測試將會被罰款。同時委員會亦指示物業經理向 Simplex Grinnell 公司索取維修報價，這事項將納入下次會議議程內。

### 7.2 B 座樓頂鍋爐更換

Latham' s 公司已更換了 B 座大廈樓頂鍋爐，發票亦寄到物業管理公司等待支付。委員會同意在支付發票前 Latham' s 公司應先交付設備和勞務擔保書的複印本。

### 7.3 租賃單位

委員會收到報告，一出租單位租客在中文報紙上刊登非法生意廣告。委員會指示物業經理致函該單位業主通知其單位的使用是違反大廈管理條例 3(19e)條款。如這單位租客繼續使用這單位從事非法經營活動，根據大廈管理法例規定，將對該單位業主予以罰款。

### 7.4 遊戲室的使用

委員會討論了遊戲室的收費事宜，同意任何風采閣業主或居民可以繳付年費，一年之內無限量使用。收費規定如下：

- 收費\$120.00 元僅限使用乒乓球檯；
- 收費\$175.00 元僅限使用桌球檯；
- 收費\$175.00 元僅限使用木地板（跳舞、太極等）。

使用遊戲室及設施的原則是必須預約，先後有序。年費以支票方式支付並請註明 LMS 1751，支票可交予大廈管理員。

(8) 會議於晚上 7 時 50 分結束。下次委員會會議將於 2008 年 4 月 14 日（星期一）在會議室舉行。

業主們留意：請保存派發給你的會議記錄，因售賣房屋時須交買主審閱，額外的副本要另外付費。

（以上內容以英文版本為準）



**ANNUAL GENERAL MEETING MINUTES**

**TUESDAY, FEBRUARY 5, 2008**

**FAIRCHILD COURT – STRATA PLAN LMS 1751**

**TIME & LOCATION:**  
7:00 p.m. in the Social Room  
at 688 Fairchild Road

**STRATA COUNCIL 2008**

**PRESIDENT,  
LANDSCAPING LIAISON**  
Lena Boykiw – A401

**VICE PRESIDENT, LEGAL**  
Fred Warriner – A112

**GENERAL MANAGER &  
PUBLIC RELATIONS**  
Benny Wong – B105

**TREASURER & LEGAL  
LIAISON**  
Lawrance Chan - 637

**ENGINEERING &  
MECHANICAL REPAIRS  
LIAISON**  
Clive Yeung – B210

**ENGINEERING &  
MECHANICAL REPAIRS  
LIAISON**  
Saeed Jhatam – A309

**AT LARGE**  
Judy Laban –A103

**STRATA MANAGER**  
Carmena Pietroianu  
BAYWEST MANAGEMENT  
300-1770 Burrard St.  
VANCOUVER, BC V6J 3G7  
Email: [cpietroianu@baywest.ca](mailto:cpietroianu@baywest.ca)  
Direct Phone Line: 604-714-1524

**ON-SITE OFFICE: 604-267-1112**  
**EVENING ON SITE OFFICERS:**  
**778-868-8028**

**ATTENDANCE:**

74 owners represented: 22 in person and 52 by proxy  
Carmena Pietroianu- Baywest Management Corporation  
Eric Yang – On Site Officer  
Norman Yu– On Site Officer

**(1) CALL TO ORDER**

The meeting was called to order at 7:10 p.m. It was moved and seconded to elect Carmena Pietroianu as the Acting Chair of the meeting.

**CARRIED**

**(2) CALLING THE ROLL & CERTIFICATION OF PROXIES**

As there are 111 strata lots eligible to vote at Fairchild Court, and a quorum requires representation by 1/3 of all eligible strata lots, a quorum for the meeting required representation by 37 strata lots. At the time the meeting was called to order, 74 lots were represented therefore a quorum was established and the meeting was declared competent to proceed.

**(3) PROOF OF NOTICE OF MEETING**

It was moved and seconded that proper notice of the meeting had been provided in accordance with the requirements of the Strata Property Act.

**CARRIED**

**(4) ADOPTION OF AGENDA**

It was moved and seconded to adopt the Agenda as circulated.

**CARRIED**

**(5) GUEST PRESENTATION --LAWSUIT**

Mr. Murray Wolf from the law firm of McLarty Wolf & Frey was invited to discuss the current status and future direction of the litigation matter. Mr. Wolf explained that there is not much to update since the last SGM meeting in August 2007. Since that time, the owners should be aware of a Petition filed in BC Supreme Court by a group of owners seeking an order from the court to carry out building envelope repairs at Fairchild Court and to have a special levy assessed against the owners to pay for such repairs. Given that it is essentially a dispute between two groups of owners at Fairchild Court, Murray Wolf advised that the Strata Corporation should remain neutral on the issue. In respect of the Petition, McLarty Wolf & Frey, representing the Strata Corporation, has filed an Appearance and will file a Response and attend the court hearing effectively stating that the Strata Corporation is taking a neutral position on the matter. The

# 風采閣業主年度大會會議記錄

二零零八年二月五日

出席者: 74 名業主，22 位業主親自出席，52 位授權代表出席。

Carmena Pietroianu - BAYWEST 物業管理公司

Eric Yang - 大廈管理員

Norman Yu - 大廈管理員

- (1) 業主大會於 7 時 10 分開始，經提議及和議推舉 Baywest 物業管理公司物業經理 Carmena Pietroianu 為大會代理主席。

(2) 點名及驗證代表資格

風采閣現有 111 位業主在會議中有資格參與投票，法定人數要求三分之一，即 37 位業主出席。會議召開時，總代表人數為 74，由於法定人數成立，會議如期進行。

(3) 會議通知證明

經提議及和議：根據大廈管理條例，今次會議已作出適當的通知。

(4) 接納業主年會會議議程

經提議及和議，接納業主年會會議議程。

(5) 來賓報告：立案法團法律訴訟案

McLarty Wolf & Frey 律師事務所 McLarty Wolf 律師被請來向業主們報告立案法團訴訟案的現狀和發展方向。McLarty Wolf 解釋自從 2007 年 8 月業主特別大會（SGM）以來，立案法團訴訟案進展不大。原因是業主們應該知道有一些業主集體申請法院裁決徵收特別資金對風采閣大廈外牆漏水進行維修，現已在卑斯省高等法院立案。由於這是風采閣業主兩派爭議的問題，McLarty Wolf 建議立案法團本身必須對此爭議採取中立態度。為尊重上述訟案，McLarty Wolf & Frey 將申請出庭聽證，並將闡述立案法團在此訴訟案的立場。訴案聽證將於 2008 年 3 月 28 日在高等法院進行，Adrienne Murray 律師事務所的 Adrienne Murray 律師代表起訴者，同時亦可理解應訴的業主們將有他們的律師代表出席。

根據訴訟案聽證結果而定，McLarty Wolf 計劃在今年秋季與應訴方律師提出仲裁方案，並準備於 2009 年 2 月上庭。如果必要的話，將會承擔審核聆訊的進展。一業主提問：為什麼要等到這訟案聽證會後，才對立案法團訴訟案-起訴發展商、建築經理、建築師

Petition is scheduled to be heard in court on March 28, 2008. Adrienne Murray of Adrienne Murray Law Corporation is representing the petitioners and it is understood the opposing owners have or will retain separate counsel to represent them.

Depending on the outcome of the Petition hearing, McLarty Wolf plans to hold a settlement mediation with defence counsel this fall and will prepare for trial scheduled for February 2009, if necessary, including undertaking examinations for discovery. One owner asked why we should wait for the outcome of the Petition hearing before taking further steps in the main litigation matter against the developer, construction manager, architect and sub-trades. Mr. Wolf explained that the Petition hearing will determine if Fairchild Court will actually get building envelope repairs and this will affect the likelihood of success and the recovery amount against the defendants. Thus, the outcome of the Petition hearing will affect the litigation strategy going forward. As there were no further questions, Mr. Wolf excused himself from the meeting at 7:30 pm.

#### **(6) ADOPTION OF SGM MINUTES**

It was moved and seconded to adopt the minutes of the Special General Meeting of August 7, 2007, as distributed.

**CARRIED**

#### **(7) REPORT ON STRATA CORPORATION INSURANCE**

The Strata Agent provided a report on the Strata Corporation's insurance coverage, in accordance with Section 154 of the Strata Property Act. It was noted that the Strata Corporation was insured for \$39.00 million for property damage and \$10 million for liability. A copy of the insurance certificate was presented to the owners. All owners are reminded that the Strata Corporation insurance policy does not provide insurance for individual contents, betterments or improvements (i.e. clothing, furniture, decorating, upgrading or flooring, etc). Owners must carry their own insurance for this coverage and are advised to contact their personal insurer to determine if there is adequate insurance coverage for the unit.

#### **(8) CONSIDERATION OF 2008 BUDGET**

It was moved and seconded to adopt the 2008 Operating budget as proposed.

Karen Kwok, the Council's Treasurer, gave a short presentation of the proposed budget. The floor was then open for questions and discussions.

An owner asked why the litigation/legal budget was \$75,000. Richard Tam, the legal liaison for the Strata Council, explained that the budget represents an estimate of the legal fees to be incurred this year based on reduced hourly rates and a contingency fee arrangement with McLarty Wolf. Only about \$10,000 was spent in 2007 out of the \$50,000 budget as not much progress could be made on the litigation front without an owners' resolution to proceed with repairs. It is anticipated that after a court order is made pursuant to the Petition hearing, the lawyers will proceed towards mediation and may prepare for trial if necessary. The proposed legal budget is required to cover such legal work.

A question was asked regarding the item included in the budget for mechanical upgrade-Boiler in "B" building. It was explained that the item was included in the budget to be addressed in the 2008 fiscal year as Council is aware of the replacement.

An owner requested that the next AGM be scheduled towards the end of February to avoid owners being away for the Chinese New Year. The new Council will discuss the request. There being no questions, owners voted on the budget as proposed. At the time there were 73 owners represented. The result was 73 in favour.

