



Best Practices for Strata Minutes



What will we cover today?

- ✓ What does the *Strata Property Act* require?
- ✓ What goes into the minutes – and what doesn't?
- ✓ What about privacy legislation?
- ✓ Examples of good and bad minutes
- ✓ Has the CRT addressed minutes?
- ✓ Additional resources

What does the *Strata Property Act* require?

35 (1) The strata corporation must prepare all of the following records:

(a) minutes of annual and special general meetings and council meetings, including the results of any votes;

What do the bylaws say about minutes?

From the Standard Bylaws:

Voting at council meetings

18 (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

What do the bylaws say about minutes?

Council to inform owners of minutes

19 The council must inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

What do the bylaws say about minutes?

From the standard bylaws:

27 Voting at an annual or special general meeting

(4)The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.

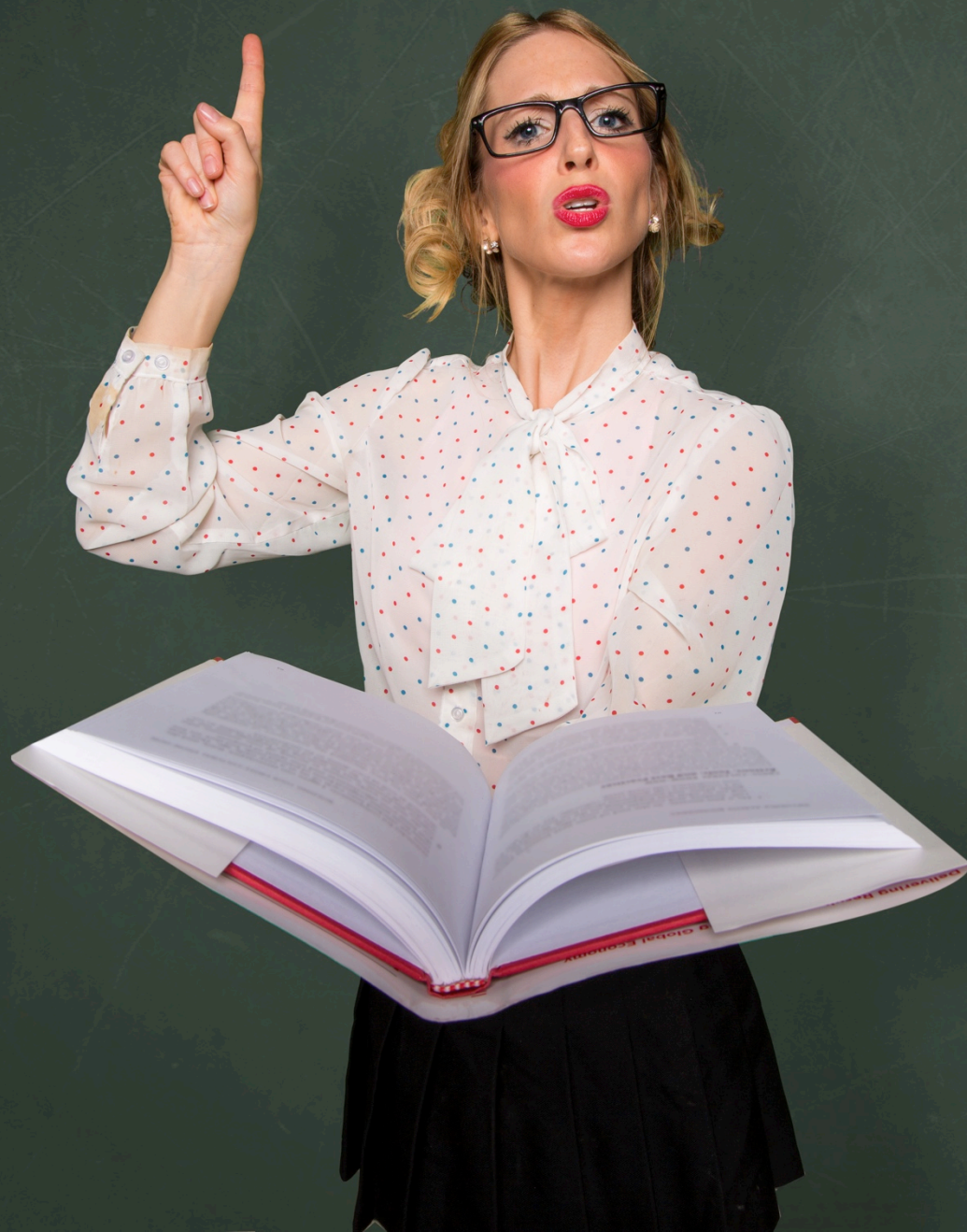
What do the bylaws say about minutes?

