

Fall Education Seminars 2018

Index



<u>Resource</u>	<u>Page</u>
Quorum Quick Reference Sheet (400-001)	2
¾ Vote Reference Sheet (400-002)	3
Voting Rights & Voting Thresholds (600-010)	4-5
Keeping Strata Corporation Records (400-014)	6-9
Setting Agendas & Minutes of Meetings (400-015)	10-16
Preparing Your Notice Package and a General Meeting (400-016)	17
Proxy Form A (400-029)	18
Rules of Order for General Meetings (400-501)	19-20
Hearing Guidelines (400-504)	21
Electric Vehicles Supply Equipment & Charging User Fees (200-193)	22-25
Legislative Update re User Fees (700-008)	26
Strata Council Binder Index Sample	27

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Quorum Quick Reference Sheet

Strata Property Act a quorum for an annual or special general meeting is Section 48

- (1) Business must not be conducted at an annual or special general meeting unless a quorum is present.
- (2) **Subject to the bylaws**, a quorum for an annual or special general meeting is
 - (a) eligible voters holding 1/3 of the strata corporation's votes, present in person or by proxy, or
 - (b) if there are fewer than 4 strata lots or fewer than 4 owners, eligible voters holding 2/3 of the strata corporation's votes, present in person or by proxy.
- (3) Unless otherwise provided in the bylaws, if within 1/2 hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting stands adjourned to the same day in the next week at the same place and time but, if on the day to which the meeting is adjourned a quorum described in subsection (2) is not present within 1/2 hour from the time appointed for the meeting, the eligible voters present in person or by proxy constitute a quorum.

Always refer to your bylaws when convening general meetings. The quorum may set a specific minimum number or percentage of votes required, and may set minimum time periods that define when the meeting may be called to order once a certain time period has expired from the time of notice. If you have commercial strata lots with proportional voting by area, the voting entitlement also must be calculated to meet the minimum numbers.

Example: 60 eligible voters, 1/3 of 60 = 20, therefore a quorum is 20 voters present in person or by proxy.

# of eligible voters	# of voters needed for a quorum	# of eligible voters	# of voters needed for a quorum	# of eligible voters	# of voters needed for a quorum	# of eligible voters	# of voters needed for a quorum	# of eligible voters	# of voters needed for a quorum	# of eligible voters	# of voters needed for a quorum
5	2	33	11	61	21	89	30	117	39	145	49
6	2	34	12	62	21	90	30	118	40	146	49
7	3	35	12	63	21	91	31	119	40	147	49
8	3	36	12	64	22	92	31	120	40	148	50
9	3	37	13	65	22	93	31	121	41	149	50
10	4	38	13	66	22	94	32	122	41	150	50
11	4	39	13	67	23	95	32	123	41	151	51
12	4	40	14	68	23	96	32	124	42	152	51
13	5	41	14	69	23	97	33	125	42	153	51
14	5	42	14	70	24	98	33	126	42	154	52
15	5	43	15	71	24	99	33	127	43	155	52
16	6	44	15	72	24	100	34	128	43	156	52
17	6	45	15	73	25	101	34	129	43	157	53
18	6	46	16	74	25	102	34	130	44	158	53
19	7	47	16	75	25	103	35	131	44	159	53
20	7	48	16	76	26	104	35	132	44	160	54
21	7	49	17	77	26	105	35	133	45	161	54
22	8	50	17	78	26	106	36	134	45	162	54
23	8	51	17	79	27	107	36	135	45	163	55
24	8	52	18	80	27	108	36	136	46	164	55
25	9	53	18	81	27	109	37	137	46	165	55
26	9	54	18	82	28	110	37	138	46	166	56
27	9	55	19	83	28	111	37	139	47	167	56
28	10	56	19	84	28	112	38	140	47	168	56
29	10	57	19	85	29	113	38	141	47	169	57
30	10	58	20	86	29	114	38	142	48	170	57
31	11	59	20	87	29	115	39	143	48	171	57
32	11	60	20	88	30	116	39	144	48	172	58



¾ Vote Quick Reference Sheet

According to the *Strata Property Act* a ¾ vote "means a vote in favour of a resolution by at least ¾ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting."

A ¾ vote only includes those who have voted for or against a resolution.

45 votes are cast, 30 in favour, 10 opposed and 5 abstentions. Total votes:40: ¾ of 40 is 30, resolution is carried.

