

Strata Living

Headline: How much notice is required?

Topic: Notice

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Written by: Tony Gioventu

We are a small 16 unit self managed strata corporation in Kits. For the past 28 years, we have operated with an AGM in February and an owners' open general meeting in July, to address building maintenance issues. Most of our operations have been fairly informal, although we have maintained our property well and have built our reserve funds to \$400,000 for future repairs. We just held our AGM, and one of the owners protested the meeting because we did not give 14 days notice. Our bylaws require us to provide 7 days written notice of general meetings, so we're not sure where we have failed to comply with the legislation. We understood that a strata corporation can adopt bylaws that are for their governance and management.

Sophia M.

Dear Sophia: The strata corporation is permitted to adopt bylaws for maintenance and operations, governance, and use and enjoyment of strata lots, common property and the meetings of the corporation; however, there are specific requirements of the legislation that can only be altered by bylaw, if that section of the legislation specifically permits a bylaw. Notice requirements are not one of those provisions. I suspect you have a bylaw that predates the Strata Property Act, and no longer complies with the legislation. Notice for Annual or Special General Meeting is as follows: the notice requirement is 14 days of

clear notice. Add to that the delivery time of 4 days required if you leave it in a mail box, mail it, fax it, or email to the provided addresses. Then under the Interpretation Act add the date of notice and receipt for the process to complete and you have a total of 20 days for notice. Don't forget that if your strata corporation is voting on bylaw amendments, special levies, contingency allocations for expenses, or any other item that requires a three quarters vote (3/4), that the exact wording of the resolution must be included with the notice. For example, a bylaw amendment would include both the proposed bylaw wording and the resolution which determines the decision of the strata regarding the amendments.

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