

Strata Council Response to Jeff Franchuk following hearing Monday October 28, 2024

Present: Paul Kirchner, Bill Hamilton, Desiree Bachmann, Chelsea Watt (for Council); Jeff Franchuk and partner

Summary of hearing/Meeting minutes

Meeting was called to order by Paul at 6:31pm.

Jeff and his partner Stan were in attendance. Stan presented on behalf of both of them outlining a series of concerns related to recent communication between Quay Pacific and themselves about recent bylaw enforcement letters they have received, and the notice recently issued to all owners about patio bylaws and upcoming inspections.

Stan's presentation included recent photos of various patios around Copperstone indicating widespread non-compliance with the current bylaw.

Council asked a few clarifying questions to Stan and Jeff about their presentation.

Meeting was adjourned at 6:57.

Council response

Hello Jeff,

Council is providing a written response following the hearing that took place with Council members on Monday, October 28, 2024.

We want to thank you and your partner for presenting your concerns to Council and sharing your suggestions for ways to move forward.

At the hearing, you presented your understanding of the events that had taken place regarding the recent enforcement of strata bylaws related to patios and balconies, both specifically for your strata lot and the broader communication to owners about upcoming enforcement and inspection of the current strata bylaw.

Council thanks you for your understanding and acknowledgement during the hearing that your strata lot was not personally targeted for enforcement during the initial inspection where concerns about your strata lot were noted.

Council acknowledges the concerns you raised about the subsequent bylaw letters and responses you have received from Quay Pacific on behalf of Council. We take these concerns seriously and will be discussing them in-camera as a full Council. Thank you for bringing your concerns to our attention.

Presentation of patios

Council acknowledges the presentation you made with multiple photos taken in late October 2024 demonstrating widespread non-compliance with the current patio bylaw, and the need for a new approach.

Patio bylaws - moving forward

We recognize the concerns that you and other owners have raised about the notice shared with all owners about upcoming bylaw enforcement and inspection of balconies to ensure compliance with the current bylaw.

We acknowledge the feedback, particularly that this bylaw is likely in need of review, and appreciate the thoughtful suggestion you brought forward to create an owner's committee to draft a new bylaw.

Proposed committee

Council is proposing to solicit up to 4 owners to join one Council representative on a committee to update this bylaw. Council feels it is important that the elected strata council is represented as we are here to serve all owners, and that the committee communications with Quay Pacific go through a Council member.

Owners will be made aware of the opportunity to join this committee via email notice, in the meeting minutes of the upcoming November 14, 2024 Council meeting, and on Facebook. A deadline will be provided along with a brief description of the committee's role.

Should more than four owners put their names forward to participate, Council proposes selecting the participating owners by random draw. We would be happy to conduct this random drawing with owners present to witness and record the results.

Should fewer than four owners volunteer to participate, we would move forward with a smaller committee (e.g. two owners and one Council member); Council is prepared to undertake the work of drafting a new bylaw should no owners volunteer to participate.

Council will share the names of the owners selected to participate in the committee with all owners via meeting minutes.

We propose that the committee will draft a new bylaw that, as you suggested, offers an expanded list of items that are permitted on patios, while ensuring that the proposed bylaw protects the strata corporation insofar as ensuring safety (e.g. fire risk) and protecting the building from damage (e.g. load limits for non-ground level patios, building envelope concerns).

Following review and endorsement by Council, the proposed bylaw created by the committee will be presented to owners at the next AGM for their endorsement.

Should owners vote in favour of a revised bylaw at the next AGM, it will take effect once registered, as required with all bylaw updates.

Bylaw enforcement until next AGM

Council has reviewed the feedback from yourself and other owners, and has agreed to pause enforcement of minor infractions of the current bylaw in light of the proposal to draft a new bylaw. **We will not take enforcement action on minor violations that do not pose a safety risk or a risk to the building integrity.**

At this time, Council will not be proceeding with bylaw enforcement for your strata lot.

Council will continue to respond to complaints and conduct bylaw enforcement where there is a fire or safety risk, or violations of the current bylaw that pose a risk to the building structure or envelope (e.g. items drilled into or permanently attached to the building). This may include requiring inspections where patio items are completely obscured from view, to ensure there are no safety risks (for example, a screen blocking a propane heater from view).

Next steps

Council will draft and issue an updated notice to owners that provides this clarity and makes owners aware of the opportunity to join the committee, through email, upcoming meeting minutes, and on Facebook.

Council has issued direction to Quay Pacific that no notices are to be distributed to all owners without prior review and authorization by Council. Bylaw letters will

continue to be reviewed by Council prior to being issued to owners, and Council will be following the guidance laid out in this response.

Jeff and Stan, thank you again for sharing your concerns with Council and the opportunity to respond.

We hope that this addresses the concerns that you brought forward.

Strata Council