

**Condo Smarts**

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**Dear Condo Smarts:** We are looking to buy a condo on Vancouver Island and find ourselves at a crossroads of information. Our agent told us we really only need two years worth of minutes, but our lawyer suggested we obtain at least five years if the property is old enough. This is where the confusion begins. Just because we obtain the minutes doesn't mean that what we are really looking for is actually published in the minutes. We looked at a property in Nanaimo two weeks ago that was built in 1992. The owner insisted it was a great building with no problems, the minutes gave the impression that everything was running normal and nothing on the horizon. We casually spoke to an owner in the lobby who thought it was great we were buying in and hoped we would be able to sit on council and help them with the major repairs coming up. We started asking the seller some pointed questions to discover the building has had an engineering report since 2004 to address major defects in the structures of the balconies. If you could shed some light on the purpose of strata minutes and the what owners should expect to see in their minutes it would be very helpful.

**Dear Condo Owner:** Minutes of strata corporations document the historic record of the decisions, reports and general information presented at council meetings, committee meetings and at annual and special general meetings. Every strata corporation relies on the skills of their recording secretary to document the proceedings and disseminate the necessary information. The role of the recording secretary, whether it is served by a council member, volunteer, or the strata manager, is

often undervalued, and yet, one of the most critical functions within a strata corporation. The minutes are also intended as a tool to inform the owner and tenants within a strata corporation of significant information that may be material to the ownership or tenancy within the strata. Accurate minutes will record the motions that are published in the notices of the meetings, motions that arise at the meetings, material information that arises at the meetings, and the results of the decisions of the council or corporation at the meetings. There are many occasions when other parties may rely on the minutes. The most obvious is buyers who review the minutes, looking for indications of liabilities or unresolved problems in the strata. Their interest is the disclosure of information. They may be reviewing the minutes to identify if the strata corporation has a history of chronic insurance claims or unresolved disputes, the status of building maintenance and funding, bylaw enforcement, transparent financial reporting, long term renewals planning, a reserve fund study and the overall financial health of a strata corporation. In the event of a court action over bylaw enforcement or order for sale proceedings for unpaid strata fees or special levies, the lawyer representing the strata corporation or the defendant, and the courts, may rely upon minutes to identify if a strata corporations has properly enforced bylaws, applied fines and have accounted for claims properly. So a strata corporation should not only consider the purpose of minutes, but also their critical application to defend the strata council and corporation.

If you apply the purpose of minutes from the various published rules of order, they imply

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that the minutes record what was done, not what was said. The minutes are intended to record the factual events that occurred or factual information or reports that were presented. In most strata corporations, the decisions of council are conducted by majority vote, and at general meetings either by majority vote, 3/4 vote or a unanimous vote. It is the motions, resolutions, and any amendments that are recorded in the minutes, along with the results of the vote. There may also be clearer definitions on minutes in a strata corporation's bylaws.

For example, consider the renewed insurance policy, where the deductible rates have increased from \$2,500 to \$10,000. How could any owner or tenant purchase appropriate insurance to cover their risks associated with that increase, if that information is not conveyed to the owners and tenants? Similarly when a strata corporation adopts a new budget at the AGM where the strata fees have changed, they must inform the owners of the changes of those fees within two weeks of the meeting. This can easily be accomplished by distributing the minutes of the AGM with the approved budget and changes to the owners, within 14 days of the meeting. Here are several guides on minutes available. For more information recording secretaries may want to refer to *Mina's Guide to Minute Taking*, published in BC. The publication is available through local book stores or by contacting the CHOA office.

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