Order of business

28 The order of business at annual and special general meetings is as follows:

(f) approve minutes from the last annual or special general meeting

What do *your* bylaws say?



KNOW
THE

BYLAWS

What do *your* bylaws say?

Anything?

Most stratas have not added any bylaws about minutes but if yours has, you must follow it.

What goes in the minutes?

What doesn't?

How much info is “private”?

What does the privacy legislation say?

Compliance Department



“I’ll be honest ... there are books by James Joyce that are easier to follow than these bad boys.”

Q: What personal information can a strata corporation collect at strata council meetings and include in the minutes?

A: PIPA does not prescribe what personal information should or should not be included in a strata corporation's minutes. Strata councils should ensure that only the minimal amount of personal information required to provide an accurate and objective account of its decisions is recorded in the meeting minutes.

From the OIPC Guidelines for Strata Corporations:

If a strata council member or a guest attends a strata council meeting, they have provided implied consent to have their name recorded in the strata council minutes.

Similarly, the names of any authorized people in attendance at the meeting, such as the strata manager, can be noted in the minutes. The name, strata lot number and/or unit number of each strata council member, who is not attending the meeting, should also be recorded.

From the OIPC Guidelines for Strata Corporations:

Section 18(3) of the Standard Bylaws states that “the results of all votes at a council meeting must be recorded in the council meeting minutes.”

Minutes of strata council meetings should record all decisions made by the strata council, but need not include the exact discussions leading up to any votes. It is important that the strata council minutes clearly document how resolutions are amended and what the outcome of any votes were.

Examples of good and bad minutes:

TOO LITTLE ?

Attending the Meeting:
Sue, Bob, Fred, John, Mary, Cathy

Also Wes and Morey.

TOO MUCH ?

Attending the Meeting:

President Sue Smith, Vice President Bob Jones, Treasurer Fred Schmed, Secretary John Vaughn. Jane couldn't make it due to her daughter's piano recital, and Wes was late because of car trouble. Mary Contrary was there too. Cathy Smart came to watch, because she thinks the council isn't reading her letters, and of course Morey the Manager was there.

JUST RIGHT !

COUNCIL IN ATTENDANCE:

Council President Sue Smith Unit 101,
Vice President Bob Jones Unit 202,
Treasurer Fred Schmed Unit 303,
Secretary John Vaughn Unit 404,
Council Member Mary Contrary Unit 505.

ABSENT: Jane Mane, Wes Careless

OTHERS IN ATTENDANCE:

Morey Manager, Property Manager
Cathy Smart, Unit 606

TOO LITTLE ?

Minutes were read.

TOO MUCH ?

John apologized for not getting copies of the minutes out to everyone, so he read them to us.
Thanks, John.

JUST RIGHT !

Motion: to approve the minutes of the May 22, 2008 Council Meeting, as circulated.
Moved by John, Seconded by Bob. Motion carried.

TOO LITTLE ?

Two letters were discussed, and decisions made

TOO MUCH ?

