

# YORK CONDOMINIUM CORPORATION NO. 323

## ANNUAL GENERAL MEETING

THURSDAY, OCTOBER 27, 2011

### MINUTES

---

The Annual General Meeting of the Owners of York Condominium Corporation No. 323 was held on Thursday, October 27, 2011, in the Meeting Room at 50 Quebec Avenue, Toronto, Ontario at 7:00 p.m.

---

#### 1. CALL TO ORDER, WELCOME AND INTRODUCTIONS

Jock Galloway, President, presided as Chair of the Meeting and called the meeting to order at 7:07 pm. Mr. Galloway welcomed the Unit Owners, on behalf of the Board of Directors, to the Annual General Meeting of YCC 323.

Mr. Galloway introduced the Board of Directors:

Bill Henderson, Vice-President  
Ed Leies, Treasurer / Owner Occupied  
Sean Cumming, Secretary  
Frank Delling, Director

and by invitation:

Isan Murat, Property Manager, Brookfield Residential Services Ltd.  
Bruno Wojnowski, Regional Manager, Brookfield Residential Services Ltd.  
Arthur Elliot, Auditor  
Patricia Armstrong, Recording Secretary, INaMINUTE

#### 2. **PROOF OF NOTICE / CALL TO ORDER**

The notice, dated October 7, 2011, calling the meeting, was mailed to each registered Owner or Mortgagee. Proof of Service had been filed with the Secretary and will be attached to the minutes of the meeting. As the Scrutineers reports indicated that a quorum was present, and that notice of the meeting had been served in accordance with the *Condominium Act, 1998*, the Declaration and the By-Laws, the Chair declared that the Annual General Meeting of the Owners of York Condominium Corporation No.323 was duly constituted to conduct business.

**The Declaration of Proof of Notice is available for inspection at the head table and will be attached to the minutes of the meeting.**

**3. APPOINTMENT OF SCRUTINEERS**

The Chair requested volunteers from the floor to act as Scrutineers to count ballots.

With the consent of the meeting, the Chair appointed Gayle Stearns, Suite 308 and Sydney Mandzuk, Suite 1403, to act as Scrutineers of the meeting and to report on the members present in person and by proxy and to count the votes of any polls taken at this meeting and to report the results to the Chairman.

**4. CONFIRMATION OF QUORUM**

The Chair announced that in order to conduct business at the meeting a quorum of at least 25% or 61 owners represented in person or by proxy was required. Only one vote per unit is permitted. The Chair reported that there were 87 units represented in person and 45 units represented by proxy, for a total of 132 units represented.

The Chair advised that all owners addressing the meeting should state their name and suite number for recording purposes.

**5. APPROVAL OF MINUTES OF LAST AGM**

The minutes of the Annual General Meeting held October 28, 2010 was mailed with the 'Notice of Meeting' for the owners' review in advance of the meeting. The Chair asked for a motion to dispense with the reading of and adoption of the minutes as presented.

**On a MOTION by Marsha Melnik, Suite 2403, seconded by Wendy Weaver, Suite 402, it was resolved that the reading of the minutes of October 28, 2010 be dispensed with and that they be adopted as circulated.**

**The Chair asked if there were any errors or omissions noted in the minutes.**

**There were none.**

**The Chair called for a show of hands in favour of adopting the minutes as presented.**

**On a show of hands, the motion was CARRIED.**

Bill Henderson wished to clarify a point in last year's President's Report regarding a statement made that 'the Corporation prohibits smoking on the common elements including exclusive use common elements such as balconies'.

The statement should have read: 'the Corporation prohibits smoking on the common elements excluding exclusive use common elements such as balconies'.

## **6. AUDITOR'S REPORT**

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 Arthur Elliot, Auditor who presented the audited financial statements for YCC 323. Mr. Elliot reported that the statements present fairly, in all material respects, the financial position of the Corporation and the results of its operations and cash flows in accordance with the Canadian generally accepted accounting principles for the fiscal year ending April 30, 2011 and referred to the Auditor's Report, dated August 13, 2011.

