



This is the 1st Affidavit of Janet Yngson in this case and was made on March 7, 2022

No. S217956 VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MANNER OF THE STRATA PROPERTY ACT, S.B.C. 1998, C.43 and

IN THE MATTER OF THE APPLICATION FOR THE WIND-UP OF THE OWNERS, STRATA PLAN LMS 992

AFFIDAVIT

I, Janet Yngson, Paralegal, of the 29th Floor, Three Bentall Centre, 595 Burrard Street, in the City of Vancouver, Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

- 1. I am a Paralegal with the firm of Owen Bird Law Corporation, Solicitor for the Respondents, and as such, have personal knowledge of the facts and matters hereinafter referred to, save and except where such facts and matters are stated to be made upon information and belief, and as to such facts and matters, I verily believe them to be true.
2. Attached hereto and marked Exhibit "A" to this, my affidavit, is a true copy of the BC Assessment for 3378 Vanness Avenue, Vancouver V5R 548 as of July 1, 2021.
3. Attached hereto and marked Exhibit "B" to this, my affidavit, is a true copy of the BC Assessment for 3382 Vanness Avenue, Vancouver V5R 548 as of July 1, 2021.
4. Attached hereto and marked Exhibit "C" to this, my affidavit, is a true copy of the BC Assessment for 3384 Vanness Avenue, Vancouver V5R 548 as of July 1, 2021.
5. Attached hereto and marked Exhibit "D" to this my affidavit, a copy of a February 28, 2022 email sent from LMS 992's Strata Council President Brian Yan Muk to Petition Respondent Ardeshir Soltani Razagh Sarab.
6. Attached hereto and marked Exhibit "E" to this my affidavit, is a true copy of LMS 992'S annual general meeting minutes from February 24, 2022.

SWORN BEFORE ME at Vancouver, British Columbia on 7th day of March, 2022.

[Signature] A commissioner for taking affidavits for British Columbia

[Signature] Janet Yngson

CLAIRE M. ARMSTRONG Barrister & Solicitor P.O. Box 49130 2900-595 BURRARD STREET VANCOUVER B.C. V7Y 1J6

This is Exhibit "A" referred to in the affidavit of Janet Yngson,
sworn before me at City of Vancouver, Province of British Columbia on March 7, 2022

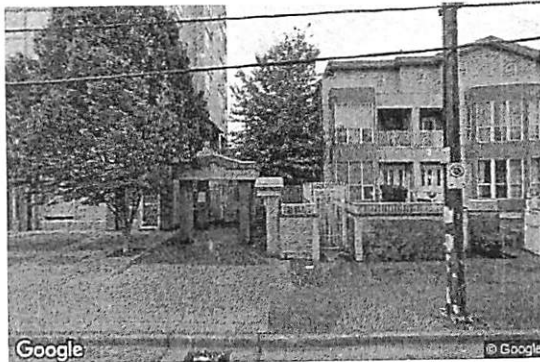


(A Commissioner for taking Affidavits for British Columbia)

Claire Armstrong
(Print Name)

3378 VANNESS AVE VANCOUVER V5R 5A8

Area-Jurisdiction-Roll: 09-200-023-718-303-76-0009



Total value **\$659,900**

2022 assessment as of July 1, 2021

Previous year value \$605,600

Property information

Year built	1993
Description	Strata General Commercial
Bedrooms	
Baths	
Carports	
Garages	
Land size	
First floor area	
Second floor area	
Basement finish area	
Strata area	675
Building storeys	1
Gross leasable area	
Net leasable area	
No. of apartment units	

Legal description and parcel ID

Strata Lot 9 Plan LMS992 District Lot 37 Land District 36
UNDIV 624/44454 SHARE IN COM PROP THEREIN
TOGETHER WITH AN INTEREST IN THE COMMON
PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT
OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS
APPROPRIATE

PID: 018-366-899

Sales history (last 3 full calendar years)

