

**MINUTES OF THE  
SPECIAL GENERAL MEETING  
STRATA CORP VAS 2893 NORTH OAKS**

**THURSDAY, AUGUST 3rd, 2017, at 6:30 P.M.  
KIWANIS HERITAGE APARTMENTS MEETING ROOM**

**IN ATTENDANCE:** SL 1, SL 4, SL 6, SL 7, SL 8, SL 9, SL 10, SL 12, SL 13, SL 14, SL 15, SL 16, SL 17, SL 18, SL 19, SL 21, SL 22, SL 23, SL 24, SL 25, SL 26.

**MEETING CALLED TO ORDER:** the meeting was called to order by Chairperson SL 18, President of Strata Council, at 6:33 pm.

**OPENING REMARKS, WELCOME TO ALL OWNERS:** SL 18 spoke briefly to the owners.

**CERTIFY PROXIES:** SL 17, Secretary of Strata Council, certified that 5 proxies had been received and verified by SL 22, Strata Vice President.

**DETERMINE QUORUM:** SL 17 announced that 21 owners were present at the meeting, 9 were needed to establish a quorum, so there was a quorum.

**APPROVE THE AGENDA -** Chairperson SL 18 suggested two amendments to the agenda, based on the approval of the owners. They were: a) a presentation by SL 8 and b) a question and answer session with lawyer, Andrena Gray.

Motion to accept amendments: moved by SL 12, seconded by SL 13, carried unanimously.

Motion to approve the agenda as amended: moved by SL 24, seconded by SL 1, approved unanimously.

**PURPOSE OF THE MEETING - to vote on the resolution -** SL 17 read the resolution aloud:

**“As an owner in the North Oaks Strata, I consent to Fortis BC Energy Inc. installing a gas line through the Common Property of Strata Plan VAS 2893, 767 North Road, Gibsons. I further approve the Statutory Right of Way, attached terms of instrument (Part 2) and Plan attached to my consent.”**

**PRESENTATION BY SL 8, COUNCIL MEMBER:**

SL 8 spoke as an owner on behalf of the owners wanting the gas installation. He stated he had been with the Fortis Gas Installation Project for two years. He explained the location of the proposed gas lines throughout the complex as well as the purpose of Shelby Coates' presence at the meeting.

SL 8 presented benefits to having natural gas availability in the complex:

- gas can be utilized in many ways in a home;
- gas service is a choice; it is not mandatory;
- having a gas option increases the desirability of one's home when it is for sale;
- in a power outage, gas provides a source of heat;
- one can install a gas-on-demand water heater;
- gas is not as expensive as electricity.

He concluded by stating that the Statutory Right of Way agreement was a legality and a necessity for Fortis to go forward with the project. He urged the owners to vote in favour.

**INTRODUCTION OF SHELBY COATES, PLANNING AND DESIGN, FORTIS BC:** SL 8 then introduced Shelby Coates.

**QUESTIONS TO SHELBY COATES:** Mr. Coates explained that he works in the Operations area of Fortis and does most of his work on the Sunshine Coast. He then went on to answer questions from the owners.

The main points covered:

- existing back yard vegetation, including shrubs, will not be disturbed;
- there are limitations as to what can exist atop the line and on either side of the line;
- methods of laying the line - depending on the terrain - include boring, drilling and digging a trench. Fortis will put back to its original state any land they disturb;
- the lines will go under existing fences and retaining walls;
- if an owner decides not to connect, there is no cost;
- the load (amount of gas servicing the complex) is sufficient to cover Fortis' cost of installation;
- if an owner chooses not to connect now, he/she may connect any time in the future;
- Fortis could start the gas installation as early as September, 2017.

Question time was brought to a close and SL18 thanked Mr. Coates for answering our questions. Mr. Coates left a large, detailed diagram of the proposed installation with Council. He then left the meeting.

**INTRODUCTION OF ANDRENA GRAY, LAWYER FOR THE STRATA:** SL 10, Treasurer of the Strata Council, explained that Council, on the advice of the Condominium Home Owners' Association, consulted a lawyer to address questions about the proposed gas installation, specifically the Statutory Right of Way (SRW) agreement. SL 10 introduced Ms. Gray, stating she was here to talk about the SRW agreement and answer questions.

### **QUESTIONS TO ANDRENA GRAY:**

The main points covered:

- the term "Common Property" (CP) includes "Limited Common Property" (LCP) throughout the SRW; this definition is the legal term and not one given by Fortis or Strata;
- as such, Fortis can exercise power over Common Property until such time as the gas line is removed;
- back yards are Limited Common Property which is Common Property;
- Fortis will not access the back yards without cause and without notification;
- barbecues would not be allowed atop the restricted areas;
- concern was expressed regarding negotiating the retaining walls when the gas lines are laid;
- an owner stated that Fortis advised they would try to go around vegetation with deep roots;
- the wording of the SRW document, not the gas installation, was problematic to an owner;
- the SRW document is a general agreement; Ms. Gray referred to areas that, in her opinion, were not specific enough for our strata's requirements.

Discussion ensued throughout the question and answer period. Question time was brought to a close and SL 18 thanked Ms. Gray for her explanation of the SRW and for answering our questions. Before leaving, Ms. Gray handed SL 18 a copy of the SRW agreement which had been highlighted with her points.

**PRESENTATION OF THE RESOLUTION AND OPEN DISCUSSION:** SL 18 read the resolution again. SL 10 distributed copies of a sample Fortis Gas bill so owners could read and discuss. It was noted that the cost of gas was less than the cost of Hydro. A general discussion took place among the owners. SL 18 drew the discussion to a close after a few minutes.

**EXPLANATION OF THE 3/4 VOTE:** SL 17 explained that 3/4 of the voting body, present at the meeting in person or by proxy, needed to vote in favour of the resolution in order for it to be passed. Abstentions would not count.

An owner voiced the need for a secret ballot. This was met with approval.

**EXPLANATION OF THE VOTING PROCEDURE:** SL 22, Vice President of Strata Council, explained the procedure for the secret ballot vote. She then conducted the voting with the help of her assistant, SL 19.

**THE COUNTING OF THE VOTES:** SL 22, SL 19, SL 8 and SL 10 conducted the counting of the ballots at the front of the room. Votes for, against and abstentions were tallied, confirmed and passed to the Secretary, SL 17, for calculation.

**RESULT OF THE VOTE:** SL 17 announced the results:

- the number of eligible votes present in person or by proxy = 26
- the total number of votes cast either for or against (there were 0 abstentions) = 26
- the number of votes in favour of the resolution = 15
- $15 \div 26 = 58\%$
- a 3/4 or 75 % vote in favour of the resolution was not achieved. At least 20 votes in favour were needed.

SL 17 was directed by the owners to retain the proxies and ballots in a sealed envelope for 12 months, after which they would be destroyed.

**STATEMENT OF SUBSEQUENT ACTION:** SL 18 announced that the resolution had failed. Council involvement would cease because of this and owners still wishing for gas installation would be required to pursue it on their own.

**ADJOURNMENT:** There followed some informal discussion among owners and the meeting adjourned at 8:28 pm. Moved by SL 17 and seconded by SL 15.