

DRAFT MINUTES
LITTLE QUALICUM RIVER VILLAGE ~ REGULAR COUNCIL MEETING
HELD ON OCTOBER 26, 2020 AT 6:30 P.M.
CONDUCTED BY TELEPHONE CONFERENCE, QUALICUM BEACH, BC

Present:

President: Trish Curtin
Vice President: Evelyn Mitchel
Councillors: Doedy, Reisler

Volunteers: Emmanuelle Nixon, Recording Secretary

Absent: Oliver Board (without notice) and Lorraine Webb (with notice)

Item #1

CALL TO ORDER

Trish called the Regular Council Meeting to order at 6:35 p.m.

Council appointed Emmanuelle Nixon to Council as she has been volunteering for the past 5 months and has all the experience required to fill the position of Council Secretary until the next AGM.

Item #2

ADOPTION TO THE AGENDA

2.1

Additions to the Agenda

- a) 5.1.g.v. – Abbey Road Slope Assessment
- b) 6.3. – Realtor Information Sheet
- c) 6.4. – Emails to Council
- d) 6.5 – Strata Contract Renewals
- e) 7.6.b. – Insurance Renewal
- f) 7.6.c. – Strata Service Providers Registry

2.2

Corrections to the Agenda

- a) Numbering System for Item #5.1

Moved by Trish, seconded by Doedy

MOTION: 1/10/2020 “THAT the VIS4673 Strata Council hereby adopts the agenda, with the additions of 5.1.g.v. – Abbey Road Slope Assessment; 6.3 – Realtor Information Sheet; 6.4 – Emails to Council; 6.5. – Strata Contract Renewals; 7.6.b. – Insurance Renewal; 7.6.c. – Strata Service Providers Registry and with the correction of the Numbering System for Item #5.1, as amended.”

Motion **CARRIED**.

Item #3 **DELEGATIONS, PRESENTATIONS OR PETITIONS**

There were no Delegations, Presentations or Petitions.

Item #4 **ADOPTION OF THE MINUTES**

Minutes of the September 28, 2020 Strata Council Meeting.

4.1 Corrections

- a) 7.1. – Maintenance Schedule was not attached as noted.
- b) 7.3.c. – Spelling Error of Kline to Klein
- c) 8.1 – SL186 CRT Case was not attached as noted.

Council noted that 8.1 – SL186 CRT Case document can be viewed on the LQRV website Resident's Only section under the Legal tab.

Moved by Trish, seconded by Evelyn

MOTION: 2/10/2020 **"THAT the VIS4673 Strata Council hereby adopts the minutes of the September 28, 2020 Council meeting, with the corrections of 7.1 – Maintenance Schedule was not attached as noted; 7.3.c. – Spelling error of Kline to Klein; and 8.1 – SL186 CRT Case document was not attached as noted, amended."**

Motion **CARRIED**.

Item #5 **OLD BUSINESS**

5.1 Annual General Meeting (AGM) Directives to Council

- c) Plan for Back Flow Valves
DEFERRED. Item is still on hold until Dr. Bonnie Henry gives the go ahead to do non-essential work on water systems.
- e) Depreciation Report
The DRAFT Depreciation Report is currently being reviewed.

5.1 Annual General Meeting (AGM) Directives to Council (Cont'd)

g) Legal

i. Opinion on Recouping Costs from Developer

We are waiting for the opinion from the Strata Lawyer. We have followed up and expect to have that in the near future.

ii. General Review Assistance

Ongoing.

v. Drainage Assessment for Abbey Road

Evelyn has contacted two construction companies regarding the road repairs recommended by Madrone. She hasn't had any responses to the multiple emails or phone messages left to date.

5.2 Action Items

a) Revise Design Review Committee (DRC) Application

Doedy is continuing to work on the revisions as time permits.

b) New Banking Institution and Signing Authorities

Evelyn now has signing authority at the TD Bank for the Strata Corporation as Vice President. Doedy noted that cheques cannot be ordered online so she will be making an appointment with the bank. Council informed owners that the new TD Bank account will become active in time for the next fiscal year.

c) Title Search Inventory

This project is on-going. It is important for all owners who have not already done so, to submit a copy of their Land Title to the Strata by e-mail (vis4673@gmail.com), regular mail or by dropping it in the mail slot of the gatehouse door. **NB: Strata bylaw 4(2) requires owners provide the Strata Corporation with a copy of a Certificate of Title, within 45 days of becoming an owner.** It is our hope that owners will submit copies of their Land Titles voluntarily and that bylaw enforcement will not be required for the Strata to meet its legal obligations to have these documents on record for every Strata lot. Thank you!

d) Official Community Plan (OCP)

Despite continued follow-up emails to the RDN (Regional District of Nanaimo) there has been no response to date. This item will now be removed from the Agenda.

