

CONDO LAW FOR ALBERTANS

www.condolawalberta.ca



Meetings

You should **NOT** rely on this booklet for legal advice. It provides general information on **Alberta law only**. © 2020

The contents of this booklet are provided as general information only. It is not legal advice. If you have a legal problem, you should consult a lawyer.

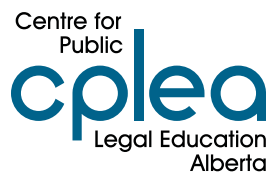
The information contained in this booklet was correct at the time it was produced. Be aware that there may have been subsequent changes which make the information outdated at the time you are reading it. Legal Resource Centre of Alberta will not be responsible for any loss arising from reliance on or action taken (or not taken) as a result of this information.

This project was made possible through a grant from Alberta Real Estate Foundation.



© 2020 Legal Resource Centre of Alberta Ltd., Edmonton, Alberta

The Legal Resource Centre of Alberta, operating as the Centre for Public Legal Education Alberta, is a non-profit organization whose mission is to help people understand the law as it affects their everyday lives. We develop plain language booklets, presentations and other learning materials to help people recognize and respond to their legal rights and responsibilities. We have a variety of programs, and provide legal information and referral on many legal topics. For more information, please go to www.cplea.ca.



#800, 10050-112 Street
Edmonton, Alberta T5K 2J1

Phone 780.451.8764
Fax 780.451.2341
Email info@cplea.ca
Web www.cplea.ca



www.CondoLawAlberta.ca



**CONDO LAW
FOR ALBERTANS**

www.condolawalberta.ca



Condominiums have four key meetings – meeting to elect first board, board meetings, Annual General Meeting (AGM), and special general meetings. Every condo corporation has a set of bylaws that inform 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 elect the next board.	Meetings outside of an AGM where owners or the board may want to 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?	Held within 90 days from the day the certificates of title to units (representing 50% of total unit factors) have been issued.	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.			



TIP

When owners (with units representing at least 15% of 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 in accordance with 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

Where can board meetings and general meetings be held?

Board and general meetings must be held in the municipality in which the units are located unless an ordinary resolution says otherwise.

Can board members participate in a board meeting electronically?

Board members can participate in a board meeting electronically, as long as board members and meeting attendees can hear each other. Board members are considered to be present at a meeting if they participate in a board meeting electronically.

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

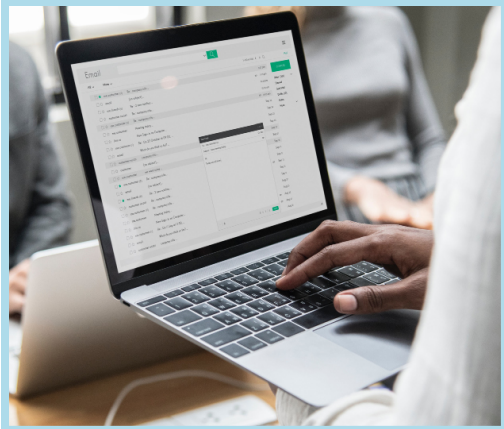
What is a quorum?

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.

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 3 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 to 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 the 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 the 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 – you should 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.

Special thanks to the Alberta Real Estate Foundation for making this project possible.



#800, 10050-112 Street
Edmonton, Alberta T5K 2J1

Phone 780.451.8764
Fax 780.451.2341
Email info@cplea.ca
Web www.cplea.ca



You should **NOT** rely on this booklet for legal advice. It provides general information on **Alberta law only**.
© 2020