

Strata Living

Headline: Owners challenge AGM

Topic: AGM/SGM; notice

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Dear Tony: Our strata was challenged at our annual meeting a few weeks ago because two owners claimed we had not given proper notice of the meeting. We have 16 strata lots and all 12 owners were at the meeting, so obviously they received the notice. We approved the annual budget with no increases and adopted a bylaw that allocates parking spaces. We have spoken to the 4 owners absent and they agreed with everything that was done. The two owners are demanding that we issue new notice for the meeting because we only gave 7 days notice, which is set out in our bylaws. Considering everyone agreed with the budget and the bylaws, do we have to hold this meeting again?

Gerry Bouchard

Dear Gerry: Your bylaws cannot amend the *Strata Property Act* unless the act specifically permits, which is not permitted in the matter of notice. Your strata still has bylaws you adopted from the Condominium Act, which should be updated. The requirements for notice of a general meeting are "at least 14 days". The condition "at least" requires that the delivery of notice adds 4 days for mail, hand delivery by leaving it under the door, through the mail slot, faxing, emailing, or by leaving it with an adult occupant of the strata lot. The delivery condition also requires that the date of delivery and receipt are added under the Interpretation Act. In total if the strata allows 20 days for the notice, you will meet the requirements of the Act. If all of the owners have consented to the meeting being held, and the notice and resolutions,

the strata council may consider whether or not a reconvened meeting is required; however, it does not prevent a party from challenging the proceedings.

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