Mr. Elliot then opened the floor to any questions and/or concerns:

**Marsha Melnik, Suite 2403, Question:** – Why are the costs for utilities and gas down so significantly?

**Answer:** Mr. Elliot stated that the Board uses an estimate of the past three years to budget the amount of gas that will be needed. Last year was not as cold a winter so less gas was used. Residents are also conserving on energy, water consumption was lower as many residents are changing to low flow toilets and shower heads.

**Evan Hughes, Suite 1003 – Question:** What was the cost for the new boilers?

**Answer:** Mr. Elliot stated that those costs will be in the next financial statements as the boilers were recently installed.

Mr. Elliot was thanked for attending the meeting and was excused at 7:38 p.m.

## **7. APPOINTMENT OF AUDITOR**

The Treasurer stated that the Board of Directors sought and reviewed three (3) quotations for the appointment of a new auditor. References and recommendations were obtained and the Board recommends Joe Polakow, Partner with Tapp & Company.

**Gary Legault, Suite 305 – Question:** Can the Board recommend a new auditor without the owner's knowledge? Can a vote be taken when this issue is not on the agenda?

**Answer:** Ed Leies stated that the Board reviewed three (3) quotations for the appointment of a new auditor. References from Brookfield Residential Services Ltd. and condominium corporations in the area were obtained and it was determined that this auditing firm is highly recommended by the industry. The appointment of an auditor is on the agenda.

Mr. Leies introduced Joe Polakow to the residents.

Joe N. Polakow, Partner with Tapp & Company, Chartered Accountants presented his qualifications to the residents. Mr. Polakow stated that he has been in the condominium industry for 17 years and understands the uniqueness of the industry. Mr. Polakow exclusively audits high rise condos, co-ops and shared facilities.

The firm is a member with the Association of Condominium Managers of Ontario (ACMO), a regulatory association for the industry and Canadian Condominium Institute (CCI) which is the national research centre for issues and activities across the country.

Mr. Polakow then opened the floor to any questions and/or concerns:

**Wendy Weaver, Suite 402 - Question** – How can you charge less than the other auditors that quoted?

**Answer:** Mr. Polakow stated that a better price was given to the Corporation as the experience he brings will provide more efficient service. He understands the systems used in condominiums. Many firms have a higher rate as more employees are required to provide the same service he can provide.

**Rein Polli, Suite 2107 – Comment:** I believe it is beneficial to the Corporation to appoint a new auditor every five to seven years.

The Chair called for a motion to appoint the Auditors for the next year ending April 30, 2012.

**On a MOTION by Cameron Fellman, Suite 907 seconded by Robert Celsi, Suite 1805, it was resolved that in accordance with Section 62(b) of the *Condominium Act, 1998*, Joe N. Polakow, from Tapp & Company, Chartered Accountants be appointed Auditor of the Corporation, to hold office until the close of the next Annual General Meeting of the Owners, or until their successors are appointed at a remuneration to be fixed by the Board and that the Board is hereby authorized to fix such remuneration at a duly called meeting of the Board. On a show of hands, the motion was CARRIED.**

## **8. PRESIDENT'S REPORT**

I will not be going into a discussion of what has taken place, issue by issue, since the last AGM. You can follow the Board's activities by reading the minutes of Board meetings which are posted on the notice Board outside the management office. Rather, I will comment on what I see have been major concerns of the Board during last year. I am also writing in part with new residents in mind.

We are witnessing the end on a major project – the repair of the balconies. Work began three years ago, with the planning of the project even some time before that. Residents will not forget the noise created by the removal of damaged concrete from balconies this project involved. Repairs were made, the balconies resurfaced but the work was not entirely over. We had the right within two years of finishing the work to inspect the

balconies for deficiencies with our contractor liable to repair defects. In recent weeks our engineer has examined the balconies, noted some defects, and our contractor is now making the repairs.

Those of you who are new residents may not know that the balcony project is the 3<sup>rd</sup> major repair project the Board has undertaken. It was preceded by major repairs to the garage below ground and to the roof of the garage to the east of the building (i.e. the Quebec Avenue side). This last necessitated the temporary removal of all landscaping and road way to expose the concrete roof. It is of course absolutely necessary to make these repairs in order to maintain the quality of our building, our home.

