

Condo Smarts

Headline: Electronic Attendance at General Meetings

Topic: Annual General Meetings

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Dear Tony: Our AGM notice has gone out and the meeting is scheduled for just over a week from now. We are a midsized strata with several families and grandparents. After canvassing owners we realize it is spring break so a few of our key families will be away, plus a few of the older owners are not available. We know that an owner can leave a proxy to vote on their behalf the night of the AGM however with today's technology can owners attend by electronic means – maybe Skype or Facetime? - *Dorothy May, Victoria*

Dear Dorothy: Electronic attendance at a general meeting is contemplated by *Strata Property Act* section 49 however before electronic attendance is permitted a bylaw is required. It should be noted that a bylaw permitting electronic attendance at an AGM or SGM is not part of the SPA Schedule of Standard Bylaws therefore this is a bylaw a strata corporation would have to specifically adopt. After checking the bylaws for your strata it does not appear as if your strata has ever adopted such a bylaw.

If a strata corporation is considering a bylaw permitting electronic attendance at a general meeting there are lots of issues to consider. The bylaw needs to address attendance versus voting rights. Being able to attend the meeting electronically does not necessary permit electronic voting. The bylaw will also need to outline various procedures, such as how an owner attending electronically will register. Also, what type of electronic attendance will be permitted? Skype where a person can be physically identified or teleconference where a voice is hopefully recognized. If the person attending electronically holds a proxy (or proxies) on behalf of another owner(s) how

does that person attending electronically sign-in with the proxies? How are the proxies certified? Another issue to consider is the actual proxy. Does the proxy specifically need to permit the proxy holder to attend electronically? What about secret ballots? Logistically it is difficult to reconcile how a strata corporation would conduct a secret ballot when people may attend the general meeting electronically. How is an electronic vote counted when a secret ballot has been requested? If the person attending via teleconference announces their vote it is obviously not a secret vote. There are obviously democratic concerns to be considered. What about privacy? There is always the potential of someone attending the general meeting electronically to record the proceedings. Please be aware all strata's in British Columbia must comply with our provincial privacy legislation, the *Personal Information and Protection Act (PIPA)*.

Obviously there are lots of issues to address. Due to the complexity of such a bylaw amendment the assistance of lawyer familiar with strata law is recommended.

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