

**CYPRESS POINT ABC
STRATA PLAN NW2050**

Strata Council Meeting
Wednesday, March 3, 2010

1. PRESENT:	Gordon Farrell	Larry Makutra
	Carole Borthwick	Cheryl Jones
	Carla Evans	Corinne Inglis

INVITED GUEST: Tom Hargraves

REGRETS: Steve Tosh

2. CALL TO ORDER: 6:40 PM

3. SHARED FACILITIES

a. Presentation and discussion of *the Clark Wilson (Ashford / Woodridge) second counter proposal* to the Cypress Lawsuit. The petition and responses are as noted below:

"The Petitioner (Cypress Point) applies to this Court for the following:

1. An order rectifying the typographical errors in paragraphs 10 and 12 of the 1988 Agreement (delete words 'Ashford Owner' and replace with 'Cypress Grantees'). *Clark Wilson advise the proposed change is agreeable.*

2. An order rectifying the typographical error in the last sentence of paragraph 10 of the 1988 Agreement to read, 'The Cypress Fee shall be calculated annually by the Cypress Owners and adjusted from time to time.' *Clark Wilson advise 'Agreed'.*

3. A declaration that the words 'operating costs' in paragraphs 3 and 10 of the 1988 Agreement include all costs, however arising, incurred in the running of the facilities shared under the 1988 Agreement, defined below as "Shared Facilities". *Clark Wilson advise Agreed, but...with restrictions.* **The Cypress Strata Council vote NO to the use of CPI: No to restrictions: and NO to the use of a shared consultant. Our Chartered Accountant did not agree with the use of CPI and did not feel there should be a percentage of any kind. "If work needs to be done, then it should be done." It should be sufficient for Cypress Point ABC and Woodridge Estates to continue to have their respective Shared Facility budgets approved by their respective owners at AGM's. From 2004 to 2010 the Cypress Point budget has increased by 38% overall. There has NEVER been a 40% increase in a one year period as has been stated.**

4. An order modifying the 1988 Agreement to include the words "and capital costs" after the words "operating costs" in paragraphs 3 and 10. *Clark Wilson advise 'we are prepared to agree to the change.'*

5. An order that a Strata Committee be formed within 30 days of the order. *Clark Wilson advise their client is not averse to re-establishing the committee but question the sole purpose of the committee to 'establish rules and regulations' as set out in the 1988 Agreement. The Cypress Strata Council confirm that the sole purpose of the Shared Facility Committee would be in accordance with the 1988 Agreement.*

6. An order that Woodridge and Cypress must provide their respective Shared Facility budgets to the other parties to the 1988 Agreement for the upcoming calendar year by November 1st of the previous calendar year. *Clark Wilson advise - Agreed.*

7./8. An order that at the end of each calendar year, Cypress and / or Woodridge be reimbursed by the other parties to the 1988 Agreement, in their proportionate share for any annual expenses that were not covered by the budget. *Clark Wilson agreed to April 30 as an acceptable date. The Cypress Strata Council agree to April 30.*

9./10. An order that Cypress / Woodridge may carry forward and include in the subsequent year's budget for the facilities, any expenses for the facilities that were not covered by its annual budget in the year that the expenses occurred. *Both parties agree these points are not necessary in light of 7./8.*

11./12. An order that at the beginning of each calendar year, and no later than March 15th of that year Woodridge and / or Cypress must pay back to the other parties to the 1988 Agreement, in accordance with their proportionate share as set out in the 1988 Agreement, any monies that were not spent on the facilities that year. *Clark Wilson advise - agreed and suggest April 30 as an acceptable date. The cypress Strata Council agree to April 30.*

13. A declaration that Cypress need not pay any portion of the March 2003 and June 2003 invoices from Macleod and Company regarding legal services provided to Woodridge and fencing costs by Sterling Fence. *Clark Wilson advise that the legal expense of \$433.57 was removed in the January 2010 Statements. The Cypress Strata Council advise that the June costs for Sterling Fence of \$3,700.46 plus \$400.82 plus \$559.61 have yet to be credited back to Shared Facilities.*

14. An order for all such accounts, directions and inquiries as may be necessary for the purposes of determining what amounts are owed by what Strata(s) to which Strata(s) under the 1988 Agreement. *Clark Wilson advise an accounting is unnecessary. Cypress advise the amounts shown in the Woodridge Shared Facility Financial statements are incorrect and an accounting is necessary. Clark Wilson*

requested Remax contact The Wynford Group directly to resolve. The Cypress Point Strata Council requires confirmation that the financials all agree prior to releasing this item.

15./16./17. An order that after any accounts are complete, any deficit or surplus in either the Cypress or Woodridge budgets be paid / reimbursed within 30 days from the date of completion of the accounts. *Clark Wilson propose 'to be paid within 60 days. The Cypress Point Council reject 60 days and advise that the standard accounting practice is 30 days.*

18. Costs. *Clark Wilson advise 'Please advise as to your client for costs to date.'* **Haddock & Company to provide costs for [this response](#).**

OTHER PROPOSALS by Clark Wilson

A. Within 30 days of the delivery of the finalized financial statements for the prior fiscal year regarding the Shared Facilities, the receiving party must raise any objections with respect to any expenses claimed therein, failing which the receiving party will be deemed to have accepted the statements as delivered. The receiving strata corporation must raise any objections or be deemed to have accepted the statements. The 4 strata corporations could agree to the retainer of 1 accounting firm to undertake the year end finalization to streamline the process. The Cypress Point Strata Council say NO to 30 days. Even Revenue Canada has a 7 year moratorium. They also say No to retaining one accounting firm. Each Strata Corporation needs their own advocate in case of a discrepancy.

B. /C. The games room and lounge at Cypress is not used much. Woodridge and Ashford are concerned that Cypress is planning on refurbishing the room and feel that the limited use does not justify the costs. Woodridge and Ashford propose that no funds be committed to refurbishing this room without the agreement of all parties. The Cypress Point Strata council advise, "Yes we are planning on refurbishing these rooms as they are well worn." They further advise that they would consider removing the Cypress games room, exercise room and pavilion lounge from the 1988 Shared Facility Agreement in return for the removal of all Woodridge Facilities from the 1988 Shared Facility Agreement.

4. MEETING ADJOURNED: 8:10 PM

5. NEXT MEETING: Wednesday, March 31, 2020