

Condo Smarts January 11, 2021

Electronic Meetings

Dear Tony: I have appreciated your column in The Province for a long time. Very informative and straightforward. As President of our building, last year we successfully used ZOOM for our AGM, with roughly 100 people attending by computer, tablet, and also by phone. We used the "Raise Hand" for voting, and the meeting went quite smoothly (but with a LOT of preparation). Last year the AGM was relatively simple in regards to issues and new board members (which was by acclimation). I am concerned that there may be more issues at this year's AGM, and wondering if you will be doing a column on "AGM software" that is better prepared to handle "Advance Registration", Voting, and AGM other tasks. I attended a couple of large company ZOOM AGMs and admired the way a dedicated software platform helped the meeting to run smoothly and report in real time. Curious if you have heard of any software vendors targeting the smaller, residential building market AGM? Stephen W.

Dear Stephen: There are several platforms and services available to the public such as Skype, Microsoft Teams, Google Meetings and Zoom. To date CHOA has test run several platforms that claim to have the solutions, but they are either too costly or do not provide any better services. The challenges for most platforms are the same. How do we integrate the use of the format with the requirements of registration, proxies and voting of the Strata Property Act and the Bylaws of each strata corporation? For this reason, many strata corporations and management companies have attempted to impose a "restricted proxy only" meeting format on their owners, but this does not comply with the provisions of the Act or the bylaws of each corporation and your meeting will be nullified if challenged in the Civil Resolution Tribunal. A proxy can only be restricted or limited by an owner which imposes an obligation on the proxy holder to follow those instructions or restrictions. If there is a general meeting convened, the notice requirements must still be issued in the same format, written notice to each strata lot, and may be by method of email if the owner has consented to receiving notices by email, and the agenda, methods of registration and certification of proxies, how voting cards are issued or recognized either physically or virtually, and how you will conduct each vote must be contemplated. I have chaired electronic zoom meetings in 2020 with over 300 strata owners and proxy participants with great success; however, as you indicate, it is a result of sound planning, but also a good partnership with the strata council and property manager to ensure everyone is playing a vital role. The method of registration is quick if the registration list is crossed referenced by strata lot/owner name/unit number, and as each person registers their strata lot or unit number replaces their name on the identity. This also enables the chairperson to allocate the correct number of votes per unit if there are non-residential units or individuals representing several proxies. Polling for resolutions is functional but it does not identify a person with multiple votes, fractional votes, or multiple proxies. The Pro Version of most platforms provides advanced features such as polling shown to the chairperson or scrutineers who is voting and their voting results. Depending on the size of your strata corporation and complexity of your bylaws this may be necessary. Using a participant recognized response with a thumbs up or down is also an easy method of dispensing with procedural items and is also identifies who is voting on each resolution, which enables the chairperson to calculate voting results. Generally, for majority votes these methods are easy to manage. The complications arise when an eligible voter requests a precise count, or you are approving a ¾ vote, 80% vote or unanimous vote (100% of all owners). For accuracy, and to be able to defend the voting method and results, a ballot that can be emailed at the time the vote is taken or an electronic audit where a copy of the results is maintained is your best solution. Don't forget, when you send out your notice you must include the electronic address in the notice package. You cannot send it out the week before or post the notice and meeting to an electronic bulletin board. Each owner must receive direct notice of the meeting. Hopefully at some point this year we may see the end of emergency orders. Once this happens there will be a short

window afterwards when electronic meetings are still permitted. When the period expires, it will be up to each strata corporation to adopt a bylaw that permits electronic meetings. As you plan meetings this year, a bylaw that permits electronic meetings and addresses the voting and registry procedures would be prudent if your strata corporation wants to continue with the option of electronic general meetings.

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/>