

## CARLETON CONDOMINIUM CORPORATION NO. 383

Annual General Meeting  
Social Room, 2759 Carousel Crescent, Ottawa, Ontario  
June 30, 2016

### Minutes

<b>PRESENT:</b>	Behrooz Owraki	President
	Linda Gilbert	Vice President
	Yves Lariviere	Treasurer
	Cheryl Dagleish	Secretary
	Varinder Vohra	Property Maintenance Advisor
	Nancy Houle	Nelligan O'Brien Payne LLP
	Yawar Khan	Integral Property Management
	Heather Sterling	Recording Secretary
	Kevin Vroom	BDO Canada LLP

#### 1. Call to Order

The meeting was called to order at 7:01 p.m. by the President, who served as Chair of the proceedings.

##### 1.1 Welcome and Introductions

The Chair introduced members of the Board of Directors, the property manager, the recording secretary, legal counsel and the auditor.

##### 1.2 Appointment of the Recording Secretary

Moved by Yves Lariviere (unit 404) and seconded by Sheila McHugh (unit 309) that Heather Sterling be appointed to serve as recording secretary for the Annual General Meeting. **CARRIED.**

##### 1.3 Confirmation of Quorum

The Chair confirmed that quorum had been established with sixty units, forty-one of which were represented in person and nineteen of which were represented by proxy.

#### 1.4 Confirmation of Notice of Meeting

The Chair confirmed that notice of the Annual General Meeting had been forwarded to all owners in accordance with the requirements set forth in the Condominium Act.

#### 1.5 Order and Procedures for the Meeting

It was noted that the Annual General Meeting would be conducted under Robert's Rules of Order.

It was noted that the Annual General Meeting was a forum to discuss matters concerning the corporation as a whole and therefore issues related to an individual unit should be brought to the attention of the property manager at a later time.

#### 1.6 Approval of the Agenda

Moved by Subir Paul (unit 505) and seconded by Anthony Bockman (unit 1010) that the agenda be accepted as presented. **CARRIED.**

### 2. Minutes of the Annual General Meeting dated June 25, 2015

#### 2.1 Approval of the Minutes

Moved by Jean Bourgeois (unit 1411) and seconded by Roland Sanders (unit 1407) that the minutes of the Annual General Meeting dated June 25, 2015 be approved as presented. **CARRIED.**

#### 2.2 Business Arising from the Minutes

It was noted that a new rule about short-term rentals had been enacted whereby leases were required to be for a minimum term of one year.

It was noted that owners had been surveyed about their opinions vis-à-vis Atrium II potentially becoming a smoke-free building. It was further noted that, if desired, discussion on this matter would be held under agenda item 6 – *New Business*.

### 3. Board of Directors' Report

The President provided a slide presentation and review of his written report, the report being attached as Appendix A.

Members of the gardening committee, the friendship club, those managing the Neighbourhood Watch program and the social committee were recognized. Appreciation was expressed to Atrium II staff.

It was clarified that while the reserve fund study had projected a cost of \$135,660 for the fire alarm system annunciator panel, the actual cost of this project had been roughly \$65,000. It was further clarified that while the reserve fund study had forecasted a cost of approximately \$600,000 for elevator modernization, the actual project costs had been in the area of \$400,000.

In response to a concern about the noise that accompanied the opening and closing of elevator 2's door, it was noted that this was due to having retained the original track but having new runners. It was further noted that in an effort to address this noise issue, the contractor had applied lubricant on several occasions. It was additionally noted that the runners would be subject to wear over time which should decrease the noise level. It was also noted that further efforts would be made to mitigate the noise.

