

# VISOA Webinar: Preparing for Your Strata AGM

November 14, 2020



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Question	Answer
<p>Re information meetings - is formal notice required, minutes of discussions etc. Are stratas holding these meeting electronically during COVID? How can council avoid this meeting becoming an opportunity for owner rants?</p>	<p>VISOA: An information meeting is generally a "town hall" format and may or may not include a presentation, a guest speaker, a general discussion. No voting or decisions are made. So no notice or minutes are required. Taking notes may help council later.</p>
<p>Our Strata regularly holds the AGM at least three months after the year end due to reconciling the books etc. Is that a problem. Has been done this way for over 20 years?</p>	<p>The Act states the AGM must be held within 2 months of the fiscal year-end so if you have been holding it later, you are offside of the Act. You are permitted to present interim financial reports in the notice package, and vote on the budget with the interim statements as your guide for the year past. Within eight weeks after the strata corporation's fiscal year end, the strata corporation must prepare a financial statement updated to the end of the fiscal year. So, as you can see, you have only a short window to provide updated statements. Three months is too long.</p>
<p>When doing a resolution for a levy, is there a specific time to put for the date the levy is to be paid. 1 week after levy approved, 2 weeks?</p>	<p>The Act is silent on this, but a good practice is to hold the vote well before the money is needed so that the owners have time to organize their finances. A proactive council will include this in the council meeting minutes for several meetings before it comes up for a vote, so that owners are aware it is coming.</p>

Question	Answer
<p>When there is a need for a levy, would the amount of the levy be anywhere between zero and the total amount of the of the complete expense? In other words, if there is money in the contingency fund can we use as much or as little of the fund as necessary to for the expense.</p>	<p>If you plan to pay for a project partially with CRF funds, and partially by special levy, you can either have two motions, or combine it into one motion. Example:a project has a budget of \$300,000. The motion might be to complete the project, and pay for it with a special levy of \$100,000 and with the balance of up to \$200,000 to be paid from the CRF. If you do it the other way around, (\$200k from the CRF and the balance by special levy) then you may have to refund any excess special levy funds. See your strata lawyer for the appropriate wording for this sort of vote.</p>
<p>Do you need approval at the AGM to pay for building insurance from the CRF and reimburse the CRF from the operational budget monthly.</p>	<p>VISOA: What you are describing is a "temporary loan" from the CRF. It is not a vote of the owners at a general meeting. This would be a council decision at a council meeting but the funds must be paid back to the CRF by the end of the fiscal year.</p>
<p>Can a matter and motion be made from the floor on the day or does it need to be on the previous agenda? This often happens under "other business".</p>	<p>A motion can be made from the floor - but it's up to the chair whether to accept that motion or not. Clearly, if it's a matter that requires a 3/4 vote or any higher threshold, the exact wording would have had to be sent out in the AGM Notice, so that motion would be out of order. Sometimes, the owners at an AGM might want to direct the council to do or not do something in the year ahead. (See section 27 of the SPA.) A typical motion might be "We direct the council to look into hiring a new gardener." If the motion is in order and passes then the council should do what the owners have directed. It is the chair's decision whether to allow any specific motion - if they are in doubt they could ask for a vote on whether to allow the motion. Also if the chair does not allow the motion, the owners who proposed it always have the option to bring a petition to council (with 20% of the owners signing the petition) to bring the matter to an SGM or to the next AGM (see section 43 of the SPA).</p>
<p>Does the AGM chair have to ask for new council nominations from the floor on the day? Can the council insist that these nominations are received before the meeting?</p>	<p>The Act is silent on this. First check your strata bylaws, as we have seen some strata's whose bylaws deal specifically with council nominations. If your bylaws are also silent, it's a good practice to ask for nominations from the floor.</p>
<p>Can all the owners get new council candidate name list before the AGM?</p>	<p>If the council has a list of nominees before the AGM, council may share this with owners, but it is not required.</p>

Question	Answer
<p>What happens when no one agrees to sit on council?</p>	<p>If no one wants to sit on council, your strata cannot function. No bills can be paid, so your cleaning won't get done, your trash won't be picked up, etc. The outgoing council should call an SGM right away (with the proper notice period of course) in order to elect a council.</p>
<p>What happens if more owners run to be on council than allowed in bylaws and each receives the required majority? Is it who received the "highest" majority vote or how decided?</p>	<p>If you are in that position, let's say your bylaws state a maximum of 7 council members and you have 8 who have all received a majority vote - you take the 7 with the highest vote count. If there is a tie for the 7th position, you should have a run-off vote to break the tie. Often in this case, one of the 8 will opt to withdraw to avoid a run-off vote.</p>
<p>Do you have suggestions about how to hold votes without strictly following Roberts Rules of Order?</p>	<p>Unless your bylaws state otherwise, I do not recommend Robert's Rules - they are designed as parliamentary procedures and much too complicated for a strata. You can find books with simple rules of order. But whatever rules you use, outline these to those attending at the start of your AGM, and be consistent. VISOA recommends "Democratic Rules of Order" which you find at <a href="https://www.democraticrules.com/">https://www.democraticrules.com/</a></p>
<p>Is there a timeline for circulating AGM minutes?</p>	<p>The Act is silent on this. Check your strata's bylaws to see if you have a bylaw that addresses it. You must have the minutes ready for the next SGM or AGM, as they need to be approved - but a good practice is to have them ready after your first full council meeting of the new term.</p>
<p>Do we have a 'Best Way" to get an answer on AGMs after this is closed?</p>	<p>VISOA: If you are a member of VISOA you can submit your question to the Strata Support Team via our website: <a href="http://visoa.bc.ca">visoa.bc.ca</a></p>
<p>How to process secret ballot this year with E-meeting?</p>	<p>VISOA: watch our webinar with lawyer Shawn M Smith: <a href="https://www.youtube.com/watch?v=MljR7bE7pMU">https://www.youtube.com/watch?v=MljR7bE7pMU</a></p>