When calculating a ¾ vote or the quorum, it is critical that the scrutineer uses the schedule of voting entitlement, or any amendments, that are filed with the Land Title Registry. The schedule of voting entitlement is found on either the registered strata plan or as a separate document filed on the common index. For commercial strata properties, voting entitlement is generally not 1 vote per strata lot, and proportional to the measure of area. As a result, a ¾ vote may successfully pass on a portion of a vote. To determine how many votes are required to pass a ¾ vote resolution, add the number of votes cast in favour of the resolution to the number of votes cast against the resolution. Multiply the total number of votes cast in favour and against the resolution by .75. The result is the minimum number of votes cast in favour that are needed to pass a ¾ resolution. (Although abstentions are not counted for the purpose of determining whether a ¾ vote resolution has been passed, a record should be kept of the number of abstentions). As a standard practice, when voting cards are issued, any strata lot that does not represent 1 vote, should be identified with a different voting card showing the voting entitlement for that strata lot so the results may be calculated properly. The same conditions should apply to the procedures when convening meetings of sections. **Always record actual numbers of voting results in the minutes for ¾, unanimous or 80% votes.** The precise count may impact petitions under Section 51 for reconsideration or an application to the courts for an order for repairs under section 173.1

# of eligible votes cast for or against	# of votes needed in favour to pass a ¾ vote	# of eligible votes cast for or against	# of votes needed in favour to pass a ¾ vote	# of eligible votes cast for or against	# of votes needed in favour to pass a ¾ vote	# of eligible votes cast for or against	# of votes needed in favour to pass a ¾ vote	# of eligible votes cast for or against	# of votes needed in favour to pass a ¾ vote	# of eligible votes cast for or against	# of votes needed in favour to pass a ¾ vote
5	4	33	25	61	46	89	67	117	88	145	109
6	5	34	26	62	47	90	68	118	89	146	110
7	6	35	27	63	48	91	69	119	90	147	111
8	6	36	27	64	48	92	69	120	90	148	111
9	7	37	28	65	49	93	70	121	91	149	112
10	8	38	29	66	50	94	71	122	92	150	113
11	9	39	30	67	51	95	72	123	93	151	114
12	9	40	30	68	51	96	72	124	93	152	114
13	10	41	31	69	52	97	73	125	94	153	115
14	11	42	32	70	53	98	74	126	95	154	116
15	12	43	33	71	54	99	75	127	96	155	117
16	12	44	33	72	54	100	75	128	96	156	117
17	13	45	34	73	55	101	76	129	97	157	118
18	14	46	35	74	56	102	77	130	98	158	119
19	15	47	36	75	57	103	78	131	99	159	120
20	15	48	36	76	57	104	78	132	99	160	120
21	16	49	37	77	58	105	79	133	100	161	121
22	17	50	38	78	59	106	80	134	101	162	122
23	18	51	39	79	60	107	81	135	102	163	123
24	18	52	39	80	60	108	81	136	102	164	123
25	19	53	40	81	61	109	82	137	103	165	124
26	20	54	41	82	62	110	83	138	104	166	125
27	21	55	42	83	63	111	84	139	105	167	126
28	21	56	42	84	63	112	84	140	105	168	126
29	22	57	43	85	64	113	85	141	106	169	127
30	23	58	44	86	65	114	86	142	107	170	128
31	24	59	45	87	66	115	87	143	108	171	129
32	24	60	45	88	66	116	87	144	108	172	129



What to know about: Voting Rights & Voting Thresholds

Voting Rights in a Strata Corporation

Each strata lot has one vote at an annual or special general meeting unless different voting rights are set out in a Schedule of Voting Rights.

Residential and Nonresidential Strata Corporations

If a strata plan has at least one non-residential strata lot voting rights may be determined in two ways:

1. All residential strata lots must have one vote and the number of votes for each nonresidential strata lot is calculated by dividing the unit entitlement of the nonresidential by the average unit entitlement of residential strata lots. The average unit entitlement of residential strata lots is calculated by dividing the total unit entitlement of all residential strata lots by the total number of residential strata lots. This may result in fractional votes, such as 5.3 votes. Given this potential voting discrepancy, voting cards and ballots for nonresidential strata lots need to be counted and identified separately.
2. The Superintendent of Real Estate also has the authority in a residential and nonresidential strata corporation to approve a different Schedule of Voting Rights if satisfied that the schedule establishes a fair distribution of votes among owners.

Exclusive Nonresidential Strata Corporations

If a strata corporation is comprised entirely of nonresidential strata lots, the number of votes for each strata lot must be calculated by dividing the unit entitlement of a strata lot by the total unit entitlement of all strata lots.

Voting Rights When There Is A Tie Vote

If there is a tie vote at annual or special general meeting, the president, or if the president is absent or unable or unwilling to vote, the vice-president may, if the bylaws so provide, break the tie by casting a second deciding vote. A review of the strata corporation's bylaws is required.

