

Strata Living

Headline: Notice Periods for Meetings

Topic: Notice

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Dear Tony: We are a self managed strata of a 48 unit apartment style building. Every year when we issue notice of our Annual General Meeting, one of our council members goes door to door and leaves the notice with each unit 14 days before the AGM. In May, at our AGM, one of the new owners advised that the meeting was not valid because we had not issued proper notice, and we simply cannot leave the notice at the door of the unit. Could you please indicate for us what the minimal standards required for issuing notice and how the legislation is interpreted? Someone told us 18 days notice, a web site said it is 20 days notice, and another site said we could use 14 days notice provided the owners all received the package on the same day.

Charles B. Vancouver

Dear Charles: It is first important to understand that there are two types of notice in the Strata Property Act. If you look closely, you will see that issuing notice of general meetings requires "at least 2 weeks written notice". The other example where there is simply a requirement to "inform" the owners of, for example, a change in strata fees resulting from approval of a new annual budget. The implication of "at least 2 week's notice" is what we have to contemplate when issuing notices of general meetings. Under the Interpretation Act, the

term implies that the date of delivery and receipt are not included in the notice period. Also, notice is deemed to be received 4 days after any of the following deliveries were considered: leaving it with an adult person at the strata lot, mailing it to the strata lot, putting it through the mail slot or mail box used by the person for receiving mail, mailing it to the address provided outside of the strata corporation, faxing it to a location provided by the person, or by emailing it to an email address provided by the person for the purpose of receiving notice, record or document at that email address. Unless your strata corporation is a small number of units and you can guarantee that you will reach every strata lot owner on the shortest delivery time possible, 16 days, it is best to err on the side of caution. Add up the dates: 14 days notice + 4 days for delivery + 2 days transit = 20 days of clear notice.

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