

Setting Agendas & Minutes of Meetings

Minutes of the meetings for strata corporations are an important part of the official record of the business of the strata corporation. They record how decisions are made, who made them, when they were made and what action is to be taken. The minutes also identify what type of meeting took place, how the votes were executed and any specific directions of the voting, which in strata corporations is very important as some decisions may only be executed at specific types of meetings as set out in the Strata Property Act. Also, the minutes are a critical asset in the relationship with your manager and fellow council members. The recorded decisions provide direction and give authority to the manager or designated council member to proceed on specific instructions.

The information that is recorded in the minutes becomes part of the official record of the business of the strata corporation. Accuracy is very important part of minute recording. Remember, the minutes are part of the official records of the strata corporation. The decisions of council and the results of those decisions are the essential body of strata minutes. Do not include personal information or any opinions that may be harmful to other parties or the strata corporation. If there are errors in the minutes, those minutes are not repealed, but rather amendments are made to those minutes as part of the agenda of the next meeting. If they are minutes of the council meetings they would be amended as part of the minutes of the next council meeting. If they are minutes of a general or special general meeting, the minutes would be amended at the next general or special general meeting.

The minutes of council meetings are also opportunities to inform your owners of decisions or upcoming events or circumstances in your strata.

Special notice to owners:

Examples:

- Strata has borrowed money from contingency
Reg 6.3
- A new rule about parking is posted
SPA sec. 125
- The Strata is being sued or an action has been started in the Civil Resolution Tribunal
SPA sec. 167

General information about upcoming building repairs, water shuts downs, elevator maintenance, trades people and inspectors can be all communicated to the owners; however, notice to enter a strata lot is a separate bylaw and sets out specific requirements for access. A general notice about the maintenance servicing in a specific week does not necessarily provide sufficient notice to the owners for access to their units.

How do owners get the minutes? *“read your bylaws”*

Many strata corporations now host websites where the monthly minutes and general meeting minutes are now posted. While this is a valuable tool providing access to authorized users, not all owners may have access to on line services. The Standard Bylaws simply requires that council must inform owners of the minutes. It is helpful if owners have access to minutes either in print form or on line. For example, the strata must inform owners about new rules once they are passed. A posted set of minutes that was not accessible to all owners either through a web site, via provided email or distributed will make it impossible for the owners to be aware of the new rule, and the council may be facing a challenge to the enforceability of the rule.

Sections of the Act & Bylaws that apply to minutes of general meetings & strata council meetings.

General Meetings “Always read your bylaws”

Section 50 of the Strata Property Act

- (1) *At an annual or special general meeting, matters are decided by majority vote unless a 3/4 vote or unanimous vote is required by the Act, or the regulations*

Section 35 of the Strata Property Act

- (1) *The Strata Corporation must prepare all of the following records:*
(a) minutes of annual and special general meetings and council meetings, including the results of any votes;

Standard bylaw 27 of the Strata Property Act

- (1) *At an annual or special general meeting, voting cards must be issued to eligible voters.*
(2) *At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.*
(3) *If a precise count is requested, the chair must decide whether it will be by show of voting cards or roll call, secret ballot or some other method.*
(4) *The outcome of each vote, including the number of votes for and against the resolution of a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.*
(5) *If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.*
(6) *If there are only 2 strata lots in the strata plan, subsection (5) does not apply.*
(7) *Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.*

Strata Council Meetings

Standard bylaw 18 of the Strata Property Act

“Always read your bylaws”

- (1) *At council meetings, decisions must be made by a majority of council members present in person at the meeting.*
(2) *Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.*
(3) *The results of all votes at a council meeting must be recorded in the council meeting minutes.*

Standard Bylaw 17

- (1) *At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate.*

Section 35 of the Strata Property Act

- (1) *The Strata Corporation must prepare all of the following records:*
(a) minutes of annual and special general meetings and council meetings, including the results of any votes;

Section 125 of the Strata Property Act

- (4) *The strata corporation must inform the owners and tenants of any new rules as soon as feasible.*

Section 128 of the Strata Property Act

- (4) *The strata corporation must inform owners and tenants of any amendment to the bylaws as soon as feasible after the amendment is approved.*

Council meetings by email

Strata council meetings by email may be possible if the bylaws set out the requirements for the decision making process and notice to council members of a proposed motion and decision. A common standard used to ensure consensus on email decisions is that any email decisions require the consent of all council members to be ratified. This is consistent with the waiver of notice of an annual general meeting where all eligible voters must consent to a resolution, approval of a proposed budget or acclamation of nominated council. Any council decisions that are permitted and conducted by email must also be included in the minutes of the meetings of the corporation.