Voting Thresholds

Strata corporations make decisions by voting at either an annual or special general meeting or at strata council meeting. The *Strata Property Act* (SPA) provides four types of voting thresholds to be used by strata corporations:

A “**majority vote at general meeting**” means a vote cast in favour of a resolution by more than ½ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting.

Matters are decided by majority vote unless a different voting threshold is required or permitted by the Act or the regulations.

A “**majority vote at a council meeting**”, subject to the bylaws, require all decisions at council meetings to be made by a majority vote of council members present in person at the meeting.

Common examples of a majority vote at a general meeting:

- approving the annual budget,
- electing or removing a council member,
- ratifying Rules previously passed by the strata council,
- spending money from the contingency reserve fund to obtain a depreciation report or to repair, maintain or replace an item recommended in the most current depreciation report, [?]*
- approving or amending the agenda of a meeting,
- allocating a budget surplus to the contingency reserve fund,
- carrying a budget surplus forward as part of the operating fund,
- using a budget surplus to reduce total contributions to next year's operating fund,
- directing or restricting the council in its exercise of powers and performance of duties,
- approving minutes of previous meetings,
- appointing scrutineers for counting ballots, or
- electing a person to chair a general meeting.

A “3/4 vote” means a vote in favour of a resolution by at least ¾ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting.

Common examples of a ¾ vote resolution:

- amending the bylaws of the strata corporation,
- making a significant change in use or appearance of common property,
- raising money by a special levy,
- spending money from the contingency reserve fund, *
- proceeding with court actions,
- allocating a budget surplus,
- rescheduling an AGM to approve a budget not passed at an AGM longer than 30 days ago,
- designating of limited common property, or
- terminating a strata management contract.

Example of Calculating a ¾ vote

There are 115 votes present in person or by proxy at the meeting and 59 of those vote in favour, 26 are opposed and 30 either abstained or did not vote. Therefore, there were 85 (59 + 26) total votes cast with respect to the resolution. Remember, abstentions are not to be included in determining the results of the vote.

If the resolution being voted upon is a ¾ vote, such as a resolution to amend a bylaw, the vote would have been defeated. ¾ of the total number of votes cast ($85 \times \frac{3}{4} = 63.75$ votes minimum).

An **80% vote** means a vote in favour of a resolution by at least 80% of the votes of all the eligible voters. This means 80% of the total number of votes on the schedule of voting rights must vote in favour of the resolution. This type of vote is used to cancel a strata plan and to appoint a liquidator to wind-up the strata corporation. *Before you calculate this vote, confirm whether there is a schedule of voting entitlement for your strata corporation and the total number of votes.*

Example of Calculating an 80%

In a residential strata corporation with 125 strata lots (and 125 votes), at least 80% of the 125 votes must vote in favour of the resolution to cancel a strata plan:

$$125 \times 80\% = 100 \text{ votes}$$

If there are commercial strata lots in the strata corporation, the number of votes per strata lot is created by the **Schedule of Voting Rights** filed at the Land Title and Survey Authority’s Office. The number of votes for commercial strata lots is relative to their size and as a result may be a fraction of a vote (i.e. 13.7 votes).

For example, if the Schedule of Voting Rights provides 160.64 total votes for the strata corporation, at least 80% of the 160.64 votes must vote in favour of the resolution to cancel the strata plan:

$$160.64 \times 80\% = 128.51 \text{ votes}$$

Note: A strata corporation must also confirm the number of votes a commercial strata lot has when calculating a majority vote and a ¾ vote.

A **unanimous vote** means a vote in favour of a resolution by all the votes of all the eligible voters. This means all of the voters on the schedule of voting entitlement must vote in favour of the resolution. Unanimous votes typically involve a dramatic change for the strata corporation, such as

- amending the Schedule of Unit Entitlement,
- amending the strata plan to
 - convert property held by the strata into a strata lot,
 - to add a strata lot to common property,
 - to designate or remove designation of limited common property, or
 - to add to, consolidate or divide a strata lot.



