

## Condo Smarts January 13<sup>th</sup>-16<sup>th</sup>, 2016

### Council Email Decisions

Dear Tony: We have a unique situation in our strata. I am the president of a condo building located at a BC Ski resort and the only council member who resides in BC. The 5 other council members live in Calgary, Toronto, Seattle, Columbus and London. We try to schedule council meetings so we can hold conference calls to make decisions, but due to the time changes and working schedules we have had to resort to making decisions by email, but several owners have complained that we are not complying with the Strata Act or our bylaws by not holding meetings. Our strata has no choice because we were the only owners prepared to volunteer for council, any suggestions on how to solve this issue would be most welcome. Andrea

Dear Andrea: Since the introduction of the Strata Titles Act in the 1960's, there have been significant changes in technology, especially communications. The value of council meetings is to insure that council members have the opportunity to debate, discuss and become informed on subjects before they make decisions. Many of these options are still available by electronic communication if the bylaws of the strata corporation permit decisions or asynchronous meetings by email and the chairperson convening the meeting understands the application. First step is for your strata corporation to adopt bylaws that permit decisions at asynchronous meetings by email, or other method. The email process would permit a resolution or motion to be debated and responded to by all council members for a specific period of time, 72 hours for example, with every council member having the benefit of a "reply all" response so they can provide their decision on the motion. This permits any council member within the 72 hour period to read and to respond to the proposed motions, provide their feedback and pose questions, and finally provide their decision. Don't forget that the voting procedures will have to be reviewed. Will an email meeting require unanimous consent of all council, or approval of the majority of council? What is the minimum number of council members required to approve a motion?

A free online service like join.me or Skype can also be used where the president/chair is the host and everyone logs into a real time on line meeting. Documents and information can be shared and each council member can use an online chat or the council may have a real time conference call. There are limits to electronic or asynchronous meetings. It may not be possible to permit observers, unless they are permitted access to the electronic proceedings, and you may not be able to conduct hearings for bylaw violations, hardship applications or a hearing request by an owner under the Act. These will still require a real time meeting of the council, which could be on a conference call, provided the parties are aware of the privacy limitations.

The second step, if the bylaws permit electronic or email meetings you are still required to inform the owners the decisions of council. There are a number of sections in the Act where the owners must be informed about decisions of council, such as emergency expenses, new rules, or borrowing money from the Contingency Fund, which require notice to the owners. How minutes of your decisions and notices to the owners are conducted should also be included in the bylaws. Many strata corporations now host web sites where they can post minutes of meeting and notices to owners. Consult with a lawyer to develop a bylaw that permits email or asynchronous electronic meetings which identifies the procedures for the meeting, how decisions are made and how they are reported to the owners, and how the strata corporation is going to conduct hearings that comply with the Act.

Sincerely,

Tony Gioventu, Executive Director  
Condominium Home Owners' Association (CHOA)  
website: [www.choa.bc.ca](http://www.choa.bc.ca)