



**Notice the overall reduced natural light in Abby Lane building lobby,  
and the change in cafe atmosphere from all the tinted west windows  
since Victoria Day long weekend?**

Here is our protest and our story.

***Hey landlords, leave them small business alone!  
All in all, you're just another brick in the wall.***

Have you ever wondered why sometimes small businesses in your neighbourhood disappear? Why did the mom-and-pop shops, independent business operators decide to throw in the towels and walk away from livelihoods they built and nurtured with all of their hearts? Perhaps it is simply because there are too much bullsh\*t in this corporate-dominated, money-paramount world that the small business owners are drained of their brain power and leached out of their passion.

The pandemic was a challenging time for all. Every single person had to pivot and adapt. During which time, businesses were sold and developments with commercial and residential real estate changed hands. I am not an investigation journalist. However, one can't help but speculate if new owners of these commercial/residential properties would try to recoup expenses through the form of rent increase and/or suspicious common area maintenance fee hike. It is also possible that new owners have different plans in mind for their newly acquired properties which current tenants might not fit within the picture. The small businesses that made it through all the challenges during COVID and haven't even had a chance to take a breath are now deep under mountains of additional costs piled up from all directions. Be it inflation, supply chain issue, labour shortage, price jump, tax hike, or weary customer service, you name it, it's happening. For the Abby Lane building that we are located in, the ownership had quietly changed from original developer to Amica since probably the last quarter of 2021. Recently, a large sign of development proposal had been erected out front facing 16 Ave with Abby Lane and Amica lot highlighted. We don't know what changes are coming; yet we had an underlying fear that maybe Everbean's future is foreshadowed? I can't speak for all small businesses on various hardships we individually and collectively have to endure since coming out of the pandemic. If you are a fellow small business owner, maybe it's time to share your experiences and tell your stories so we can all be more aware of what's happening? It is time to let small businesses get back to business, and let hard working people focus on the work they are good at, instead of jumping hurdles just trying to stay afloat.

As I sit here in the cafe watching one window pane after another getting darkened with tint film, I decided to share my month-long anguish leading up to today (May 20) in timeline entries. Warning: I am not a good writer. My thoughts are rambling thus tend to result in long run-on sentences. Read at your own risk of possibly offending the grammar teacher in you.

April 12:

Window tinting crew marched into cafe with tools and supplies right when we opened. There were no prior discussion, nor notification on the project to us. We refused their entry and asked the crew to leave our cafe. A scissor lift was parked outside at the breezeway. As karma would have it, the lift was too high to fit through the main entrance. Upon inquiry, our property manager (SDM Realty) said he did not know about the project. Later, general manager of building owner (Amica) apologized for communication break down, yet affirmed that the project is set to go forward regardless. She even asked if the crew can begin working on the windows within height that can be reached without the lift. We rejected being customers were present, and we hated the idea of losing natural light. As a result, the work crew was withdrawn that day. In the afternoon, amidst the blurry chaos, I sent an e-mail inquiry to both Amica and SDM with four main questions:

- What had triggered the need to tint the entire west curtain wall?
- What the tinted windows would look like?
- Who would bear the cost of this project?
- How would they prevent future communication break down?

While writing the e-mail, I reflected back when we first signed the lease and were working on cafe design with building architects and the original developers-owners of the Abby Lane. The 3-story tall west-facing windows were a key positive feature that the architects and developers highlighted. We were specifically asked to keep west curtain wall open and clear. So instead of designing our cafe layout with service counter orienting towards the main entrance, we built the counter along the north wall and banquette seating along the south wall, framing the bright and airy west windows that look out to the patio and tall trees.

April 13:

An apology e-mail came from Amica's GM, admitting to a communication break down somewhere between Amica support office, operations, and SDM Realty, thus tenants weren't notified of the window tinting project. The e-mail did not address any of my four questions raised on the day prior. Trying to find answers on our own, we asked 2nd and 3rd floor tenants whose units also directly face the west curtain wall. Neither knew about the full window tinting project.

April 18:

An invoice came from SDM Realty via e-mail regarding 2022 recovery adjustments from operation cost overrun. I checked it against the 2021 recovery adjustments which also had cost overrun from 2020, and could not understand what caused the over budget. Trying to understand the CAM

budget vs. shortfalls from one year to another is like attempting to solve a mystery without clues, being most of the cost items are not listed the same, therefore rendering it impossible to track nor compare what had increased in costs year after year and why.

