LANDING POINT OWNER'S MEETING

Date: September 22, 2022

Time: 6pm

Location: Whitehorse Public Library

Present: Jeanette McCrie, Spencer Rich, Anne Rich, Gill and Cathy Beaudin, Myrna Bruns, Donna Jones, Scott Williamson, Terry Burns, Denali Gaetz (GMS)

This was an informal meeting called by the Board to:

1. share information regarding upcoming changes to the Legislation that governs condominiums in the territory and the implications for the management of Lansing Point;
2. advise on the status of our projects
3. obtain feedback on issues important to Owners.

INFORMATION ITEMS:

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1. WINDOW WASHING

Our fall window washing is scheduled for next Thursday – September 29th.

Please make sure your windows are closed.

2. STATUS OF CURRENT PROJECTS

What has been done and cost?

- ✓ Extensive fence repair
- ✓ Washing of both buildings
- ✓ Painting all trim, garage door entrance trim, window trim, fire exit doors, deck doors, repair & seal bollards, columns
- ✓ Repair loose glass panels on Building B top floor common deck
- ✓ Repair outflow pipe in sump well near recycling

Note: Original budget was $48,000. Final bill was $54,000 (including tax) as a result of being asked to add in the painting of window trim, columns and garage door trim

- ✓ Replace all eavestroughs and down spouts, repair damaged facia board

Note: Original budget was $4,000. Final cost was $14,000. The eavestroughs were in much worse shape than original thought. They were all replaced and damaged fascia board was repaired (water damage).

What is left to do and cost? Paving

Note: in as much as this would take place after the new Legislation comes into effect the following Section of the new Act comes into force:

Section 153 which states: A condominium corporation must not spend money from its reserve fund unless the expenditure:

- ✓ is consistent with the purposes of the fund as set out in section 129;
- ✓ is approved in advance by a special resolution or special levy authorized under section 156; and
- ✓ leaves sufficient funds in the reserve fund to serve its purpose under section 129 and to comply with any requirements in the regulations.

The estimated cost of completing this project in 2023 is $70,000. Further discussion on next steps further down in the minutes.

Where is my "special assessment" payment?

The Special Assessment was levied to assist in the repair and maintenance projects noted about. These projects are all items identified in our Reserve Study and as a result all funds collected are to be placed into a separate Reserve Fund Account, and accounted for there. The money collected can only be used for these projects.

3. CONDOMINIUM ACT 2015: IMPORTANT CHANGES

Background: The new condominium legislation coming into force this October will modernize condominium regulations in the territory and ensure that developers, buyers, renters and owners have clear rights and responsibilities.

The Act passed in Yukon's Legislative Assembly in 2015 but implementation was delayed until regulations were written for certain sections.

The implementation of the new Act requires that all condominium corporations bring their bylaws and rules into compliance.

The Yukon Government has provided the following guidance:

October 1 2022

An 18-month transition period begins on October 1. The bylaws of a pre-existing condominium corporation that were in force prior to October 1, 2022, will continue in force until they are amended, replaced or repealed. For pre-existing condominiums, certain terms used in the new Act may be read as references to common elements or to the unit owner's portion of the common interest. Some of these terms include: common property; common assets (including managed real property); and unit entitlements.

Pre-existing condominiums corporations are required to obtain property insurance for perils, unless the exemption in the new Act applies and eligible voters have passed a special resolution for that particular year.

April 1, 2024

The 18-month transition period will end and the following new requirements will apply to pre-existing condominiums: new insurance requirements, such as general liability insurance and annual insurance reporting; and new financial provisions related to budget, financial statements, fees and expenses.

October 1, 2027

The new reserve fund requirements will apply to pre-existing condominiums that were less than 10 years old on October 1, 2022. Before October 1, 2027, condominiums that are 10 years or older on October 1, 2022, may elect not to have a reserve fund or reserve fund study.

What it means to Lansing Point

The new act will have significant impacts on how Lansing Point will be governed. As an example, the new Act is much more specific on the role and authority of the Board of Directors. In a number of sections throughout the Act the authority, and responsibilities of the Board is referenced and reinforced.

The authority of the Board flows from the Corporation as defined under Section: 42(1) of the Condominium Act 2015 the role is subject to subsection (2), which states "a condominium corporation is ***responsible to properly maintain, repair and, when necessary, replace the common property and common assets***."

Further, Section: 62 states "To achieve its objectives described in paragraph 4(1)(b), a condominium corporation is responsible:

a) to control, manage, administer, maintain, repair and replace the common property and any common assets in the manner required by this Act, the regulations, the bylaws and the rules; and
b) to take all ***reasonable steps to ensure that unit owners***, occupiers of units, any lessees or other authorized users of the common property or of any common assets, and any agents or employees of the corporation ***comply with this Act, the regulations, the bylaws and the rules***

The Act goes on to say that the Lansing Point Condominium Corporation functions through its board of directors and that under Section 64(1) "The powers and responsibilities of a condominium corporation ***must*** be exercised and performed by its board of directors, unless this Act or the regulations provide otherwise."

