

CONDO LAW FOR ALBERTANS

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Condominium Meetings

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Condominiums have four key meetings – the meeting to elect the first board, regular board meetings, the Annual General Meeting (AGM), and any special general meetings. Every condo corporation has a set of bylaws that set where, when, and how these meetings take place.

	Meeting to elect first board	Annual General Meeting (AGM)	Special General Meetings	Board Meetings
What is it?	A meeting (also known as a turnover meeting) held by the developer to elect the first board. If the developer does not hold the meeting, then an owner can convene it.	An annual meeting for all owners to come together to discuss major decisions affecting the condominium corporation and to elect the next board.	Meetings outside of an AGM where owners or the board discuss important issues regarding the condominium corporation.	Meetings where board members come together to discuss issues about the day-to-day management of the corporation.
How often are they held?	It must be held within 90 days from the day the certificates of title to units (representing 50% of total unit factors) have been issued.	The first AGM is held within 12 months of the condo plan registration. Subsequent AGMs are held once every year, within 15 months of the previous one.	As needed by the condo board and unit owners.	Regular meetings are best practice. Board members and/or the condo's bylaws determine how often a board meets.

	Meeting to elect first board	Annual General Meeting (AGM)	Special General Meetings	Board Meetings
How are they called?	Check your condo bylaws, there may be more information on how these meetings are called.	Condo board must give at least 14 day written notice before the AGM to owners and mortgagees.	Condo board must give at least 14 day written notice before the meeting to owners OR owners with units representing at least 15% of total unit factors provide a written request to hold the meeting	Check your condo bylaws as they outline the procedure for how and when they can be called

How many people must be present for a meeting to proceed?

Check your condo bylaws. They specify what is needed for a quorum. A quorum is the minimum number of people required to be present at a meeting so that the decisions made at the meeting are valid.

How are resolutions passed?

Check your condo bylaws. Typically bylaws will require that resolutions are passed by **ordinary** or **special resolution**.

To pass an **ordinary resolution**, the condo corporation requires a majority vote or a resolution signed by owners representing more than 50% of the total unit factors.

To pass a **special resolution**, the condo corporation requires support of at least 75% of unit owners who represent at least 75% of total unit factors.

Check your condo bylaws. Typically bylaws will require that resolutions are passed by majority vote.

	Meeting to elect first board	Annual General Meeting (AGM)	Special General Meetings	Board Meetings
What is the order of business?	Check your condo bylaws.	Check your condo bylaws. The suggested order of business at an AGM and special general meetings is as follows: <ul style="list-style-type: none"> • Call to order by the chair • Calling of the roll and certifying of proxies • Proof of notice of meeting • Reading and disposal of any unapproved minutes • Vote on agenda items • Reports of officers • Reports of committees • Election of board members • Unfinished business • New business • Adjournment 		Usually determined by the board

What are the rules of conduct?	Meetings are conducted according to the rules of conduct adopted by the board. Otherwise, you may wish to consult with the Robert's Rules of Order.
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TIP

When owners (with units representing at least 15% of the total unit factors) make a request in writing to hold a special general meeting, the board must comply with the request by holding the meeting within 30 days. The board must also give written notice to each owner at least 14 days before the meeting. If the board does not hold the meeting within the 30 day time period, the owners may convene the meeting.

MEETING FAQs

What information must the condo corporation provide to owners before an AGM?

When giving written notice of the AGM (at least 14 days before the AGM), the condo corporation must provide copies of the following documents to owners:

- Financial statements for the prior fiscal year, prepared according to generally accepted accounting principles
- Annual report on the reserve fund
- Annual budget for the fiscal year immediately following the previous fiscal year



TIP

Check your condominium's bylaws for further information about notice of an AGM. Some bylaws may require preliminary notice of an AGM.

What information must the condo corporation provide to owners after an AGM?

Within 60 days after an AGM, the condominium corporation must provide an owner or mortgagee with approved minutes (or draft minutes if no minutes have been approved). The approved minutes or draft minutes must include records of the votes held at the AGM, recording the following information:

- if an ordinary resolution was proposed, the results of the vote
- if a special resolution was proposed:
 - the number of people who voted in favour of the resolution and number of unit factors represented by them
 - the number of people who did not vote in favour of the resolution and number of unit factors represented by them
- for an election of board members determined by a vote, the number of votes in favour of each candidate

Can meetings be held electronically?

Yes, condominium corporations can hold meetings and votes electronically (also known as virtual meetings) unless the bylaws say otherwise. This includes electronic or telephone conferencing, as well as computer network or internet-based communication platforms.



Where can meetings be held?

Meetings not held by electronic means must be held in the municipality in which the units are located unless an ordinary resolution says otherwise.

Who can vote in a meeting?

All condominium owners have a right and responsibility to vote. Voting rights are based on the owner's unit factor. Where there is more than one unit owner, the condo's bylaws clarify who has the right to vote. If an owner's unit is mortgaged, the mortgagee (money lender) has first priority to vote if written notice is given to the condominium corporation and the mortgagee is present for the vote. Anyone eligible to vote can do so in person or by proxy.



