

THE CONDOMINIUM ACT, 1998

VOTING/CONSENT SCHEDULE

Procedure	Approved by Owners Representing a Majority of Units Present at the Meeting or by Proxy	Approved by Owner Representing a Stated Percentage or a Majority of All the Units in the Complex
Ordinary Business s.53	•	
Election of Directors (See Note 1)	•	
Removal of Directors s.33 (1)		• (Majority)
Appointment and Removal of Auditors s.60 & 63	•	
Ordinary By-Law s.56		
Leasing / Easement By-Law s.21		
Borrowing By-Law s.56 (3)		
Assessment By-Law s.56 (1)(f)		• (Majority)
Occupancy Standards By-Law s.57 (1)		
Standard unit By-Law s.56 (1)(h)		
Vacant Land Condominiums – Unit Maintenance By-Law s.160		
Joint By-Law s.50 (3)		• (From each Corporation)
Amendment to Declaration: Use, Leasing and Sale Restrictions, Common Expenses, and Corporation responsibilities s.107 (2)(e)		• (80%)
Amendment to Declaration: Common Interest Percentage, Common Expense Contribution, Maintenance Repair Obligations s.107 (1)(d)		• (90%)
Substantial Alteration to Common elements/Assets s.97 (4)		• (66-2/3%)
Leasehold Condominiums – Vote Against Renewal of Lease s. 174 (5)		• (80%)
Sale of Property s. 124 (2)(a)	• (80%)	Plus consent of 80% of mortgages
Termination of Condominium	• (80%)	Plus consent of 80% of mortgages
Amalgamation of Condominium s.120 (1)(h)	• (90%)	Written consent of owners from each corporation



SimpsonWigle
LAW LLP

Hamilton Office
1 Hunter Street East, Suite 200
HAMILTON, Ontario
L8N 3W1
Tel (905) 528-8411 Fax (905) 528-9008

Burlington Office
390 Brant Street, Suite 501
BURLINGTON, Ontario
L7R 4J4
Tel (905) 639-1052 Fax (905) 333-3960

CONTACT MARIA DURDAN @ EXT. 305 OR durdanm@simpsonwigle.com FROM OUR CONDOMINIUM GROUP FOR FURTHER ASSISTANCE

The Condominium Group gratefully acknowledges the contributions of the originator of this guide, the late Ronald S. Danks.

COMMON MOTIONS/OBJECTIONS FROM THE FLOOR

I. MOTIONS

A main (or substantive motion) originates, authorizes, ratifies, approves, confirms or rejects actions. These motions may also be used to express an opinion at the meeting. The speaker or the discussion may not be interrupted for the purpose of moving a main motion. The main motion requires seconding and is amendable and debatable. A main motion is approved by a simple majority.

a) PROCEDURAL MOTIONS

Procedural motions are those that deal with, modify or dispose of main motions, they have precedence over main motions. A discussion may be interrupted for procedural motions but not while a speaker has the floor. Procedural motions require seconding. Some examples of procedural motions are; to vote immediately; to close a discussion; and to postpone the discussion.

b) INCIDENTAL MOTIONS (OR ‘DEMANDS’)

Incidental Motions or Demands deal with the rights and privileges of individual unit owners and do not affect the course of the main motion. They do however take precedence over a main motion, amending motions and procedural motions. Some examples of incidental motions are to have a quorum count; a point of personal privilege; a point of procedure; a point of order; and correcting an error.

c) CLOSING MOTION

A closing motion deals with the termination or suspension of the meeting and take precedence over all other motions and demands.

NOTE: All motions and amendments must be relevant; in clear language; drawn in an affirmative manner; and require seconding. Seconding a motion does not mean that the person seconding must approve of the motion. The nomination of a director does not require seconding.

II. POINT OF PERSONAL PRIVILEGE

Where a unit owner has been subjected to some form of insult or abuse he or she may interrupt a meeting to raise a point of personal privilege. The chair must recognize the individual and if the chair concurs take the appropriate action. For example, ask the person who was insulting or abusive to withdraw the statement.

III. POINT OF GENERAL PRIVILEGE

This type of motion deals with problems which may affect the comfort or convenience of a unit owner at the meeting, for example if they find it difficult to hear a speaker; see the speaker or other materials that are being displayed; or there is inadequate seating. A member may interrupt a meeting to raise a point of general privilege. The chair must recognize the person and if the chair concurs with the person take appropriate action to correct the problem.

IV. POINT OF INFORMATION

Unit owners have the right to have all the information necessary to have a clear understanding of the motion under discussion. A unit owner may interrupt the proceedings by raising a point of information in order to have the motion read again and/or have other information relating to that motion read to the unit owners. The request must be made in good faith and must not be argumentative. If the chair agrees that the information requested is relevant it must be provided.

V. POINT OF PROCEDURE

Unit owners have the right to interrupt a meeting in order to ask a chair or a speaker questions regarding the parliamentary procedure that is being followed or that is about to be followed. The question must be made in good faith and cannot be argumentative. If the chair agrees that the question is relevant, the chairperson must deal with it.

VI. POINT OF ORDER

Unit owners have the right to interrupt under a point of order to draw attention to some irregularity in the proceedings, for example the Rules of Order are being violated or the agenda is not being followed. A point of order may be raised at any time during the meeting. The chair must recognize the speaker and if the speaker is correct take appropriate action to correct the irregularity.

VII. CORRECTING AN ERROR

Unit owners have the right to interrupt a meeting in order to correct an error that has been made by the chair or a previous speaker or to correct any misconceptions that may develop at the meeting. If the chair agrees that an error exists, corrections should be noted.

VIII. QUORUM COUNT

If a unit owner is concerned that a quorum may not be present or, having been present at the outset of the meeting has now been lost due to unit owners leaving, the unit owner may at any time call for recount by asking the chair if a quorum is present. If the chair is satisfied that a quorum is present the motion can be rejected otherwise the chair must order a recount.