Item #6 NEW BUSINESS

6.1 [Storage Units](#)

The final stages of the clean out are on-going with a few outstanding units that need to be dealt with.

6.2 [Annual General Meeting \(AGM\)](#)

As COVID-19 is preventing us from meeting in person and our failing phone system cannot facilitate a large Zoom meeting, we cannot set a date set for the AGM until we know when the new phone system will be functional.

6.3 [Realtor Information Sheet](#)

Candice has created a new Realtor Information Sheet that she will share with Realtors within the immediate area who have listings within the Village. She will post it on the website within the Public Area and will email it out to local Real Estate Offices asking them to distribute it to their Realtors. This Information Sheet will help to streamline things for gate access, welcome package delivery and expedite our receipt of the completed Owner Registration Form.

6.4 [Emails to Council](#)

Council has worked hard this year to complete the AGM tasks assigned to them while managing the day-to-day operations within the Village. Unfortunately, some owners have been contacting our service providers (Telus, Hub Insurance, the bank, VIHA and the Strata lawyer) making various false accusations about our Strata and Council members. This behaviour is very inappropriate, counterproductive, time consuming and harmful to the relationships this Council has worked so hard to develop. These actions are negatively impacting and undermining the best interests of all owners, including your volunteer Council members.

6.5 [Contract Renewals](#)

Council confirmed the renewals of all contracts currently held including Parksville Business Services for Administrative and Bookkeeping services - Candice Pady; Don's Home Repair and Plumbing – for Water Management - Don Buchner; Waste Management for Garbage Management – Tom Crasemann; Jonathan Chmilar for Washroom Cleaning – Jonathan Chmilar; and, Mara Industries Inc. for Snow Removal.

Item #7 **COMMON PROPERTY**

7.1 Maintenance Schedule

There is no need for a Maintenance Schedule until the spring because all the planned projects (listed under Item 7.2) have been completed and we are now focused on snow removal and road surface maintenance. This will become an internal document.

7.2 Maintenance Tasks

a) SL239 – Ditch Required

This ditch area of concern will be observed over the rainy season to assess the situation and identify possible solutions.

b) Washrooms at Mountainview Park

i. Damaged Doors

The doors have now been replaced and trim will be installed as required. This item will now be considered completed and removed from the Agenda.

c) Gatehouse Maintenance and Upgrades

The exterior work has been completed with lights being fixed with motion sensors. Cameras, new surveillance and gate instructional signage have been ordered along with extra gate clickers to replenish the supply. The interior work will be done in tandem with Candice as our Admin to streamline her office area, to accommodate her workload and to welcome owners and visitors to the Gatehouse.

d) Kymy's Crescent Culvert

This project has been completed and will be removed from the Agenda.

e) Wallace Wood Way Culvert

This project has been completed and will be removed from the Agenda.

7.3 Inspections and Maintenance Reports

There was nothing new to report.

7.4 Special Projects

a) Telus

Council received an email update to this build project. The end completion date has now been pushed to the end of March as 70 new anchors must be added to existing poles to support the weight of the additional cable. This document has been attached to the Minutes.

7.5 Water System

a) Well #24 Update

Council is waiting for the consultant's report, but the test results came back good for Well #24. The next step is to contact VIHA (Vancouver Island Health Authority) for a site visit.

b) Water System Reports

Water testing and reporting continues as always. The report for the most recent month is posted on the website. Reports from prior months are available upon request. If there is something out of the ordinary to report, the document will be attached to the Minutes.

7.6 Miscellaneous

a) Revamp of the LQRV Website

Document links are currently being tested and Doedy is continuing to work on the website as time permits.

b) Insurance Renewal

Aviva has decided to stay on with us and we will continue to have full coverage on all Common Property assets. Thanks again to those owners who cleaned out their Storage Units and to our Maintenance Contractor, Mara Industries Inc., for arranging and doing the infrastructure repairs along with the submission of detailed reports and photos to Council so that they could be forwarded to our Broker, Hub Insurance.

Optional Coverage to buy down the deductible on the Earthquake Insurance from 1,2600,000 to \$420,000 was accepted at the additional premium of \$2,495 (\$8.80 per lot). This will significantly reduce owners' exposure to unexpected costs in the event of a damaging earthquake. The current phone system is still included as an asset and will be deleted once Telus has its fibre optics system in place.

7.6 Miscellaneous (Cont'd)

b) Insurance Renewal (Cont'd)

It was noted that Aviva was happy with the responsible management approach the Strata has demonstrated this year by the various professional assessment's owners funded and Council completed this year.