No sales history for the last 3 full calendar years

Manufactured home

Width

Length

Total area

Register with BC Assessment



Search properties on a map



Compare property information and assessment values




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This is Exhibit "B" referred to in the affidavit of Janet Yngson,
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(A Commissioner for taking Affidavits for British Columbia)

Claire Armstrong

(Print Name)

3382 VANNESS AVE VANCOUVER V5R 5A8

Area-Jurisdiction-Roll: 09-200-023-718-303-76-0010



Total value **\$892,000**

2022 assessment as of July 1, 2021

Previous year value **\$818,000**

Property information

Year built	1993
Description	Strata General Commercial
Bedrooms	
Baths	
Carports	
Garages	
Land size	
First floor area	
Second floor area	
Basement finish area	
Strata area	967
Building storeys	1
Gross leasable area	
Net leasable area	
No. of apartment units	

Legal description and parcel ID

Strata Lot 10 Plan LMS992 District Lot 37 Land District 36
 UNDIV 894/44454 SHARE IN COM PROP THEREIN
 TOGETHER WITH AN INTEREST IN THE COMMON
 PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT
 OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS
 APPROPRIATE

PID: 018-366-902

Sales history (last 3 full calendar years)

No sales history for the last 3 full calendar years

Manufactured home

Width

Length

Total area

Register with BC Assessment



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View recently viewed properties

This is Exhibit "C" referred to in the affidavit of Janet Yngson,
sworn before me at City of Vancouver, Province of British Columbia on March 7, 2022

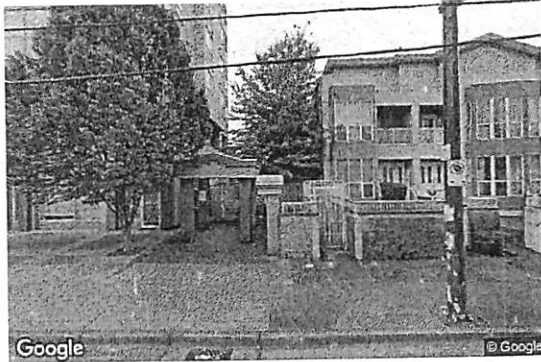


(A Commissioner for taking Affidavits for British Columbia)

Claire Armstrong
(Print Name)

3384 VANNESS AVE VANCOUVER V5R 5A8

Area-Jurisdiction-Roll: 09-200-023-718-303-76-0011



Total value **\$887,000**

2022 assessment as of July 1, 2021

Previous year value **\$814,000**

Property information

Year built	1993
Description	Strata General Commercial
Bedrooms	
Baths	
Carports	
Garages	
Land size	
First floor area	
Second floor area	
Basement finish area	
Strata area	961
Building storeys	1
Gross leasable area	
Net leasable area	
No. of apartment units	

Legal description and parcel ID

Strata Lot 11 Plan LMS992 District Lot 37 Land District 36
 UNDIV 889/44454 SHARE IN COM PROP THEREIN
 TOGETHER WITH AN INTEREST IN THE COMMON
 PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT
 OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS
 APPROPRIATE
 PID: 018-366-911

Sales history (last 3 full calendar years)

No sales history for the last 3 full calendar years

Manufactured home

- Width
- Length
- Total area

Register with BC Assessment



Search properties on a map



Compare property information and assessment values



Store and access favourite properties across devices



View recently viewed properties

This is Exhibit "D" referred to in the affidavit of Janet Yngson,
sworn before me at City of Vancouver, Province of British Columbia on March 7, 2022



(A Commissioner for taking Affidavits for British Columbia)

Claire Armstrong
(Print Name)

Claire M. Armstrong

From: Brian Yan Muk <b.yanmuk@gmail.com>
Date: February 28, 2022 at 12:40:37 PM PST
To: adi bandar <adipolo@hotmail.com>
Cc: leo.chan@dwelproperty.ca
Subject: Re: Application for cannabis store

Hi Adi - here is the email I sent to Louis Ng (bov@vancouver.ca) at the City of Vancouver Board of Variance on Wed Jan 26:

Hi Louis -

My name is Brian Yan Muk and I live at 1003-3380 Vanness Ave, Vancouver BC, V5R 6B8.

