



## **GUIDE TO RESPONDING TO A REQUISITION FOR A MEETING**

### **WHAT IS A SPECIAL OWNERS' MEETING?**

Condo owners meet at least once a year at the Annual General Meeting (the "AGM"), which must be held within 6 months of the end of the fiscal year. The Board may call other meetings of owners to discuss any matter relevant to the affairs and business of the condo, for example, an upcoming major project involving the condo's underground garage.

Owners may also requisition a meeting of owners. These meetings can be requisitioned to discuss or vote on a current or proposed rule, to discuss a matter of concern to the owners or to remove directors before the end of their term.

### **HOW DO OWNERS REQUISITION A MEETING OF OWNERS?**

#### **REQUIREMENTS:**

1. A requisition for a meeting of owners must be in writing and must be signed by owners who own at least 15% of the units of the condo. The requisition must state the nature of the business to be presented at the meeting. The agenda is prepared by the Board, however, owners get to state what they want dealt with at the meeting; and
2. If the purpose of the meeting is to remove a director the requisition must state the name of the director to be removed and the reason for the proposed removal. The requisition must also state whether the director to be removed is one who can only be voted in/out by owners occupying their unit.

### **WHICH FORM SHOULD BE USED?**

There is currently NO specific form required to be used to requisition the meeting.

In order to call an owners' meeting the requisition must simply comply with the requirements (above). The requisition should only state facts and not be defamatory or include false information.

The requisition must be delivered personally or by registered mail to the president or secretary of the Board or deposited at the address of service of the condo. Most condos also accept service by email through the condo's management company.

### **WHEN MUST THE CONDO CALL THE MEETING?**

Under the proposed amendments to the Act there will be a specific process set out with respect to submitting, receiving, responding and holding a meeting, however, these amendments are not currently in force.

At this time the Board must hold the meeting either:

- Within 35 days following the receipt of the requisition; or
- If the requisitioner consents in writing, the requested business can be presented at the

following annual general meeting.

***Currently, the Board has a VERY short time frame to respond to a requisitioned meeting!***

The Board must hold the meeting within 35 days following the receipt of the requisition. Pursuant to the Act, a preliminary notice must also be given 35 days before the meeting, which means the Board would have to send the preliminary notice on the same day it receives the requisition. In response, the Act was amended to slightly shorten the preliminary notice period in relation to requisitioned meetings. In these cases, the preliminary notice must go out only 30 days before the meeting. As such, a Board has **5 days** from the receipt of the requisition to send out the preliminary notice.

**WHAT HAPPENS IF THE CONDO DOES NOT CALL A MEETING WITHIN 35 DAYS OF RECEIVING THE REQUISITION?**

If the Board does not hold the meeting within the time frame provided above a requisitioner may call the meeting of owners, which shall be held within 45 days. When the meeting is called by the requisitioner, the condo is required to reimburse the reasonable costs incurred in calling the meeting.

***Please contact the SimpsonWigle LAW LLP Condominium Practice Group if you have any questions!***

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