Being assured that Council and owners are committed to remedying the Storage Units in the near future went a long way to bolster the confidence Aviva has in our Strata. As noted, the photos of rows and rows of cleaned out Storage Units, new gates, Gatehouse and washroom building upgrades, asphalt repairs and other road upgrades, along with the reports from Mara Industries Inc. have all illustrated the responsible management approach being taken by Council that insurance companies (and owners) want to see.

Moved by Trish, seconded by Doedy

MOTION: 3/10/2020 "THAT the VIS4673 Strata Council hereby accepts the Insurance Renewal from Hub Insurance as proposed."

Motion **CARRIED.**

c) Strata Service Providers Registry

All owners are encouraged to contact Council if they have a service or equipment to provide. These responses will then become part of the Registry for Council to rely on when projects arise. The Registry form will be attached to the Minutes.

Item #8 POLICY, PROCEDURES AND LEGAL

- 8.1 a) Judith and Noel Munkholm Civil Claim – BCSC Action No. VLS-S-S-1611350
It was noted that an expected response would be received in 2022.

Item #8

POLICY, PROCEDURES AND LEGAL (Cont'd)

b) [SL288 – CRT Filing Notice](#)

A preliminary decision was issued by the Civil Resolution Tribunal (CRT), confirming that the Time Limitation Act does not bar the Strata from removing the fence and landscaping from Common Property. The CRT also declined to make an order stopping the Strata from removing the fence or landscaping. The next step, if SL288 wishes to pursue the matter further, is for SL288 and the Strata to submit their evidence and arguments. Council is enacting its duty to repair, maintain and protect Common Property on behalf of all owners and the Strata Corporation.

A copy of the preliminary decision can be viewed on the LQRV website Resident's Only section under the Legal tab.

c) [Office of the Information and Privacy Commission \(OIPC\) Complaint against the Strata Corporation.](#)

There is nothing new to report except that the initial investigation has been completed.

Item #9

DESIGN REVIEW COMMITTEE (DRC)

9.1

[Design Review Committee \(DRC\) Applications and Construction](#)

Owners were reminded that the scope of a DRC Application includes setbacks, permits and lot lines.

a) [SL065](#)

The DRC approved the building setbacks.

b) [SL260](#)

The DRC Application was only to approve tree removal and not a building permit.

Item #10

FINANCIAL REPORT AND EXPENDITURES FOR APPROVAL

10.1

[Year-to-Date Revenue and Review of Receivables](#)

Doedy and Candice are working to clear-up and reconcile all accounts prior to closing out the year-end.

The Treasurer's and CRF Reports will be attached to the Minutes.

10.2 [Report on Collection Decisions and/or Directives](#)

As of November 1, 2020, Doedy will be sending out all demand and lien letters accordingly.

Owners were reminded that if they have an outstanding demand or lien letter on their account, they forfeit their right to vote and they cannot run for a Council position at the next AGM.

10.3 [Report on Special Projects](#)

There was nothing outstanding to report.

Item #11 **EVENTS**

There are no current events.

Item #12 **CORRESPONDENCE**

12.1 [Correspondence Summary](#)

SL016 – Email: Information request on fire ban within the village.

SL029 – Hand Delivered Letter: Information request from September 15, 2020.

Hand Delivered Letter: Document request for Credit Union 2019-2020 bank records. Hand Delivered Letter: Disagreeing with the description of their prior correspondence, requesting it be changed and relating various other criticisms about and instructions for Council.

SL044 – Email: Washroom Cleaning Contract

SL064 – Email: Report of stray dog.

SL065 – Email: Septic Application filed with VIHA. Email: Request for setback relaxation letter for septic plan. Email: Report of wire sticking through road on Tom's Turnaround.

SL079 – Email: Information request on the author of the new Newsletter and if they have permission to be reporting on behalf of Council.

SL102 – Email: Road maintenance for Dar's Place, request it be brought up at the AGM.

SL105 – Email: Thanked Council for hard work.

SL164 – Email: Inquiry into hazardous tree removal.

SL168 – Email: Inquiry into a community co-op hobby farm.

SL175 – Email: Storage Unit clean-up.

12.1 Correspondence Summary (Cont'd)

SL178 – Email: Parking permit request. Email: Property pins. Hand Delivered Letter: Complaint letter against SL179. Hand Delivered Letter: Request for Canada Post communications only.

SL179 – Email: Information request for property survey for SL178 and SL179. Email: Document request for correspondence from SL178 for the year 2020.

SL198 – Email: Information request on excavation of SL260. Email: Reported concerns of bank stability for SL260. Email: Reported concerns over emergency communication abilities given power outage and poor cell reception.

SL258 – Email: Document request for April 2020 Inspection Report on Storage Units and copy of Hub Insurance Report.