April 19:

Around lunch time, four people (two from SDM and two from Amica) barged into the cafe and headed straight to the west windows, once again without any proper notification. When asked why they were at the cafe, the property manager said something along the line of "oh I sent you an e-mail, didn't you get it?" Then he quickly changed the subject and said they are here to show us the tint sample. At the time, there were customers at the till waiting to place their orders, as well as food and drinks to be made. Chris and I were the only two people working, so we could not pause to join their impromptu tint sample review session. The four of them gathered in front of the 3-story bright windows; held up a tiny 3"x5" piece of tint sample; squinted their eyes; nodded in agreement among themselves, and exclaimed, "see, it didn't make that much of a difference! It's still very bright. Lots of light!" Each window pane that makes up the entire west curtain wall was at least 26"x55". When looking through a tiny piece of tint sample, one's eyes are capturing all lights flooding through all windows, not just the tiny sample area. It became apparent that all the materials had already been chosen and our concerns with how the cafe space would look like after tinting were irrelevant to them. Adding insult to injury, the property manager actually brought in his own MacDonald's coffee and placed the cup on our drink pick up counter while conferring with his group.

I wrote yet another e-mail to both Amica and SDM to voice my anguish over their disregard of tenant's quiet enjoyment; the ridiculousness of their tint sample review, the lack of response on all the questions raised on April 12, and the utter disrespect of Everbean. Later that day, I combed through all my e-mail folders only to realize that the property manager had lied in my face that afternoon. A proper notification was never sent.

April 25:

Response to our April 12 questions finally arrived from Amica's GM! Those answers, at best, generated even more questions in my mind. Answers such as:

- "Ownership initiated the window tinting to address concerns with heat in the summer months from Hilltop..."  
We verified with manager of Hilltop and learned that they had only asked for their rows of windows be tinted to reduce glare on computer screens in the afternoon sun. Nothing was mentioned about the heat.
- "...The impact of the project is not to interfere with the light only the heat."  
As far as we know, heat in the summer months hasn't been an issue, but rather the cold drafts in the winter have always been source of annual complaints.
- "This project is approved by strata and paid for mainly by Amica as owners."  
The word "mainly" caught my eyes, being we had just received invoice of CAM cost recovery adjustment of 2022. I couldn't help but worry if

part of this window tinting project costs will become next year's cost recovery adjustment hidden in vague terms.

- "...SDM should be the source of tenant communication and will be in the future. We agree that there are a lot of vested parties, making it even more important that we are clear and concise in communication flow...The service disruption to your business should have been considered on April 12<sup>th</sup>. In addition we respect that sharing the intended plan for tinting would have been best shared ahead of time as valued tenants..."

It was clear that April 12 incident did not serve as a lesson for the re-offence of affecting tenant's quiet enjoyment on April 19.

April 27:

New e-mail arrived from SDM Realty with a brand new issue! Strangely, our coffee curtain installed to filter harsh fluorescent light and block out view of household cleaning goods from Rexall had suddenly become unacceptable, as well as a cause for complaints, even though they have been hanging there for the past 16 months. The property manager stated, "...To my knowledge, you did not request permission or receive approval to install them, so unfortunately, everything covering that shared window will have to be removed by Sat April 29<sup>th</sup>."

Asking for permission to hang artsy curtain on the wall in our cafe space did not even occur to me as needed in the first place. The coffee curtains are within cafe leased space. The installation did not involve any structural change. The use is in theme and support our operation. They were designed and installed nicely by beloved local florist, Umberto's Flowers. In the 16-month time, we have only received positive feedbacks on creative use of coffee bags and relief of finally not having to stare at toilet paper while dining in. Why does the coffee-themed functional art need to be removed? We wrote to Amica's GM letting her know that we suspect bullying from the management company. We also responded to SDM's e-mail and referenced the lease section he sent that if based on the same standards, then Rexall would be in violation too. It was obvious that signage and various random posters are displayed in Everbean's space.

April 30:

We did not abide to property manager's demand in taking down coffee curtains. Amica's GM came over and told us there is nothing she can do for this matter. She asked us to write to Amica's VP and plead our case. I sent my plead the same evening and suggested frosting the window wall on Rexall's side if they found the look of coffee curtain unsightly. Amica's VP liked the idea of frosting the window wall between Everbean and Rexall, and relayed the idea to SDM for further exploration.

May 1:

SDM responded with a new demand to remove our coffee curtain by May 5 and said, "We will work with Rexall to see if they would be open to installing some kind of film on the window so that your clients aren't forced to look at toiletries and such."

May 4:

SDM notified us via e-mail that west window tinting project has a proposed schedule of May 20-22, and asked us to confirm if the cafe will be closed. He also mentioned security will be onsite throughout the weekend.

May 5:

We replied that the cafe normally would be closed and asked the property manager to advise work crew to only access the window zone and not enter kitchen area. We also warned about the aging gate that could fall out of track, as well as random people tend to wander into cafe space from the lobby after hours if the gate was left with a gap. I asked for reassurance in writing that the cafe will be left clean and the same as they found it and should any damages occur during the project, landlord will take responsibility in repairing. Yet, I could not shake the worry from my lack of confidence in SDM's ability to communicate based on previous experience; the crew's work based on renting a wrong-sized scissor lift prior, and the awareness of security guard just from general day-to-day observation.

