

# Condominium Home Owners' Association

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Bulletin: 300-340

## Condo Smarts

Headline: Adjourning General Meetings

Topic: Annual General Meeting

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**Dear Condo Smarts:** We think our strata council pulled a quick on us at the last annual general meeting. We voted on our proposed annual budget, and the budget was defeated. The strata council for the next year was elected, and then most owners, including us left the meeting while they counted the ballots for council elections. Once the new council was announced, an owner from Alberta suggested that the owners reconsider the budget, with some amendments, and vote on it again? Instead of voting on the budget, the owners decided to adjourn the meeting for seven days and vote on a new budget. The meeting was held last week and the new budget was passed, but now several owners who were on vacation are challenging the decision. They claim it was illegal for the council to adjourn the meeting. We've looked through the Act but can't find any definitive answer. JR Stansford, Kelowna

**Dear JR:** Legislation does not always provide you with a direct answer to a specific scenario. The Strata Property Act, Regulations and Standard Bylaws, only grant one possible provision for adjournment. In the event the strata does not obtain a quorum for a meeting, and does not have an alternate bylaw, the meeting would stand adjourned and reconvene at the same time and location seven days later, with exactly the same agenda. There is no provision in the legislation to adjourn a meeting to vote on new materials or a new agenda. The Act requires that matters to be voted on, including a proposed budget, must be included with the notice. The purpose of the legislation is to ensure that registered owners receive proper notice of all matters that the strata corporation is voting on at general meetings. Any such decisions could significantly impact the use, enjoyment, economics or the salability of a strata lot. The agenda on the Standard Bylaws does not

use the word adjourn, to end the meeting. The terminology is "terminate." Your bylaws also use "terminate," to end a meeting. If a new meeting needs to be convened, council must send out a new notice, in the prescribed time period, to the registered owners and Form C requisitions. A mortgage holder that has issued a Form C for notification could also challenge the lack of notice for the meeting. Also, if a resolution does not pass at the beginning of the meeting, there is no provision to reconsider that resolution later in the same meeting. In your situation several owners had already left the meeting, therefore, if the strata corporation had decided to proceed with the proposed amendment to reintroduce an agenda item it would have placed your strata corporation in a complicated situation. It would have created a situation where you had not given proper notice of the amended budget to all registered owners, plus, there was no provision on the agenda to reconsider the item after it had been defeated. Annual budgets can be amended by majority vote before they are voted on. Try to seek some consensus with the owners before you take the final vote on the budget. If the budget is not approved, the strata must within 30 days, prepare a new budget and place it before the owners at a special general meeting for consideration. A properly ratified 3/4 vote at a general meeting may permit a longer period. The one remaining issue that complicates adjournments, is the matter of proxies. Most proxies are date specific. If a meeting is adjourned, or a new meeting is required, those proxies are no longer valid, unless the date and time has been amended in writing by the owner of the strata lot issuing a proxy. Budgets, bylaws, and major decisions can all be jeopardized, by attempting to be creative with the legislation. Stick with the proper procedures, and save yourself from future disputes.

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