Sample Council Agenda – Decisions are a majority vote*

Call the meeting to order	Action: President/chair of the meeting
Approve the agenda:	Action: Majority vote of the council
Approve the minutes of the previous meeting	Action: Majority vote and errors and omissions may be corrected at this time
Financial Report	Action: Report of the treasurer. Receivable updates, special levy reports, contingency reports, loans for operating expenses
Construction updates	Action: Report to council on major construction renewal or repair projects underway. Update information is helpful to include in the minutes and include any decisions that relate to the projects
Grounds & Landscaping	Action: Update reports, any approval required for service contracts, maintenance, tree pruning, plant materials, and expenses
Emergencies/Insurance Claims	Action: A report to council on any emergencies and claims to be included with the minutes, as well as decision to proceed with collections of claims for damages against an owner through Provincial Court if authorized in the bylaws
Maintenance Updates	Action: General information on service contracts, gutter cleaning, elevators, fire safety, janitorial, window cleaning...
Bylaw Enforcement	Action: Decisions required by council for complaints, hearings, imposition of penalties, collections,
Correspondence	Action: Communication from owners requesting information, permission to alter property, filing a bylaw complaint, permission to alter use of common property such as parking or storage
Any other business	Action: Any other agenda items that are agreed by council
Next meeting date and Adjourn	Action: Majority decision of council

****18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting. This will also require that a quorum is present at the meeting. Council members must be present in person and may not be represented by proxy. Electronic attendance is deemed attendance.***

Sample: Minutes of the Council Meeting of Strata Plan ABC1234

Date: March 15, 2015 Location: Club House

In Attendance: Council: John Doe, Jane Smith, Bob Black, Mary Wells, Jeannie Brown,
Strata Property Manager: Jason Blue, Caretaker: Bud Blake

Observers: Karen White SL 14, Marge Grey SL 22

1. **Call the meeting to order:** by John Doe President, at 7:15pm
2. **Approve the agenda:** the council approved the agenda with the addition of the discussion on the fencing behind the buildings which has been infested with carpenter ants.
Motion by: Bob Black, 2nd by Mary Wells Carried
3. **Approve the minutes of the February 15th meeting**
Motion by: Jeannie Brown, 2nd by Mary Wells Carried
4. **Financial Report**

Jason Blue provided the council with an update of the financial period ending January 31st. Expenses are within the approved annual budget. Current receivables are at \$10,750.00. One amount is \$10,000 insurance deductible and 1 strata lot is behind 3 months in fees. There are 2 GIC's due at the end of April, and the manager requires a decision of council to consider renewing them.

Motion by Jeannie Brown to renew the GICs for a 1 year term only as we will be needing funds for the roofing renewals in summer of 2016. 2nd John Doe Carried

Motion to give notice to the owner who owes the \$10,000 deductible that they pay the amount within 30 days or the strata corporation will proceed with a complaint to the CRT to seek an order for the amount owing. Motion by Mary Wells, 2nd by Jane Smith Carried

Motion to have the law office send a final demand notice to the strata lot owing 3 months of strata fees and failing their payment to file a lien against the unit.
Motion by Mary Wells 2nd by Jane Smith Carried
5. **Construction update:** Bud Blake has reported that the roofing over strata lots 1-20 is almost complete and we are waiting for the final inspection before we release the final payments and holdbacks. The inspector is working on the scope of the project for 2016 for strata lots 21-50 and we should be able to go for bids by the fall of 2015.
6. **Grounds & Landscaping:** Mary Wells reported that all of the pruning is now complete and the landscapers are preparing beds for spring flowers and plant materials. We have managed to save 2,500 this year as we have had no snow.
7. **Emergencies/Insurance Claims:** Jane Smith reported the only outstanding issue at this time is the claim for the \$10,000 deductible where the owner overflowed their bath tub.
8. **Maintenance Updates:** Bud reminded council that we need to give the owners notice of the servicing for the dryer vents that will be happening from April 10-15 and how owners can make arrangements for access.
9. **Bylaw Enforcement:** 8:45 Motion by Jane Smith to move in camera to discuss a bylaw complaint and issue relating to a marijuana smoke problem. 9:00pm the in camera session terminated. A notice of complaint is being sent to the owner accused of smoking marijuana in their unit in an attempt to resolve the issue.
10. **Correspondence:** An owner SL 15 is requesting permission to change their original shag carpet to a short pile. Council have agreed provided it does not affect the sound transmission.
Motion by Mary Wells to approve, 2nd John Doe Carried
11. **Next meeting date:** April 15th in the club house.
9:15 Motion by Mary Wells to adjourn 2nd John Doe Carried

