



# Preparing for Your Strata AGM

Presented by Vancouver Island Strata Owners Association



# What will we cover today?

- When must the meeting be held?
- The Notice Package
- What's on the agenda
- How to prepare
- How to write resolutions
- How much notice is required



# What does the *Strata Property Act* say?

- SPA40 (1) The strata corporation must hold annual general meetings except as provided under section 41.
- (2) An annual general meeting must be held no later than 2 months after the strata corporation's fiscal year end.

# COVID-19 and Strata AGMs:

- Effective May 29, 2020, strata corporations have an *additional two months* to hold a general meeting in a provincial or local state of emergency.
- Effective April 15, 2020, all strata corporations can now hold electronic AGMs and SGMs during a state of emergency, even if they have no enabling bylaw.
- Learn more at <https://www2.gov.bc.ca/gov/content/housing-tenancy/strata-housing/covid-19-and-strata-housing>

# What the notice package must contain

SPA46

(1) Subject to subsection (2), the council determines the agenda of an annual or special general meeting.

(2) Persons holding at least 20% of the strata corporation's votes may, by written demand, propose a resolution or raise a matter specified in the demand.

# What the notice package must contain

SPA46

- (3) A resolution or matter raised under subsection (2) must be included
  - (a) in the notice given under section 45 (3) about the next annual or special general meeting of the strata corporation, and
  - (b) on the agenda of that meeting.

# What the notice package must contain

SPA45

(3) The notice of the annual or special general meeting must include a description of the matters that will be voted on at the meeting, including the proposed wording of any resolution requiring a 3/4 vote, 80% vote or unanimous vote.



# What the notice package must contain

SPA45

(4) If the meeting is an annual general meeting, the notice must include the budget and financial statement referred to in section 103.



# What's on the agenda?

The order of business at annual and special general meetings is as outlined in Standard Bylaw 28, or your own strata's equivalent bylaw.

# What's on the agenda?

SB28

- (a) certify proxies and corporate representatives and issue voting cards;
- (b) determine that there is a quorum;
- (c) elect a person to chair the meeting, if necessary;
- (d) present to the meeting proof of notice of meeting or waiver of notice;

# What's on the agenda?

SB 28:

(e) approve the agenda;

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

(g) deal with unfinished business;

(h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;

# What's on the agenda?

SB 28:

(i) ratify any new rules made by the strata corporation under section 125 of the Act;

(j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

(k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;



# What's on the agenda?

SB 28:

(l) deal with new business, including any matters about which notice has been given under section 45 of the Act;

(m) elect a council, if the meeting is an annual general meeting;

n) terminate the meeting.

Do you need to know all that stuff?



# Do you need to know all that stuff?

**NO**

Most AGM details are guided by easily-found sections in the SPA or in the bylaws

- Know that they are there and how to find them
- Look them up
- Refer to them when planning and holding your AGM

# Is an AGM really necessary?

SPA41

(1) The strata corporation does not have to hold an annual general meeting if, before the last date by which the meeting must be held, all eligible voters waive, in writing, the holding of the meeting and consent, in writing, to resolutions that

(a) approve the budget for the coming fiscal year, (b) elect a council by acclamation, and (c) deal with any other business.

(2) If 2 or more persons share one vote with respect to a strata lot, all of them must consent to the waiver of the meeting and to the resolutions under subsection (1).

# Council: how to prepare

- Choose a date – must be within 2 months of fiscal year end.
- Start with your bylaw for order of business - that generally forms the Agenda.