**CARRIED UNANIMOUSLY**

及和約商採取進一步行動。McLarty Wolf 先生解釋這訴訟聽證將決定風采閣是否真正需要大廈外牆漏水維修，並且它將影響到立案法團訴訟案成功的可能性，以及被告方的賠償數額。故此，這聽證將影響立案法團訴訟案的訴訟方計。由於沒有更多提問，McLarty Wolf 律師向大會告辭，並於 7:30 分離開會場。

#### (6) 接納業主特別大會會議記錄

經提議及和議接納 2007 年 8 月 7 日業主特別大會的會議記錄。

#### (7) 立案法團保險報告

按照立案法團條例第 154 條，物業經理提供立案法團的保險報告指出：立案法團財產損毀的保險額是\$39.00(百萬元)，責任保險\$10（百萬元）。保險證書的複印件已經提供給所有業主。業主們應留意立案法團的保險不包括業主的個別保險、改善和更進（比如：衣物、家具、裝修、質量提升和水浸等）。業主必須購買自己的保險來保障這些項目。並建議業主們聯絡自己的保險商確定適合其單位的保險計劃。

#### (8) 討論 2008 年度財政預算

經提議及和議接納 2008 年度財政運營預算。

財務委員 Karen Kwok 對預算草案進行簡短報告，隨後業主們對預算進行提問和討論。

有業主提問：法律/訴訟費用為什麼是\$75,000, 委員會法律聯絡人 Rechard Tam 解釋：預算中的法律費用是根據已降低的律師時薪和律師間基金費用的安排，故此 2007 年只動用了法律預算\$50,000 元中的\$10,000 元。主要是大廈漏水提案未獲通過，所以沒有太多法律訴訟事務。預期訴訟聽證會後，律師將着手準備仲裁，如必要的話進行上庭準備。提出的法律預算是根據這些法律工作需要而制定的。

有提問關於更換 B 座樓頂火爐，委員會知悉這更換事宜，並且這費用已包括在 2008 財政年的預算中。

一業主要求下一次業主年度大會安排在二月尾舉行，不至太接近農曆新年。新一屆委會將討論這要求。因沒有更多提問，業主們投票通過預算草案。投票時，有 73 位業主代表在場，結果是 73 票贊成。

此議案獲得通過

**A COPY OF THE APPROVED BUDGET AND A NEW SCHEDULE OF STRATA FEES IS ATTACHED. THE NEW FEES ARE EFFECTIVE JANUARY 1, 2008. OWNERS WHO PAY BY AUTOMATIC WITHDRAWAL DO NOT NEED TO TAKE ANY ACTION, AS BAYWEST WILL AUTOMATICALLY ADJUST THE MONTHLY WITHDRAWAL. OWNERS WHO PAY BY CHEQUE ARE ENCOURAGED TO FORWARD A NEW SERIES OF POST-DATED CHEQUES TO BAYWEST. CHEQUES SHOULD BE MADE PAYABLE TO STRATA PLAN LMS 1751.**

**IF YOU HAVE SENT IN POST DATED CHEQUES BASED ON THE OLD 2007 FEES, PLEASE BE ADVISED THAT YOUR ACCOUNTS WOULD BE CREDITED WITH THE DIFFERENCE BETWEEN THE OLD STRATA FEE AND NEW STRATA FEE FOR JANUARY AND FEBRUARY 2008.**

**OWNERS ARE ADVISED THAT THE STRATA FEES ARE DUE AND PAYABLE ON OR BEFORE THE FIRST DAY OF THE MONTH TO WHICH THE STRATA FEES RELATE.**

**IF AN OWNER IS LATE IN PAYING HIS OR HER STRATA FEES, THE OWNER MUST PAY TO THE STRATA CORPORATION A LATE PAYMENT PENALTY OF \$25 FOR EACH MONTH OR PORTION THEREOF THAT THE BALANCE REMAINS OUTSTANDING.**

#### **(9) ELECTION OF 2008 STRATA COUNCIL**

Strata Manager thanked all Council members for their great contribution in 2007.

Council would like to thank Karen Kwok for serving as Treasurer for the last two years and wishes her the very best in the future.

The floor was open for nominations for the 2008 Strata Council positions. The chair person asked the 2007 Council members if they would like to run for 2008 Strata Council. The following eight owners volunteered or were nominated to hold office for the 2008 term:

Benny Wong	B105
Lena Boykiw	A401
Fred Warriner	A112
Clive Yeung	B210
Saeed Jhatam	A309
Michael Tam	635
Judy Laban	A103
Lawrence Chan	637

The Strata Property Act allows a maximum of 7 Strata Council members. Once the ballots were collected, Strata Manager Carmena Pietroianu read out the votes. As the votes were read out, Eric Yang – On Site Officer tallied the votes on a flip chart in front of all owners present. The following owners were elected to Council:

1. Benny Wong	B105
2. Lena Boykiw	A401
3. Fred Warriner	A112
4. Clive Yeung	B210
5. Saeed Jhatam	A309
6. Judy Laban	A103
7. Lawrence Chan	637

Richard Tam will be the legal liaison for the Strata Council.

今次會議記錄附有已經通過的預算案副本和新的管理費。新費用於 2008 年 1 月 1 日起生效。自動轉賬的業主無須採取任何行動，BAYWEST 物業公司將會自動調整每月的繳費。如業主是用支票繳費，最好的方法是寄一系列的期票到 BAYWEST 物業管理公司，支票上注明是支付 LMS 1751 的管理費。

如果你已經按照 2007 年的數額繳交了 2008 年一月份和二月份的管理費，請調整 2007 年和 2008 年管理費的差額付費。

業主們須知：必須在每月 1 日或之前繳交同月的管理費。

如果有業主遲付管理費，這業主必須向立案法團繳納罰款（遲付金）每月為\$25 元。如果沒有全額繳付，賬單將列明欠款餘額。

#### (9) 2008 年委員會選舉

物業經理感謝各位 2007 年度的委員們為大廈管理作出很大貢獻。

委員會感謝 Karen Kwok 過去兩年擔任財務委員一職所做的工作，並對她的未來寄予美好的祝願。

會議公開提名和選舉 2008 年度立案法團委員會，大會代理主席詢問 2007 年各位委員會成員是否願意參選 2008 年委員會，隨後下列八位業主自願或被提名參選 2008 年委員職務：

Benny Wong	B105
Lena Boykiw	A401
Fred Warriner	A112
Clive Yeung	B210
Saeed Jhatam	A309
Michael Tam	TH635
Judy Laban	A103
Lawrance Chan	TH637

分層大廈樓宇管理條例規定委員會成員的最大限額是 7 位。業主們隨後以不記名方式投票。選票由物業經理 Carmena Pietroianu 收取後宣讀，當宣讀選票時，大廈管理員 Eric Yang 在眾業主前紀錄於紙板上。

下列業主是新一屆委員會委員。

1.Benny Wong	B105
2.Lena Boykiw	A401
3.Fred Warriner	A112
4.Clive Yeung	B210

**(10) ADJOURNMENT**

There being no further business, and no further discussion related to the engineering or lawsuit was required, the meeting was adjourned at 7:55 pm.

After the meeting, the new Council met briefly to discuss the positions in the Council. Considering that there is only one new member, Council agreed unanimously to maintain the same positions as previously with the only change on the treasurer position that will be held by Lawrence Chan.

The next Council meeting will be held on Monday, March 10, 2008 at 7:00 pm.

**COUNCIL WISHES ALL OWNERS A PROSPEROUS NEW YEAR!! GUNG HEI FAT CHOY!**

<p><b>Please retain these Annual Meeting Minutes for your records. In the event you decide to sell your strata lot you will need to provide them to your realtor. There will be a charge for additional copies.</b></p>
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5.Saeed Jhatam	A309
6.Judy Laban	A103
7.Lawrance Chan	TH637

Richard Tam 仍為委員會法律事務聯絡人。

#### (10) 休會

會議於晚上 7 時 55 分結束。

會議後，新一屆委員會簡要地討論了委員職務分工，一致同意基本保持原有職務，只有少許變動，是由新委員 Lawrence Chan 擔任財務，下次會議將於 2008 年 3 月 10 日晚 7 時在會議室舉行。

(以上內容以英文版本為準)



**Approved Annual Budget**  
Fairchild Court (Ims1751)  
Jan 01, 2008 to Dec 31, 2008

Account Number	Account Name	Budget
<b>RECEIPTS</b>		
5500-0000	Owners' Contributions	583,285.79
5520-0000	Common Room Rental	1,000.00
5600-0000	Interest Income	4,000.00
5615-0000	Access Cards	1,500.00
5630-0000	Late Payment Penalty	300.00
5655-0000	Moveln/Out Fee	2,000.00
5700-0000	Prior Years Surplus	50,864.82
<b>RECEIPTS</b>		<b>\$ 642,950.61</b>
<b>ADMINISTRATIVE EXP</b>		
6050-0000	Audit	840.00
6052-0000	Statutory Review of Books	424.00
6070-0000	Bank Charges	144.00
6170-0000	Insurance Premium	40,500.00
6190-0000	Legal Fees	1,000.00
6230-0000	Miscellaneous	2,000.00
6270-0000	Pager/Telephone	4,800.00
6290-0000	Postage/Copies/Office Exp.	2,800.00
<b>TOTAL ADM EXP</b>		<b>52,508.00</b>
<b>EMPLOYEE EXPENSES</b>		
6420-0000	EI/CPP Employer Share	11,986.00
6460-0000	Wages Caretaker	68,140.00
6480-0000	Wages On Site Officer	81,442.60
6490-0000	Workers' Compensation	2,991.70
<b>TOTAL EMPLOYEE EXP</b>		<b>164,560.30</b>
<b>UTILITIES</b>		
6520-0000	Electricity	47,000.00
6530-0000	Gas	105,000.00
6540-0000	Water & Sewer	36,000.00
<b>TOTAL UTILITIES</b>		<b>188,000.00</b>
<b>CONTRACT / BLDG EXP</b>		
7010-0000	Alarm Monitoring	3,200.00
7015-0000	Anchor System	300.00
7110-0000	Elevator & License	11,000.00
7190-0000	Fire Protection	4,500.00
7230-0000	Garbage Collection	5,700.00
7350-0000	Landscaping	24,500.00
7470-0000	Mechanical	3,600.00
7570-0000	Pest Control	500.00
7590-0000	Property Management	25,482.31
7735-0000	Security Systems/Fire Safety/Enterp	13,000.00
<b>TOTAL CONTRACT / BLDG EXP</b>		<b>91,782.31</b>
<b>REPAIRS &amp; MAINTENANCE EXP</b>		
8030-0000	Carpet Cleaning	1,000.00
8060-0000	Elevator	500.00
8061-0000	Engineering	25,000.00
8092-0000	Fire Protection	2,000.00

