

YORK CONDOMINIUM CORPORATION NO. 323
Minutes of the Annual General Meeting of 50 Quebec Avenue
October 24, 2013

The Annual General Meeting of the Unit Owners of York Condominium Corporation No. 323 was held on Thursday, October 24, 2013 at 7:00 p.m. in the Meeting Room at 50 Quebec Avenue, Toronto, Ontario.

1. WELCOME AND INTRODUCTIONS

Mr. Frank Delling, President of YCC No. 323, presided as Chair and welcomed all the Owners and on behalf of the Board of Directors, thanked them for attending.

The Chair introduced the members of the Board as follows:

Frank Delling	President
Jean Cormier	Vice President
John Hardie	Treasurer
Sean Cumming	Secretary
Fern Stimpson	Director

and guests by invitation:

Isan Murat	Property Manager, Brookfield Residential Services Ltd.
David Cekani	Regional Manager, Brookfield Residential Services Ltd.
Peter Mensinga	Engineer, Halsall Engineering
Joe Polakow, CA	Partner, Tapp & Company, Chartered Accountants
Paula Tamborra	Recording Secretary, INaMINUTE

2. CALL TO ORDER / PROOF OF SERVICE / APPOINTMENT OF SCRUTINEERS

The Chair confirmed that the Notice calling the meeting and other pertinent documents had been mailed and delivered to all Owners of Record as of **October 4, 2013**, and that the Affidavit of Proof of Service of the Notice had been filed in accordance with the requirements of the By-laws of the Corporation.

The Chair called the meeting to order at 7:05 p.m. and confirmed that all Unit Owners had registered and provided their proxies. He advised that **70 Units** were represented by the Unit Owners in person and **70 Units** were represented by proxy for a total of **140 Units** which constituted a quorum in accordance with the *Condominium Act, 1998*. The Chair stated that with a quorum present and proper notice having been given, the Annual General Meeting of the Unit Owners was properly constituted for the transaction of business from the commencement thereof.

The Chair then requested a volunteer from the floor to act as a Scrutineer to count ballots.

With the consent of the meeting, the Chair appointed Genevieve Gorski Parker (*Unit 2406*) to act as the Scrutineer of the meeting assisted by David Cekani, Regional Manager of Brookfield Residential Services Ltd., to report on the members present in person and by proxy, to count the votes of any polls taken at this meeting and to report the results to the Chair.

3. **APPROVAL OF MINUTES OF THE ANNUAL GENERAL MEETING HELD ON OCTOBER 11, 2012**

The Minutes of the Annual General Meeting held on October 11, 2012 had been circulated with the Notice of Meeting for the Owners' review in advance of the meeting. The Chair called for a motion to dispense with the reading of the Minutes and to adopt them as circulated.

On a MOTION by Anne Farraway (Unit 1204), seconded by Gord Hamilton (Unit 306), it was resolved to dispense with the reading of the Minutes of the Annual General Meeting held on October 11, 2012 and to adopt them as presented.

The Motion was carried.

4. **PRESIDENT'S REPORT**

Frank Delling, President and Chair, addressed the Owners with the 2012/13 Accomplishments from the past year provided on the President's Report annexed to these minutes.

5.(a) **PRESENTATION OF AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED APRIL 30, 2013**

The Chair announced that copies of the Auditor's Report and the Audited Financial Statements were mailed to all Owners with the 'Notice of the Meeting'.

The Chair introduced Mr. Joe Polakow of Tapp & Company, Chartered Accountants who presented the audited financial statements for YCC No. 323.

Mr. Polakow reported that he worked for the Owners independent from the Board of Directors and Management Company. With the full co-operation and assistance from Property Management, Mr. Polakow advised the books of the Corporation were being properly maintained. He reminded Owners that it is the responsibility of the Board to oversee financial reporting during the year and at year end.

Mr. Polakow stated the audit presented fairly, in all material respects, the financial position of the Corporation and the results of its operations and cash flows are in accordance with the Canadian generally accepted accounting principles for the fiscal year ending April 30, 2013 and referred to the Auditor's Report, dated July 25, 2013.

