



Electronic Attendance at a Strata Corporation General Meeting

Ministerial Order No. M114
ELECTRONIC ATTENDANCE AT STRATA PROPERTY
MEETINGS (COVID-19) ORDER

Application

1 *This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the Emergency Program Act expires or is cancelled.*

Electronic attendance at strata property meetings

- 2 (1) *In this section,*
“strata property enactment” means
(a) the Strata Property Act, or
(b) any regulation made under the Strata Property Act, including, without limitation, a bylaw of a strata corporation;
“strata property meeting” means a meeting authorized or otherwise provided for under a strata property enactment, including, without limitation, an annual or special general meeting.
- (2) *Despite anything in a strata property enactment, a strata corporation may provide for attendance, or voting in person or by proxy, at a strata property meeting by telephone or any other electronic method, if the method permits all persons participating in the meeting to communicate with each other during the meeting.*
- (3) *A person who participates in, or attends or votes at, a strata property meeting in a manner contemplated by subsection (2) is deemed, for the purposes of the strata property enactment referred to in the definition of “strata property meeting”, to be present in person at the meeting.*

To lawfully facilitate and conduct a general meeting by an electronic method, which requires every eligible voter to be able to communicate with each other, your strata council and manager will still be required to meet the technical requirements of notice, registration, proxy certification and a voting method that meets the requirements of the *Strata Property Act* and the Bylaws of your strata corporation. In advance of your notice and annual or special general meeting, it is recommended you understand the methods that you will be applying.

An electronic information session that enables owners to ask questions will provide you with advance notice of technical requirements that may arise during your meeting. An option for owners to submit a restricted proxy on the resolutions, may ensure that owners' voting rights are facilitated to accommodate those owners who are unable to attend the meeting by electronic method.

Always review your bylaws in conjunction with convening meetings. For example, it may not be possible to permit secret ballots under all platforms for electronic voting. This limitation could be included in the notice materials.

(Please see page 2 for a helpful electronic meeting checklist)

Electronic Meeting Checklist: Before you conduct an Annual or Special General Meeting

To understand the challenges and management issues that may arise from electronic voting test run your planned meetings to determine if the platform or method selected complies with the *Strata Property Act*, Regulations, the bylaws of the strata corporation and logistically enables you to run the meeting.

Notice:

- All content including resolutions, agenda and reports are still required
- The notice period is still consistent: 14 days + 4 days notice + 2 days delivery and receipt
- Are you including a restricted proxy for owners who may not have electronic access?

Registration:

- How will each registrant be identified?
- Have you hosted a waiting room to qualify each eligible voter?
- Is each eligible voter provided with a reference code to identify their voting and participation?

Proxies:

- How will you certify the proxy and verify the proxy holder?
- Will you require advanced email copies of proxies?
- If owners have submitted restricted proxies will you retain copies?

Voting:

- Have you established how voting cards will replace electronic attendees?
- How will voting be conducted?
- Is there a method of recording the voting that will support each resolution?
- Have you reviewed your bylaws to determine what methods of voting are permitted?

Polling or calling the role:

- By show of hands (possible with some meeting platforms)
- By electronic transmission method
- By an email vote at the time the vote is taken permitting a window of time for the eligible voters to submit their votes to a designated email address
- By restricted proxy to enable the assigned proxy holder to exercise the votes?

Quorum:

- Have you identified how the quorum is reported and maintained in the event the electronic system being used fails?
- Do you have a method to approve/re-enter electronic participants that may lose their connection?
- Have you read your bylaws to determine if there are other conditions that apply to maintain or establishing a Quorum?

Chairperson:

- Remember: review your bylaws to determine who is or may be elected the chairperson of the meeting. This may include council members, the strata manager, or alternate party.
- A manager or employee is not permitted to represent proxies and therefore cannot act for restricted proxies if issued.

Recording of the meeting proceedings:

- Many platforms permit the recording of electronic meetings which may be valuable as evidence of procedures and decisions and provide a backup resource for the minutes.
- If you are recording the electronic meeting, insert an agenda item at the beginning of the meeting for the owners to consent to recording by majority vote before any other business is conducted.

Confidentiality:

- Not all platforms are secure or confidential. If your meeting requires a confidentiality agreement or contains privileged information, seek legal assistance on the proceedings before *you start the meeting.*