

MINUTES
SPECIAL MEMBER MEETING
SANDYCOVE ACRES HOME OWNERS' ASSOCIATION

March 25, 2018

Present were (Directors): John Bicknell, President; Sharon Raycraft, Vice-President; Ted Gemmell, Treasurer; Pat Porth, Secretary; Diane Elliott; Alan Leslie; Paul Martel; Linda Morris; Dennis Rodgers; Anne White; plus 138 members in person and 263 by proxy against required quorum of 83.

The meeting was chaired by President Bicknell.

Explaining the rationale for the meeting, he explained that Parkbridge has made it clear it will as a normal business practice make annual applications for Above Guideline Increases (AGIs) of our rents, which will be mediated and/or adjudicated by the Landlord and Tenant Board. The HOA will be forced to seek legal advice about each application and may in most cases need to arrange legal representation to the Board to ensure the landlord is not taking a penny from the tenants which cannot be legally justified.

By the current Bylaws of the organization, permission is required from the membership to undertake legal action every time such action is deemed necessary. But calling a special meeting to seek such permission costs upwards of \$1,000, money which the Board feels could be better spent on the legal representation itself.

The motion was put:

“The President, with approval of the Board, may engage legal or accounting advice but the Board of Directors may not involve or commit the Association in any legal or court-of-law action without the approval of a two-thirds majority of the members attending a General or Special Meeting except that they may, without such specific approval, engage legal representation in respect of hearings on behalf of residents before the Landlord and Tenant Board.”

This motion was moved by Bicknell and seconded by Barrie Johnson.

An amendment was proposed by Gary Grant, seconded by Kim Sheridan, which would add after “Board” in the motion: “provided further that the total cost for such legal and accounting advice for such hearings are estimated to NOT exceed \$1,000 per hearing, and cumulatively, the cost of all such hearings will not exceed \$5,000 per calendar year.”

Discussion on the amendment followed, with a few members suggesting they'd like to see a cap on the expenditures allowed. Bicknell pointed out that the AGI application for 2017 consists of 273 pages of financial documents – if it is necessary to take these to an accountant for appraisal, a great number of very expensive hours will be involved. He also noted that all expenses paid out by the HOA on behalf of members (and other residents) are reported to the membership at the Annual General Meeting, where the Board can be held to account. To those asking for reporting

on the Board's actions soon after they are taken, he noted they will be recorded in minutes of Board meetings, which are available on the HOA web site; they will also be reported in the new quarterly Member Forums as well as the HOA eBulletin.

Vote called on the proposed amendment: 3 in favour; 285 (includes proxies) against.

Vote called on the original motion: 357 in favour (includes proxies); 8 against; no abstentions. Original motion is declared passed.

AGI UPDATE

Parkbridge filed its current 273-page AGI application last fall, asking for .08%. The landlord refused to share its reasoning with the HOA until Bicknell asked the Board to intervene. There has not yet been time to peruse it in detail, but there are nine items listed as supporting the requested increase (broad details only):

Roads and catch basins, \$518,162

Wheel – blinds, pool tables, lighting, \$13,497

Maintenance shop roof, \$13,359

Tree removal, \$29,518

Spoke – tables, emergency exit, \$7,127

Hub – sound system, fireproof curtains, electrical, \$26,458

South pool - furniture, \$8,331

North pool – recondition, replace equipment and furniture, \$78,419

Laundry rooms – washers and dryers, \$30,511

All of these items will be scrutinized carefully, he promised. However, unless a technical error can be found in the supporting material re roads, that item is unlikely to be able to be challenged.

SEWER/WATER UPDATE

The HOA is working with its legal advisor and Parkbridge on this issue. The landlord's initial response to our complaints didn't answer the question; a later response was still unacceptable.

OLDER LEASES UPDATE

Residents who signed leases prior to Parkbridge's purchase of Sandycove Acres have a clause permitting (NOT mandating) the landlord to install water meters and charge for water usage. These leases do not include permission to charge for sewage, as some new ones do. Sometime in the (probably distant) future, all houses will have water meters, but their installation and reading is a costly project, and the best guess is that it will not happen before Innisvillage is on town water and so they bring it across to us.

LEASE RENEWALS UPDATE

Residents who came to Sandycove prior to its purchase by Parkbridge, and who have recently renewed their leases or who are due to do so in the near future, should check their new lease carefully to ensure it does not require them to pay property tax on land or to pay for sewage and

that it does not remove the provision of driveway snow clearing. Anyone who is faced with any of these provisions is advised to take his/her lease to Sue Edwards for adjustment.

NEW COMMUNITY MANAGER

The new Community Manager is Mirka Rollason; the initial impression is favourable. She has been presented with a list of the HOA's current and ongoing issues and is expected to respond to that list at a meeting this week. The list stresses infrastructure and community standards, on which we have submitted a list of perceived violations. Parkbridge has said that in cases of continued violations, it will proceed against tenants to the extent of eviction if necessary.