**Approved Annual Budget**Fairchild Court (Ims1751)  
Jan 01, 2008 to Dec 31, 2008

Account Number	Account Name	Budget
8100-0000	Garage Door	3,000.00
8110-0000	General Repair & Maintenance	12,000.00
8129-0000	Building Improvements	400.00
8140-0000	Janitorial Supplies	2,000.00
8150-0000	Lamp Replacement	300.00
8170-0000	Locks/Keys	400.00
8220-0000	Plumbing	10,000.00
<b>TOTAL REPAIRS &amp; MAINTENANCE EXP</b>		<b>56,600.00</b>
<b>MAJOR PROJECT EXP</b>		
8440-0000	Mechanical Upgrade	10,500.00
<b>TOTAL MAJOR PROJECT EXP</b>		<b>10,500.00</b>
<b>RECREATION FACILITIES EXP</b>		
8590-0000	Pool / Spa Maintenance	4,000.00
<b>TOTAL RECREATION FACILITIES EXP</b>		<b>4,000.00</b>
<b>NON RECOVERABLE EXP</b>		
8940-0000	Legal Fees	75,000.00
<b>TOTAL NON RECOVERABLE EXP</b>		<b>75,000.00</b>
<b>TOTAL EXPENSES</b>		<b>642,950.61</b>
<b>SURPLUS / (DEFICIT)</b>		<b>0.00</b>

**FAIRCHILD COURT-LMS1751  
2008 STRATA FEE**

2008 STRATA FEE

Unit#	SL#	U/E	Operating Portion	CRF Portion	New Strata Fee
635	113	1,573	610.32	0	610.32
637	112	1,567	608.00	0	608.00
655	109	2,038	790.74	0	790.74
657	110	2,305	894.34	0	894.34
659	111	2,032	788.42	0	788.42
A102	9	930	360.84	0	360.84
A103	8	1,270	492.76	0	492.76
A104	7	981	380.63	0	380.63
A105	6	1,182	458.62	0	458.62
A106	5	1,179	457.45	0	457.45
A107	4	979	379.85	0	379.85
A108	10	956	370.93	0	370.93
A110	3	976	378.69	0	378.69
A111	2	1,199	465.21	0	465.21
A112	1	1,646	638.65	0	638.65
A113	11	946	367.05	0	367.05
A201	21	1,148	445.42	0	445.42
A202	20	930	360.84	0	360.84
A203	19	1,270	492.76	0	492.76
A204	18	981	380.63	0	380.63
A205	17	1,186	460.17	0	460.17
A206	16	1,239	480.73	0	480.73
A207	15	983	381.40	0	381.40
A208	23	956	370.93	0	370.93
A209	22	1,211	469.87	0	469.87
A210	14	987	382.96	0	382.96
A211	13	1,199	465.21	0	465.21
A212	12	1,646	638.65	0	638.65
A213	24	938	363.94	0	363.94
A301	34	1,211	469.87	0	469.87
A302	33	930	360.84	0	360.84
A303	32	1,270	492.76	0	492.76
A304	31	981	380.63	0	380.63
A305	30	1,236	479.57	0	479.57
A306	29	1,235	479.18	0	479.18
A307	28	983	381.40	0	381.40
A308	36	956	370.93	0	370.93
A309	35	1,211	469.87	0	469.87
A310	27	987	382.96	0	382.96
A311	26	1,199	465.21	0	465.21
A312	25	1,646	638.65	0	638.65
A313	37	938	363.94	0	363.94
A401	47	1,211	469.87	0	469.87
A402	46	930	360.84	0	360.84
A403	45	1,270	492.76	0	492.76
A404	44	981	380.63	0	380.63
A405	43	1,236	479.57	0	479.57
A406	42	1,235	479.18	0	479.18
A407	41	983	381.40	0	381.40
A408	49	956	370.93	0	370.93
A409	48	1,211	469.87	0	469.87
A410	40	987	382.96	0	382.96
A411	39	1,199	465.21	0	465.21
A412	38	1,646	638.65	0	638.65
A413	50	938	363.94	0	363.94
A501	60	1,211	469.87	0	469.87
A502	59	930	360.84	0	360.84
A503	58	1,270	492.76	0	492.76
A504	57	981	380.63	0	380.63
A505	56	1,236	479.57	0	479.57
A506	55	1,235	479.18	0	479.18
A507	54	983	381.40	0	381.40

**FAIRCHILD COURT-LMS1751**  
**2008 STRATA FEE**

Unit#	SL#	U/E	Operating Portion	CRF Portion	New Strata Fee
A508	62	956	370.93	0	370.93
A509	61	1,211	469.87	0	469.87
A510	53	987	382.96	0	382.96
A511	52	1,199	465.21	0	465.21
A512	51	1,646	638.65	0	638.65
A513	63	938	363.94	0	363.94
A601	66	2,890	1121.32	0	1121.32
A608	65	2,903	1126.37	0	1126.37
A613	64	2,987	1158.96	0	1158.96
B101	71	972	377.14	0	377.14
B102	72	678	263.06	0	263.06
B103	73	961	372.87	0	372.87
B104	74	955	370.54	0	370.54
B105	75	701	271.99	0	271.99
B106	76	679	263.45	0	263.45
B107	67	685	265.78	0	265.78
B108	68	950	368.60	0	368.60
B109	69	952	369.38	0	369.38
B110	70	952	369.38	0	369.38
B201	81	972	377.14	0	377.14
B202	82	678	263.06	0	263.06
B203	83	961	372.87	0	372.87
B204	84	955	370.54	0	370.54
B205	85	701	271.99	0	271.99
B206	86	679	263.45	0	263.45
B207	77	685	265.78	0	265.78
B208	78	950	368.60	0	368.60
B209	79	952	369.38	0	369.38
B210	80	958	371.70	0	371.70
B301	92	969	375.97	0	375.97
B302	93	678	263.06	0	263.06
B303	94	961	372.87	0	372.87
B304	95	955	370.54	0	370.54
B305	96	701	271.99	0	271.99
B306	97	679	263.45	0	263.45
B307	87	685	265.78	0	265.78
B308	88	950	368.60	0	368.60
B309	89	952	369.38	0	369.38
B310	90	959	372.09	0	372.09
B311	91	880	341.44	0	341.44
B401	103	969	375.97	0	375.97
B402	104	678	263.06	0	263.06
B403	105	961	372.87	0	372.87
B404	106	955	370.54	0	370.54
B405	107	701	271.99	0	271.99
B406	108	679	263.45	0	263.45
B407	98	685	265.78	0	265.78
B408	99	950	368.60	0	368.60
B409	100	952	369.38	0	369.38
B410	101	959	372.09	0	372.09
B411	102	880	341.44	0	341.44
		125,276	48607.15	0	48,607.15
Total annual			583,285.79		583,285.79

***NOTICE***  
***of the***  
***ANNUAL GENERAL***  
***MEETING***  
***of***  
***FAIRCHILD COURT***  
***STRATA PLAN, LMS 1751***

***To be held on Tuesday, February 5, 2008***  
***@ 7:00pm***

January 15, 2008



## NOTICE OF ANNUAL GENERAL MEETING

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TO: ALL OWNERS, STRATA PLAN LMS 1751 – FAIRCHILD COURT

DATE: TUESDAY, FEBRUARY 5, 2008

TIME: 6:30 PM REGISTRATION  
7:00 PM CALL TO ORDER

PLACE: THE SOCIAL ROOM AT FAIRCHILD COURT  
688 FAIRCHILD ROAD, VANCOUVER, B.C.

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Please be advised of the upcoming Annual General Meeting of the Owners of Fairchild Court. The purpose of the meeting is to approve a 2008 operating budget and elect 2008 Strata Council.

To be entitled to vote, all special assessments and strata fees for your strata lot must be paid up to date, in accordance with Section 27(7) of the bylaws. **To be entitled to sign-in, picture identification will be required.**

We look forward to receiving your input on February 5, 2008, and invite you to contact the undersigned before the meeting date should you have any questions.

Yours truly,

Agent for the Owners, LMS 1751



Carmenia Pietroianu  
Strata Manager

Phone: (604) 714-1524

Fax: (604) 592-3676

E-mail: [cpietroianu@baywest.ca](mailto:cpietroianu@baywest.ca)

2008 年 2 月 5 日

## 業主年度大會通知

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致： 風采閣業主  
日期： 2008 年 2 月 5 日，星期二  
時間： 下午 6：30 入席登記  
下午 7：00 會議開始  
地點： 風采閣 A 座會議室

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風采閣業主年度大會即將召開，會議的主題是通過 2008 年運營預算、選舉 2008 年立案法團委員會。

根據條例第 27（7）款規定，業主須于大會開會前清繳應付的物業管理費和評估費，才有資格在大會上投票表決。開會登記時，請攜帶具有照片的身份證明文件才可出席會議。

我們期待於 2008 年 2 月 5 日業主年會上聽取你們的意見，如果有任何問題，在會議前，請與物業經理聯絡。

謹代表風采閣業主

物業經理：Carmena Pietroianu

電話：（604）714-1524

傳真：（604）592-3676

電子郵件：[cpietroianu@baywest.ca](mailto:cpietroianu@baywest.ca)



FAIRCHILD COURT, LMS 1751  
ANNUAL GENERAL MEETING  
FEBRUARY 5, 2008

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# ***AGENDA***

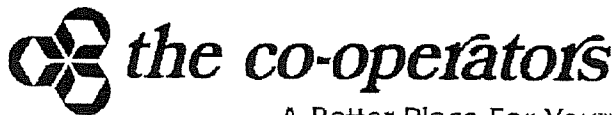
1. REGISTRATION 6:30 - 7:00
2. CALL TO ORDER 7:00
3. CALLING THE ROLL AND CERTIFICATION OF PROXIES
4. PROOF OF NOTICE OF MEETING
5. ADOPTION OF AGENDA
6. GUEST PRESENTATION –LAWSUIT
7. ADOPTION OF THE MINUTES OF THE SGM OF AUGUST 7, 2007,
8. INSURANCE REPORT
9. CONSIDERATION OF 2008 OPERATING BUDGET
10. ELECTION OF 2008 STRATA COUNCIL
11. GENERAL DISCUSSION AND QUESTIONS
  - 11.1 LAWSUIT
  - 11.2 ENGINEERING
12. ADJOURNMENT