In summary, Legislation states that a Condominium Corporation can not allow the property to come into disrepair and charges the Condominium Board with enforcing its responsibility.

This then is the standard by which the Board should be held accountable by the members of the Corporation.

Our bylaws will have to be redone to ensure they are in compliance. The importance of the bylaws and the direction they are to take is further stated in the Act.

Section 104 of the Act states that "a condominium corporation **must** have bylaws that provide for: (a) the control, management, maintenance, use and enjoyment of the units, the common property and any common assets of the corporation; and (b) the administration of the corporation and its board of directors."

Section 107(1) of the Act states "the board of a condominium corporation may make rules: (a) to govern the use, safety and condition of - the common property and, any common assets, and where the board considers that such rules are required, any units; and (b) to prevent unreasonable interference with the use and enjoyment of the units, the common property and any common assets.

Rules can be put in place by the Board and Owners have to receive reasonable notice. A rule is in effect until the next general meeting at which time it cease to be in effect unless passed by way of an Ordinary Resolution at which time it is subject to the same process as a Bylaw for amendment or revocation.

Other impacts:

a. **What is to be covered at Annual Meetings and constitutes Ordinary Resolutions** … the previous Act was silent on this topic. The new Act makes clear that the waiving of an audit happens at the AGM and is for the upcoming year.
b. **Budget approval process and obligations** … our current bylaws place the authority to approve the annual budget in the hands of the Board. The new legislation requires that it be presented for a vote through an Ordinary Resolution – and the process for responding if the budget is not passed is detailed. The caveat being a corporation can not vote for a deficit budget – unless it submits a plan to recover the deficit in the next fiscal year.
c. **Quorum, Ordinary Resolution and Special Resolution** … the new Act is clear as to what constitutes a Quorum at a general meeting – it is 1/3 of eligible voters; for an Ordinary Resolution to pass it requires more than 50% of eligible voters who voted; and for Special Resolutions the Act allows for the required percentage to be set in a bylaw. Though there are some circumstances where unanimous consent is required (and specified) for a Special Resolution to pass e.g. redesignation of a section of the common property for a different purpose. Another example where unanimous support, via a Special Resolution, is required and specified in the Act – if the Corporation wanted to change an "exclusive use" provision.
d. **Rental Units and other authorities to impose restrictions** … restrictions on rental units imposed by the Corporation do not apply to the renting of a unit to a member of the Owner's family (Section 109).
    i. Any restriction placed on rental units do not apply to existing rental agreements until either the current rental agreement ends or one year after the anniversary of the bylaw (Section 110).

ii. A Bylaw could be established that sets a minimum length for a rental agreement, specify the units as single-family and prohibits the renting of the unit if it is vacated by the tenant before the end of the lease … unless an exemption is approved by the Board.
iii. The new Act under Section 106 (2) (a) also gives the Corporation the power to establish bylaws which "restrict the age and number of persons who may reside in a residential unit;"

e. **Insurance obligations and owners** … Sections 170 and forward speak to the Corporations being required to insure for full replacement cost and provide a separate report on insurance at the AGM. The Act also speaks to Owner's also carrying liability and content insurance but in the case of a claim that affects the Owner's unit, it the Corporation's policy that is considered "first loss" insurance.
f. **Reserve Fund and Special Levies** … Section 152 speaks to drawing funds from a Reserve Fund and the requirement of a Special Resolution that sets out the exact use of the money, in order to do so. The same holds true under Section 156 for Special Levies.
g. **Greater authority to impose fines and to collect funds owed …** Part 6 Division 4 Sections 122-126 speak specifically to the obligation of Owners, Landlords and Tenants to comply with the bylaws and rules of the Corporation and the penalties that could be imposed for failure to do so – up to and including, as an example, the eviction of a tenant by the Corporation which if enforced **"After termination of a tenancy by the corporation under subsection (2), the unit owner must not, unless approved by special resolution, re-rent or re-lease the unit to the same tenant or to any person associated with the same tenant or with the contravention that resulted in the termination of tenancy."**

Timeline for developing new Bylaws

DATE	TASKS
September	1. Digitize current Bylaws
October	1. Identify areas in current Bylaws in conflict with Legislation 2. Specific questions regarding sections of the bylaws to go to Owners for comment and direction 3. Complete draft by end of month
November	1. Board review of draft Bylaws 2. Draft Bylaws to all Owners for review
December	1. Board review of Owner's Feedback 2. Bylaws finalized for approval by process agreed upon
January	1. Bylaws to Land Titles for registration

4. CURRENT FINANCIAL STATUS

Our third quarter ends September 30th and a third quarter variance report will be ready mid-October. The following document shows spending to date as of September 19th. We are estimating there could be a minor surplus in our O&M.