He noted the Corporation's net assets as at April 30, 2013 including cash and investments totaled \$2,218,353.00. The Corporation had \$2,009,141.00 in its Reserve Fund and defined capital as the balances in the Reserve Fund and the General Fund. The Corporation had complied with the *Condominium Act, 1998* requirement that the Reserve Fund may only be used for the major repairs and replacements of the common elements and assets of the Corporation. Mr. Polakow reported a surplus of \$140,179.00.

The Auditor then proceeded to comment upon the Statement of Financial Position, Statement of Reserve Fund, Statement of Operating Fund, Schedule of Expenses, Statement of Cash Flows, General Fund Operations and Fund Balance, Statement of General Fund Operations, and Statement of Cash Flows as at April 30, 2013.

Reserve Fund

Mr. Polakow stated the Directors have used the Reserve Fund Study of Gillespie Building Consultants Inc. dated July 15, 2010 and such other information as was available to them in evaluating the adequacy of the Reserve Fund.

The Board has accepted the recommendations of the study which suggests an annual contribution of \$696,300.00, expended \$291,861.00 with a closing balance of \$2,009,141.00.

A new Reserve Fund Study dated April 9, 2013 was approved by the Board of Directors and recommended an annual contribution of \$710,200.00 for 2014, expenditures of \$1,163,900.00 and ending balance as at April 30, 2014 of \$1,617,615.00. The annual reserve allocations in the study increased by 2% per annum thereafter.

The floor was then opened for questions and discussion.

Cam Felmann (Unit 907) referred to page 12 of the Financial Statements and inquired why the Board entered into a gas contract for 34 cents per cubic meter when the 2011 rate was 14 cents per cubic meter. Since the new contract will be renewed in 2015, he recommended the Board lock in the spot rate.

Response: The Chair stated the Board will assure their preference is the spot rate.

Maria Alberti (Unit 1003) inquired on how wages and benefits were paid to Corporation's employees.

Response: The Auditor stated the wages are paid directly to the employees from the Corporation. Brookfield maintains the payroll records but actual amounts are paid directly by the Corporation to employees. Sean Cumming stated the only employees the Corporation employs are the Superintendents. The Property Manager is employed by Brookfield.

Ed Leies (Unit 1702) inquired on the surplus and how it should be used. He stated surpluses could only be transferred into future operating costs or the Reserve Fund. He questioned if it was not used towards future operating costs could it be used to reduce the maintenance fees. He was concerned about the high contribution to the Reserve Fund and stated the Condominium paid the highest percentage of fees into the Reserve Fund, as per a survey performed by Brookfield.

Response: The Auditor stated it would be a poor decision if the dollars were used to reduce maintenance fees and once monies are transferred to the Reserve Fund it cannot be withdrawn. He advised it was important to have some surplus for emergencies and items that are not anticipated in the budget, as the Corporation may run short. He advised that the Board could reduce the Reserve Fund contributions which could be determined at the next budget. The decision must be made by the Board as they set the budget.

Deborah Seed (Unit 2408) stated the Budget was very impressive and was pleased with the results and the Board did a terrific job. She advised that you do not often see Budgets with surpluses.

No further questions were asked. The Board thanked Mr. Polakow for his presentation and he departed the meeting at 8:00 p.m.

5.(b) APPOINTMENT OF AUDITORS

The Chair advised it was the Board's recommendation to appoint *Tapp & Company, Chartered Accountants*, for the forthcoming year.

On a MOTION Ed Leies (Unit 1702), seconded by Gayle Stearns (Unit 308), it was resolved to appoint Tapp & Company as Auditor of the Corporation for the fiscal year ending April 30, 2014, at a remuneration to be fixed by the Board of Directors.

The Motion was carried.

6. APPROVAL OF BY-LAW 12-OPERATION BY-LAW

The Chair announced the new By-Law No. 12 replaced the old By-Law Nos. 3 and 6. A copy of the proposed By-Law No. 12 with an explanation was sent out with the meeting notification. Mr. Sean Cumming, Secretary explained the changes to all the Owners.