I am the strata council president at Joyce Place LMS 992 strata corporation that 3378 Vanness Ave belongs to.

I did research online and step 1 here in this City of Vancouver guide suggests that a cannabis store must be at least 300m away from a school: <https://vancouver.ca/doing-business/cannabis-retail-dealer-business->

licence-applicants.aspx

Our building is less than 300m away from St Mary's School (<https://goo.gl/maps/asEowxihPLHDtfpr5>), which is about 100m away from our tower and therefore should not be approved for a development application. There is some other information you should know to inform the decision of the development application:

1. In July 2021 at a special general meeting, the owners of the strata corporation agreed to wind up strata corporation and sell the entire strata building and land to a developer with an estimated closing date of Spring 2023. The developer intends to build new rental developments.
2. The pipes in the building are in pretty bad shape, so any requests for alterations in the common property for the proposed commercial unit will likely be rejected from strata council on the basis that a full water shut off could cause a pipe burst and result in major flooding, which the building currently has no restoration insurance coverage for. In the summer of 2019, the building had 2 floods as a result of the poor conditions of our pipes so a full water shut off for the building won't be possible unless there is an absolute urgent repair required.
3. I've had at least 5 or 6 owners and 4 other council members reach out to me personally last Summer to inform me that they do not agree with the development application.

Please let me know if you have any follow up questions or comments.
Thanks for your consideration.

-Brian

--
Brian Yan Muk
778-859-8048

On Tue, Feb 15, 2022 at 7:50 AM adi bandar <adipolo@hotmail.com> wrote:

"Dear Strata Council,

I have received the January 25, 2022 notice for the AGM. Pursuant to section 36 of the *Strata Property Act* please provide me with a copy of the correspondence the Strata Council submitted to the City on behalf of the Strata Corporation with respect to the application for the Cannabis Store.

I look forward to receiving these records within two weeks as required by section 36(3).

Thank you.

Sincerely,

Adi"

This is Exhibit "E" referred to in the affidavit of Janet Yngson,
sworn before me at City of Vancouver, Province of British Columbia on March 7, 2022



(A Commissioner for taking Affidavits for British Columbia)

Claire Armstrong
(Print Name)

MINUTES OF ANNUAL GENERAL MEETING

STRATA PLAN LMS992 Strata Corporation Joyce Place

HELD: Feb 24th, 2022, at 5:00 p.m. at the backyard of the tower building at 3380 Vanness Ave.

PRESENT: As there are 63 strata lots, owners representing twenty-one (21) strata lots (1/3) were required to constitute quorum. At the time that the meeting was called to order there were a total of eighteen (18) present in person or by proxy, as per the registration sheet, quorum was established.

Attendees wore masks and were positioned away from each other following social distancing guidelines.

AGENT: Leo Chan, Strata Manger (SM) Dwell Property Management

CALL TO ORDER: The meeting was called to order at 5:00 p.m.

FILING OF PROOF OF NOTICE OF MEETING &

It was MOVED and SECONDED to accept the Notice of Annual General Meeting as proper notice which is in compliance with the requirement of the Strata Property Act.

CARRIED

APPROVAL OF AGENDA

It was MOVED and SECONDED to approve our Annual General Meeting agenda.

CARRIED

APPROVAL OF MINUTES OF PREVIOUS GENERAL MEETING

It was MOVED and SECONDED to approve the Special General Meeting minutes for the meeting held on July 7, 2021 as previously distributed.

CARRIED

REPORT ON INSURANCE

As of Monday January 31, 2022, we received a quote for insurance coverage from BFL with an annual premium of \$140K, up from the \$120K annual premium from the 2020/2021 budget. BFL mentioned the increase in premiums is due to increased risk of not performing the permanent repairs on the townhouses. Council is exploring other quotes from other insurance brokers. Owners should note, our strata insurance only covers general liability insurance and does not cover property insurance, meaning any major damage to common property, like floods, cannot be claimed with the insurance provider.