Keeping Strata Corporation Records: *Strata Property Act* Sec. 35 & 36, plus SP Regulation 4.1 & 4.2

Record	current	2 yrs	6 yrs	Permanent
<ul style="list-style-type: none"> • A list of strata council members, including either phone number or another method by which the council member may be contacted at short notice • A list of owners, with their strata lot address, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall numbers, if any, and unit entitlements • The names and addresses of mortgagees who have filed a "Mortgagee's Request for Notification" (Form C) • The names of tenant, and any assignments of voting or other rights by landlords to tenants • The Act, Regulations, bylaws and rules 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>			
<ul style="list-style-type: none"> • Correspondence sent or received by the strata corporation and strata council 		✓		
<ul style="list-style-type: none"> • Minutes of the AGM, an SGM and strata council meetings, including the results of any votes • Books of account showing money received and spent and the reason for the receipt or expenditure • Any waivers of general meetings and consents of resolutions • The budget and financial statement for the current year and the previous years • Income tax returns (if any) • Bank statements, cancelled cheques and certificates of deposit • Any Information Certificates (Form B) issued • Financial records obtained from the Owner Developer 			<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	
<ul style="list-style-type: none"> • Any resolutions that deal with changes to common property, including the designation of LCP • Any decision of an arbitrator or judge in a proceeding in which the strata corporation was a party • Any legal opinions obtained by the strata corporation • The registered strata plan and any strata plan amendments registered at the Land Titles Office • Plans required to obtain building permits and any amendments to the building permit plans • Disclosure Statements and amendments (if any) • The Rental Disclosure Statement (if any) • The names and addresses of all contractors, subcontractors and the persons who primarily supplied labour or material to major components of the project • The name and address of the project manager (if any) • The names and addresses of technical consultants, including any building envelope specialists (if any) • Any documents that indicate the actual location of a pipe, cable, chute, duct or other facility for the passage or provision of systems or services, if the Owner Developer believes they are not shown on the plan submitted to obtain the building permit • Depreciation Report 				<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

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Strata Property Act

Strata corporation records

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;*
- (b) a list of council members;*
- (c) a list of
 - (i) owners, with their strata lot addresses, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall and storage locker numbers, if any, and unit entitlements,*
 - (ii) names and addresses of mortgagees who have filed a Mortgagee's Request for Notification under section 60,*
 - (iii) names of tenants, and*
 - (iv) assignments of voting or other rights by landlords to tenants under sections 147 and 148;**
- (d) books of account showing money received and spent and the reason for the receipt or expenditure;*
- (e) any other records required by the regulations.*

(2) *The strata corporation must retain copies of all of the following:*

- (a) the records referred to in subsection (1);*
- (b) the registered strata plan and any strata plan amendments as obtained from the land title office;*
- (c) this Act and the regulations;*
- (d) the bylaws and rules;*
- (e) resolutions that deal with changes to common property, including the designation of limited common property;*
- (f) waivers and consents under section 41, 44 or 45;*
- (g) written contracts to which the strata corporation is a party;*
- (h) any decision of an arbitrator or judge in a proceeding in which the strata corporation was a party, and any legal opinions obtained by the strata corporation;*
- (i) the budget and financial statement for the current year and for previous years;*
- (j) income tax returns, if any;*
- (k) correspondence sent or received by the strata corporation and council;*
- (l) bank statements, cancelled cheques and certificates of deposit;*
- (m) Information Certificates issued under section 59;*
- (n) the records and documents referred to in section 20 or 23 obtained by the strata corporation;*
 - (n.1) any depreciation reports obtained by the strata corporation under section 94;*
 - (n.2) any reports obtained by the strata corporation respecting repair or maintenance of major items in the strata corporation, including, without limitation, engineers' reports, risk management reports, sanitation reports and reports respecting any items for which information is, under section 94, required to be contained in a depreciation report;*
- (o) any other records required by the regulations.*

(3) *Records referred to in this section must be retained by the strata corporation for the periods set out in the regulations.*

Strata Property Act
Access to records

* **36 (1)** *On receiving a request, the strata corporation must make the records and documents referred to in section 35 available for inspection by, and provide copies of them to,*

- (a) an owner,*
- (b) a tenant who, under section 147 or 148, has been assigned a landlord's right to inspect and obtain copies of records and documents, or*
- (c) a person authorized in writing by an owner or tenant referred to in paragraph (a) or (b).*

(1.1) On receiving a request from a former owner, from a former tenant referred to in subsection (1) (b) or from a person authorized in writing by the former owner or former tenant, the strata corporation must, with respect to records and documents referred to in section 35 that, whenever created, relate to the period during which the former owner or former tenant was an owner or tenant, make those records and documents available for inspection by, and provide copies of them to, the former owner, former tenant or person authorized in writing, as the case may be.

(2) On receiving the request of a tenant, or a person authorized in writing by a tenant, the strata corporation must
(a) make the bylaws and rules available for inspection, and
(b) provide copies of the bylaws and rules.

(3) The strata corporation must comply with a request under subsection (1), (1.1) or (2) within 2 weeks unless the request is in respect of bylaws or rules, in which case the strata corporation must comply with the request within one week.