Financial Report Jan- Sept 2022			
	Jan- Sept	2022	
Account	Actual	Budget	%
Income			
Condo Fees	93,672.00	124,896.88	75%
Special Levy	66,000.00	66,000.00	
Total for Income	159,672.00	190,896.88	
Reserve Allocations			
Deposit to Reserve	66,000.00	21,086.00	
Withdraw from Reserve	(68,377.05)		
Net allocation	(2,377.05)	21,086.00	
Expense			
Accounting	3,307.50	4,410.00	75%
Bank Fees	133.25	200.00	67%
Carpet Cleaning	-	1,000.00	0%
Condo Management	11,340.00	15,120.00	75%
Electricity	5,932.37	12,000.00	49%
Elevator Maintenance	2,675.00	4,000.00	67%
Fire Alarm Maintenance	-	2,700.00	0%
Insurance	13,096.00	20,700.00	63%
Janitorial	3,118.50	4,000.00	78%
Landscaping	1,948.13	5,000.00	39%
Organics	280.00	380.00	74%
Other Expenses	-	5,000.00	0%
Recycling	756.00	1,200.00	63%
Repairs and Maintenance	-	4,000.00	0%
Snow Removal	6,748.89	14,000.00	48%
Telephone	1,422.25	1,900.00	75%
Waste Removal	1,984.50	2,700.00	74%
Water/Sewer	2,784.15	4,000.00	70%
Window Washing	1,890.00	1,500.00	126%
Total for Expense	57,416.54	103,810.00	
Net Operating Income	102,255.46	87,086.88	
Non-operating Expense			
Special Projects	68,377.05	-	
Total for Non-operating	68,377.05	21,086.88	
Net Income	33,878.41	66,000.00	

Status of the Reserve Fund as of September 2022 & 2023 Projection

RESERVE FUND 2022

Revenue

Opening Balance	$40,000
Strata Fee Contribution	$21,000
Special Assessment	$66,000
Total Available	**$127,000**

Expenditures

Eaves	$14,000
Restoration Services	$54,000
Total Expenditures	$68,000
Projected Balance at end of 2022	**$59,000**

RESERVE FUND 2023

Revenue

Opening Balance	$59,000
Strata Fee Contribution	$30,000
Total Available	**$89,000**

Expenditures

Total Expenditure	$0.00
Projected Balance at the end of 2023	**$89,000**

Note: The paving is not listed for 2023 as under the new Legislation expenditures out of the rerserve require a Special Resolution brought before the Owners for a vote.

5. BUDGET PROJECTIONS FOR 2023

The big strokes are:

- ✓ Insurance increase of $3,000 from $20,000 to $23,000
- ✓ Reserve Fund contribution of $30,000 as set out in the Reserve Fund Study
- ✓ Application of a 5% inflation increase across services (we have some preliminary indication of this from some of our service providers)

It is estimated that our O&M budget will go from $103,000 in 2022 to $111,000 in 2023.

Our reserve fund contribution will go from $21,000 in 2022 to $30,000 in 2023

This will give us a total budget of $141,000 and this equates to a condominium fee of $587.50 up from $522 this year.

A more detailed budget with explanations will be presented at the end of December – mid-January which will more accurately reflect the actual costs of maintaining the property. This will be presented one month prior to the Annual General Meeting. Any surplus at the end of 2022 will either go into Reserve, or used to offset condo fees. This will be decided at the AGM by way of a Special Resolution vote of the Owners.

DISCUSSION ITEMS:

This is a brief recap of a general discussion on a number of issues.

1. PRIORITIES FOR PROPERTY MAINTENANCE AND UPKEEP FOR 2023

After much discussion it appears that the main priority that most had was to get to the bottom (no pun intended) of the water/soil issues that appear to plague Lansing Point. Those present seemed to want to have this information before any money was spent on resurfacing the driveway/parking area.

2. PROCESS FOR APPROVAL OF REVISED BYLAWS

The consensus was that the revised bylaws should come to the AGM and voted on by way of a Special Resolution. This will require that all Owners have a copy of the revised bylaws a month prior.

3. PROPANE

Ted sought permission to approach a new supplier of propane in Whitehorse to see if we could get a better rate. Those present thought this was a good idea and asked Ted to proceed.

4. WEBSITE

Mike gave a brief update on the status of the website. Targeting mid-October to role it out. The site is seen as one of a variety of ways in which we can communicate information. Other ways that we have employed have included: emails, taping notices and newsletters to doors and phone calls. Our manner of communication needs to recognize that some within Lansing Point are more comfortable receiving written and direct information versus electronic and we need to accommodate that.

5. **CREATING A COMMUNITY**

Finally, we did touch on what we can do to create a sense of community. The BBQ we had last spring seems to have been popular and there was some enthusiasm for some form of informal gathering at Christmas time. We'll continue to explore ways we can stay in touch, support one another and be more involved in the Lansing Point Community.