The Agenda for an Annual General Meeting Special General Meeting

The agenda is determined by the Standard Bylaws of the *Strata Property Act*, or by the amended by the of the strata corporation. If the strata corporation amends the agenda requirements for general meeting, they must also review the minimum requirements set out by the Act and Regulations. Items such as approval of the annual budget, bylaw amendments, scheduled contingency expenses, report on insurance, approval of

special levies, election of council and court actions still require the approval of the owners at general meetings to ensure the strata corporation, council and strata manager have the authority to proceed. Standard bylaw 28 agenda from the Schedule of Standard bylaws sets the order of business and notice requirements for general meetings.

Sample Agenda – Annual or special general meeting or petitioned special general meeting or agenda item

28 The order of business at annual and special general meetings is as follows:

(a) certify proxies and corporate representatives and issue voting cards;

-establishes the registration process prior to call the meeting to order

(b) determine that there is a quorum;

- the meeting is called to order by and announce the calculation of the quorum present as set out by the Act or bylaws of the strata. The quorum number and the time the meeting is called to order are minuted. There is no vote required to proceed with the meeting if a quorum is present.

(c) elect a person to chair the meeting, if necessary;

-closely review the bylaws of the strata corporation before electing a person to chair the meeting. The president of council or the vice president of council generally chairs meeting, without elect. Any other party must be elected by majority vote of the owners present at the meeting in person or by proxy.

(d) present to the meeting proof of notice of meeting or waiver of notice;

- this is a report to the owners and no vote is required. The method of notice and when the notice was issued must be recorded in the minutes.

(e) approve the agenda;

-Section 45 of the Act requires that matters to be voted, including the wording of any $\frac{3}{4}$ votes must be included with the notice. By default this implies a strata corporation may not add new agenda items that were not given notice of. This would also include any petition items under section 43 of the Act, which must be dealt with before any other matters are addressed, once the establishing procedures of the meeting are complete. Section 46 permits owners by 20% to demand an agenda item be added to the next general meeting convened by the strata corporation, and must be included on the agenda of the next general meeting with no specified priority.

(f) approve minutes from the last annual or special general meeting;

- the approval of the minutes of the previous general meeting assumes that the minutes have at some point since that meeting been distributed for the owners approval. This item requires a majority vote, and errors or omissions may be corrected as part of the minutes of the currently convened meeting if the owners agree by unanimous consent or by majority vote if necessary.

(g) deal with unfinished business;

- the only time unfinished business arises on an agenda is when there are resolutions or required agenda items that were not completed at a previous general meeting. For example: Section 104, if the annual budget is not approved at the Annual General Meeting, the strata must hold an Special General Meeting within 30 days (or a period approved by $\frac{3}{4}$ vote of the owners) or a resolution from a previous meeting could not be voted on due to missing information or an error, and the owners voted to postpone the resolution to the next general meeting, in order that it may be corrected.

(h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;

- The strata may deliver reports with the notice package or reports may be part of the agenda and may listed as agenda items. There is no vote on reports, but summaries of the information or copies of the reports are often included in the minutes of the meeting for the information of the owners.

(i) ratify any new rules made by the strata corporation under section 125 of the Act;

Any rules passed by the strata council during the year must be ratified by majority vote at the next general meeting of the strata corporation or cease to have effect. The decision is by majority vote.

(j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

Insurance is a report and does not require a vote. To confirm that owners, tenants and occupants have the correct insurance information, with notice provide a copy of the insurance summary page detailing coverage, deductibles and cost and the name of the insurance broker.