In response to a question about why costs for some reserve fund projects had been considerably less than anticipated, it was noted that a reserve fund study was an engineer's estimate of what various repairs and replacements to the common elements were likely to cost and typically engineers erred on the side of overestimating, rather than underestimating, expenses to avoid the potential for legal action in the event that disgruntled owners were faced with a special assessment owing to a project costing significantly more than forecasted in the reserve fund study. It was further noted that an engineer often included a contingency in the estimates for unforeseen expenses. It was additionally noted that one thing that might have factored into why some of the actual costs were less than anticipated was because the price of oil had dropped since the reserve fund study had been conducted and the price of oil/gas often had an impact on project costs/charges.

It was noted that the amount of planning required for projects depended on the particular project. It was further noted that in the case of the parking garage repairs that were currently underway, planning had commenced in 2015. It was additionally noted that each project was distinct insofar as its overall timeline from inception to conclusion.

An overview of how the scope of work for the parking garage project had been developed, including the engineer's initial investigation of the condition of the parking garage, was provided. It was noted that the contract that had been awarded to the winning bidder contained both fixed and variable costs, the latter that included such things as steel and concrete because it was only possible to estimate the amounts that would be required and therefore project charges were adjusted according to the amounts of these materials that were used. It was further noted that the contractor submitted invoices to the engineer, who had

been hired to oversee the project, and payment was not issued for any invoice until the invoiced work was validated by the engineer.

It was noted that it was anticipated that the parking garage project would be completed by the end of summer 2016. It was further noted that due to the replacement of an expansion joint, levels three to six would be closed for two weeks, detailed information about the date of this closure and where vehicles could be parked to be provided to owners once available.

#### **4. Audit**

##### **4.1 Presentation of the Audited Financial Report for the Year Ended December 31, 2015**

The auditor provided a review of the auditor's report and corresponding audited financial statements for the year ending December 31, 2015.

It was clarified that reference (in *Note 2 – Reserve for Major Repairs and Replacements*) to the corporation being in breach of its funding plan was due to the Board of Directors having decided that the full amount of the appropriation to the reserve fund set forth in the reserve fund study for the previous fiscal year had been unnecessary because the engineers had estimated that several projects would cost far more than they had; therefore, the appropriation had been decreased. It was further clarified that this did not constitute a violation of any legislation governing the condominium corporation.

It was clarified that *Note 4 – Related Party Transactions* referred to the salary of the part-time property administrator who worked on Fridays, the note being required because she was also an owner.

It was clarified that *Note 7 – Contingencies* referred to the legal action launched by an owner against the corporation. It was noted that there had been two issues brought before the court; the first was the owner's demand to be given the email addresses of all owners and the corporation's rightful refusal to share this information. The second was the owner's demand for numerous corporate records, some of which the corporation no longer possessed. It was noted that the corporation successfully defended both counts and, in doing so, legal precedent had been set insofar as the court ruling that a unit owner's email address that was held in a condominium corporation's records was not to be disclosed as part of the owner's address for service.

In response to the question of whether the owner who had launched the unsuccessful lawsuit still resided in the building, it was noted that she did.

Legal counsel provided an overview of the work she had done on behalf of CCC 383 in responding to the aforementioned owner and, ultimately, representing the

corporation in small claims court against the owner as well as her legal firm's charges in this regard. It was noted that the judge had not been prepared to lift the technical cap on costs, which was permissible, and had awarded CCC 383 the technical ceiling amount. It was further noted that although legal counsel's associates had supported having their firm appeal the judge's decision on costs, and do so on a pro bono basis, it had been decided that it would not be appropriate to expose the corporation, and its Board Directors, to the possibility of a loss and therefore being involved in setting precedent that did not put the corporation in a favourable light.

It was noted that the Ontario Superior Court of Justice Small Claims Court judgment in the above mentioned matter was now public record and available online.

The auditor was thanked and excused from the meeting.

#### 4.2 Appointment of an Auditor for the Fiscal Year 2016

Moved by Yves Lariviere (unit 404) and seconded by Subir Paul (unit 505) that BDO Canada LLP be appointed as auditor for the fiscal year ending December 31, 2016. **CARRIED.**

### 5. Other Reports

Roland Sanders (unit 1407) provided an overview of the work of the garden/flower committee during the 2016 spring/summer season.

