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Owners' Meetings

Part IV, Sections 45-55 of the *Condominium Act, 1998*

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Types of Meetings

1. Annual General Meetings
2. Requisitioned Meetings
3. Other Meetings



1. Annual General Meetings (“AGMs”)

When?

- 3 months
- 6 months

What do AGMs Typically deal with?

- Financial report
- Auditor
- Budget
- Election of directors
- Report
- Other business
 - Any matter relating to the affairs and business of the condominium (non-AGM meeting: agenda must state that other business may be raised)



2. Requisitioned Meetings

Owners request the Board hold a meeting

How is it called?

- The owners of at least 15% of the units

Who can requisition a meeting?

1. Owner must be entitled to vote; and
2. Owner must be listed in the condominium's Record



2. Requisitioned Meetings

How is the meeting requisitioned?

1. In writing
2. Be signed by the requisitionists
3. State the nature of the business
4. Be delivered personally or by registered mail to President or Secretary or condominium's address



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2. Requisitioned Meetings

When do you call a requisitioned meeting?

- *Call* not less than 20 days of receiving notice
- *Hold* within 35 of receiving notice
 - Unless request or consent to add matter to next AGM



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2. Requisitioned Meetings

What if the Board fails to call the meeting?

- Requisitionists may call the meeting and must hold the meeting within 45 days of notice
- Record to determine who is entitled to notice and obtain addresses for owners and mortgagees
- Proper notice
- Reimbursed for *calling* not *holding* meeting



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3. Other Meetings

The Board may call a meeting of the owners for
The transaction of business at any time



What happens at an owners' meetings?

Vote on matters that can properly be decided at an owners' meeting:

- Amend rules
- Remove directors and/or auditors
- Proposed changes to common elements, assets and services



Notice of Owners' Meetings

The Record

- A corporation shall maintain a record of the names and addresses for service

No Name = No Notice

If unit owner attends meeting or uses proxy unit owner waive right to notice

Only for purpose of the *Act*



Notice of Owners' Meetings

How is notice given? → in writing

When is notice given? → at least 17 days
notice



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Notice of Owners' Meetings

Names of candidates for Board positions

- On or before 4th day before notice is sent

Pre-notice

- When the notice of meeting must be sent if Board position(s) to fill → 30 days before the notice of meeting



Notice of Owners' Meetings

Who gets notice?

- a) Each owner that has notified the condominium in writing and given name and address for service
 - b) Each mortgagee of a unit who has:
 - i. A right to a vote or obtains consent from unit owner;
 - and ii. Notified the condominium in writing of such right and given name and address for service
- *As of the 20th day before the meeting*
 - *5 days before any other notice (not for meeting)*



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Notice of Owners' Meetings

What does the notice contain?

- Place, date, hour, business
- Vote?
- Copies of proposed changes
- Approved financial statements (if AGM)

If a requisitioned meeting must include copy of requisition



Notice of Owners' Meetings

How do you serve notice?

- personal delivery, prepaid mail*, fax, electronic communication (must agree to in writing), mailbox

Cannot deliver to unit or mailbox if:

1. written request not to be served in these manners;

or

2. address for service in Record is not the same as address for the unit of the owner



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Notice of Owners' Meetings

Joint owners?

1. serve both personally

OR

2. prepaid mail notice address to the joint owners



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Notice of Owners' Meetings

How do you serve a mortgagee with notice?

- Personal delivery, fax, electronic communication (if agree to in writing), prepaid mail

When can a mortgagee vote?

1. Right is granted
2. Notified and given name and address for service to condominium 20 days before the notice of meeting; and
3. Notice in writing to condominium and owner at least 4 days before the date of the meeting



Quorum

The minimum number of unit owners required for the condominium to conduct business

- 25% unless Bylaw after May 5, 2001 changes to 33 1/3%

“Majority” or “specific %” means refers to *all* the units in the condominium

If no specification then majority of those owners present at the meeting (in person or proxy)



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Quorum

If vote being taken → need duly called and constituted meeting

- 1 vote per unit
- Advance polls and petitions have no weight



Voting

Matter clearly disclosed in notice → vote

No specific matters in notice → vote on “routine” only

AGM → raise any matters relevant to the affairs and business of the condominium but not vote

How → show of hands or recorded



Voting

When does an owner lose the right to vote?

- In arrears of any contribution
 - Common expenses, special assessments, legal fees etc. (≥ 30 days in arrears as of date of meeting)

arrears = no vote = not included in quorum

no vote = no notice



Proxies

- A ballot cast by one person on behalf of another
- Does not need to be an owner
- Power of attorney
- Form (Regulations – “may be used”)
- Retain all instruments appointing proxy for 90 days



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Proxies

Soliciting proxies

- Bylaws, rules

Accounting for proxies

- Recorded vote
- Bylaws establish procedure



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Before the Meeting

- Notice (date, service)
 - Sufficient detail in notice and agenda
- Review condominium's documents
- Rules of Order
- Facility
- Personnel, secretary
- Review prior minutes
- Delegate work
- Ballots



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During the Meeting

- On time
- Introduce head table and speakers
- Everyone should see and hear
- Non owners and proxy holder is identified and invited
- State name, unit #
- 1 question at a time, 5 minutes
- Discipline
- Receive and make sure motions and amendments are clear and properly worded
- Explain vote(s) and announce results



After the Meeting

- Minutes are accurate and complete
- Copy approved minutes and mail, post or reprint in condominium newsletter
- Follow up commitments