Sean Cumming explained that the operating By-Laws have not been amended for 30 years and there have been amendments to the *Condominium Act, 1998*. The primary purpose was to bring the Corporation into line with the current *Condominium Act, 1998*, including holding a Director's meeting electronically.

Cam Felmann (Unit 907) recommended that Section 7.3(b) should include "partner".

Response: Sean Cumming stated the clause includes any 'non-married' couples living together under the *Family Act*.

Ed Leies (Unit 1702) stated that in order to obtain sufficient and regular information of the Board's activities, it was requested that the Board Minutes contain an explanation and information related to each item discussed at the meeting. This was currently not included in the draft version of By-Law No. 12. As such the following amendment was proposed to Section 7.13 regarding the Minutes:

Amend clause (e) to read: "sufficient explanation and information related to the disposition of each agenda item including the name of the moving and seconding parties and the outcome of the vote".

Amend clause (f) to read: sufficient explanation and information related to the disposition of every other motion made at the meeting including the name of the moving and seconding parties and the outcome of the vote".

Sean Cumming stated the minutes were a record of decisions made and if Owners were seeking more information from the minutes, they could request it from the Board.

Owners proceeded to fill out their ballots and the Scrutineer was called to count on the votes.

Results of the Vote for the Proposed By-Law No. 12

For:	132
Against:	3
Abstained:	6
Spoiled:	3

On a **MOTION** Gord Hamilton (Unit 306), **seconded** by Jean Cormier (Unit 2101), **it was resolved to approve the proposed By-Law No. 12 as presented.**
The Motion was carried.

7. GRENADIER SQUARE DEVELOPMENT MOTION

Ms. Jean Cormier, Vice President, reported to the Owners that two (2) new 31 floor high rise condominiums are to be built immediately across the street from 50 Quebec Avenue and immediately beside 70 High Park Avenue. The new high rises will be taking up the space currently held by the Brownstones. This will affect not only all the Owners of 50 Quebec Avenue directly, but also any number of residents in neighbouring buildings. A Grenadier Square Coalition was formed showing some success in affecting the adverse impact of the new building on the property values and quality of life, traffic congestion, increased noise levels, sun shading, wind shear and TTC capacity.

She advised that the first public meeting was held on May 8, 2013 and the High Park Coalition was formed at that time. They now have over 2000 signatures on the petition opposing the development and the coalition was also involved in fundraising. She stated that 70 High Park has donated money, 20 Gothic has also donated money toward fighting another development, 100 Quebec also had the issue on their agenda and the High Park Coalition requested the Corporation donate up to \$10,000 to hire an urban planner and urban designer. There will be an upcoming community meeting on November 7, 2013 and there will be arrangements for carpooling to get Owners there. YCC 323 has obtained legal advice in this regard.

*On a **MOTION** Judy Love (Unit 503), **seconded** by David Brown (Unit 2607), **it was resolved that York Condominium Corporation 323 contribute up to the sum of \$10,000.00 from its operating surplus, as part of the retainers of an expert Urban Planner and/or an expert Urban Designer in conjunction with the High Park Coalition for the purpose of creating reports to be used in opposition to the proposed redevelopment of 51-65 Quebec Avenue and 52-66 High Park Avenue. These funds are to be dispersed by the Board directly to the experts to be retained, in conjunction with other area buildings which will be contributing towards the expense, in amount that the Board feels to be reasonable given the overall cost and amounts contributed by the other buildings. The Board shall ensure that the retainers will not oblige York Condominium Corporation No. 323 to pay anything more than the sum allocated under this motion.***

William Davidson (Unit 1502) stated he previously served on the Board for 15 years. He stated he was not in opposition of the request but stated his only purpose of speaking to Owners was that the motion was illegal. He stated the *Act* states that a surplus in the Corporation shall only be applied to future common expenses or the reserve fund. He retained the legal services of Gerry Hyman, and asked for his legal opinion regarding this motion. He continued to read the advice to the Owners made by Gerry Hyman who confirmed the stated motion was invalid.