Francine Roberts (unit 1204) provided an update on the Neighbourhood Watch program and importance of residents looking out for each other. It was noted that efforts would be made to update the list of residents who were identified as Neighbourhood Watch participants. It was further noted that it was important for residents not to leave the entrance doors open behind them if the potential then existed for a trespasser to gain entry through the open door.

Pat Gagne (unit 704) introduced Shriniwas Kanhere (unit 1406), who generously provided his time and expertise in teaching yoga to residents on Tuesday and Thursday nights.

Muriel McConnell (unit 710) provided an overview of some of the activities taking place in the building (yoga, knitting and bridge), some of which were under the umbrella of the friendship club.

Georgina Hussey (unit 603) provided an update on the social club.

## **6. New Business**

Roland Sanders (unit 1407) provided a detailed review of the sequence of events that had led to what he hoped would be a meeting of owners to approve the establishment of Atrium II as a smoke-free building.

The property manager and legal counsel provided anecdotal information about the marketability of units in a smoke-free building.

Legal counsel provided an overview of the obligation to grandfather existing smokers for a certain period of time and dealing with an individual who breached a condominium corporation's rules, which would include smoking in a smoke-free building.

Discussion ensued regarding medical use of marijuana. It was clarified that although a condominium corporation was required to accommodate an individual with a disability, this was not to the point of posing an undue hardship to other residents and therefore a user of medical marijuana might be required to administer the marijuana using a means other than smoking.

Roland Sanders reviewed the meeting requisition he had developed and requested that owners sign the document.

It was noted that the owners of fifteen percent of the units in a condominium corporation were required to requisition a meeting of owners in order for a corporation to be mandated to convene such a meeting. It was further noted that the owners of twenty-five percent of the units then had to attend the meeting to establish quorum so that the meeting could proceed. It was additionally noted that only a simple majority of owners attending the requisitioned meeting was necessary to pass a rule, in this case a rule banning smoking in the building.

Copies of the requisition were circulated to owners in attendance.

It was requested that if the rule were to pass, it be subject to legal counsel vetting the wording and making any changes deemed necessary from a legal standpoint.

## **7. Election of Directors**

The Chair was conferred upon legal counsel to oversee the election process.

It was noted that two positions were available on the Board of Directors. It was further noted that nominations had been received in advance of the meeting for outgoing directors Behrooz Owraki and Yves Lariviere.

Behrooz Owraki consented to his nomination.

Yves Lariviere consented to his nomination.

The floor was opened for additional nominations.

Moved by Sheila McHugh (unit 309) and seconded by George Petetski (unit 1102) that with no further nominations the floor be closed. **CARRIED.**

#### 7.1 Introduction of Candidates

No discussion was held on this agenda item.

#### 7.2 Appointment of Scrutineers

No discussion was held on this agenda item.

#### 7.3 Voting

With two vacancies on the Board of Directors and two candidates, there was no need for owners to cast ballots.

#### 7.4 Results

Moved by Margo Apedaile (unit 701) and seconded by Subir Paul (unit 505) that Behrooz Owrahi and Yves Lariviere be acclaimed as members of the Board of Directors, each to serve a three-year term. **CARRIED.**

The Chair was returned to Behrooz Owrahi.

### 8. Adjournment

Moved by Sheila McHugh (unit 309) and seconded by Debbie Nurmi (unit 601) that the meeting be adjourned. **CARRIED.**

The meeting was adjourned at 8:24 p.m.