風采閣立案法團委員會  
業主年度大會  
2008 年 2 月 5 日

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## 議 程 表

- 1 · 下午六時卅分至七時登記
- 2 · 下午七時會議開始
- 3 · 點名及查證代表資格
- 4 · 驗證會議通知
- 5 · 接納會議議程
- 6 · 來賓報告-立案法團訴訟案
- 7 · 接納 2007 年 8 月 7 日業主業主特別大會會議記錄
- 8 · 立案法團保險報告
- 9 · 討論 2008 年運營經費預算
- 10 · 選舉 2008 年立案法團委員會
- 11 · 一般性討論與提問
  - 11.1 立案法團訴訟案
  - 11.2 大廈漏水維修工程
- 12 · 休會



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## BINDER

### CONFIRMATION OF CERTIFICATE OF INSURANCE

We are pleased to have effected the following insurance and/or changes for your account. This binder will be automatically canceled on delivery of a policy but may be canceled before such document is issued, subject to proper notice being given to the insured and any other party entitled thereto:

**NAME INSURED(S):** Owners of Strata Plan LMS 1751  
635-659 West 45<sup>th</sup> Ave & 651 West 45<sup>th</sup> Ave. & 688 Fairchild Rd.  
Vancouver BC V5Z 4P7

**ADDITIONAL INSURED:** Baywest Management Ltd.

**LOCATION:** 635-659 West 45<sup>th</sup> Ave & 651 West 45<sup>th</sup> Ave. & 688 Fairchild Rd.  
Vancouver BC V5Z 4P7

### PROPERTY INSURANCE

**COVERAGE:** "All Risks" Property of Every Description including Flood, Earthquake, Sewer Backup

**LIMITS:** Buildings \$39,000,000.00

**INSURERS:** The Co-operators General Insurance Company

**POLICY #:** 3392374

**EFFECTIVE:** October 1st, 2007

**EXPIRY:** October 1st, 2008

### BOILER & MACHINERY INSURANCE

**COVERAGE:** Boilers, Fired and Unfired Pressure Vessels or Electric steam Generators Including by-laws coverage, subject to repair or replacement

**LIMITS:** \$39,000,000.00 Limit Per Accident

**GENERAL LIABILITY INSURANCE**

**LIABILITY LIMIT:** \$10,000,000

**COVERAGES:**

The Commercial General Liability section provides coverage for Bodily Injury and Property Damage, including Products and Completed Operations, personal Injury, contractual Liability and cross Liability Clause.

Coverage for Professional Liability, Pollution Liability, Terrorism and Electronic Data Recognition are specifically excluded from the Commercial General Liability rider.

SUBJECT TO ALL THE TERMS AND CONDITIONS OF THE CO-OPERATORS POLICY WORDINGS, INCLUDING THE IBC STANDARD MORTGAGE CLAUSE

DATED THIS 1st DAY OF October 2007 at VANCOUVER, BC

SIGNED BY: \_\_\_\_\_

Boris Schaffer

The insurer will attempt to provide thirty (30) days written notice to the Certificate Holder in the event of any policy cancellation or material change.

THIS POLICY CONTAINS A CLAUSE WHICH MAY LIMIT THE AMOUNT PAYABLE

This document is intended for use as evidence that insurance described above has been effected, against which underwriters certificates or policy will be duly issued. **Immediate advice must be given of any discrepancies, inaccuracies or necessary changes.**

**IMPORTANT:** Insurance under this confirmation expires N/A days from the effective date hereof, at noon, or at such time prior thereto as the policy and/or endorsement may be issued.

**Balance Sheet**  
Fairchild Court (lms1751)  
November 30, 2007

Account	Nov 2007	Oct 2007	Change
<b>ASSETS</b>			
<b>Current Assets</b>			
Bank	58,347.69	60,493.99	(2,146.30)
Petty Cash	400.00	400.00	0.00
Accounts Receivable	(7,662.64)	(8,183.49)	520.85
Prepaid Expenses / Deposit	1,591.36	0.00	1,591.36
Prepaid Insurance	33,470.80	36,817.88	(3,347.08)
<b>Total Current Assets</b>	<b>\$ 86,147.21</b>	<b>\$ 89,528.38</b>	<b>\$ (3,381.17)</b>
<b>Other Assets</b>			
CRF - General Contingency	236,362.22	235,423.11	939.11
<b>Total Other Assets</b>	<b>\$ 236,362.22</b>	<b>\$ 235,423.11</b>	<b>\$ 939.11</b>
<b>TOTAL ASSETS</b>	<b>\$ 322,509.43</b>	<b>\$ 324,951.49</b>	<b>\$ (2,442.06)</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Equity</b>			
Retained Earnings Current Year	77,943.19 ✓	81,324.36	(3,381.17) ✓
Retained Earnings Prior Years	5,297.76	5,297.76	0.00
<b>Total Equity</b>	<b>\$ 83,240.95</b>	<b>\$ 86,622.12</b>	<b>\$ (3,381.17)</b>
<b>CRF / Reserve</b>			
Contingency Reserve	236,362.22	235,423.11	939.11
<b>Total CRF / Reserve</b>	<b>\$ 236,362.22</b>	<b>\$ 235,423.11</b>	<b>\$ 939.11</b>
<b>Special Assessment / Special Projects</b>			
Special Assessment Fund	2,906.26	2,906.26	0.00
<b>Total Special Assessment</b>	<b>\$ 2,906.26</b>	<b>\$ 2,906.26</b>	<b>\$ -</b>
<b>Total LIABILITIES &amp; CAPITAL</b>	<b>\$ 322,509.43</b>	<b>\$ 324,951.49</b>	<b>\$ (2,442.06)</b>

# STATEMENT OF OPERATIONS

Fairchild Court (lms1751)

For the 11th Month Ending November 30, 2007

Account	Account Name	Current Actual	Year To Date Actual	Annual Budget	YTD - BUDGET %
<b>RECEIPTS / REVENUE</b>					
5500-0000	Owners' Contributions	47,416.03	521,576.41	568,992.36	92%
5510-0000	Bylaw Penalties	0.00	250.00	0.00	0%
5520-0000	Common Room Rental	72.00	1,261.50	1,000.00	126%
5542-0000	Deficit Recovery	0.00	40,177.73	40,177.73	100%
5600-0000	Interest Income	345.01	4,094.22	400.00	1024%
5610-0000	Keys/Remotes	0.00	10.00	0.00	0%
5615-0000	Access Cards	75.00	2,025.00	500.00	405%
5630-0000	Late Payment Penalty	25.00	450.00	300.00	150%
5655-0000	MoveIn/Out Fee	100.00	2,800.00	2,000.00	140%
5680-0000	Other Income	0.00	1,069.43	0.00	0%
5690-0000	Parking Income	0.00	195.00	0.00	0%
5700-0000	Prior Years Surplus	0.00	36,614.75	36,614.75	100%
<b>TOTAL RECEIPTS / REVENUE</b>		<b>\$ 48,033.04</b>	<b>\$ 610,524.04</b>	<b>\$ 649,984.84</b>	<b>94%</b>
<b>EXPENSES</b>					
<b>ADMINISTRATIVE EXPENSES</b>					
6030-0000	Appraisal	0.00	768.50	800.00	96%
6050-0000	Audit	0.00	0.00	800.00	0%
6052-0000	Statutory Review of Books	424.00	424.00	0.00	0%
6070-0000	Bank Charges	12.00	125.00	100.00	125%
6170-0000	Insurance Premium	3,347.08	35,937.96	35,328.96	102%
6190-0000	Legal Fees	0.00	0.00	1,000.00	0%
6212-0000	Meeting	0.00	159.00	0.00	0%
6230-0000	Miscellaneous	20.98	1,099.65	2,500.00	44%
6270-0000	Pager/Telephone	267.66	3,488.86	4,200.00	83%
6290-0000	Postage/Copies/Office Exp.	106.38	2,088.64	2,800.00	75%
6310-0000	Telephone	49.76	49.76	0.00	0%
<b>TOTAL ADMINISTRATIVE EXPENSES</b>		<b>4,227.86</b>	<b>44,141.37</b>	<b>47,528.96</b>	<b>93%</b>
<b>EMPLOYEE EXPENSES</b>					
6420-0000	EI/CPP Employer Share	381.09	4,006.82	4,800.00	83%
6460-0000	Wages Caretaker	5,488.13	57,890.39	62,400.00	93%
6490-0000	Workers' Compensation	0.00	0.00	1,200.00	0%
<b>TOTAL EMPLOYEE EXPENSES</b>		<b>5,869.22</b>	<b>61,897.21</b>	<b>68,400.00</b>	<b>90%</b>
<b>UTILITIES</b>					
6520-0000	Electricity	4,507.10	40,563.31	45,000.00	90%
6530-0000	Gas	11,740.30	91,396.58	100,000.00	91%
6540-0000	Water & Sewer Tax	4,811.90	31,319.83	32,000.00	98%
<b>TOTAL UTILITIES</b>		<b>21,059.30</b>	<b>163,279.72</b>	<b>177,000.00</b>	<b>92%</b>
<b>CONTRACT / BLDG EXPENSES</b>					
7010-0000	Alarm Monitoring	233.20	2,565.20	3,200.00	80%
7110-0000	Elevator & License	938.90	10,037.40	10,701.00	94%
7190-0000	Fire Protection	0.00	0.00	4,400.00	0%
7230-0000	Garbage Collection	953.79	5,548.94	5,700.00	97%
7350-0000	Landscaping	1,982.20	21,804.20	24,000.00	91%
7470-0000	Mechanical	0.00	2,675.76	2,000.00	134%
7570-0000	Pest Control	0.00	0.00	500.00	0%
7590-0000	Property Management	2,041.67	22,458.33	24,500.00	92%
7610-0000	Recycling	0.00	0.00	600.00	0%
7730-0000	Security	11,257.20	86,592.82	97,562.40	89%