SL266 – Email: Report of sharing complaint information with SL172 and still waiting for document request of SL079. Email: Second report of sharing complaint information with SL172. Email: Second complaint about waiting for documents of SL079. Email: Report that Strata email Auto Reply is turned off. Email: Third complaint regarding document request on SL079. Email: Third report of sharing complaint information with SL172. Email: Complaining about Council still using COVID-19 as an excuse for teleconference meetings. Email: Forth complaint on document request on SL079. Email: Forth report on sharing complaint information with SL172.

SL272 – Email: Information request on extension of fence.

SL283 – Email: Relating completed survey shows Strata road on their property and requesting the situation be remedied.

SL244/245 – Email: Information request regarding location of Well #24 and copies of plans of water system and its features.

Email: Laine Coopsie (OIPC Investigator) – Request meeting with Trish to discuss the OIPC complaint from SL128. Email: Follow-up questions for investigation of complaint from SL128.

Email: Don Buchner – Submission of September's Water Report

Email: Sarah Corbett (Real Estate Agent) – Information request if pet pigs are allowed in the village.

Email: Luke Bouma – Information request on restriction of number of dogs/animals per lot.

Email: Mara Industries Inc. – Kymy's Court infrastructure upgrade. Email: Taylor Walk Storage Area – Green Waste.

Email: Suncorp Valuations – Revised Appraisal Report.

Correspondence was also received regarding Service Provider work orders and updates, E-Notice Forms, Forms B and F, gate clickers, mailbox keys, personal account information, Strata Fee inquiries, invoices, payments, updated contact information, gate directory, Telus Drop permissions, website inquiries, lawyer and realtor general questions of potential lot sales.

Item #13 **NEXT MEETING DATE**

Council will next meet November 30, 2020 @ 6:30 p.m.

Meeting will take place via teleconference.

Item #14 **BY-LAW ENFORCEMENT (IN CAMERA)**

- a) SL172 – A fine letter was sent for a second infraction of walking a dog off leash on Common Property – Strata Bylaw 38(1).

Item #15 **ADJOURNMENT**

Trish adjourned the meeting at 8:40 p.m.

DRAFT



HUB International Insurance Brokers

8-1551 Estevan Road Nanaimo, BC V9S 3Y3

Ph: (250) 753-4169 Fax: (250) 753-4998

Interim Confirmation of Insurance Effectuated

Named Insured: Strata Plan VIS 4673, Owners of
Mailing Address: 1773 Country Road, Qualicum Beach, BC V9K 2S3

Insurer: Allianz Global Risks US Insurance Company (10% Property)
Lloyd's Underwriters as per Contract No. B0572NA20BN06 via HUB International Canada West ULC (10% Property)
Lloyd's Underwriters as per Contract No. B0572NA20BN08 via HUB International Canada West ULC (10% Property)
Lloyd's Underwriters as per Contract No. B130C502052005 via HUB International Canada West ULC (10% Property)
Max Insurance (MGA) as arranged by Hub International Insurance Brokers (5% Property)
Echelon Insurance (MGA) as arranged by Hub International Insurance Brokers (15% Property)
Wawanesa (MGA) as arranged by Hub International Insurance Brokers (40% Property)
- Equipment Breakdown: Aviva Canada Inc.
- Liability: Certain Underwriters at Lloyd's of London, under UMR No. B0572NA20BN03
- Directors & Officers: Certain Underwriters at Lloyd's of London, under UMR No. B0572NA20BN03
- Volunteer Accident: Certain Underwriters at Lloyd's of London, under UMR No. B1306C501292000
- Legal Expense: Certain Underwriters at Lloyd's of London, under UMR No. B1306C501302000
- Terrorism: Certain Underwriters at Lloyd's of London, under UMR No. B0572NA20BN03
- Cyber Liability: Certain Underwriters at Lloyd's of London, under UMR No. B0572NA20BN03
- Earthquake Buy Down: Lloyds Underwriters under agreement no. B1306C502052005
All noted above are as arranged via HUB International Canada West ULC

Binder No: BSP01482 & BINDER

Description of Operations: *Ownership & Operation of Strata Plan VIS4673*

Location of Risk: 286 Barestrata Lots with Sewer & Water Treatment – 1625 Meadowood Way, Qualicum Beach BC V9K 2V3

Coverage & Policy Form(s): - **AS PER THE ATTACHED SUMMARY OF COVERAGE** -

Loss Payable to: *The Condominium Corporation (Subject to the Strata property Act of BC)*

Term: **31-Oct-20 12:01 a.m. Standard Time at the Above Mailing Address to 31-Oct-21**
or until cancelled, replaced by a policy or an endorsement thereto.

