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Meetings and voting rights

A condominium corporation holds many different types of meetings.

First annual general meeting

For new condominiums registered after October 1, 2022, the first annual general meeting must be held when 50 per cent, plus one of the units, has been sold or within nine months of the sale of the first unit, whichever is sooner. This is a mandatory meeting. The meeting will allow a board of directors to be elected from among the owners and eligible voters.

At the first annual general meeting for new condominiums, the first directors must present a budget, financial statements, an insurance report, a report on contracts, and recommendations for setting the fiscal year end of the corporation, which can be decided by the elected board. The first directors must provide the elected board with key documents such as building plans and permits, drawings and locations of essential infrastructure, contracts and other information that the elected board may need to carry out their responsibilities. If the first directors fail to convene a first annual general meeting then the developer must pay \$1,000 to the condominium corporation if the meeting is late but held within 30 days, and an additional \$1,000 for each week after 30 days until the meeting is held.

Subsequent annual general meetings

Regular annual general meetings are intended to provide the condominium corporation with a formal way to conduct the business of the corporation. Requirements for the subsequent meeting apply to all condominium corporations – including those existing prior to October 1, 2022.

Annual general meetings may be used to hold elections for board members, to present and discuss financial statements, budgets, insurance coverage and costs, to develop, amend and pass bylaws, or for unit owners to raise matters for discussion.

Subsequent annual general meetings can be waived by all eligible voters in writing. Business can then be carried out by eligible voters giving approval to resolutions. The requirement for the first annual general meeting cannot be waived. Requirements for general meetings and special general meetings also apply to pre-existing condominiums.

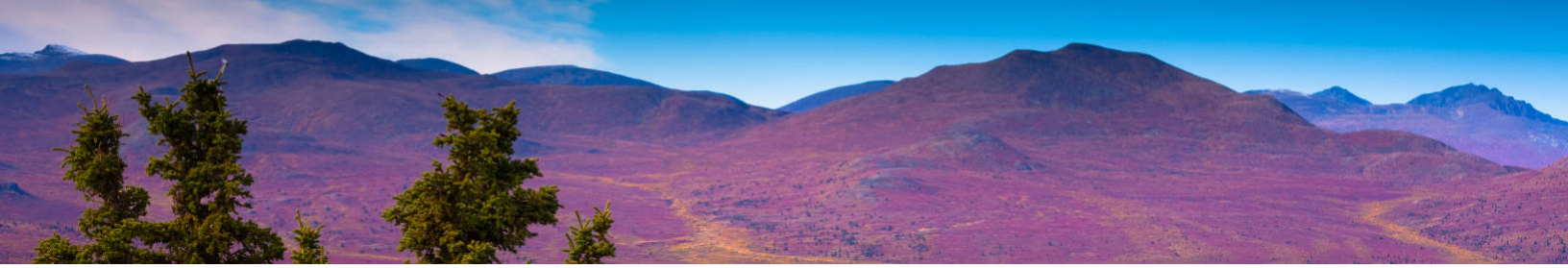
Venue and notice of general meetings

The board must hold general meetings in the same municipality as the condominium (or elsewhere if agreed to by majority vote). Eligible voters must receive 14 days' notice that describes the matter(s) to be voted on.

i A general meeting of a condominium corporation refers to an annual or special general meeting of the eligible voters of the corporation.

Special general meetings

The board of a condominium corporation may convene a special general meeting of the eligible voters at any time with notice. Twenty percent of unit owners may require a special general meeting to consider a specific written resolution. If the board does not convene a special general meeting to deal with the resolution, the unit owners may themselves hold the meeting.



Quorum

A general meeting must have a quorum. Unless the bylaws state otherwise, quorum means eligible voters holding one third of the units' votes are present either in person or by proxy. If there are 3 eligible voters, 2 votes are required; if there are only 2 eligible voters (i.e. a duplex condominium), both votes are required. Unless otherwise provided in the bylaws, a half-hour must be given to achieve quorum.

Teleconferencing, videoconferencing, and electronic voting are permitted. Bylaws must also provide details on the types of votes and electronic security requirements.

Voting rights and tie-breaking vote

The schedule of voting rights specifies the number of votes per unit. A unit owner loses voting rights if the corporation has a lien against that unit, unless a matter requires unanimous consent.

The president – or if absent, the vice-president – can vote to break a tie as long as this is permitted in the bylaws.

A tenant or mortgagee can also vote by giving supporting documents to the board at least seven days before the general meeting. The legislation sets out the types of documents required to attend and vote for a general meeting.

Voters legal capacity

Parents, guardians or legally authorized representatives may vote on behalf of owners who are underage or who do not have legal capacity.

⚠ Note: this fact sheet is based on the *Condominium Act, 2015* and its regulations which will come into force on October 1, 2022. It is intended as a simplified general resource and is not to be considered legal advice or legal opinion. Please seek legal advice about any specific issues.

Proxy votes

A unit owner may select a proxy to represent them at a general meeting or a special general meeting.

A proxy cannot be:

- a developer;
- a representative or employee of the developer;
- a representative or employee of the condominium corporation; or
- a management service provider.

Voting thresholds

Ordinary resolution: An ordinary resolution (also known as a majority vote) requires more than half the votes to pass. Most issues are decided by ordinary resolutions. These resolutions are related to day to day operations of the condominium.

Special resolution: Special resolutions may be passed at an annual or special general meeting or through written resolution.

- a. In the case of a mixed use condominium, 70 per cent of the eligible voters in each section must approve the resolution.
- b. For all other types of condominiums, 70 per cent of the eligible voters must approve the resolution.

Unanimous resolution: A unanimous resolution may be passed at a general meeting or by written resolution signed by all eligible voters. Unanimous resolutions are necessary for critical decisions such as terminating a condominium.