**STATEMENT OF OPERATIONS**  
Fairchild Court (lms1751)  
For the 11th Month Ending November 30, 2007

Account	Account Name	Current Actual	Year To-Date Actual	Annual Budget	YTD - BUDGET %
7735-0000	Security Systems/Fire Safety/Enterphone	1,060.00	12,720.00	13,000.00	98%
<b>TOTAL CONTRACT / BLDG EXPENSES</b>		<b>18,466.96</b>	<b>164,402.65</b>	<b>186,163.40</b>	<b>88%</b>
<b>REPAIRS &amp; MAINTENANCE EXPENSES</b>					
8030-0000	Carpet Cleaning	0.00	363.90	1,500.00	24%
8060-0000	Elevator	0.00	0.00	1,000.00	0%
8061-0000	Engineering	(1,991.91)	60,951.99	76,792.48	79%
8092-0000	Fire Protection	0.00	2,460.96	2,000.00	123%
8100-0000	Garage Door	322.51	3,351.50	1,500.00	223%
8110-0000	General Repair & Maintenance	975.20	18,532.83	10,000.00	185%
8129-0000	Building Improvements	0.00	170.95	400.00	43%
8140-0000	Janitorial Supplies	128.50	1,725.85	1,300.00	133%
8150-0000	Lamp Replacement	0.00	0.00	1,300.00	0%
8160-0000	Landscaping Improvement	0.00	88.88	1,000.00	9%
8170-0000	Locks/Keys	0.00	404.87	1,000.00	40%
8220-0000	Plumbing	0.00	5,490.84	15,000.00	37%
8230-0000	Roof	0.00	0.00	300.00	0%
8270-0000	Supplies	61.41	178.24	0.00	0%
<b>TOTAL REPAIRS &amp; MAINTENANCE EXPENSES</b>		<b>(504.29)</b>	<b>93,720.81</b>	<b>113,092.48</b>	<b>83%</b>
<b>RECREATION FACILITIES EXPENSES</b>					
8580-0000	Pool / Spa Chemicals	38.25	377.40	1,300.00	29%
8590-0000	Pool / Spa Maintenance	265.00	2,769.78	6,500.00	43%
<b>TOTAL RECREATION FACILITIES EXPENSES</b>		<b>303.25</b>	<b>3,147.18</b>	<b>7,800.00</b>	<b>40%</b>
<b>NON RECOVERABLE EXPENSES</b>					
8940-0000	Legal Fees	1,991.91	1,991.91	50,000.00	4%
<b>TOTAL NON RECOVERABLE EXPENSES</b>		<b>1,991.91</b>	<b>1,991.91</b>	<b>50,000.00</b>	<b>4%</b>
<b>TOTAL EXPENSES / RESERVES</b>		<b>51,414.21</b>	<b>532,580.85</b>	<b>649,984.84</b>	<b>82%</b>
<b>SURPLUS / (DEFICIT)</b>		<b>(3,381.17)</b>	<b>77,943.19</b>	<b>-</b>	<b>0%</b>

Fairchild Court (lms1751)  
PROPOSED BUDGET -2008

Account	Account Name	Year To Date Nov. 30, 2007	Estimated Year End	Annual Budget	New Budget 2008
<b>RECEIPTS / REVENUE</b>					
5500-0000	Owners' Contributions	521,576.41	568,992.36	568,992.36	583,285.79
5510-0000	Bylaw Penalties	250.00	250.00	0.00	0.00
5520-0000	Common Room Rental	1,261.50	1,368.00	1,000.00	1,000.00
5542-0000	Deficit Recovery	40,177.73	40,177.73	40,177.73	0.00
5600-0000	Interest Income	4,094.22	4,094.22	400.00	4,000.00
5610-0000	Keys/Remotes	10.00	10.00	0.00	0.00
5615-0000	Access Cards	2,025.00	2,025.00	500.00	1,500.00
5630-0000	Late Payment Penalty	450.00	500.00	300.00	300.00
5655-0000	MoveIn/Out Fee	2,800.00	2,900.00	2,000.00	2,000.00
5680-0000	Other Income	1,069.43	1,069.43	0.00	0.00
5690-0000	Parking Income	195.00	195.00	0.00	0.00
5700-0000	Prior Years Surplus	36,614.75	36,614.75	36,614.75	50,864.82
<b>TOTAL RECEIPTS / REVENUE</b>		<b>\$ 610,524.04</b>	<b>\$ 658,196.49</b>	<b>\$ 649,984.84</b>	<b>\$ 642,950.61</b>
<b>EXPENSES &amp; RESERVES</b>					
<b>ADMINISTRATIVE EXPENSES</b>					
6030-0000	Appraisal	768.50	768.50	800.00	0.00
6050-0000	Audit	0.00	0.00	800.00	840.00
6052-0000	Statutory Review Books	424.00	424.00	0.00	424.00
6070-0000	Bank Charges	125.00	137.00	100.00	144.00
6170-0000	Insurance Premium	35,937.96	39,368.76	35,328.96	40,500.00
6190-0000	Legal Fees	0.00	500.00	1,000.00	1,000.00
6212-0000	Meeting	159.00	159.00	0.00	0.00
6230-0000	Miscellaneous	1,099.65	1,393.00	2,500.00	2,000.00
6270-0000	Pager/Telephone	3,538.62	4,000.00	4,200.00	4,800.00
6290-0000	Postage/Copies/Office Exp.	2,088.64	2,500.00	2,800.00	2,800.00
<b>TOTAL ADMINISTRATIVE EXPENSES</b>		<b>44,141.37</b>	<b>49,250.26</b>	<b>47,528.96</b>	<b>52,508.00</b>
<b>EMPLOYEE EXPENSES</b>					
6420-0000	EI/CPP Employer Share	4,006.82	4,800.00	4,800.00	11,986.00
6460-0000	Wages Caretaker	57,890.39	62,619.67	62,400.00	68,140.00
6480-0000	Wages On Site Officers	0.00	0.00	0.00	81,442.60
6490-0000	Workers' Compensation	0.00	1,200.00	1,200.00	2,991.70
<b>TOTAL EMPLOYEE EXPENSES</b>		<b>61,897.21</b>	<b>68,619.67</b>	<b>68,400.00</b>	<b>164,560.30</b>
<b>UTILITIES</b>					
6520-0000	Electricity	40,563.31	45,500.00	45,000.00	47,000.00
6530-0000	Gas	91,396.58	103,041.00	100,000.00	105,000.00
6540-0000	Water & Sewer Tax	31,319.83	36,000.00	32,000.00	36,000.00
<b>TOTAL UTILITIES</b>		<b>163,279.72</b>	<b>184,541.00</b>	<b>177,000.00</b>	<b>188,000.00</b>
<b>CONTRACT / BLDG EXPENSES</b>					
7010-0000	Alarm Monitoring	2,565.20	2,800.00	3,200.00	3,200.00
7015-0000	Anchor System	0.00	0.00	0.00	300.00
7110-0000	Elevator & License	10,037.40	10,918.00	10,701.00	11,000.00
7190-0000	Fire Protection	0.00	4,400.00	4,400.00	4,500.00
7230-0000	Garbage Collection	5,548.94	5,995.40	5,700.00	5,700.00
7350-0000	Landscaping	21,804.20	24,000.00	24,000.00	24,500.00
7470-0000	Mechanical	2,675.76	3,600.00	2,000.00	3,600.00
7570-0000	Pest Control	0.00	0.00	500.00	500.00
7590-0000	Property Management	22,458.33	24,500.00	24,500.00	25,482.31



**Fairchild Court (lms1751)**  
**PROPOSED BUDGET -2008**

<b>Account</b>	<b>Account Name</b>	<b>Year To Date Nov. 30, 2007</b>	<b>Estimated Year End</b>	<b>Annual Budget</b>	<b>New Budget 2008</b>
7610-0000	Recycling	0.00	0.00	600.00	0.00
7730-0000	Security	86,592.82	97,562.40	97,562.40	0.00
7735-0000	Security Systems/Fire Safety/Enterphone	12,720.00	13,780.00	13,000.00	13,000.00
<b>TOTAL CONTRACT / BLDG EXPENSES</b>		<b>164,402.65</b>	<b>187,555.80</b>	<b>186,163.40</b>	<b>91,782.31</b>
<b>REPAIRS &amp; MAINTENANCE EXPENSES</b>					
8030-0000	Carpet Cleaning	363.90	363.90	1,500.00	1,000.00
8060-0000	Elevator	0.00	500.00	1,000.00	500.00
8061-0000	Engineering	60,951.99	66,251.99	76,792.48	25,000.00
8092-0000	Fire Protection	2,460.96	2,460.96	2,000.00	2,000.00
8100-0000	Garage Door	3,351.50	3,834.00	1,500.00	3,000.00
8110-0000	General Repair & Maintenance	18,532.83	20,000.00	10,000.00	12,000.00
8129-0000	Building Improvements	170.95	200.00	400.00	400.00
8140-0000	Janitorial Supplies	1,904.09	1,904.09	1,300.00	2,000.00
8150-0000	Lamp Replacement	0.00	100.00	1,300.00	300.00
8160-0000	Landscaping Improvement	88.88	100.00	1,000.00	0.00
8170-0000	Locks/Keys	404.87	450.00	1,000.00	400.00
8220-0000	Plumbing	5,490.84	5,700.00	15,000.00	10,000.00
8230-0000	Roof	0.00	300.00	300.00	0.00
<b>TOTAL REPAIRS &amp; MAINTENANCE EXPENSES</b>		<b>93,720.81</b>	<b>102,164.94</b>	<b>113,092.48</b>	<b>56,600.00</b>
<b>MAJOR PROJECT EXPENSES</b>					
8440-0000	Mechanical Upgrade-Boiler in "B" Building	0.00	0.00	0.00	10,500.00
<b>TOTAL MAJOR PROJECT EXPENSES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>10,500.00</b>
<b>RECREATION FACILITIES EXPENSES</b>					
8580-0000	Pool / Spa Chemicals	377.40	500.00	1,300.00	0.00
8590-0000	Pool / Spa Maintenance	2,769.78	3,700.00	6,500.00	4,000.00
<b>TOTAL RECREATION FACILITIES EXPENSE</b>		<b>3,147.18</b>	<b>4,200.00</b>	<b>7,800.00</b>	<b>4,000.00</b>
<b>NON RECOVERABLE EXPENSES</b>					
8940-0000	Legal Fees	1,991.91	11,000.00	50,000.00	75,000.00
<b>TOTAL NON RECOVERABLE EXPENSES</b>		<b>1,991.91</b>	<b>11,000.00</b>	<b>50,000.00</b>	<b>75,000.00</b>
<b>TOTAL OPERATING EXPENSES</b>		<b>532,580.85</b>	<b>607,331.67</b>	<b>649,984.84</b>	<b>642,950.61</b>
<b>RESERVE FUNDS</b>					
9010-0000	Contingency Reserve Fund	0.00	0.00	0.00	0.00
<b>TOTAL RESERVE</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENSES &amp; RESERVES</b>		<b>532,580.85</b>	<b>607,331.67</b>	<b>649,984.84</b>	<b>642,950.61</b>
<b>SURPLUS / (DEFICIT)</b>		<b>77,943.19</b>	<b>50,864.82</b>	<b>-</b>	<b>-</b>