From BFL Canada

We are writing to advise that we are terminating our mandate to act as your insurance broker in respect to the above noted Strata, effective February 5, 2022.

As we have not received instructions to renew coverage or to bind the 14-day extension offered by the Strata's Liability insurer, Price Forbes & Partners Limited. We hereby give notice that your policy has lapsed, effective February 5, 2022.

On November 5, 2021, we emailed our Renewal Notice advising that we were approaching the insurance market on the Strata's behalf in order to obtain terms for the upcoming insurance renewal and requested confirmation of any changes relevant to the risk as this may affect the terms offered by the insurers.

On December 10, 2021, we requested an update on the remediation work as the Property insurers will not provide property coverage if the Strata had not started the work.

On December 29, 2021, we followed up for an update on the remediation work and reminded the Property Manager that the Property insurers would not review our submission if this work has not started.

On January 10, 2022, we followed up requesting an update on the remediation work.

On January 11, 2022, we left the Property Manager a voicemail following up on the remediation work.

On January 14, 2022 and January 19, 2022, we followed up again requesting an update on the remediation work.

On January 24, 2022, we were advised that Council has directed the Property Manager to obtain alternative quotes.

On January 25, 2022, the Council President, Brian Yan Muk confirmed that there is no significant deterioration in the fabric of the building that he is aware of outside of the engineering reports that were conducted and provided. The Council President also advised that the Strata plans to sell the townhomes portion in 2023. The cost of the remediation is proposed at \$2.3M. Since the Strata plans to sell, they do not want to spend the \$2.3M on the remediation work.

On January 27, 2022, the Liability insurer provided terms and our formal insurance renewal proposal was sent to Council.

On January 31, 2022, we followed up with Council to see if there were any questions regarding the insurance renewal proposal.

On February 2, 2022, we provided a reminder to Council that the insurance renewal was quickly approaching and that if we did not receive instructions to renew, we would bind coverage to avoid any gaps in coverage.

On February 4, 2022, the Council President advised that the Council does not authorize the binding of coverage.

On February 7, 2022, we presented the 14-day extension offered by the Liability insurer to provide Council additional time to seek alternative quote options.

On February 8, 2022, the deadline to bind the extension passed and Council did not approve binding of the policy extension.

To reiterate, as we have not received instructions to bind the annual renewal terms or the 14-day policy extension, the Strata's policy has lapsed, effective February 5, 2022.

Please note that our mandate has ended and there is no longer coverage in place for The Owners, Strata Plan LMS992 through BFL Canada Risk and Insurance Services Inc. effective February 5, 2022.

Strata has instructed to Dwell to continue looking for an insurance broker.

¾ VOTE RESOLUTION #1 – Deprecation Report Deferral

¾ Vote Resolution #1 was contained in the Notice of the Annual General Meeting and read by Mr. Chan. It was then moved and seconded.

WHEREAS The Owners, Strata Plan LMS992, (the "Strata Corporation") wish to defer obtaining a Depreciation Report as required under section 94 of the Strata Property;

BE IT RESOLVED

As a ¾ Vote of the Owners, Strata Plan LMS992 that the requirement for the Strata Corporation to obtain a Depreciation Report be waived until the next Annual General Meeting.

Note from council:

Following previous AGMs, Council recommends that owners vote IN FAVOUR of waiving our depreciation report. This is because we are aware of areas of our strata that need to be urgently addressed in the next year, including the townhouse building envelope, tower building envelope, tower piping, and second elevator.

After discussion, owners voted by showing of voting cards. It was determined that there were 40 Votes present at the time the voting occurred and $\frac{3}{4}$ Vote Resolution #1 was declared,

CARRIED
38 IN FAVOUR
1 OPPOSED
1 ABSTENTIONS

APPROVAL OF 2021-2022 OPERATING BUDGET

A copy of the proposed 2021-2022 Operating Budget had been attached to the Notice of Meeting.

