

Condo Smarts December 23, 2021 Inform or Notice, What's the difference?

Dear Tony: Our strata council is being harassed by an owner insisting that we have to give notice of council meetings to owners, and it requires the notice period of 7 days plus the notice period required by the Act. If we did this every month for council meetings, the cost of the notice to owners and the time period requirements would not make it feasible for council to hold meetings as required. Is there a solution we could consider that could make this easier? Could we simply post a monthly schedule and then add meetings if necessary? Would a bylaw amendment make this simpler? Jenny W.

Dear Jenny: There are two different types of notification of meetings required under the *Strata Property Act*, "Notice and Inform". For annual and special general meetings, notice is a formal requirement that requires the agenda and contents of resolutions be included and a specific time period and method of notice. Except for resolutions that require an 80% vote for a wind up, the notice period a general meeting is 14 days, plus four days notice allowance required by the Act, and the addition of the day of delivery and receipt under the Interpretation Act. This requires notice of general meetings to be 20 days.

Under the Standard Bylaws of the Act, council members may call for a council meeting by giving notice to the other council members, specifying the purpose of the meeting. Notice to council members in this form is seven days plus 4 days notice and 2 days delivery, for 13 days notice requirement for council meetings. Council members can agree to an earlier period if they all agree, or an emergency arises.

Notification of the owners to attend a council meeting as observers standard bylaws is as follows: "*The council must inform owners about a council meeting as soon as feasible after the meeting has been called.*" The term "notice" is specifically not used in this context and there is no requirement for a notice period or delivery period to be added. This provides strata council with flexibility and eliminates the costly need for formal notice to be issued at the cost of the corporation. Many strata councils will post the next meeting date in their minutes posted to a web site, or in the mail room or club house areas. There is no time requirement, other than "as soon as feasible".

With over 32,000 strata corporations across the province, there is also the potential of 32,000 variations in bylaws. Look closely at your bylaws to determine if the term for notification of council meetings is "notice" or "inform" as one requires a notice period, the other does not.

Wishing everyone a safe and happy holiday season. Strata corporations are advised to monitor the BC Government for Covid Alerts: www2.gov.bc.ca/gov/content/covid-19/info/response. Check your local government and health region for changes on capacity limits and vaccine requirements.

Tony Gioventu, Executive Director CHOA

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

Tuesday Lunch & Learn Live with CHOA: CHOA is hosting a series of webinars. Join us on the following Tuesdays as we bring together industry experts to discuss the many issues affecting BC's strata community. January 25th: Communications and Fibre Optic Installations, February 15th: Pets, Pet Bylaws and The BC Human Rights Code, February 22th: Winding up a strata corporation. **Registration will open January 15th** at <https://www.choa.bc.ca/seminars/>

Holiday Closure: The CHOA offices will be closed as of Thursday December 23rd and will open Tuesday January 4th, 2022.

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.