**FAIRCHILD COURT-LMS1751  
PROPOSED 2008 STRATA FEE**

Unit#	SL#	U/E	Operating Portion	CRF Portion	New Strata Fee
635	113	1,573	610.32	0	610.32
637	112	1,567	608.00	0	608.00
655	109	2,038	790.74	0	790.74
657	110	2,305	894.34	0	894.34
659	111	2,032	788.42	0	788.42
A102	9	930	360.84	0	360.84
A103	8	1,270	492.76	0	492.76
A104	7	981	380.63	0	380.63
A105	6	1,182	458.62	0	458.62
A106	5	1,179	457.45	0	457.45
A107	4	979	379.85	0	379.85
A108	10	956	370.93	0	370.93
A110	3	976	378.69	0	378.69
A111	2	1,199	465.21	0	465.21
A112	1	1,646	638.65	0	638.65
A113	11	946	367.05	0	367.05
A201	21	1,148	445.42	0	445.42
A202	20	930	360.84	0	360.84
A203	19	1,270	492.76	0	492.76
A204	18	981	380.63	0	380.63
A205	17	1,186	460.17	0	460.17
A206	16	1,239	480.73	0	480.73
A207	15	983	381.40	0	381.40
A208	23	956	370.93	0	370.93
A209	22	1,211	469.87	0	469.87
A210	14	987	382.96	0	382.96
A211	13	1,199	465.21	0	465.21
A212	12	1,646	638.65	0	638.65
A213	24	938	363.94	0	363.94
A301	34	1,211	469.87	0	469.87
A302	33	930	360.84	0	360.84
A303	32	1,270	492.76	0	492.76
A304	31	981	380.63	0	380.63
A305	30	1,236	479.57	0	479.57
A306	29	1,235	479.18	0	479.18
A307	28	983	381.40	0	381.40
A308	36	956	370.93	0	370.93
A309	35	1,211	469.87	0	469.87
A310	27	987	382.96	0	382.96
A311	26	1,199	465.21	0	465.21
A312	25	1,646	638.65	0	638.65
A313	37	938	363.94	0	363.94
A401	47	1,211	469.87	0	469.87
A402	46	930	360.84	0	360.84
A403	45	1,270	492.76	0	492.76
A404	44	981	380.63	0	380.63
A405	43	1,236	479.57	0	479.57
A406	42	1,235	479.18	0	479.18
A407	41	983	381.40	0	381.40
A408	49	956	370.93	0	370.93
A409	48	1,211	469.87	0	469.87
A410	40	987	382.96	0	382.96
A411	39	1,199	465.21	0	465.21
A412	38	1,646	638.65	0	638.65
A413	50	938	363.94	0	363.94
A501	60	1,211	469.87	0	469.87
A502	59	930	360.84	0	360.84
A503	58	1,270	492.76	0	492.76
A504	57	981	380.63	0	380.63
A505	56	1,236	479.57	0	479.57
A506	55	1,235	479.18	0	479.18
A507	54	983	381.40	0	381.40

**FAIRCHILD COURT-LMS1751  
PROPOSED 2008 STRATA FEE**

Unit#	SL#	U/E	Operating Portion	CRF Portion	New Strata Fee
A508	62	956	370.93	0	370.93
A509	61	1,211	469.87	0	469.87
A510	53	987	382.96	0	382.96
A511	52	1,199	465.21	0	465.21
A512	51	1,646	638.65	0	638.65
A513	63	938	363.94	0	363.94
A601	66	2,890	1121.32	0	1121.32
A608	65	2,903	1126.37	0	1126.37
A613	64	2,987	1158.96	0	1158.96
B101	71	972	377.14	0	377.14
B102	72	678	263.06	0	263.06
B103	73	961	372.87	0	372.87
B104	74	955	370.54	0	370.54
B105	75	701	271.99	0	271.99
B106	76	679	263.45	0	263.45
B107	67	685	265.78	0	265.78
B108	68	950	368.60	0	368.60
B109	69	952	369.38	0	369.38
B110	70	952	369.38	0	369.38
B201	81	972	377.14	0	377.14
B202	82	678	263.06	0	263.06
B203	83	961	372.87	0	372.87
B204	84	955	370.54	0	370.54
B205	85	701	271.99	0	271.99
B206	86	679	263.45	0	263.45
B207	77	685	265.78	0	265.78
B208	78	950	368.60	0	368.60
B209	79	952	369.38	0	369.38
B210	80	958	371.70	0	371.70
B301	92	969	375.97	0	375.97
B302	93	678	263.06	0	263.06
B303	94	961	372.87	0	372.87
B304	95	955	370.54	0	370.54
B305	96	701	271.99	0	271.99
B306	97	679	263.45	0	263.45
B307	87	685	265.78	0	265.78
B308	88	950	368.60	0	368.60
B309	89	952	369.38	0	369.38
B310	90	959	372.09	0	372.09
B311	91	880	341.44	0	341.44
B401	103	969	375.97	0	375.97
B402	104	678	263.06	0	263.06
B403	105	961	372.87	0	372.87
B404	106	955	370.54	0	370.54
B405	107	701	271.99	0	271.99
B406	108	679	263.45	0	263.45
B407	98	685	265.78	0	265.78
B408	99	950	368.60	0	368.60
B409	100	952	369.38	0	369.38
B410	101	959	372.09	0	372.09
B411	102	880	341.44	0	341.44
		125,276	48607.15	0	48,607.15
Total annual			583,285.79		583,285.79

**LMS1751 - FAIRCHILD COURT  
2008 PROPOSED BUDGET SUMMARY**

	<b>Year To Date Actual (Nov-07)</b>	<b>Estimated Year End (Dec-07)</b>	<b>Annual Budget 2007</b>	<b>Proposed Budget 2008</b>
<b>TOTAL OWNER CONTRIBUTION</b>	<b>521,576</b>	<b>568,992</b>	<b>568,992</b>	<b>583,286</b>
<b>Operating Fund</b>				
Opening Balance	42,780	42,780	42,780	56,163
Owner's Contribution	521,576	568,992	568,992	583,286
Other Income	12,155	12,412	4,200	8,800
Total Operating Expenses	(532,581)	(607,332)	(649,985)	(642,951)
Adjustment	39,311	39,311	39,311	-
<b>Ending Balance</b>	<b>83,241</b>	<b>56,163</b>	<b>5,298</b>	<b>5,298</b>
<b>Contingency Reserve Fund</b>				
Opening Balance	266,835	266,835	266,835	237,342
Interest Income	9,705	10,685	10,673	9,494
Write off CRF loan	(40,178)	(40,178)	-	-
<b>Ending Balance</b>	<b>236,362</b>	<b>237,342</b>	<b>277,509</b>	<b>246,836</b>
<b>Special Assessment Reserve Fund</b>				
Opening Balance	2,906	2,906	-	2,906
<b>Ending Balance</b>	<b>2,906</b>	<b>2,906</b>	<b>-</b>	<b>2,906</b>

**2008 BUDGET NOTES DETAILS**  
**FAIRCHILD COURT – STRATA PLAN LMS 1751**  
**FISCAL YEAR – January 2008 – December 2008**

As per the *Strata Property Act, Section 92 (a)*, to meet all the expenses, our Strata Corporation must establish, and the Owners must contribute, by means of Strata Fees, to an operating fund for common expenses that usually occurs once a year or more often than once a year.

**RECEIPTS/REVENUE**

**5500. OWNERS' CONTRIBUTIONS**

Strata Fees are the major source of income for the Strata Corporation to operate the common property and facilities of the building. Total fees, combined with other forms of income, must cover all the anticipated operating expenses, capital expenditures and reserve requirements for the fiscal year in order to break even at the end.

**5615 ACCESS CARDS**

Money accrued through the sale of access cards. This category assumes that five access cards will be sold in the upcoming year at the cost of \$75/each.

**5655. MOVE IN/OUT FEES**

\$2,000 has been budgeted in this category, based on the assumption that there will be 20 moves during the year.

**5680 OTHER INCOME**

Money from the charges of NSF or adjustments.

**ADMINISTRATIVE EXPENSES**

**6030. APPRAISAL**

To update the property replacement cost as requested by the Strata Property Act. New three years plan starts in 2007. No allocation for this item in 2008. Renewal in 2010.

**6052 STATUTORY REVIEW BOOKS**

New item in the budget. The Real Estate Council has made it mandatory every year books be reviewed.

**6070. BANK CHARGES**

Bank charges and fees associated with the Strata Corporation's Operating Account at HSBC..

**6150 INSURANCE DEDUCTABLE/CLAIMS**

Under *Section 158* of the *Strata Property Act*, the payment of an insurance deductible in respect of a claim on the Strata Corporation's insurance is a common expense to be contributed to by means of Strata Fees-no allocation for this item.

**6170. INSURANCE PREMIUM**

Insurance premium increased due in part to the increase of the value of the building. The insurance premium with the Cooperators for the policy year of October 1, 2007 – October 1, 2008 is \$40,500. This amount has been used as a budget figure.

**6190. LEGAL FEES**

\$1,000 has been allocated in this fiscal year's Budget to cover any small legal expenses, should the need arise.

**6230. MISCELLANEOUS**

\$2,000 has been allocated for miscellaneous expenditures.

**6270. TELEPHONE AND PAGER**

Basic telephone service as required for the fire alarm system, elevators and strata office. Telephone service for the caretaker and on site officers used to perform their duties. Increased to \$4,800.

**6290 POSTAGE AND PHOTOCOPYING/OFFICE EXPENSES**

This category covers the postage and photocopy costs of notices, meeting notice packages, minutes, financial statements, bylaws and correspondence, as routinely distributed to or requested by Council members, resident owners, non-resident owners.

**EMPLOYEE EXPENSES**

**6420. EI/CPP**

This category represents EI and CPP contributions for the On-Site caretakers, On-Site Officers and janitorial person.

**6460 WAGES CARETAKER**

This category represents wages for 2 on site caretakers.

**6480 WAGES ON SITE OFFICERS**

New category. Three on site officers, who had provided security services from Maxima Security to Strata Corporation, now hired by the Strata Corporation effective January 1, 2008. This replaces security contract with Maxima Security. The result is substantial savings for same service compared with increased quote of \$129,000 for service in 2008 from Maxima Security as well as higher quote from Black Tower Security.