TIP

If an owner owes money to the corporation (for example, contributions or fees) for 30 days or more before a vote, the owner loses their right to vote.

What is a quorum?

A quorum is the minimum number of people required to be present at a meeting so that the decisions made at the meeting are valid. The number of persons needed to make a quorum should be in the bylaws. Some bylaws will even outline what will happen if there are not enough people to form a quorum at a meeting. You should check your registered bylaws for further guidance on quorum.

What is a proxy?

Owners or mortgagees can give a proxy to any individual, which is a written authorization that the individual can vote on their behalf. A proxy must be in an electronic (for example, e-mail or fax) or hard copy format, containing information such as:

- The owner's name and unit number or mortgagee
- The individual's name to whom the proxy is given
- The date the proxy is given
- The signature of the owner or mortgagee giving the proxy

A proxy can be restricted by the person who gave the proxy and the corporation's bylaws and rules. For example, a corporation may adopt rules about their use, including proxy presentation procedures, verification and registration.

When are proxies invalid?

There are also situations where a proxy is invalid, for example, if it is given to:

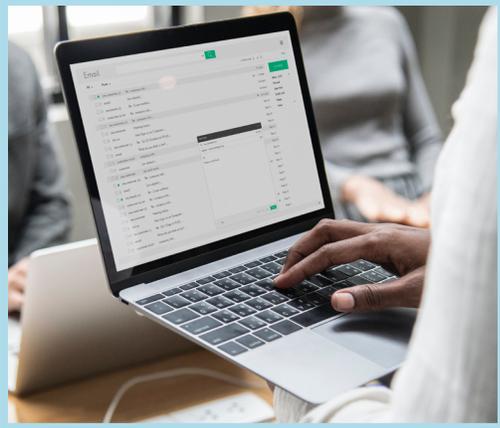
- A minor
- A person other than an individual
- A manager or employee of the condominium corporation (unless the proxy was given only for forming a meeting quorum)
- A manager or employee of the condominium corporation's management company (unless the proxy was given only for forming a meeting quorum)

Owners may also revoke their proxies. When an owner gives two or more proxies, only the most recent proxy is valid.

When do proxies expire?

There are also certain rules about proxy expiration. For example, a proxy expires on the earliest of:

- The expiry date set out in the proxy
- Six months from when the proxy was given and
- When the person giving the proxy is no longer an owner or mortgagee of the unit in which the proxy was given



What are the different ways of voting?

The two most common voting methods for owners are **show of hands** or **poll**. A show of hands is the most common voting method. Each owner who is entitled to vote has one vote. Poll voting is a form of voting directed by the chair of the meeting. With poll voting, the number of votes that each owner has will correspond to their unit factors. The condominium bylaws may outline other voting methods.

Votes can be given personally or by proxy at a general meeting. To vote by proxy, you will need to get someone to vote on your behalf and provide a written authorization that the person is your proxy.



TIP

In case of a tie vote, the corporation's bylaws should specify how to break the tie. Often, the chair of the meeting (usually the President of the corporation) can cast a vote to break the tie.

Is the board required to keep records of votes?

Yes, the board must keep results of votes on ordinary or special resolutions three years after the vote. The board must also keep original votes cast in an ordinary or special resolution 12 months after the vote.

What is the difference between an ordinary resolution and special resolution?

There are two kinds of resolutions that owners (and mortgagees) will vote on at meetings. An **ordinary resolution** is usually related to the day-to-day operations of the condominium. To pass an ordinary resolution, the condo corporation requires a majority vote or a resolution signed by a majority of people (who are entitled to vote) representing more than 50% of the total unit factors.

A **special resolution** is needed make a change that will substantially impact all owners, such as the addition, revision, or removal of a bylaw. To pass a special resolution, the condo corporation requires the support of at least 75% of people (who are entitled to vote) representing at least 75% of total unit factors.

Different matters have different resolution requirements. The table contains examples of ordinary resolutions and special resolutions.

Matters requiring an Ordinary Resolution

- Change venue of board and all general meetings (resolution must be passed at a general meeting)
- Restrict or direct the powers and duties of the corporation (resolution must be passed at a general meeting)
- Change the corporation's address for service
- Remove a board member before the member's term of office expires

Matters requiring a Special Resolution

- Change a bylaw
- Acquire or dispose of an interest in real property
- Remove funds from a reserve fund for making capital improvements
- Transfer or lease common property
- Accept on behalf of owners a grant of easement or restrictive covenant benefiting the parcel
- Execute on behalf of owners a grant of easement or restrictive covenant burdening the parcel
- Terminate the condominium status of the building/parcel
- Sell the condominium property or any part of it when the condo status or parcel is being terminated
- Merge land
- Change the condominium plan
- Allow the condo corporation to carry out the functions of a reserve fund study provider (only for condo plans containing less than 12 units)



CAUTION

A condominium corporation may have different bylaws which guide voting and resolution processes for different matters – always check your bylaws to ensure that you are working with the correct information.

Meetings

This booklet was produced for the Condo Law for Albertans project by the Centre for Public Legal Education Alberta. For further information about condominium law in Alberta, visit www.CondoLawAlberta.ca.

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