# FINANCIAL REPORT

Average Rainfall		
	AVG. RAIN/FALL (IN)	AVG. TEMPERATURE (°F)
Jan	3.01	58
Feb	3.22	62
Mar	2.54	66
Apr	1.18	69
May	0.51	74
Jun	0.10	79
Jul	0.02	82
Aug	0.02	82
Sep	0.18	80
Oct	0.80	74
Nov	1.68	64
Dec	2.61	58

2-Axis Chart



MONET REPORT

# Council: how to prepare

- Begin next year's budget planning about month 10 of your fiscal year; and finalize it after final figures are known.
- Get quotes for planned capital projects
- Write drafts of motions (more about that later)

# Council: how to prepare

- Solicit input from owners
- Identify potential council members

# What about an information meeting?

- No prescribed notice period for information meetings – but be inclusive
- It's great way to get information out, and get many questions answered before the AGM.
- No binding votes can be taken
- Council might decide to amend a planned action, based on owners' input at an information meeting



# How to write resolutions

- Do you need the strata's lawyer to write them?
- Can you copy wording from previous years or from another strata?
- Can your management company write the resolutions?
- When do you need the strata's lawyer to write them?





# Resolution for a special levy

- SPA108 (3) The resolution to approve a special levy must set out all of the following:
  - (a) the purpose of the levy;
  - (b) the total amount of the levy;
  - (c) the method used to determine each strata lot's share of the levy;
  - (d) the amount of each strata lot's share of the levy;
  - (e) the date by which the levy is to be paid or, if the levy is payable in instalments, the dates by which the instalments are to be paid.

# Resolution for a special levy

SPA108

(4.1) A strata corporation may, by bylaw or by a resolution approving a special levy, establish a rate of interest, not to exceed the rate set out in the regulations, to be paid if an owner is late in paying his or her strata lot's share of the special levy.

# Bylaw amendment resolutions

SPA128

(1) Subject to section 197, amendments to bylaws must be approved at an annual or special general meeting,

(a) in the case of a strata plan composed entirely of residential strata lots, by a resolution passed by a 3/4 vote,

# Bylaw amendment resolutions

SPA128

- (1) (b) in the case of a strata plan composed entirely of nonresidential strata lots, by a resolution passed by a 3/4 vote or as otherwise provided in the bylaws, or  
  
(c) in the case of a strata plan composed of both residential and nonresidential strata lots, by both a resolution passed by a 3/4 vote of the residential strata lots and a resolution passed by a 3/4 vote of the nonresidential strata lots, or as otherwise provided in the bylaws for the nonresidential strata lots.

**MEETING  
TONIGHT  
8:00**



# Giving Notice of the AGM

- SPA45 (1) ... the strata corporation must give at least 2 weeks' written notice of an annual or special general meeting



# Is it two weeks or three weeks?

- *Interpretation Act* 25.2 outlines this
- Are you giving “actual” or “deemed” notice?
- "Actual" Notice = actually handing it to the person
- “Deemed” Notice = providing notice by any of the other methods outlined in the *SPA*

Notice of an AGM or SGM can be given in the following ways:

If a person has provided the strata corporation with an address for receiving notices that is outside of the strata development, then notice can be delivered by:

- personally leaving it with the person or
- mailing to the address provided by the person

If a person has not provided the strata corporation with an address for receiving notices that is outside of the strata development, then notice can be delivered by:

- personally leaving it with the person
- leaving it under the door of the person's strata lot
- leaving it with an adult occupant of the person's strata lot
- mailing to the strata lot address
- putting into the mail box or mail slot for the strata lot
- faxing it to a fax number provided by the person
- emailing it to an email address provided by the person for the purpose of receiving the notice, record or document

If notice has been given by any of the above methods, except by giving it to the person, the notice is *deemed* to be received by the person four days after it was given.

# Plain language

- 14 days' notice is required
- Don't count the day of delivery of the notice (add 1 day)
- Don't count the day of the meeting (add 1 day)
- Allow 4 days for "deemed delivery" (add 4 days)

# How to calculate the notice period:

	Deemed Notice	Actual Notice
When delivery is initiated	Day 1	Day 1
When notice is given	Day 5 (Notice is “deemed to be received” after 4 days)	Day 1
When the notice period starts to run	Day 6 (the 2 week period starts on this day)	Day 2
When the notice period stops running	Day 19 (the two week period ends on this day)	Day 15
When AGM can be held	Day 20 or later	Day 16 or later

## More resources:

✓ [www.visoa.bc.ca](http://www.visoa.bc.ca)

✓ [www.gov.bc.ca/strata](http://www.gov.bc.ca/strata)





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