Premium Policy# BSP01482: \$26,503.00

Premium Policy# BINDER: \$ 2,495.00

Total Premium Payable: \$28,998.00

Conditions: As per terms, conditions, wordings, deductibles and exclusions of insuring Company's policy to be issued.

HUB International Insurance Brokers

Per:

Paul Scorer
Commercial Insurance Advisor

Date: 10/29/2020

Initial: /ML

This document is intended for use as evidence that the insurance described above has been effectuated, against which Underwriter's certificate or policy will be duly issued where upon this cover note is automatically terminated. Immediate advice must be given of any discrepancies, inaccuracies or necessary changes.

THIS POLICY CONTAINS A CLAUSE WHICH LIMITS THE AMOUNT PAYABLE.

**ATTACHED TO AND FORMING PART OF INTERIM BINDER****Owner of Strata Plan VIS 4673**

October 31, 2020, 12:01 a.m. Standard Time at the Above Mailing Address to October 31, 2021
or until cancelled, replaced by a policy or an endorsement thereto.

SUMMARY OF COMMERCIAL PROPERTY COVERAGE:

Location: 286 Barestrata Lots with Sewer & Water Treatment – 1625 Meadowood Way, Qualicum Beach BC V9K2V3

Property:	\$	8,400,000.
Hydro Poles:	\$	52,000.
Terrorism:	\$	500,000.
Subject to:		
- CNSP Broad Form Wordings		
- Stated Amount/ 90% Co-Insurance Clause		
- 130% Extended Replacement Cost		
- \$10,000. Deductible per loss occurrence except for		
- \$ 1,000. Deductible for Terrorism		
- \$25,000. Deductible for Sewer Backup/Water Damage		
- 5% Deductible Earthquake Including Earthquake Deductible Buydown		
- \$25,000. Deductible for Flood		
DIRECTORS & OFFICERS LIABILITY	\$	5,000,000.
DISCRIMINATION DEFENSE COSTS	\$	10,000.
STANDARD LEGAL EXPENSE (CLAIMS MADE BASIS)		
ANY ONE CLAIM	\$	100,000.
AGGREGATE LIMIT	\$	500,000.
VOLUNTEER ACCIDENT (AD&D)	\$	100,000.

BOILER & MACHINERY COVERAGE:

Direct Damage Limit per Accident	\$	8,400,000.
Business Interruption/Extra Expense	\$	100,000.
Subject to:		
- \$1,000. Deductible		

COMMERCIAL GENERAL LIABILITY:

Bodily Injury & Property Damage, Per Occurrence	\$	10,000,000.
Products & Completed Operations, Aggregate	\$	10,000,000.
Personal and Advertising Injury, Per Occurrence	\$	10,000,000.
Medical Payments – Any One Person	\$	2,500.
- Per Occurrence	\$	25,000.
Tenants Legal Liability, any one premises	\$	500,000.
Non Owned Automobile SPF#6	\$	10,000,000.
Cyber Liability	\$	50,000.
Subject to: \$500. Property Damage and Bodily Injury Deductible		

TERMS AND CONDITIONS AS PER INSURER'S STANDARD CONTRACT.
SUBJECT TO POLICY WORDINGS, DEDUCTIBLES AND EXCLUSIONS.

THIS SUMMARY IS PROVIDED FOR INFORMATION ONLY. PLEASE REFER TO ACTUAL POLICY DECLARATION AND WORDINGS FOR FULL DESCRIPTION OF COVERAGE, DEDUCTIBLES AND LIMITATIONS. IN THE EVENT OF A LOSS THE FORMAL POLICY DECLARATION AND WORDINGS WILL PRESIDE.