**6490. WORKERS' COMPENSATION**

Accident insurance coverage for strata employees.

**UTILITIES**

**6520 ELECTRICITY**

Based on last years actual cost.

**6530. GAS**

Based on last years actual cost and increased rates for 2008

**6540. WATER & SEWER TAX**

The projected year-end water and sewer expense is \$36,000. The amount budgeted in this category has been increased to 36,000.

**CONTRACT / BLDG EXPENSES**

**7010 ALARM MONITORING**

Contract for monitoring the fire system. Services provided by Casi Installation.

**7015 ANCHOR SYSTEM MAINTENANCE**

Services to inspect the anchor system on the roof.

**7110 ELEVATOR & LICENSE**

The elevator maintenance contract with Otis Elevators. This category has been budgeted at \$11,000.

**7190. FIRE PROTECTION**

This category covers the annual fire inspection.

**7230. GARBAGE COLLECTION**

This category covers the cost of the contract for the weekly removal of garbage from the compactor rooms.

**7350. LANDSCAPING**

This category covers the cost of the landscape contract. The new contract with Frank Nichols covers the period of January 1 to December 31, 2008.

**7590 MANAGEMENT FEES**

There is a 5 % increase for this fiscal year to account for a cost of living allowance (COLA).

- 7610 GARBAGE RECYCLING**  
This category covers the cost of the large items not suitable for the garbage disposal.
- 7730. SECURITY**  
This item was removed from the budget. This is replaced by three on site officers hired by Strata Corporation. Please see note for 6480.
- 7735 SECURITY SYSTEM MAINTENANCE/FIRE SAFETY**  
This category covers the cost of the service contract with CASI for maintenance of the security system (security panels, keypad/receiver access control, interphones, CCTV equipment, panic stations located in the parkade computers and code changes, monitoring of the fire panels and elevator phones, etc.)

#### **REPAIRS & MAINTENANCE EXPENSES**

- 8030. CARPET CLEANING**  
Annual cleaning of the common area carpets. [i.e. hallways, amenity rooms]
- 8060. ELEVATOR**  
This category covers the cost of any elevator repairs or maintenance not covered by the elevator contract.
- 8061 ENGINEERING.**  
\$25,000 allocated in 2008 for engineering services to be completed by Morrison Hershfield in respect of building repairs.
- 8110. GENERAL REPAIR & MAINTENANCE**  
This amount is allocated to perform regular preventative maintenance and repairs to Limited Common Property, Common Property and Common Assets (other than what has been allocated to specific line items under the Repair & Maintenance Expenses) The amount budgeted in this category has been increased to \$12,000, based on last years actual cost which included cost of replacement of a water tank.
- 8140 JANITORIAL SUPPLIES**  
Supplies used to clean all common area.
- 8150. LAMP REPLACEMENT**  
Replacement of common area lights.
- 8160. LANDSCAPING IMPROVEMENTS**  
Landscaping Improvements includes the purchase cost of items such as annuals and perennials to beautify and improve the current flowerbeds located within common property throughout the complex.
- 8170 LOCKS/KEYS**  
This amount is allocated for replacement and repair of common area locks.
- 8220. PLUMBING AND MECHANICAL**  
This amount is allocated for miscellaneous mechanical repairs and expenses not covered by contract.
- 8440 MECHANICAL UPGRADE BOILER IN "B" BUILDING**  
New item. Replacement of boiler on rooftop in "B" building. This boiler provides hallway ventilation for the entire "B" building.
- 8580 POOL AND SPA CHEMICALS**  
No allocation for this item. Included in 8760.
- 8590 POOL/SPA REPAIRS AND MAINTENANCE**  
The budget is based on last year's estimated actual cost. This category has been budgeted at \$4,000 so funds are available to cover repairs not included under the contract.
- 8940 LEGAL FEES**  
Note: \$50,000 budgeted in 2007 for legal fees. \$10,538 has been paid to McLarty Wolf & Frey for their legal work in 2007 to continue the litigation against the developer, architect, construction manager and

other parties. It is estimated that legal fees payable to McLarty Wolf & Frey in 2008 will be no more than \$75,000 based on a reduced hourly fee and contingency fee arrangement which the Council recommends. The fees include services by McLarty Wolf & Frey and all other supporting services for the litigation.

9010

#### **CONTINGENCY RESERVE FUND**

As stipulated under *Section 92 of the Strata Property Act*, common expenses that usually occur less often than once a year or that do not usually occur, must be financed by a withdrawal from the Contingency Reserve Fund.

*Section 93 of the Strata Property Act and Section 6.1(3) of the Strata Property Regulations* sets out the requirements for the amount of the annual contribution. If the amount of money in the Contingency Reserve Fund at the end of any fiscal year is at least 25% but less than 100% of the total annual budgeted contribution to the Operating Fund for the fiscal year that just ended, the annual contribution to the Contingency Reserve fund may be of any amount.

The amount in the Contingency Reserve Fund as at November 30, 2007 is \$236,362.22. No allocation for CRF is proposed in the budget.



December 11, 2007

**To: The Owners, Strata Plan LMS 1751  
Fairchild Court**

Dear Owner:

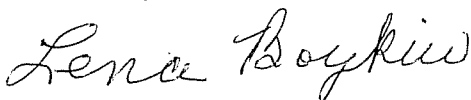
**Re: Petition to the Court; Mark Thomas Ritchie et al v. The Owners, Strata Plan LMS 1751**

Please be advised that the Strata Corporation has recently been served with a Petition to the Court (BC Supreme Court, Vancouver Registry, Action No. S078118) by the Petitioners, Mark Thomas Ritchie and others, seeking an order from the Court to carry out building envelope repairs as recommended by Morrison Hershfield and requiring the Strata Corporation to issue a special levy to the owners of Fairchild Court to pay for such repairs. Enclosed is a copy of the Petition.

Although the Strata Council supports the recommended building envelope repairs, the Council's resolutions for repairs and a special levy were defeated at two special general meetings held in June and August 2007 (a 75% vote was not achieved in either meeting). As such, the Strata Council will neither support nor defend against the Petition.

It will be up to individual owner(s) of Fairchild Court, who are not named as a Petitioner, to defend against the Petition at their own discretion and cost. Please note the forms, timelines and requirements for filing an "Appearance" and "Response" as outlined on page 2 of the Petition. You may seek independent legal advice.

Yours truly,



Lena Boykiw  
Strata Council President  
Fairchild Court

Encl.



# ADRIENNE MURRAY

LAW CORPORATION

STRATA LAW

December 3, 2007

File 464.07

Baywest Management  
300 - 1770 Burrard Street  
Vancouver, BC V6J 3G7

VIA COURIER

Attention: Carmena Pietroianu

RECEIVED  
DEC 04 2007

Dear Sirs:

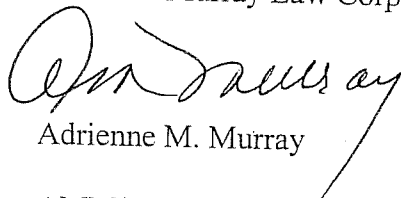
**Re: Mark Thomas Ritchie et al v. The Owners, Strata Plan LMS 1751  
BCSC Vancouver Registry Action No. S078118**

Please find enclosed for service on you the Petition and #1 Affidavits of Mark Thomas Ritchie, Lena Boykiw and Frederick Andrew Warriner filed in the above noted action.

Kindly acknowledge service by signing and returning to our offices the enclosed copy of this letter.

Yours truly,

Adrienne Murray Law Corporation

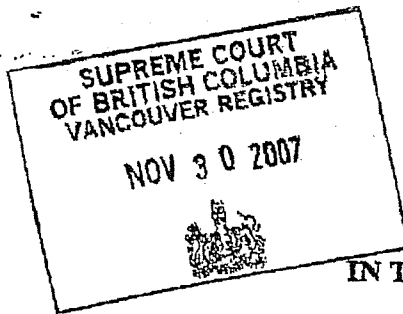
  
Adrienne M. Murray

AMM/sk

cc: Client

*Copy signed by Strata Manager on Dec. 6/07.*

07 12 03 LTBaywest



**S078118-**

No.  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**MARK THOMAS RITCHIE, ELIZABETH SOYOUNG RITCHIE, FREDERICK ANDREW WARRINER AND JOANNE GRANT WARRINER, BOTH EXECUTORS OF THE WILL OF FREDERICK WARRINER, DECEASED, VIVIAN KOON WEI LAU, JUDY LABAN, TEK HENG TAN, SIU CO, LEE UY, LENA WASYLENA BOYKIW, JANET CHING YEE CHAN, LANCIE PUI NGAN CHUNG, KAR YEE HO, HERMAN HUNG CHOI HO, ERNA LETKEMANN, MOHAMMED SAEED JHATAM, SHERIN MINTY, SYLVIA SUI YEE LEONG CHENG, DIANA YUEN MING CHENG, CYNTHIA YUK TIM LUM, YUK CHING CHOW, SUSIE KIT LING LEE, ANDREW SIU ON KWAN, KAREN PO CHEE KWAN, JULIA TSAI, SUET YING LO, HILDA BAXTER, JUNG HWAN KIM, LESLIE CHIN CHAU LAM, ELY SUZANNA, ESTELLA YUK CHING CHAO, CECIL SHU ON CHAN, RITA HUNG YUK CHAN, BENNY WONG, HELEN YIP HUNG WONG, TETSUO YOSHIOKA, DAVID TAT WAI TONG, CLIVE SEK-CHOI YEUNG, BETTY YIP-LAI YEUNG, CECILIA TO, MILDRED MIU YUNG TAM, JUDY MUI KWANG TING, EMILY MIU CHING WONG, JULIUS SHEN TIEN KWAN, YING KAN, TSUNEKO SOYAMA, SHIU KING CHEUNG, SHIRLEY YING FUNG LIU, JOHN CHUNG YEE KO, JUKKA ALARIK MAKINEN, SUK WAH LAM, MARIE PAULINE COMERFORD, KAREN ANGIE KWOK, JOANNE CHI NGAN CHUNG, YUEN-MING DIANA CHENG, SYLVIA SUI YEE CHENG, BETTY ANN LING FUNSTON, LAWRENCE WANG IP CHAN AND ANITA TAK HING CHAN**

**PETITIONERS**

**AND:**

**THE OWNERS, STRATA PLAN LMS 1751**

**RESPONDENT**

**PETITION TO THE COURT**

**THIS IS THE PETITION OF:**

**MARK THOMAS RITCHIE et al  
c/o Adrienne Murray Law Corporation  
201 - 15225 Thrift Avenue  
White Rock, BC V4B 2K9**

**ON NOTICE TO:**

**THE OWNERS, STRATA PLAN LMS 1751  
c/o Baywest Management Corp.  
300 - 1770 Burrard Street  
Vancouver, BC V6J 3G7**

Let all persons whose interest may be affected by the order sought TAKE NOTICE that the petitioners apply to court for the relief set out in this Petition.