(k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;

- budget notice and financial requirements are determined in accordance with sections 102-107 of the Act and Regulation 6.6 and 6.7 and the bylaws of a strata corporation. The annual budget requires a majority vote, and prior to voting on the budget it may be amended by majority vote.

(l) deal with new business, including any matters about which notice has been given under section 45 of the Act;

- new business is the opportunity for the council and the owners who have petitioned by 20% to include items with the notice. They are typically items relating to bylaw amendments, repairs, special levies, court actions, use of property, and frequently involve $\frac{3}{4}$ vote resolutions. The exact wording of a $\frac{3}{4}$ vote resolution must be included with the agenda.

(m) elect a council, if the meeting is an annual general meeting;

-before electing council review the bylaws of your strata corporation to determine who is eligible for council, how council are elected, the term they are elected for and the number of council members required. Council election is determined by majority vote.

(n) terminate the meeting.

-the meeting is terminated when the business of the strata corporation notice is complete. The termination requires a majority vote and the time of the termination of the meeting may be recorded in the minutes. Before the meeting is terminated review whether any ballots were used during the proceedings of the meeting and whether they should be destroyed (a decision by majority vote) or if they should be retained for the record. If they are retained, seal them in an envelope and identify in the minutes the location of storage for future access.

When the meeting is complete

It is beneficial for the chairperson of the meeting to review the minutes of the meeting, decisions, and matters that arose with the secretary to verify that the information recorded is accurate. If exact counts were requested, compare the recorded information. It is much easier to resolve a variance when the information is still fresh and the parties are present.

Sample Minutes
Minutes of the Annual General Meeting: The Owners, Strata Plan LMS 9999

Date of the meeting: March 15th 2015

1. Certification of proxies and issue of voting cards conducted by John Doe property manager and Jill Hill, secretary of council. Eligible voters: 150
2. Quorum at 7:15pm registration was complete and there were 44 owners present in person and 25 by proxy, totally 69 eligible voters present. A quorum is 1/3 of eligible voters being 50.
3. The meeting called to order by the President of council at 7:15pm
4. The president requested a motion of the owners to elect John Doe the property manager to chair the meeting so he could speak freely on resolutions.
Move SL 44, 2nd SL 23 Carried by majority vote, none opposed
5. Proof of notice: The notice was mailed to the owners on February 23, 2015
6. Approve the agenda: The chairperson indicated to the owners that the report on insurance is not published on the agenda, however, the insurance documents were included with the notice and that they be included on the agenda. A motion to vote on the agenda to include the report on insurance under reports.
Move SL 21, 2nd SL 17 Carried by majority vote, none opposed
7. Approve the minutes of the AGM March 4, 2014
Move SL 44, 2nd SL 5 Carried by majority vote, none opposed
8. No unfinished business from a previous meeting.
9. The garden committee report on the pine trees was received.
9. b) The report on insurance was issued by the John Doe with a copy of the notice about home owner insurance to be included with the minutes of this meeting.
10. There were no new rules include with notice.
11. Approve the budget for the coming year. The treasurer David Bean reviewed the financial reports for the year ending January 31, 2015. The strata has a slight surplus of \$12,000 and council is recommending the surplus be transferred to the contingency reserve fund.
Move SL 10, 2nd SL 14 Carried by majority vote
Motion to approve the budget: Move SL 44, 2nd SL 23
The owners discussed the budget and confirmed the approved budget this year would result in a 13% increase in strata fees with the largest increase being the contribution to the contingency reserve fund to plan for the roof renewals in 2018.
Carried by majority vote
12. New Business:
"the owners by majority vote approve the expense of \$2,500 to be expended from the contingency reserve fund for the consultant report on roofing as recommended by the depreciation report."
Move by SL 44, 2nd by SL 19 Carried by majority vote
13. Election of Council. John Smith, Karen Jones, David Bean, Allyson Hill, Bob Barker were nominated for election to council. There being no other nominations the chair requested a motion to close nominations and elect council by majority vote.
Move by SL 16, 2nd by SL 8 Carried by majority vote
14. Motion to Terminate the meeting at 8:35pm
Motion by SL 7, 2nd SL19 Carried by majority vote