CRF Reconciliation - September 2019 - September 2020

<u>Date</u>	<u>Description</u>	<u>Acct# 23685</u>	<u>Acct#23698</u>	<u>Comments</u>
Aug-19	Ending Balance Aug 2019	\$ 635,812.87	\$ 103,311.28	
	Market Change	\$ (1,143.05)	\$ (381.66)	
Sep-19	Ending Balance Sept 2019	\$ 634,669.82	\$ 102,929.62	
	Market Change	\$ (2,217.42)	\$ (344.41)	
Oct-19	Ending Balance Oct 2019	\$ 632,452.40	\$ 102,585.21	
	Market Change	\$ 6,934.91	\$ 783.39	
Nov-19	Ending Balance Nov 2019	\$ 639,387.31	\$ 103,368.60	
	Market Change	\$ (1,321.56)	\$ (526.43)	
Dec-19	Ending Balance Dec 2019	\$ 638,065.75	\$ 102,842.17	
	Withdraw - Telus	\$ (367,500.00)		Telus Payment
	Market Change	\$ 17,768.15	\$ 3,108.69	
Jan-20	Ending Balance Jan 2020	\$ 288,333.90	\$ 105,950.86	
	Market Change	\$ (3,000.74)	\$ 39.95	
Feb-20	Ending Balance Feb 2020	\$ 285,333.16	\$ 105,990.81	
	Market Change	\$ (44,138.15)	\$ (7,009.50)	Market Upset
Mar-20	Ending Balance Mar 2020	\$ 241,195.01	\$ 98,981.31	
	Market Change	\$ 14,267.68	\$ 2,333.71	Recover on Upset
Apr-20	Ending Balance Apr 2020	\$ 255,462.69	\$ 101,315.02	
	Market Change	\$ 10,758.10	\$ 361.28	Recover on Upset
May-20	Ending Balance May 2020	\$ 266,220.79	\$ 101,676.30	
	Market Change	\$ 19,120.91	\$ 3,249.45	Recover on Upset
Jun-20	Ending Balance Jun 2020	\$ 285,341.70	\$ 104,925.75	
	Market Change	\$ 6,610.69	\$ 1,273.21	
Jul-20	Ending Balance Jul 2020	\$ 291,952.39	\$ 106,198.96	
		\$ 2,176.52	\$ 400.89	
Aug-20	Ending Balance Aug 2020	\$ 294,128.91	\$ 106,599.85	
		\$ (2,933.95)	\$ 453.73	
Sep-20	Ending Balance Sep 2020	\$ 291,194.96	\$ 107,053.58	
	TOTAL CRF BALANCE	\$ 398,248.54		

Strata Corporation VIS4673

Comparative Income Statement

September 2020	Actual 11/01/2019 to 09/30/2020	Budget 11/01/2019 to 09/30/2020	Annual Budget 11/01/2019 to 10/31/2020
REVENUE			
Strata Fees	528,399.04	528,399.54	528,399.54
Interest Revenue	318.94	0.00	0.00
Fines	2,450.00	0.00	0.00
Other/Extraordinary Income	2,195.00	0.00	0.00
TOTAL REVENUE	533,362.98	528,399.54	528,399.54
EXPENSE			
Non Maintenance Expenses			
Accountant Fees	3,150.00	3,000.00	3,000.00
Administration & Meetings	1,400.81	0.00	0.00
Bookkeeping	12,810.00	11,000.00	12,000.00
Computer Hardware/Software	1,376.36	3,000.00	3,050.00
Garbage Collection	30,520.02	30,800.00	33,600.00
Gate Monitoring	693.00	2,200.00	2,400.00
Hydro - Utilities	7,461.40	9,350.00	10,200.00
Insurance	16,347.65	16,958.26	18,500.00
Interest & Bank Charges	230.10	550.00	600.00
Legal & Consulting	84,572.22	91,700.00	120,000.00
Property Taxes - Lot 13 & 14	1,257.00	1,350.00	1,350.00
Strata Administration	18,373.08	23,792.79	25,265.00
Telephone	1,542.13	2,200.00	2,400.00
CRF - 2019-2020 Contributions	0.00	26,033.37	28,400.04
Non Maintenance Expenses Total	179,733.77	221,934.42	260,765.04
Maintenance Expenses Total	175,331.04	246,009.75	267,634.50
TOTAL EXPENSE	355,064.81	467,944.17	528,399.54
NET INCOME	178,298.17	60,455.37	0.00
Extraordinary Expenses			
New Gates	21,327.60	0.00	0.00
NET INCOME	156,970.57	60,455.37	0.00

Strata Corporation VIS4673
Cheque Log for 10350 CCCU Chequing from 09/01/2020 to 09/30/2020

Cheque No.	Cheque Type	Payee	Amount	Cheque Date	Times Printed	Entered into system	JE#	JE Date
474	Payment	Pacific SmartFX	4,824.75	09/05/2020	0	Yes	J1659	09/05/2020
475	Payment	Tom Crasemann	840.00	09/05/2020	0	Yes	J1661	09/05/2020
476	Payment	Jonathan Chmilar	241.35	09/05/2020	0	Yes	J1664	09/05/2020
477	Payment	Don's Home Repair & Plum...	4,938.60	09/05/2020	0	Yes	J1680	09/05/2020
478	Payment	Dana Mellway	10.00	09/05/2020	0	Yes	J1688	09/05/2020
479	Payment	Mara Industries Inc.	400.00	09/05/2020	0	Yes	J1743	09/05/2020
481	Payment	Mara Industries Inc.	4,797.38	09/09/2020	0	Yes	J1769	09/09/2020
482	Payment	TELUS Communications	253.30	09/09/2020	0	Yes	J1644	09/09/2020
483	Payment	Doedy Reisler	807.05	09/09/2020	0	Yes	J1682	09/09/2020
484	Payment	Clark Wilson LLP Barristers...	1,176.00	09/16/2020	0	Yes	J1678	09/16/2020
485	Payment	Waste Management	2,400.98	09/16/2020	0	Yes	J1686	09/16/2020
486	Payment	Madrone Environmental Se...	5,872.79	09/16/2020	0	Yes	J1684	09/16/2020
487	Payment	Candice Pady	2,310.00	09/16/2020	0	Yes	J1693	09/16/2020
488	Payment	Painter Mike	1,732.50	09/16/2020	0	Yes	J1690	09/16/2020