CCC 383 - ATRIUM II  
Board of Directors Report  
2016 AGM

This report covers the period of July 2015 to June 2016

## Board Members

- ▶ Behrooz Owraki (resident owner position): 2013 to 2016
- ▶ Linda Gilbert: 2014 to 2017
- ▶ Yves Lariviere: 2013 to 2016
- ▶ Varinder Vohra: 2014 to 2017
- ▶ Cheryl Dalglish: 2015 to 2018

## Board Objectives

- ▶ To beautify the common elements
- ▶ To continue the high level of maintenance of the building and make improvements
- ▶ To repair the common elements as required in a timely and efficient manner
- ▶ To monitor capital items
- ▶ To prudently manage the finances of the corporation

## Safety & Security

**Commissionaires** of Canada continues to provide after-hours security and we have had consistent and effective service from their staff. **ExerTech** continues to provide quarterly review and maintenance of the exercise equipment to ensure their safe functioning. **Eclipse** completed the annual inspection of the smoke detectors. **Gentech** maintains our emergency generator and **Baxtec** performs regular preventative maintenance on our HVAC system and equipment.

## Operations, Repairs, Maintenance & Improvements - 2015

- ▶ Completed elevator modernization project
- ▶ Completed lobby beautification with the installation of an original art piece
- ▶ Continuation of the window sealed unit replacement program
- ▶ Completed landscaping of the island located at entrance to Carousel Crescent
- ▶ Completed retiling of front and rear vestibules
- ▶ Kitchen drainage stacks cleaned
- ▶ High pressure drain cleaning of the main sewer line and garage storm drains
- ▶ Replaced parking garage pedestrian door
- ▶ Revision of CCC 383 rules
- ▶ Annual smoke detector inspection and replacements
- ▶ Annual garage cleaning
- ▶ Annual window cleaning
- ▶ Replaced Heating & AC units in the lobby, party room, library, common room & gym



- ▶ Refinished many unit doors and sills
- ▶ Started garage membrane repair project: specifications and quotes
- ▶ Bought 2 new treadmills for exercise room
- ▶ Solicited quotes for the replacement of the fire panel
- ▶ Purchased a new photocopier & printer for the office
- ▶ Hired a new superintendent

### Operations, Repairs, Maintenance & Improvements - YTD

- ▶ Completed the replacement of the fire panel
- ▶ Successfully dealt with lawsuit from an owner
- ▶ Annual window cleaning
- ▶ Started the first phase of garage repair project
- ▶ Men's change room repairs underway

### Reserve Fund Projects - 2016

Garage Repairs	250,000
Exterior Sealant (caulking)	100,000
Windows Repairs	15,000
Corridor Carpeting	49,210
Ceramic Tile	3,000
Corridor Painting	51,553
Fire Pump	29,714
Booster Pump	53,040
Natural Gas	8,490
Fire Alarm System - Annunciator Panel	135,660
Emergency Generator and Transfer Switch	204,813
Reserve Fund Study - Update	2,122
<b>Total Expenditure</b>	<b>902,602</b>

### Human Resources

- ▶ Michelle Deriger – Property Administrator
- ▶ Darlene Gibbs – Property Administrator (Fridays)
- ▶ Mike Whynot – Superintendent
- ▶ Abdelfattah Souaid – Assistant Superintendent
- ▶ Heather Sterling – Recording Secretary
- ▶ Yawar Khan – Property Manager

## Finances

We currently have \$1,612,862 in reserve as of April 30, 2016. We monitor the balance of the reserve fund each month to ensure that it is adequate to meet our future funding requirements.

The Budget for our 2016 operation was approved with 2.5% increase in condo fees. Historical condo fee increases since 2010:

Year	2010	2011	2012	2013	2014	2015	2016
Increase	0	11.9%	3.1%	0	1.8%	1.8%	2.5%

## Owner Residency

- ▶ The number of resident owners: 146 or 73%
- ▶ The number of non-resident owners: 52 or 27%

## Special Thanks

- ▶ Members of the Board for their time and energy as volunteers
- ▶ Volunteers
  - ▶ Gardening Committee
  - ▶ Friendship Club
  - ▶ Social Committee
  - ▶ Neighbourhood Watch
- ▶ Staff for executing our plans and doing so professionally