IF YOU WISH TO BE HEARD at the hearing of the petition or wish to be notified of any further proceedings, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court within the Time for Appearance and YOU MUST ALSO DELIVER a copy of the "Appearance" to the petitioners' address for delivery, which is set out in this petition.

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a form of "Appearance" at the registry.

IF YOU FAIL to file the "Appearance" within the proper Time for Appearance, the petitioners may continue this application without further notice.

#### TIME FOR APPEARANCE

Where the Petition is served on a person in British Columbia, the Time for Appearance by that person is 7 days from the service (not including the day of service).

Where this Petition is served on a person outside British Columbia, the Time for Appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

#### TIME FOR RESPONSE

IF YOU WISH TO RESPOND to the application, you must, on or before the 8<sup>th</sup> day after you have entered an appearance,

(a) Deliver to the petitioners

- (i) 2 copies of a response in Form 124, and
- (ii) 2 copies of each affidavit on which you intend to rely at the hearing.

(b) deliver to every other party of record

- (i) one copy of a response in Form 124, and
- (ii) one copy of each Affidavit on which you intend to rely at the hearing.

(1)	THE ADDRESS FOR THE REGISTRY IS:	800 Smithe Street Vancouver, BC V6Z 2E1
(2)	THE ADDRESS FOR DELIVERY IS:	201 - 15225 Thrift Avenue White Rock, BC V4B 2K9
	FAX NUMBER FOR DELIVERY IS:	(604) 538-8439

(3) THE NAME AND OFFICE ADDRESS OF THE PETITIONERS' SOLICITOR IS:	Adrienne M. Murray Adrienne Murray Law Corporation 201 - 15225 Thrift Avenue White Rock, BC V4B 2K9 Tel: (604) 538-8239
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The Petitioners apply to this Court for the following relief:

1. A declaration that repairs to rehabilitate the building cladding, windows and sills (the "Repairs") of the strata development known as "Fairchild Court" as recommended by Morrison Hershfield in a report dated July 21, 2006 (the "Morrison Hershfield Report") are required.
2. An Order that the Respondent Strata Corporation be directed to proceed with the Repairs in such manner as its Strata Council may decide.
3. An Order that the Strata Corporation proceed with the Repairs recommended for rehabilitation of the strata development as set out in the Morrison Hershfield design budget dated May 16, 2007 in the amount of \$8,000,000, which budget does not include the cost of the Podium rehabilitation, subject to any adjustments as called for in the working drawings and specifications to be prepared by Morrison Hershfield.
4. An Order that the Strata Corporation issue a special levy to the owners of Strata Lots based upon their respective unit entitlements, in the amount of \$8,800,000 (which represents the approximate cost identified by Morrison Hershfield in May 2007 plus an amount of approximately 11% as a contingency to reflect increased costs) subject to any adjustments as called for in the working drawings and specifications to be prepared by Morrison Hershfield (the "Special Levy"), in order to fund the cost of the Repairs, such levy to be payable in such manner as the Strata Council for the Strata Corporation may choose.
5. An Order that if an owner of a Strata Lot fails to pay his or her portion of the Special Levy when due, the Strata Council may assess that owner a fine of \$50.00 and may also

assess interest on any overdue amount at the rate of 10% per annum, compounded annually.

6. A Declaration that the Special Levy shall be part of the common expenses of the Strata Corporation for the purpose of, without limitation, sections 116 to 118 of the *Strata Property Act*.
7. An Order that the Petitioners recover the costs of these proceedings on a special cost basis.
8. An Order that the Petitioners are exempt from payment of a share of any special levies levied by the Respondent to pay the costs of this proceeding.
9. Such further and other Orders as this Honourable Court deems appropriate.

The Petitioners will rely on sections 3, 108, 163, 164, 165 and the whole of the *Strata Property Act* S.B.C. c. 43 as amended, and the whole of the Strata Property Regulation, and Rules 10, 44, 51A, 52 and 57 of the Rules of Court.

At the hearing of this Petition will be read the following affidavits

- (a) Mark Thomas Ritchie sworn the 29<sup>th</sup> day of November 2007;
- (b) Lena Boykiw sworn the 29<sup>th</sup> day of November 2007;
- (c) Fred Andrew Warriner sworn the 23<sup>rd</sup> day of November 2007; and
- (d) Such further and other material as may be filed on behalf of the Petitioners.

The facts upon which this Petition is based are as follows:

1. The Petitioners are the owners of strata lots within the strata development LMS 1751 known as "Fairchild Court".

2. The Respondent The Owners, Strata Plan LMS 1751 is a strata corporation (the "Strata Corporation") created in December 1994 by deposit of a strata plan in the Land Title Office.
3. Fairchild Court contains a total of 113 strata lots in four buildings. Two of the buildings contain apartment style strata lots and two buildings are two storey townhouse style strata lots.
4. The Fairchild Court has suffered from water leaks for a number of years. The Strata Corporation obtained reports from Read Jones Christoffersen Ltd. in 2000, (waterproofing membrane above parkade only), RDH Building Engineering Limited in 2002, Spratt Emanuel Engineering Ltd. in 2003, Aqua-Coast Engineering Ltd. in 2005 and Morrison Hershfield in 2006. Additionally, Fairchild Projects No. 12 Ltd., the developer of Fairchild Court, retained Levelton Engineering Ltd. to evaluate the waterproofing membrane in the central courtyard in 1999. The failure of the waterproofing membrane was resulting in water leaks in the parking garage.
5. The Morrison Hershfield Report noted that four prior reports had been obtained and that all four prior reports concur that the four primary areas requiring rehabilitation in the short term are the metal panel walls, windows in the metal panel walls, precast window sills, and leaks in the parking garage.
6. The Morrison Hershfield Report made recommendations relating to both the repair of the building and the repair of the podium which is required as a result of water leaks in the parking garage.
7. The Morrison Hershfield Report proposed two options for repair. One option proposed using new metal panels rather than new metal cladding sheets. The Morrison Hershfield Report noted that new metal panels are thicker than cladding and provide a more robust surface but that they are more costly than metal cladding. The Morrison Hershfield Report recommended using new metal cladding sheets as a second option because



although the cladding is lower in cost, the cladding is thinner and will require approval from the City of Vancouver because the metal cladding will change the appearance of the building.

8. The proposed costs of the two options as contained in the Morrison Hershfield Report are \$9,400,000 if metal panels are used and \$8,200,000 if metal cladding is used. Both options included the repair of the podium.
9. After receiving and reviewing the Morrison Hershfield Report the Strata Council arranged for an Information Meeting of the owners to be held December 18, 2006. A representative of Morrison Hershfield attended to explain their findings to the owners.
10. In a letter to the Strata Corporation dated May 16, 2007, Morrison Hershfield provided the Strata Corporation with a 75% design budget for the building rehabilitation. Excluding the podium repair, the costs of the building repairs ranged between \$7,515,000 and \$7,935,000. The repair recommended by Morrison Hershfield was Option A the cost of which is budgeted at \$7,935,000.
11. At a Special General Meeting of the owners held June 19, 2007, the owners were presented with a resolution to approve a special levy in the amount of \$11,000,000 in order for the Strata Corporation to carry out the building repairs and the podium repair as proposed by the Morrison Hershfield. This resolution was supported by 57% of the owners, but was unable to achieve approval by the required  $\frac{3}{4}$  vote and thus was defeated. A further Special General Meeting was held August 7, 2007 in which a resolution for a special levy in the amount of \$8,000,000, which did not include the cost to repair the podium, was presented to the owners. This resolution was supported by 62% of the owners, but was also unable to achieve approval by the required  $\frac{3}{4}$  vote thus was also unsuccessful.
12. The Morrison Hershfield Report considered the viability of targeted repair and concluded that to be viable, water ingress related problems would have to be isolated to

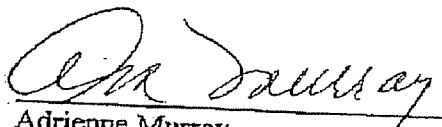
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certain identifiable localized areas. The Morrison Hershfield Report concluded that targeted repair was not viable because water ingress related problems appear to be widespread and affecting all building elevations of each of the four buildings.

13. The Petitioners say that the Strata Corporation has a statutory duty to repair and maintain common property and that the repair and maintenance of the metal cladding, windows, window sills at Fairchild Court falls squarely within the scope of that duty.
14. The Petitioners say that the repair recommended in the Morrison Hershfield Report is supported by a substantial majority of owners, albeit not the requisite  $\frac{3}{4}$  vote as required by the *Strata Property Act*.
15. The Petitioners say that the failure of the Respondent Strata Corporation to repair and maintain common property is significantly unfair and prejudicial to the Petitioners
16. The Petitioners say that a minority of owners should not be allowed to prevent the Strata Corporation from carrying out its clear statutory duty to repair and maintain common property.

The Petitioners estimate that the application will take 1 day.

Dated at the City of White Rock, in the Province of British Columbia, this 29 day of November, 2007.

  
Adrienne Murray  
Solicitor for the Petitioners

This PETITION TO THE COURT is filed and delivered by ADRIENNE MURRAY, of the firm of ADRIENNE MURRAY LAW CORPORATION whose place of business and address for delivery is 201 - 15225 Thrift Avenue, White Rock, BC, V4B 2K9, Telephone: 604 538-8239 (Ref: 464.07)

***NOTICE***  
***of the***  
***BUILDING ENVELOPE***  
***REHABILITATION SPECIAL***  
***LEVY***

***of***  
***FAIRCHILD COURT***  
***STRATA PLAN, LMS 1751***

***Due in four payments on:***

***September 1, 2008***

***December 1, 2008***

***March 1, 2009***

***June 1, 2009***

# 風采閣 立案法團 LMS 1751

## 大廈漏水維修徵集 特別資金通知書

特別資金分四次繳付，日期如下：

2008 年 9 月 1 日

2008 年 12 月 1 日

2009 年 3 月 1 日

2009 年 6 月 1 日