May 6:

After worrying about the project overnight, I sent another e-mail to the property manager letting him know that we had decided to be at the cafe during the long weekend to keep an eye on our space. Being the project shot our long weekend plans, we might as well open for coffee take-out service. I asked what time the crew will need to access the cafe space.

May 8:

SDM replied with the project time frame - 9 hours each on Saturday and Sunday, plus another 5 hours on Monday.

May 9:

We replied to SDM and asked for compensation of our time and use of space, being those are long hours that disrupt our originally planned long weekend, and that a security guard would not be needed if we were at the cafe.

May 11:

After not hearing back from SDM for a couple of days, I wrote him again to follow up on the discussion of compensation, reminding him all the reasons why trust between us and all parties involved in this project had been breached; thus we had to be at the cafe during their access.

May 12:

SDM referenced a section of the lease, and replied with "if you choose to open your business that weekend to keep an eye on the project, that is up to you, but under the terms of the lease, the Landlord is not required to compensate you for any work being completed." Ironically, when I looked up that particular section of the lease, it also stated that landlord is required give reasonable prior written notice during normal business hours to make repairs/alterations/improvements to the premises. The requirements that were clearly

not followed in multiple previous incidents. The double standard and selective interpretation of lease from SDM infuriated me.

May 13:

I sent yet another anguished e-mail to SDM, pointing out the double standard and lack of any consideration on tenant.

May 15:

Amica's GM sent an e-mail stating the security guard is scheduled based on conversation from weeks ago and said we confirmed the schedule and of the cafe closure. She was not sure what caused my change in plans. Either the property manager did not relay our request for compensation to the building owner, or the previous multiple e-mails simply were overlooked.

At this point, we still haven't received any written confirmation from any party that the contractor would adhere to the scheduled time, nor written guaranteed that any potential damages would be repaired by landlord.

May 16:

SDM sent a threatening e-mail rejecting our ask for compensation and stated, "You have been given ample notice, and if you choose to not provide us with a key or to grant the contractors access, a locksmith will be called in to change the lock and any costs incurred by the locksmith and costs incurred by the installers due to any delays caused by you will be charged back to Everbean." I did not take bullying and threat any more, having suffered through it in my early youth. I immediately fired back a reply, including Amica on the recipient list, pointing out the property manager's deliberate selective reading and responding in all of our communication. I stressed that back on May 6, I had already told them we will be at the cafe to give access to the crew, yet if they chose to not give any consideration to the tenant, then at the very least, confirm in writing that schedule will be firm with the work crew and give guarantee that our interest would be protected should any damages happen.

May 17:

Yet another group of four people from Amica and SDM barged into the cafe in the morning and headed straight to the west window. Tired of the repeated intrusions, we took a picture of them while letting them know that we didn't get any notifications once again of their gathering. When will they learn to actually respect the tenants? It is basic courtesy to ask before you enter if one is at the cafe for business, not as a patron.

Meanwhile, a morning e-mail respond came from the property manager saying, "I have no control over whether the contractor will be on time as I am not managing this project", and finally confirmed that should damages happen, landlord would take care of it. With my patience wearing thin, I once again including Amica on the recipient list, and replied to remind the property manager that it is his duty to coordinate with contractor, even if he would have the long weekend off. I stated that the work does not commence until Saturday, so he still had time to communicate with the window tinting crew. The same afternoon, the property manager came to review glass frosting film samples with Rexall and Everbean. Upon inquiry from curious customers in

the cafe at that time, SDM said in conversation that the coffee curtains can remain where they are. We were pleasantly surprised for the first time in weeks by this positive news. Maybe not all hopes are lost! Perhaps it is our consolation “prize” in having the cafe appearance and atmosphere significantly altered by tinting the west windows?

At any rate, this month-long effort of e-mail communication of pleading our perspective; defending our right; attempting to set boundaries, and hoping to establishing proper procedures to prevent more unwanted sudden intrusions during our operations had left me anguished. The time and energy spent on writing those e-mails and talking could have been much better devoted to crafting new seasonal drinks, or dreaming up fun cafe-related programming. The whole experience with Amica and SDM truly made me feel unwanted and irrelevant as a tenant. I get it. I don't own the building. Yet as a responsible tenant going on 6 years, we don't deserve having landlord's decisions being shoved down our throat. Proper communication of planned project and its intent with consideration of how it could affect the overall look and atmosphere of our leased space and cafe operation would have made the whole process more civilized and kind.

Although Everbean is the smallest commercial tenant in the Abby Lane building, we always take pride not only in our work, but also in being the building's unofficial greeter, offering help and directions whenever needed. We believe in being good to bring out the goodness all around us, even if our efforts are overlooked or unappreciated. At the end of the day, making good coffee and sharing the delicious drink is my passion. I am old enough to intrinsically know my own worth and Everbean's value as a community coffee shop. Negative experiences can lead to self-doubt at times, but they cannot shake my core belief. However, these recent encounters did made me wonder what will happen next, and ponder if entrepreneurship is a worthwhile endeavour for me to keep on keeping on.

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