LETTERS:

a unit asked permission for a barbeque party. Fred said they have had too many parties; Cathy said she was invited to the last one and it was fun. Sue reminded Cathy that she is an observer only, and can't talk to the council. Bob reminded everyone that other people have had similar parties and there is no reason to refuse this request. Ok'd.

JUST RIGHT !

CORRESPONDENCE:

1: Unit 105 wrote requesting permission to have a family barbeque in the back yard of the complex, with 20 guests. After discussion, approval was moved, seconded and carried . Secretary to draft a response giving permission and reminding Unit 105 of the bylaws regarding conduct of guests.

TOO LITTLE ?

Two letters were discussed, and decisions made

TOO MUCH ?

LETTERS:

-John remembered a letter about parking, but he forgot to make copies for everyone, so he was going to go to his suite to get the letter. Cathy asked for permission to address the council and produced the original, and then read it to us. It turns out that visitors aren't aware of our "no idling" sign, because the cedar hedge needs trimming. Morey should trim the hedge.

JUST RIGHT !

CORRESPONDENCE:

2: Unit 205 wrote with a complaint about noise in visitors parking area. After discussion, Council directs Morey Manager to trim the hedges to ensure that the “no idling” signs are visible in the Visitor Parking Area, and to monitor the use of the Visitor Parking stalls. Secretary will write a response to Unit 205, to thank her for bringing this to council’s attention

Do you reply to all correspondence?

This is an actual strata's minutes:

- 7) Correspondence - letters will be sent.
 - a) # - question re. gardens
 - b) # - bathroom renovation - approved
 - c) # - Concerns
 - d) # - TV/Cable Access
 - e) # - Bathroom renovation - approved

Other best practices:

What about AGM minutes?

Remember - this is all the *SPA* says about AGM/SGM minutes:

35 (1)The strata corporation must prepare all of the following records:

(a)minutes of annual and special general meetings and council meetings, including the results of any votes;

Remember the Standard Bylaws say:

27 Voting at an annual or special general meeting

(4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.

Order of business

28 The order of business at annual and special general meetings is as follows:

(f) approve minutes from the last annual or special general meeting

From the OIPC Guidelines for Strata Corporations:

A person attending an annual general meeting (AGM) or a special general meeting (SGM) has provided implied consent to have their name, strata lot number and/or unit number recorded in the minutes.

From the OIPC Guidelines for Strata Corporations:

If parties are only identified by strata lot number or unit number, an owner will still be able to identify which owner attended a meeting by comparing the strata lot number or unit number listed in the minutes with the list of owners that each owner is entitled to request pursuant to s. 35(1)(c)(i) of SPA.

From the OIPC Guidelines for Strata Corporations:

If the strata corporation uses sign-in sheets for attendance records and if those records are kept by the strata corporation, they may be disclosed pursuant to s. 36 of SPA.

From the OIPC Guidelines for Strata Corporations:

Strata councils should ensure that only the minimal amount of personal information required to provide an accurate and objective account of its decisions is recorded in the meeting minutes.

TRIBUNAL

Has the CRT addressed minutes?

Yes – many times. Search CRT Strata Decisions for the word “minutes” and you will see numerous results.

Next, some you may find interesting.

**Rapp v. The Owners, Strata Plan EPS 1130 -
2020 BCCRT 499 - 2020-05-07**

The owner said the minutes were wrong.

**Starr v. The Owners, Strata Plan EPS 59 -
2019 BCCRT 778 - 2019-06-26**

The owner claims the strata council is making decisions via email and not recording its decisions in strata council meeting minutes

Schuler v. The Owners, Strata Plan BCS 4064 - 2018 BCCRT 175 - 2018-05-08

The owner says that the strata failed to provided council minutes to all owners within 2 weeks, if at all, and asks the tribunal to order that the strata permit owners the option to receive minutes other than by email.

Other resources:

- ✓ www.visoa.bc.ca
- ✓ www.gov.bc.ca/strata
- ✓ www.stratapress.com
- ✓ www.stratacommons.ca



Thank you for attending today's webinar.

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