

Condo Smarts May 27, 2020 Meeting Challenges for Electronic AGM's

Dear Tony: What happens when an owner attempts to attend a general meeting that was issued as a proxy only meeting for our AGM? Because our strata cannot safely social distance in our common room, the council determined we would conduct a proxy only meeting and issued a restricted proxy to enable every owner to exercise their voting rights. Two owners showed up at our common room at the time of the scheduled meeting and insisted on attending. After a short discussion they left and chose not issue a proxy for their units and now claim their voting rights were violated. Of the 120 units in our building we did receive 94 proxies and every vote passed unanimously, so the outcomes would not have changed. Do we have to consider reconvening the meeting or were we acting appropriately? Jana M.

Dear Jana: Under the issued emergency orders issued at this time, the province permits strata corporations, associations and societies to conduct meetings electronically. Strata corporations may also adopt a bylaw that permits electronic meetings for Annual and Special General meetings. If there is a meeting notice issued you have 2 options. The first option is to hold a physical meeting that limits attendance and provides owners the convenience of submitting a restricted proxy to a council member or specific person attending to exercise those proxies. The second option is an electronic meeting. Most strata communities are running these meetings by zoom, there is no physical location as the meeting is electronic. In either option if an eligible voter wants to attend, you have an obligation to accommodate their request. The manageable solution is an electronic meeting where owners have to enter through an approved waiting room and may participate along with the council member(s) and manager/advisor who are facilitating and chairing the meeting. No matter what option you choose for the restricted proxies to be exercised you must hold an actual meeting, and if that meeting is in person or virtual, plan to accommodate a small number of participants. Proxies are not absentee ballots. You must have a meeting for the proxy holder to be able to exercise those voting instructions. A proxy or restricted proxy is a convenience and for the privilege of each owner to ensure their voting rights are protected, their voting instructions are acted on under the restrictions of the proxy and there is a record of the instructions and the results of all votes. The benefit of issuing a restricted proxy is the reduction in contact and to enable the strata corporation to manage social distancing with safety while still conducting business. The results of many electronic meetings with proxy options have seen a substantial increase in the number of voters participating and issuing a restricted proxy with a small number of voters participating in the meetings. On the surface this seems manageable and easy; however, once your property manager or strata council start writing a notice package for an electronic meeting, you discover electronic meetings require much more contemplation on how people register, how you identify eligible voters, how voting is conducted, how attendees are permitted to communicate and ask questions, how ballots and proxies are collected, scrutinized and reported. Think about a conventional notice package and physical location meeting and time that takes to develop, then triple the time involved with the notice and meeting time. This is adding substantial time and often requires a meeting facilitator to run the electronic meeting and manage registration through a waiting room, a person to review and summarize the voting from the restricted proxies and tabulate any ballots submitted or voting conducted during the meeting, a person to chair the meeting, and person to take minutes. On behalf of strata owners and CHOA members across BC, all of our strata councils and managers deserve a great big thank you for stepping up at this time of restrictions and trying to work through the constant changes and challenges.

Join CHOA next Tuesday for a lunch Webinar on "How strata corporations are managing common areas, recreation facilities and access to units for maintenance and repairs under the Phase 2 Covid Implementation Plan". Go to www.choa.bc.ca

Tony Gioventu, Executive Director CHOA

Covid-19 Notice: As a precautionary measure to prevent the spread of COVID-19 CHOA staff are working remotely and our offices are temporarily closed. We understand these are challenging times for strata corporations and we are here to help. Even though CHOA advisors are working remotely we are only a phone call or email away and able to assist you with hosting meetings and notice preparation.

Tuesday Lunch & Learn Live with CHOA: CHOA is hosting a series of webinars once a week, for the next few months. Join us each Tuesday as we bring together industry experts to discuss the many issues affecting BC's strata community. For more information visit our website at: <https://www.choa.bc.ca/seminars/>