The amount of strata fees collected over the year will remain the same at \$360K. Minor adjustments have been made from the 2020/2021 budget to the 2021/2022 budget to reflect the actual costs from the previous year.

The proposed budget was presented the owners with a financial report for the past fiscal year ending November 30, 2021.

Following the financial report, it was MOVED and SECONDED to approve the proposed 2021-2022 Operating Budget as presented.

CARRIED

NEW BUSINESS – GENERAL DISCUSSION

Last July, our owners came together and made a decision about the future of our strata corporation. Council wants to thank all owners for their cooperation and understanding as we continue to tackle our challenges together. Due to provincial health restrictions, we are hosting our AGM this year in the backyard of the tower building.

We had a virtual town hall over Zoom on **Thursday February 17, 2022 at 7:00pm at <https://zoom.us/j/3038953916>** to answer any questions about the operating budget, special resolutions, and the future of our strata corporation. The AGM will take place in-person on **Thursday February 24, 2022 at 5:00pm in the backyard of the tower building**. The rationale for hosting the AGM outside is to eliminate the need to ask for vaccine passports and potentially turning away and refusing entry to owners who do not have a vaccine passport. Owners who are refused entry to an AGM can dispute the AGM procedure and potentially invalidate the results of our AGM meeting.

I wanted to thank Fiona for stepping up and reviewing our monthly financials, being conscious about spending. Owners can have greater confidence knowing that our hard-earned dollars are being spent responsibly as we aim to always get good value for money, especially for special projects and ongoing maintenance.

Voting By Proxy: Due to COVID-19, owners are highly encouraged to vote by proxy. Owners can appoint Brian Yan Muk or anyone and slip the paper proxy under 1003 or scan/take a picture and email to b.yanmuk@gmail.com. As always, I will be sure to vote as indicate on your proxy form. Alternatively, you can appoint another owner that you trust that will be attending the AGM.

Owners Owing Money To Strata Corporation: At the July 2020 SGM, owners voted in favour to raise \$1.8M for long-term townhouse repairs, including structural shoring and townhouse building re-envelope. As of December 2021, only 60% of owners have paid all or most of their monthly fees and levy in full. Per our strata bylaws section 28(8) Voting, except in matters requiring unanimous votes, owners who owe money to the strata corporation can't vote in AGM and SGM. Per the multiple notices sent in the mail, council has a number of mechanisms to enforce collection, including warning notices, late fines, interest charges, and liens against the land title. Leo will have an up-to-date list of owners owing to the strata corporation on the day of the AGM.

Building Sale Update: In July 2021, the strata corporation voted in favour to wind up the strata corporation. In September 2021, our strata lawyers filed for an application for a court hearing with the BC Supreme Court and provided evidence of the building sale. In October 2021, a disclosure package was mailed to all owners. In December 2021, the court received a petition against a set of owners and now the strata corporation is working with our lawyer to respond to the petitions against the sale of the building. Intracorp is still working with the City of Vancouver to re-zone the property. The strata corporation is still on track to complete the sale in Spring of 2023.

Townhouse Repair Update: In April 2021, strata council received a preliminary design proposal for permanent repairs for the townhouse building envelope from RDH at the high level cost estimate of \$2.3M. In July 2021, RDH certified that all of the townhouses were temporarily shored at a high level total cost of around \$30K for drywall removal, wood shoring installation, and engineering inspection. RDH recommends an annual inspection of the temporary wood shoring once per year so we schedule a safety inspection in July 2022. In July 2021, given the strata corporation voted in favour to wind up the strata corporation, the permanent repairs of the townhouses are on pause indefinitely. Money for the repair levy raised in July 2020 must still be collected and kept in the unlikely scenario that the sale does not go through.

