

Condo Smarts

Headline: Sending Notice During a Mail Strike
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Dear Condo Smarts: Our strata corporation has a very important Special General Meeting coming up in July where we need to approve a special levy for 1.1 million dollars to replace the roofing in our complex. We have about 45% absentee owners who either are landlords or use the home as a second residence in the city. The possibility of a pending mail strike is a great concern to our strata corporation because we have always mailed the notice of the meeting to every owner, including all of those "away" addresses that have been provided, which include 57 owners. If there is a mail strike what happens when we send the notice? Are we still bound to the requirements of notice set out by the Strata Act? Our council are considering simply posting the notice on the strata web site and around the building and directing everyone to print off the notice or pick up a copy from the lobby. The real question is whose duty is it to properly provide/receive the notice? Lydia W. Vancouver

Dear Lydia: The Strata Property Act provides several options to strata corporations for notice, and there is more than one method of delivery to an alternate address. One of the recent changes to the legislation now permits the delivery of a notice package by email, provided the owner has not provided an alternative address and they have provided you with an email address and consented to receiving a notice by email. A strata corporation may deliver a notice by: leaving it with the person (owner) at the strata lot or designated address, leaving it with an adult occupant of the person's strata lot, by putting it under the door of the person's strata lot, by putting it through a mail slot or in a mail box used by the person for receiving mail, by faxing it, or sending it to an email address provided by the person. For certain types of meetings it may be necessary to courier a package to those

"away" strata lot owners who have not provided a fax or email address; however, this could become costly with a significant number of notices or longer distances. The nature of your meeting may be imposing a significant special levy on each strata lot, and that could result in liens or order for sale proceedings in the event the amounts are not paid on time, so the strata corporation should take every reasonable effort to ensure that the "away" addresses are contacted by alternate methods, and the strata corporation should document their procedures in how they contacted these parties, and whether any consent was provided for alternate notice, such as an email or fax. The business for a strata corporation cannot simply stop because of a mail strike, but with the cooperation between the council, strata managers and owners, your strata corporation should be able to meet the notice requirements. If an owner is unavailable or unwilling to provide an alternate address, then it would be prudent for the strata to courier notice to the official address provided. A Burnaby strata this week emailed me that 21 days in advance they simply had a council member in the lobby by the mail boxes handing out notices and having owners sign a log verifying receipt. They managed to provide notice to 62/90 units on the first night. The next day they hand delivered, couriered, or faxed the balance. Whatever you do, remember notice is 14 days for general meetings, plus 4 days for deemed receipt, plus 2 days for the issue and receipt, totalling a clear 20 day period.

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