

# Pacific Village 1 Owner's Council Meeting

January 15, 2009

**Present:** Tami Dube – President  
Miriam Brown—Vice President  
Esther Lewis - Member-At-Large  
Dale Harder – Diversified Properties  
Richard Margetts - Lawyer

**Residents:** Bill McClusky, Angie Lavergne

**Absent:** Tracy Fleming – Secretary

**Open Meeting:** Commenced at 7:05 p.m.

Agenda was approved as presented.

Prior to the Minutes from the November 19<sup>th</sup>, 2008 open session being approved as presented, Richard Margetts was asked to discuss the status of the litigation against Pacific Village 1 Owner's Society by the owner of the leased property. Based on the Examination of Discovery held between Indian Affairs and Pacific Village 1. Mr. Margetts recommended that the Society would be better off negotiating a settlement rather than to proceed with court action. He stated that, while Indian Affairs was indeed late with their notice of rent increase in 2006, the Head Lease does not contain a clause that states that "Time is of the essence". This means that in all likelihood, just because Indian Affairs was 3 months late, this would not constitute a breach of the lease and that the increase would be valid in the eyes of the law.

It was pointed out that during a previous 5 year time period Indian Affairs was also late with no ramifications and would this not set a precedent? Mr. Margetts answered by stating that, during the current life of the Head Lease, there have been several occasions when proper notice was not given and that this would influence a court decision. So the answer would be no – there has been no precedent set.

When asked what the options are, Mr. Margetts said that, with Council's permission, he would begin to negotiate a settlement with Indian Affairs. Council agreed and requested that he start the negotiations with a proposal to begin payment for the increased amount on January 1, 2009 and that all back rent increase plus interest be waived. Mr. Margetts agreed and will begin such negotiations. He also agreed to formulate a letter of explanation to each owner that will be distributed with the Annual General Meeting notice.

Minutes from Open Meeting on November 19<sup>th</sup>, 2008 were approved as presented

## **Update from Bill McClusky:**

- Has materials for patio fence lattice and will complete the installment on units #18 and #49 when the weather improves.
- Work has commenced on the Craigflower fence by the gate.
- Dale will call an electrician to repair exterior lights by units 20 and 21.
- Unit #21 needs final painting to be done at a later date.
- The exterior painting to unit #39 is on hold until their planters are moved.
- The electrical box near the main gate still needs to be repaired. Dale will look into this

## Pacific Village 1 Owner's Council Meeting

January 15, 2009

### Report from Dale Harder:

- Any sidewalk cracks that could be determined to be dangerous will be spray painted to identify the possible danger.
- Due to the large increase in property tax assessment, Dale will look into the possibility of having a class action appeal to the Property Assessment board.
- The appraisal of the property for insurances purposes has been done and the report should be available around February 15<sup>th</sup>, 2009.
- Dale recommended that, instead of repairing the wooden fence along Admirals Road, it be replaced with a brown chain link fence. The cost to supply a 6' fence is \$1,569.00 + GST. Council agreed that this would be the best option. Dale will discuss the removal of the existing fence with Bill.
- Owner's Concerns:
- The noise problems with unit # 15 have improved. There was 1 short instance when the stereo was too loud but was turned off immediately.
- Council noted that the owner of unit # 35 has left her dog tied up on Common Property and left unattended. Dale will send a fine letter.

**Open Session: Adjourned at 8:15 p.m.**

## Pacific Village 1 Owner's Council Meeting

January 15, 2009

**Closed Meeting: Commenced at 8:15 p.m.**

Agenda was approved as presented

Minutes from Closed Meeting on November 198<sup>th</sup>, 2008 were approved as presented

**Report from Dale Harder:**

- It was agreed by Council to renew the landscape contract with Highland Garden Care.
- A proposed budget for 2009 was presented to Council. It included the possible increases to the insurance rate and the land lease rent. Monthly increases for 2 bedroom units would be \$97.00 and for 3 bedrooms \$111.00. This budget will be included with the Annual General Meeting notice.
- It was determined that the Annual General Meeting will be held on February 23, 2009

**Closed Meeting: Adjourned at 8:35 p.m.**