

# Condominium Home Owners' Association

*Serving BC's Strata Property Owners since 1976*

Bulletin: 300-267

## Condo Smarts

Headline: Council meetings

Topic: Council meetings

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**Dear Condo Smarts:** Our strata council in the Kimberly region, is having a serious dispute over the scheduling and conduct of meetings. We have 6 council members and 3 of us want a conference call every 2nd month to save time but the other 3 members refuse. The other problem we are having is our secretary has decided to write virtually every word said into our minutes. Now our owners are hostile towards council because we are disclosing information they want kept private. So how do we decide? Jason Parks, Kimberly

**Dear Jason:** Your strata council shares a common challenge with the thousands of others across the province. Dealing with what to record in minutes and what to report to the owners is a difficult decision. If you have not adopted any rules of order into your bylaws the answer is quite simple. The Act & Standard Bylaws only require that results of your motions are recorded. This is frequently the most overlooked part of the minutes. Councils love to air everyone's dirty laundry but forget about the decisions. Simply record what the motion was, you can include the mover and seconder, and then the voting result of the motion and whether it passed or failed. Most rules of order simply require that what is recorded is what was done, not what was said. If there is pertinent information for the owners you can also include that as

special notice information to bring owners attention to upcoming construction, security alerts, inspections, or other relevant information for your community. Now the tough part, what can you include and what is omitted? Basically personal information, unless you have the consent of the person to publish it, is omitted. This is where the application of the Personal Information Protection Act is enforced. It controls everything from how you collect personal information to how it is stored to how it is disclosed. Whether it's through financial transactions, bylaw enforcement, hearings, correspondence, and agreements, the Personal Information Protection Act applies to strata corporations. This also addresses strata meetings. One irreconcilable problem with a conference call, or on line strata meetings is your inability to maintain confidential information and respect privacy laws. You cannot prevent any of the parties from recording your meeting, including those parts that are confidential, or from other persons being present without your knowledge. Unless you have everyone's consent with the awareness of the privacy issues, don't do it. Even then you are still at risk. One last problem: Most bylaws permit observers or hearings. How do you plan to overcome this hurdle without violating your bylaws?

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