Another major project has begun to appear on the agendas of Board meetings: this is the maintenance and repair of windows, balcony doors and balcony wall panels. The Board has to investigate costs and plan the way for the work to be done. It is a major job, but once the work has been completed we will have finished all major repairs except for some work on the ground along the west side of the buildings. We should then be able to settle back for a couple of decades, enjoying our building.

A rather different issue has taken up Board time this year: smoking, or to put the matter another way, the campaign to stop smoking. There has been much discussion, but the item is on this evening's agenda. You have the opportunity to vote one way or the other.

You know that my term on this Board is now over and that I decided some time ago not to run for the Board again. This is my last Board. I have served, as many of you may know, on earlier Boards. I have greatly enjoyed the experience, made friends, learned a good deal about how the world works. I would like now to record my thanks to all of you who have shown your confidence in me by voting for me and to the members of the staff of our condominium who have always assisted me. Thank you.

Jock Galloway

## **9. NOMINATION AND ELECTION OF DIRECTORS**

The Chair declared the meeting open for nominations to the Board of Directors and explained the election process to the residents.

The Chair announced that there are two (2) positions on the Board of Directors for a term of three (3) year terms for which all owners may vote.

The following individuals were duly nominated to fill the office of director:

### **Nomination of Two (2) Directors:**

Fern Stimpson, Suite 1806 nominated by Pauline Walsh, Suite 2005

Jean Cormier, Suite 2101 nominated by Robert Davidson, Suite 2602

The Chair called for further nominations to the Board. There being none, Mr. Galloway called for a motion to close the floor to nominations.

**On a MOTION by James Estes, Suite 703 seconded by Gord Hamilton, Suite 306, it was resolved that the nominations to the Board of Directors of York Condominium Corporation No. 323 be closed. On a show of hands, the motion was CARRIED.**

## **DIRECTOR ELECTION RESULTS**

The Chair declared and the meeting approved:

**Fern Stimpson to be duly elected as a director of the Corporation by acclamation to hold office for a term of three (3) years or until a successor is duly elected or appointed.**

**Jean Cormier to be duly elected as a director of the Corporation by acclamation to hold office for a term of three (3) years or until a successor is duly elected or appointed.**

The new directors introduced themselves to the owners.

Mr. Galloway congratulated the newly elected directors.

## **10. PROPOSED / SMOKING BY-LAW / VOTE**

Sean Cumming stated that the proposed '*Smoking By-Law*' restricts all forms of smoking in the common areas and individual units of the condominium excluding units 1- 9 on level 1, exclusive use common areas and a unit currently occupied by a person who regularly smokes.

Mr. Cumming stated that although it appears that the by-law will not be approved at this meeting, the Board would like a general consensus from the owners. A secret ballot vote will proceed.

**On a MOTION by Marsha Melnik, Suite 2403, seconded by Claire Hardie, Suite 1101, the 'Smoking By-Law' was proposed.**

## **SMOKING BY-LAW - VOTE RESULTS**

The Chair declared:

59 - in favour  
45 - against  
10 - abstained

## **11. OTHER BUSINESS**

The Chair opened the floor for comments and questions relating to the general business of the Corporation.

**Deborah Seed, Suite 2408 – Comment:** I would like to compliment and thank the producer of the newsletter. It is an excellent newsletter.

**Answer:** Jock Galloway stated that Terry Graham, Suite 602 produced the newsletter.

**Grace Ho, Suite 1508 – Question:** Will the tennis court surface be repaired? Players also require a squeegee to remove water from the court.

**Answer:** The Property Manager stated that there will be court repairs this spring.

**Wendy Weaver, Suite 402 – Comment:** The gardens and landscaping were exceptional this year and I would like to thank the Board.

**Deborah Seed, Suite 2408 – Comment:** The landscaper working on the property is very competent.

**Terry Graham, Suite 602 – Comment:** I would like to thank the Board, superintendent, and all employees working for the Corporation.

## **12. CONCLUSION OF MEETING**

There being no further business to transact, the Chairman called for a motion to conclude the meeting.

**On a MOTION by James Estes, Suite 703, seconded by Gord Hamilton, Suite 306, it was resolved to conclude the Annual General Meeting of the Owners of YCC 323 at 8:35 p.m. On a show of hands, the motion was CARRIED.**