



# CLEVELAND DOAN

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The Province's most recent direction limiting gatherings to a maximum of 50 people will impact the ability of larger strata corporation's to hold general meetings (both annual and special). Here are some suggestions for dealing with that restriction:

- If the strata corporation's bylaws allow holding meetings by electronic means do so. This provision could be used to hold the meeting simultaneously in different locations throughout the complex. Determine in advance how ballot votes will be dealt with.
- Ask owners to give proxies to other owners or to council in order to ensure that maximum attendance is kept below 50 (make sure the name of the proxy holder is inserted before being signed and they appoint council members by name. S.56 of the SPA allows proxies with specific voting directions to be given. That way owners know their wishes will be followed).
- If the meeting is an AGM, a new council must also be elected. There are two possible means of dealing with that issue:
  - Ask owners to re-elect the current council with a promise to call and SGM to remove them and elect a new council;
  - After dealing with the budget and urgent business, adjourn (but not terminate) the AGM to a future date and finish it then.
- Use the provisions of Standard Bylaw 26(3) or its equivalent to vote to eject non-eligible voters (spouses, tenants, etc.) to keep the number present low.
- Consider using the provisions of s.41 and 44 of the *Strata Property Act* to waive the holding of meetings and approve resolutions in writing. (All owners must sign).
- If the size of the meeting cannot be reduced and the notice of meeting has already been sent, the strata council can change the date of the meeting (to a time when the limit is likely to be lifted). Notice of the change must be sent out prior to the day of the meeting by the same method that notice was given for the meeting itself.
- Meetings demanded by 20% of the owners under s.43 of the SPA will require careful consideration as they must be held within 28 days of the demand being made. The risk of simply moving the date is that the owners who demanded it could hold it themselves. Where practical, get the written agreement of the owners who demanded it to postpone it.

- Postponing a meeting indefinitely will likely require the meeting to be convened and then a vote taken to adjourn and reset it at the discretion of council. There is no clear ability for council to unilaterally cancel a meeting (particularly one demanded by owners under s.43 of the SPA). One or two council members could gather enough proxies to achieve a quorum and do that.
- Postponing the Annual General Meeting is a decision that must be carefully made. Pandemic or not, s.40(2) of the SPA still requires it to be held within 2 months of the fiscal year end (although the SPA does not set out the consequences for not doing so). However, s.104(3) maintains the status quo when it comes to the budget. It provides that:

(3) Until a new budget is approved, the strata corporation may spend money out of the operating fund only in accordance with section 98 or

(a) on the type of expenses that are set out in the previous budget and that usually occur once a year or more often than once a year, and

(b) up to the maximum amount set out in the previous budget for each category of expense.

The consequences of maintaining the same budget need to be considered.

*This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is lawyer whose practice focuses on strata property law. He frequently writes and lectures for strata associations. He is a partner with the law firm of Cleveland Doan LLP and can be reached at (604)536-5002 or [shawn@clevelanddoan.com](mailto:shawn@clevelanddoan.com). He can be followed on Twitter @stratashawn.*