Response: Sean Cumming stated there were only two (2) bank accounts, an operating account and reserve account. The Board was proposing to pay the monies from the operating account but first the Board decided to consult the owners and the outcome of the vote would not determine the final decision to spend the monies.

Frank Rooney (Unit 1703) stated the development would affect his light and the cleanliness of his condo. The development would affect his property value and it will affect his ability to enjoy the park. He felt there should be a vote to express the Owner's opinion and requested the removal of the word "surplus" in the motion.

Deborah Seed (Unit 2408) proposed an amendment to 'include fiscal year which ends April 30, 2014 and to remove the word "surplus" from the motion.

William Davidson (Unit 1502) stated the Board should follow *Section 97 of the Condominium Act* and not the proposed motion.

The Chair stated the Board decided to bring the motion to the AGM to receive feedback from all the Owners and advised the motion was a non-binding motion.

The motion was amended to read:

"To advise that the money be paid by the fiscal year ending April 30, 2014"

Owners proceeded to fill out their ballots and the Scrutineer was called to count the votes.

Results of the Votes for the Grenadier Square Development Motion

For: 122
Against: 11
Abstained: 4
Spoiled: 4

The amended motion to read as follows:

On a MOTION Judy Love (Unit 503), seconded by David Brown (Unit 2607), it was resolved that York Condominium Corporation 323 contribute up to the sum of \$10,000.00 and that the money be paid by the end of the fiscal year of April 30, 2014. The monies are to be used as part of the retainers of an expert Urban Planner and/or an expert Urban Designer in conjunction with the High Park Coalition for the purpose of creating reports to be used in opposition to the proposed redevelopment of 51-65 Quebec Avenue and 52-66 High Park Avenue. These funds are to be dispersed by the Board directly to the experts to be retained, in conjunction with other area buildings which will be contributing towards the expense, in amount that the Board feels to be reasonable given the overall cost and amounts contributed by the other buildings. The Board shall ensure that the retainers will not oblige York Condominium Corporation No. 323 to pay anything more than the sum allocated under this motion. The Motion was carried.

8. ELECTION OF DIRECTORS

The Chair advised that the following positions were available on the Board of Directors:

Two (2) Director Positions being elected each for a three (3) year term.

Running for the position on the Board of Directors was noted as follows:

Frank Delling (Unit 2604)
Gord Hamilton (Unit 306)

The Chair opened the floor for further nominations. There were no additional nominations from the

floor.

The Chair requested a motion from the Owners to close the nominations.

On a MOTION Wendy Weaver (Unit 402), seconded by Anne Farraway (Unit 1204), it was resolved to close the nominations to the Board of Directors.

The Motion was carried.

9. OTHER BUSINESS

Todorka DeKir (Unit 2108) inquired if it would be possible to publish the agenda for future Board meetings, to allow Owners to attend and contribute to specific items.

Response: The Chair stated the Board meetings held In Camera and anyone who attends must do so on an invitation basis only. The Board is elected by Owners and works on behalf of the Owners. The tradition has been to meet with Board members at separate meetings. The Chair stated Owners could participate in committees.

10. ELECTION RESULTS

The Chair announced the results of the election:

Frank Delling (Unit 2604) was duly elected to the Board of Directors, by acclamation, to hold office for a term of three (3) years.

Gord Hamilton (Unit 306) was duly elected to the Board of Directors, by acclamation, to hold office for a term of three (3) years.

The Chair then called for a motion to destroy the proxy ballots.

On a MOTION by Gord Hamilton (Unit 306), seconded by Frank Rooney (Unit 1703), it was resolved to destroy the ballots of York Condominium Corporation No. 323.

The Motion was carried.

11. TERMINATION OF MEETING

The Chair, on behalf of the Board of Directors, thanked the Owners for attending the meeting. The business of the meeting having been addressed, the Chair asked for a motion to terminate the meeting.

On a MOTION by Sanchez Gumersindo (Unit 1705), seconded by Ed Leies (Unit 1702), it was resolved at 9:11 p.m. to terminate the Annual General Meeting of the York Condominium Corporation No. 323.

The Motion was carried.