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## Strata Living

Headline: Is it notice or notify?

Topics: Minutes, Notice

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Written by: Tony Gioventu

**Dear Tony:** Our strata council is a bit confused over the requirements of the Act. Owners are complaining because we have not given them notice of the minutes of the Annual general Meeting in July, but we have posted them on our bulletin board and made them available to anyone who has requested. We have a retired lawyer in our building who insists that we must send a copy of the minutes to every owner within 14 days of the meeting.

*Martin D. White Rock*

**Dear Martin:** There are two types of notice in the *Strata Property Act*. The most commonly understood is the formal "notice" requirement that is issued for general meetings. When a strata corporation calls an annual or special general meeting, the Act imposes a mandatory notice period of 14 days for the meeting, plus the notice period of 4 days for delivery. In addition, we also add the date of issue and the date of receipt under the *Interpretation Act*, so for formal notice of general meetings or any other formal notice requirement under the Act or Regulations, it is 20 days. The Act also sets out specific methods of delivery such as mail, hand delivery, fax or leaving it with an adult person, or sent to an email address provided by that person for the purpose of receiving notice. The Act also clearly defines what information must be included in the notice package depending on the type of meeting that is being called.

The other form of notice, which is less formal, is where the strata corporation has an obligation to "notify or inform" the owners of specific information or an event that has occurred. Unless your bylaws set different conditions to notify the owners, the Act and Standard

Bylaws set out the provisions. To notify or inform owners implies that the information is available and has been posted somewhere accessible. It could be leaving the document in an area designated by the strata for the distribution of such information, such as the community mail room, posted on a community bulletin board, or the elevator sign chart. The minutes of meetings, calling council meetings, notice of change in approved budgets and strata fees, emergency expenses, bylaw amendments, new rules and when the strata has been sued are all reasons why the strata is obliged to inform the owners.

Posting of information on a web site provided by the strata corporation or strata manager is also an option; however, that is not a provision of the Act. If your strata is considering using your web site as a community posting site, adopt bylaws that permit the use of a web site for the specific purpose of posting information to inform owners and tenants of information and events, and clearly identify the purpose in the web site.