

Condo Smarts

Headline: Serving Proper Notice

Topic: Notice

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Written by: Tony Gioventu

Dear Tony: Our strata council and property manager recently sent out only 14 days notice of our annual general meeting to the owners by email. The notice was only an email that said the notice of the meeting was now posted on the strata web site, and the date, time and location of the meeting. We called the manager who insisted that because the email consent to receive notice was sufficient, it was up to owners to go to the web site and download the information. Our strata made a conscious decision to reduce paper consumption last year, but that had nothing to do with notice. I am concerned we are going to be approving business at the AGM and owners will complain because they did not receive a notice package. Is this proper notice?

Mark D.

Dear Mark: The *Strata Property Act* provides several options for delivering notice, including the use of email if the email addresses provided by the owners were for the purpose of receiving notice. The notice of the meeting must include the agenda, date, time and location of the meeting, the items to be voted on at the meeting, and if this is the annual general meeting of the strata, the proposed budget and financial statements required by the regulations, and the exact wording of any 3 / 4 vote resolutions which could include bylaw amendments, special levies, significant changes to the use or appearance of common property and any petitioned items requested to be added to the agenda.

An email that simply refers to a posting of notice does not meet the minimum requirements of the Act, and if the strata was sending an email to all the owners regarding the notice of the meeting, why did not they not simply attach the notice package to the email? Your strata is not the only complaint that has been received

in the past month on this issue. I found an on line posting that suggests this is a good solution to issuing notice. Wrong. Always refer to the Act to determine official requirements of notice, hearings and response.

Another common error is changing the notice period when a strata has the consent of the owners to send an email for notice. The minimum notice period is 14 days, but we also have to add the 4 day period of notice for delivery if the notice has been left with an adult occupant, put under the door, mailed, put through the mail slot or in the mail box, faxed, or emailed. The Act stipulates that "at least" 14 days notice must be given, which under the *Interpretation Act* tells us the date of delivery and receipt are additions as well. So in total a notice for annual or special general meetings is 14 days, plus 4 days for notice and 2 days for issue and receipt totaling 20 days. Whether your strata sends out notice by mail, email, fax or hand deliveries always complete the distribution at least 20 days in advance to meet the minimum requirements.