Legal Recap: As we did not apply for a permit for the permanent repairs and our engineers refused to apply for a permit for the temporary wood shoring, we are in a dispute with the City of Vancouver for non-compliance of the permanent repairs. Our lawyer is trying to work with the City of Vancouver inspector, City of Vancouver lawyers, and RDH to coordinate an agreement that the townhouses are safe.**Ant Treatment:** We changed pest control companies back in October 2021. We have performed 4 rounds of ant treatment and will continue to perform targeted follow-up treatments until owners report no more ants.

Application for Cannabis Store: The City of Vancouver refused a development application for Arcannabis Enterprises (BC) Inc to permit the interior alterations and to change the use of the commercial space in 3378 Vanness Ave from a beauty salon to a cannabis store. This is due to a bylaw in the City of Vancouver that a cannabis store must be at least 300m away from a school and our building is less than 100m away from the St. Mary's school behind the tower. The cannabis company has applied for an appeal and strata council has provided input on behalf of the strata corporation to the City of Vancouver.

2nd Elevator Repair Investigation: We are investigating with Richmond Elevator to see what the cost would be to safely turn on the 2nd elevator. This is to help us prepare for the building to move out. Owners will be consulted based on the quotes received.

Plumbing Reminder: As a reminder to owners, nothing other than toilet paper should be flushed down the toilet - paper towels, sanitizer wipes, and hygiene products should not be flushed. Also, owners should not pour grease down the sink.

Future Outlook: Given the strata corporation is in the process of winding up, strata council is looking at opportunities to minimize and reduce operating expenditures and avoid major repair projects while continuing to keep up with minor repairs and ongoing short-term maintenance.

On behalf of Hera, Fiona, Peal, Ferdie, Simon and Sean, I want to thank owners for their cooperation as we navigate through these tough times. Any questions or feedback can always be emailed to joycecouncil@googlegroups.com.

Sincerely,

Brian Yan Muk, LMS 992 Strata Council President

ELECTION OF STRATA COUNCIL

Election of Council Members: Given that owners are encouraged to vote by proxy, all 7 current council members will be nominated for re-election. The current council members are up for re-election with a single vote: Brian (1003), Ferdie (601), Fiona (906), Hera (1006), Pearl (1001), Sean (1104), and Simon (1103). Other owners present at the AGM may nominate themselves in-person so those who submitted a proxy are encouraged to check "AT THE DISCRETION OF THE PROXY HOLDER" for #9 on the proxy form.

Owners thanked all the council members for their effort to conduct strata business over the past year. At this point the members of council resigned from their positions as per the bylaws of the strata corporation.

Floor was opened for nominations for 2021-22 Strata Council. Nominated owners' names were presented. There were no other nominates.

Brian Yan Muk, 1003,
Simon Davison, 1103,
Sean Dimitrie, 1104,
Ferdie Acquino, 601,

Pearl Cheung, 1001,
Hera Khangura, 1006,
Fiona Chan, 906,

It was MOVED and SECONDED to accept by Majority vote the following Owners as nominated as the 2021/2022 Strata Council.

CARRIED

TERMINATION

There being no further business, the meeting was terminated at 5:30 p.m.

All comments, concerns and suggestions for the strata council or management can be mailed, or emailed to:

Dwell Property Management
4311 Viking Way, Suite 170
Richmond, BC V6V 2K9

leo.chan@dwellproperty.ca

**In case of emergency, stay calm and call the office main number at 604-821-2999,
and hit "5" to be connected to the 24/7 emergency call centre.
An attendant will be able to assist you.**

First Strata council meeting

Newly elected council members stayed behind briefly and the following members were elected to:

Strata Corporation

1. Hera Khangura - 1006 - Vice President
2. Sean Dimitrie - 1104
3. Simon Davidson - 1103
4. Pearl Cheung - 1001
5. Fiona Chan - 906 - Treasurer
6. Ferdie Aquino - 601
7. Brian Yan Muk - 1003 - President