Civil Resolution Tribunal

Preliminary Decision – ST-2020-004849 – October 7, 2020

INTRODUCTION

1. This is a preliminary decision of the Civil Resolution Tribunal (CRT).
2. The applicants, Karol Pickering and David Alan Pickering, own strata lot 288 (SL288) in the respondent strata corporation, The Owners, Strata Plan VIS 4673 (strata).
3. The dispute is about a fence and landscaping. The Pickerings say the strata has threatened to remove a fence and landscaping surrounding SL288 because it is located on common property (CP). The Pickerings argue as follows:
 - The strata is barred under the *Limitation Act* (LA) from removing the fence and landscaping, as they have been in plain view for about 7 years.
 - The strata is estopped from removing the fence and landscaping, as it has acquiesced to them for 7 years.
 - Removing the fence and landscaping would be significantly unfair to the Pickerings.
4. The Pickerings request an order for reimbursement of legal fees, an order that the strata not remove the fence and landscaping, and an interim order that the strata not remove the fence and landscaping before the dispute is decided. The Pickerings also request declaratory orders that the strata is barred under the LA from removing the fence and landscaping, and that it would be significantly unfair for the strata to do so.
5. The strata says the Pickerings' claims should be dismissed. It says:
 - The fence was unauthorized, and the strata was unaware of it.
 - The fence encroaches onto CP by about 14 feet, and the landscaping is also on CP. The CP is an area that all owners have a right to access and enjoy.

- The fence and landscaping prevent the strata from maintaining the CP road, alter the slope, grade and shoulder support for the road, and create liability issues for the strata.
 - In 2019, the Pickerings made other unauthorized changes to CP and SL 288, including filling a ditch, which compounded the fence problems.
 - The LA does not apply to an ongoing contentious situation like this one.
6. CRT staff have referred this dispute to me for a preliminary decision about whether the strata is barred under the LA from removing the fence and landscaping, and whether I should make an interim order preventing that action until the dispute is resolved.
7. For the reasons set out below, I find the strata is not barred under the LA from removing the fence and landscaping. I also decline to make an interim order preventing the strata from removing the fence and landscaping until the dispute is resolved.

ISSUES

8. The preliminary issues are:
- a. Is the strata barred under the LA from removing the fence and landscaping?
 - b. If not, should the CRT order the strata not to remove the fence or landscaping until the CRT's final decision is issued?

REASONS AND ANALYSIS

9. In making this preliminary decision, I have reviewed submissions on the preliminary issues from both parties. I make no findings in this preliminary decision about the merits of the Pickerings' claims.

Limitation Act

10. The Pickerings say the strata is barred under the LA from removing the fence and landscaping, as the applicable limitation period has expired.
11. Section 13 of the *Civil Resolution Tribunal Act* (CRTA) confirms that the LA applies to CRT claims. A limitation period is a specific time period within which a person may pursue a claim. If the time period expires, the right to bring the claim disappears. Section 6 of the LA says that the basic limitation period is 2 years, and that a claim may not be commenced more than 2 years after the day on which the claim is discovered.
12. Section 8 of the LA says a claim is “discovered” on the first day that the person knew or reasonably ought to have known that loss or damage had occurred, that it was caused or contributed to by an act or omission of the person against whom the claim may be made, and that a court or tribunal proceeding would be an appropriate means to seek to remedy the damage.
13. CRTA section 13.1 says the limitation period stops running after a claim is filed with the CRT.
14. The LA argument raised by the Pickerings in this dispute is unusual, because it is raised by the dispute applicants. Generally, the LA is raised by respondents, as a defense to claims against them. The Pickerings argue that since the LA applies to CRT disputes, and an applicant’s claim can be barred because a limitation period has expired, in this case the strata should be unable to remove the fence or landscaping because the limitation period has expired.
15. Based on the wording of the LA, I am not persuaded by the Pickerings’ argument. Section 6 of the LA sets out the basic limitation period. It says, “Subject to this Act, a court proceeding in respect of a claim must not be commenced more than 2 years after the day on which the claim is discovered” (emphasis added).
16. Thus, the LA only applies to court proceedings (and other legal proceedings, such as CRT disputes). The strata has not started a court proceeding, a CRT dispute, or any other legal proceeding. The LA does not bar a party from any actions other than

initiating legal proceedings. I find the LA does not apply to the circumstances here where the Pickerings seek to prevent the strata from removing fences or changing landscaping.

