

Strata Living

Headline: Electronic Meetings for Council & The AGM

Topic: Strata Council, Annual General Meeting; How to Conduct,

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Dear Tony: Our strata corporation has decided to adopt bylaws that will allow our strata of 24 units in Whistler to hold council meetings by conference call and permit owners to attend general meetings by skype or conference call. In our first draft with the owners, we have a few objectors who advise we must still have a meeting at a specific location and make the meeting room available for anyone who can attend. Could we possibly design our bylaws in a way that everyone must attend by electronic means, such as conference call or email? It would be so much easier for our strata to convene regular meetings.

Dennis G. North Vancouver

Dear Dennis: The Standard Bylaws of the Strata Property Act already permit strata councils to allow a person to attend by electronic means, provided the person is capable of hearing everyone and capable of being heard by everyone. Some strata corporations have amended their bylaws to permit council to make decisions by email provided every council member agrees to the decisions, and the decisions are minuted and available to the owners as if they were an actual meeting, showing the date of the emails decisions, the motions and the results of the motions. There are some challenges however when it comes to addressing issues such as confidentiality and secret ballots. At council meetings, it may be necessary for

the strata council to meet without observers to address items such as a hardship application exemption for rentals, a bylaw enforcement matter or a discussion that deals with personal information. The strata council will have to exercise a very high standard of care to ensure you protect the privacy of owners, but even then, if the matter is by conference call or email, you have no way of determining who is ultimately at the other end of the phone or the email. Another problem that arises with electronic communications is voting at general meetings. Under the bylaws, if one eligible voter requests a secret ballot, the strata corporation must hold the majority, three quarters or unanimous vote by secret ballot. How do you secure a secret ballot for the online person or conference caller? You may use an online balloting system, but for the conference caller that may not be possible. Electronic meetings and communication are possible, but the voting rights and procedures of the owners within the legislation must be ensured when you draft your bylaws. Bylaw amendments are a tenfold less expensive to draft with legal counsel than to defend against a hostile owner.

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