

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Owners need notice of meetings

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One of the most valuable tools the strata corporation has is an updated mailing and contact list for strata owners and tenants, so that general meetings can be held with the appropriate information packages distributed at the right time, and with the proper people in attendance. Two recent court decisions have shed some light on the value of our voting rights. In one case, owners receive advanced notice of the bylaws and resolutions (which must be passed by a 3/4 vote) and then, on the day the meeting, receive an amended notice package. An amended package, received this late, is not in compliance with the act. In this case the judge ordered that the bylaws which the strata council had tried to push through were void and of no effect, as the voting membership was not notified in time. In another case, a landlord renting out her property to a tenant in the strata did not receive the notice of meeting and resolutions at her home address that she had provided - only the tenant received the information. In this second case the court found that the resolution approving bylaws was void and of no effect. Had the landlord been present, she may have likely convinced the other owners to defeat the rental resolutions that had been passed at the meeting she missed. In strata issues, your vote count and the courts will back up your right to be present at the meetings, informed and on time.

Strata Law: The Act requires that the following items must be with the notice when convening general meetings:

- Agenda items to be discussed and voted on at the meeting.
- The wording of any 3/4 or unanimous resolutions to be discussed and voted on at the meeting.
- The location, date and time of the meeting.
- The tables of fees of any budgets or special levies being discussed or voted on at the meeting.
- In addition, if an owner has provided an address outside the strata plan for notice, such as a landlord, the strata corporation must provide notice to that person at the designated address.

Tips: The mailing and contact list should be kept updated. It should also indicate if there are other notice requirements such as names of people who have been named as proxy. The voting rights of owners at general meetings are a fundamental principle of strata legislation, and the rights of the owner's must be protected.

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