17. For these reasons, I find the strata is not barred under LA from removing the fence or landscaping.

18. The Pickerings' also state in the Dispute Notice that the strata is estopped from removing the fence and landscaping. I make no findings about estoppel in this preliminary decision, and leave that for the tribunal member assigned to adjudicate the merits of the dispute.

19. The strata also argues in its Dispute Response Form that the Pickerings are barred from bringing their claims under the LA. The parties did not provide arguments about that, and I find it is appropriate for the tribunal member who decides the merits of the dispute to decide that issue, if the strata raises it in its submissions on the merits.

Should the CRT order the strata not to remove the fence or landscaping until the CRT's final decision is issued?

20. The strata says this order is not necessary because it agrees not to remove the fence or landscaping until the CRT issues its decision.

21. Given that, I find no order is necessary. However, I would not make the order in any event for the reasons that follow.

22. The type of interim order requested by the Pickerings is referred to as an interlocutory injunction. In *RJR—MacDonald Inc. v Canada (Attorney General)*, [1994] 1 SCR 311, the Supreme Court of Canada set out a three-part test for determining whether a court (or in this case, tribunal) should grant an interlocutory injunction. This case is a binding authority, which the CRT must follow. The 3 parts of the *RJR-MacDonald* test are as follows:

a. Is there a serious issue to be tried?

- b. Would the person applying for the injunction suffer irreparable harm if the injunction were not granted?
- c. Is the balance of convenience in favour of granting the interlocutory injunction or denying it?

23. Since the Pickerings request the interlocutory injunction, they bear the burden of proving that the answer to all 3 questions is yes.

24. Based on the Dispute Notice, the Dispute Response Form, and the evidence and submissions provided by the parties at this preliminary stage, I accept that there are serious issues to be determined in this dispute. I note that the threshold to prove this stage of the test is low: see *Zhang v. Davies*, 2015 BCSC 1358 at paragraph 13.

25. The next question is whether the applicants would suffer irreparable harm if the fence and landscaping were removed now. I find that the answer is no. I accept the Pickerings' assertion that replacing these items would be expensive, and they could be left with no recourse against the previous owner of SL288 (who likely installed them). However, I find that these are monetary considerations. In *Zhang*, the court said that irreparable harm in the context of the *RJR—MacDonald* test is "harm which is not compensable in damages; harm which cannot be quantified in monetary terms or cured by an award of damages." I find that replacing a fence and landscaping does not meet this test of irreparable harm.

26. For these reasons, I would not order an interlocutory injunction in this dispute.

CONCLUSION

27. Based on my conclusions above, I find the strata is not barred by the LA from removing the fence or landscaping. I also make no interim order stopping the strata from removing the fence or landscaping.

28. I am not seized of this dispute. The dispute will continue through the CRT's usual process.

Kate Campbell, Vice Chair

Subject: TELUS PureFibre Build Update

From: Nancy Narayan [REDACTED]

Date: 10/26/20, 2:29 PM

To: Trish Curtin [REDACTED]

Hi Trish!

I hope you had a lovely weekend, my apologies for not connecting with you Friday afternoon.

It turns out that we cannot use shared anchors with existing BC Hydro poles and there must install 70 net-new anchors, given this large addition to build scope, we anticipate an end of March 2021 build completion.

I wish I had better news to share, but that is the forecast as of today. As always, I will keep you updated as dates change.

Thank you again for all your patience, I know it's been a long road but the destination will be worth it!

Have a great week & talk soon,

Nancy Narayan

Business Consultant, Strategic Initiatives
[REDACTED]

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2021 SERVICE PROVIDER REGISTRY

If you are interested in providing services to the Strata in the upcoming year, please complete this form and either drop it in the mail slot of the gatehouse door, or e-mail it to us at vis4673@gmail.com. We will put you into our Registry and contact you if/when the Strata requires the type of services you have to offer.

NAME: _____

PHONE NUMBER: _____ E-MAIL ADDRESS: _____

SERVICE: _____ FEES/RATES: _____

SERVICE: _____ FEES/RATES: _____

SERVICE: _____ FEES/RATES: _____

CERTIFICATIONS/QUALIFICATIONS (if applicable): _____

EQUIPMENT (if applicable)*: _____

REFERENCES (optional): _____

*If equipment is being offered with services, please state whether you have liability insurance and/or WCB coverage.