

**MINUTES
SPECIAL GENERAL MEETING
THE OWNERS, STRATA PLAN EPS 3084**

*Held on Friday, August 26, 2022 at 7:00 p.m.
Meeting was held electronically*

Following registration that began at 7:00 p.m., the meeting was called to order at 8:16 p.m. by Allyson Baker from Clark Wilson LLP, the strata corporation's legal counsel who acted as the Chair of the meeting upon majority approval from owners.

FirstService Residential BC Ltd. was represented by Michael Chung, Regional Director, Strata Operations, and Juliana Oliveira, who acted as the moderator in the meeting.

QUORUM STATUS

Subject to the Bylaws, a quorum for a general meeting is eligible voters holding 1/3 of the Strata Corporation's votes, present in person or by proxy. As the Strata Corporation currently consists of 127.1 eligible votes, 42.4 eligible votes represent quorum in this instance. At the commencement of the meeting, there were 67 eligible residential votes and 11.4 eligible commercial votes, for a total of 78.4 votes represented. The Quorum requirements had been achieved and the meeting proceeded at 8:16 p.m.

APPROVAL OF CHAIR

Jayun McDowell, the strata council president stated that given the nature of the issue that has been raised, council is proposing that Allyson Baker chairs the meeting. This requires a majority vote. After a brief introduction from Allyson Baker, a vote was launched to permit Allyson Baker to chair the meeting. 63.8 voted in favour. **CARRIED.**

APPROVAL OF ELECTRONIC GENERAL MEETING RULES OF PROCEDURES

42.8 voted in favour, and 1 abstained. **CARRIED.**

PROOF OF NOTICE

It was noted that the Notice Meeting was issued on August 9, 2022.

APPROVAL OF AGENDA

Approval of the Agenda of the August 26, 2022 Special General Meeting. **CARRIED.**

APPROVAL OF ANNUAL GENERAL MEETING MINUTES

Approval of the Annual General Meeting minutes held on June 13, 2022, as previously circulated. **CARRIED.**

Allyson Baker explained that the agenda of this meeting is drafted based on the Petition matters for discussion and resolution votes, as follows:

1. Termination of the Building Manager contract and possible reinstatement of this person

No resolution was presented in Petition for matter 1. As such, the floor was opened for discussions of matter 1, and discussions ensued.

2. Designation by the Strata of the Building Manager as contractor or employee

Majority Vote Resolution “1” APPROVAL OF OWNERS TO TERMINATE BUILDING MANAGER was associated with matter 2, and a vote was called.

**MAJORITY VOTE RESOLUTION “1”
APPROVAL OF OWNERS TO TERMINATE BUILDING MANAGER**

WHEREAS the Strata Council of EPS3084 recently voted to terminate the current Building Manager contract and replace it with one that cost more and included less available service hours without disclosing this fact at the AGM or distributing any minutes that described this, as required by the Strata Property Act.

AND WHEREAS the Building Manager position at Sequel was created five years ago to ease the workload of the Strata Manager and provide services to Owners outside of the 8:00 am – 4:00 pm weekdays only restriction of the Strata Management company. Most apartment buildings and Strata properties to consider their Building Manager an employee and provide typical benefits like sick days, paid vacation, medical/dental coverage, time off, overtime pay, and EI. At Sequel this position is considered an independent contractor so no benefits are afforded and the position comes with no job safety net in the event of termination, like eligibility for EI. And;

AND WHEREAS the threshold to remove a Strata Management company is a 3/4 Vote by eligible voters at an AGM or SGM, and to remove a Council member is a 2/3 Vote also at an AGM or SGM. By contrast the Building Manager contract can be terminated by only 2 votes at a Council meeting.

AND WHEREAS Owners must approve significant changes in service related to the building.

BE IT RESOLVED that with respect to the Building Manager position: a proposed change in service providers, or significant increase in price / reduction of service, must first be approved by a Majority Vote (50%+1) at a general meeting of the Owners.

BE IT RESOLVED that the building manager position be considered one of an employee and not a contractor, and that the position be severed from the duties of a building cleaner so the roles are distinct and termination of one role does not mean termination of the other.

END OF RESOLUTION

After some discussions, the vote was called on Majority Resolution “1”. The results were as follows:

42.8 IN FAVOUR 27 OPPOSED 1 ABSTAINED **CARRIED**

3. Review of the termination disclosure: not at AGM, not in minutes, only on Facebook

No resolution was associated with matter 3. As such, the floor was opened for discussions of matter 3, and discussions ensued.

4. Discussion of the potential for litigation resulting from termination of contracts like these

No resolution was associated with matter 4. As such, the floor was opened for discussions of matter 4, and discussions ensued.

5. Review of the Strata Management company contract and actions of the Strata Manager

3/4 Vote Resolution "2" TERMINATION OF STRATA MANAGEMENT CONTRACT was associated with Matter 5, and a vote was called.

**3/4 VOTE RESOLUTION "2"
TERMINATION OF STRATA MANAGEMENT CONTRACT**

WHEREAS Section 39 of the Strata Property Act states that a Strata Management services contract may be cancelled by the Strata Corporation on two (2) months' notice if the cancellation is first approved by a resolution passed by a 3/4 Vote at an Annual / Special General Meeting;

AND WHEREAS the Strata Management company has not met its obligations under the Strata Property Act;

AND WHEREAS the Owners, Strata Plan EPS3084, wish to terminate the management services contract with FSR.

BE IT RESOLVED by a 3/4 Vote Resolution of the Owners, Strata Plan EPS3084, that the management services contract with FSR be terminated, pursuant to Section 39 of the Strata Property Act, the termination date shall be effective November 28 2022.

END OF RESOLUTION

After some discussions, the vote was called on 3/4 Vote Resolution "2". The results were as follows:

32.8 IN FAVOUR 36 OPPOSED 0 ABSTAINED **FAILED**

6. The use of Facebook by Council and the need for policy on moderation & membership

No resolution was associated with matter 6. As such, the floor was opened for discussions of matter 6, and discussions ensued.

7. The need for laundry facilities in the building for third floor Residents and some Owners

No resolution was associated with matter 7. As such, the floor was opened for discussions of matter 7, and discussions ensued.

8. Strata use of Platinum Pro Claim as a preferred vendor for leaks and restoration needs

No resolution was associated with matter 8. As such, the floor was opened for discussions of matter 8, and discussions ensued.

9. Resolution of disputes over the loading bay gate repair and upgrade invoices

No resolution was associated with matter 9. As such, the floor was opened for discussions of matter 9, and discussions ensued.

10. Removal of Council members and election of new ones

It was noted at this time that three participants who joined by telephone left before this vote.

Bylaw 5.15 requires 2/3 of the votes cast to remove council members. After some discussions, the following 2/3 Votes to remove individual council members were called:

2/3 Vote to Remove Bethany Brown from Council

27 IN FAVOUR 30 OPPOSED 0 ABSTAINED **FAILED**

2/3 Vote to Remove Christina Donovan from Council

9 IN FAVOUR 52 OPPOSED 0 ABSTAINED **FAILED**

2/3 Vote to Remove Jayun McDowell from Council

34 IN FAVOUR 26 OPPOSED 0 ABSTAINED **FAILED**

2/3 Vote to Remove Rick Chou from Council

8 IN FAVOUR 44 OPPOSED 0 ABSTAINED **FAILED**

As all 2/3 Votes to Remove Council failed, it was not necessary to elect new council members.

TERMINATION OF MEETING

There being no further business or other matters demanded by petition of owners, the meeting was terminated at 10:43 p.m.

[Minutes prepared by Clark Wilson LLP.]