

## Condo Smarts April 15, 2020

### Notice Requirements

**Dear Tony:** Our property manager and strata president issued notice of our annual general meeting last week for the approval of the annual budget and election of council. We have no other resolutions to approve but we do have a significant budget increase to cover the cost of insurance this year. Our notice consisted of the notice page, the proposed budget and a proxy form. The meeting under our bylaws will be for the first time held electronically, and we have a conference number to call in on the designated date and time. There was a note on the front page that indicated as our meeting would be a short meeting, the notice package was being shortened. Is it permitted to give a short notice package? Have we met the basic requirements of notice? There is no indication on the notice package how we would register, how proxies would be certified or how the votes would be conducted. How is a strata of 88 owners expected to convene a meeting with little information and no procedures in place to confirm eligible voters, accurately conduct a vote and ensure everyone has the ability to communicate? We have never conducted an electronic meeting before and the remaining council and a group of owners are very concerned our meeting may fail. Nedra A.

**Dear Nedra:** If a strata corporation has a bylaw that permits electronic meetings, or if the government approves an emergency order permitting electronic meetings, this does not mean anything else about the notice or procedures changes. This only permits a meeting to be conducted under a different format. The requirements for notice such as the time periods, what must be included in the notice, including the exact wording of resolutions that require a 3/4, 80% or unanimous vote, the agenda requirements in your bylaws, mandatory reports and financial statements must still all be included. Owners cannot be expected to approve budgets without financial reports, and items such as the annual insurance report must also be considered. Electronic meetings will create a number of procedural challenges that we have never anticipated. For example, how each eligible voter is verified and registered, how proxies are registered and certified, and the method of conducting voting all need to be clearly established before an electronic meeting is conducted. On-line voting systems and platforms may be an option; however, they can only be reliable if they cross reference the registered voters in person or by proxy and if there is a method establishing a detailed record of who voted, on which resolutions and how they voted. It is not possible to comply with the requirement for a secret ballot if you are voting electronically and how is your strata managing those persons who do not have electronic access to the meeting? There are several methods of voting to be considered as well as the definitions of voting under the Strata Property Act. The Act determines it is the votes that are cast, "at the time the vote is taken". A strata corporation may want to consider calling the roll for all votes registered on your electronic meeting, to verify how each person is voting. This requires the chairperson to ask each eligible voter in person or by proxy how they cast their vote. Those voting results for each vote form part of the record of the minutes. Voting by an electronic method hosted by a platform is also possible; however, this is only credible if the platform records and provides the strata corporation with an audit of each vote. Another option is to call the vote, leaving an open window for a period of time and require each eligible voter to email their vote within the prescribed period. For example, the vote was called for the annual budget at 3:30 pm. Each eligible voter was instructed in their notice package how to email their vote, with voting closing at 4:00pm. For those owners who are not capable of attending electronically, the most important decision of council is to enable their voting rights. Include a restricted proxy with the notice package and give owners the option to submit their proxy form in advance of the meeting. During these unusual times, accommodating owners whenever possible is the best measure of success.

Tony Gioventu, Executive Director CHOA

As a precautionary measure to prevent the spread of COVID-19 and support the safety of strata owners and employees CHOA Staff will be working remotely and our offices will be temporarily closed.

During this period our advisors are online and available by phone and email to assist you with general meetings and insurance updates and we are equipped to assist your council and owners with prescheduled conference calls.  
Please stay safe and healthy. Thank you

Kindly note, CHOA has made the decision to postpone the spring seminar season to the fall. CHOA's Conference 2020 has also been postponed till September 26th, subject to improving conditions.