(4) The strata corporation may charge a fee for a copy of a record or document provided under this section of not more than the amount set out in the regulations and may refuse to supply the copy until the fee is paid.

Strata Property Regulation

Preparation and retention of records

4.1 (1) *In addition to the records required to be prepared under section 35 (1) of the Act, the strata corporation must prepare a record of*

- (a) each council member's telephone number, or*
- (b) some other method by which the council member may be contacted at short notice, as long as that method is not prohibited by the bylaws.*

(2) The strata corporation must permanently retain the records and documents referred to in section 35 (2) (b), (e), (h) and (n.1) of the Act.

(2.1) The strata corporation must retain reports referred to in section 35 (2) (n.2) of the Act until the disposal or replacement of the items to which the reports relate.

(3) The strata corporation must retain the records and documents referred to in section 35 (1) (a) and (d) and 35 (2) (f), (i), (j), (l) and (m) of the Act for at least 6 years.

(4) The strata corporation must retain the written contracts, including insurance policies, referred to in section 35 (2) (g) of the Act, for at least 6 years after the termination or expiration of the contract or policy.

(5) The strata corporation must retain the correspondence referred to in section 35 (2) (k) of the Act for at least 2 years.

(6) The strata corporation must retain current copies of the records and documents referred to in section 35 (1) (b) and (c) and 35 (2) (c) and (d) of the Act and subsection (1) of this section.

(7) The strata corporation must retain the following records and documents referred to in section 35 (2) (n) of the Act and obtained from the owner developer under sections 20 and 23 of the Act for the following periods:

- (a) the records and documents referred to in section 20 (2) (a) (i), (ii), (iv), (v) and (vi) of the Act must be permanently retained;*
- (b) the contracts, including insurance policies, referred to in section 20 (2) (a) (iii) of the Act must be retained for at least 6 years after the termination or expiration of the contract or policy;*
- (c) the records and documents, other than warranties, referred to in section 20 (2) (a) (vii) of the Act, must be retained until the disposal or replacement of the common property or common asset to which they relate;*
- (d) the warranties referred to in section 20 (2) (a) (vii) of the Act must be retained until the disposal or replacement of the common property or common asset to which they relate, or the expiration of the warranty coverage, whichever comes first;*
- (e) the financial records obtained under section 23 of the Act, if any, must be retained for at least 6 years after the transfer of control referred to in section 22 of the Act.*

Strata Property Regulation

Maximum fees for records

4.2 (1) *The maximum fee that the strata corporation may charge for a copy of a record or document provided under section 36 of the Act is 25 cents per page.*

(2) No fee may be charged to an owner, a tenant or a person authorized by an owner or tenant for the inspection of a record or document under section 36 of the Act.

Setting Agendas & Minutes of Meetings

Minutes of the meetings for strata corporations are an important part of the official record of the business of the strata corporation. They record how decisions are made, who made them, when they were made and what action is to be taken. The minutes also identify what type of meeting took place, how the votes were executed and any specific directions of the voting, which in strata corporations is very important as some decisions may only be executed at specific types of meetings as set out in the Strata Property Act. Minutes are a critical asset in the relationship with your manager and fellow council members. The recorded decisions provide direction and give authority to the manager or designated council member to proceed on specific instructions.

The information that is recorded in the minutes becomes part of the official record of the business of the strata corporation. Accuracy is very important part of minute recording. Remember, the minutes are part of the official records of the strata corporation. The decisions of council and the results of those decisions are the essential body of strata minutes. Do not include personal information or any opinions that may be harmful to other parties or the strata corporation. If there are errors in the minutes, those minutes are not repealed, but rather amendments are made to those minutes as part of the agenda of the next meeting. If they are minutes of the council meetings they would be amended as part of the minutes of the next council meeting. If they are minutes of a general or special general meeting, the minutes would be amended at the next general or special general meeting.

The minutes of council meetings are also opportunities to inform your owners of decisions or upcoming events or circumstances in your strata.

Special notice to owners:

Examples:

* Strata has borrowed money from contingency Reg 6.3 *

A new rule about parking is posted Act 125

The Strata is being Sued or an action has been started in the Civil Resolution Tribunal Act 167

General information about upcoming building repairs, water shuts downs, elevator maintenance, trades people and inspectors can be all communicated to the owners; however, notice to enter a strata lot is a separate bylaw and sets out specific requirements for access. A general notice about the maintenance servicing in a specific week does not necessarily provide sufficient notice to the owners for access to their units.

How do owners get the minutes? *"read your bylaws"*

Many strata corporations now host web sites where the monthly minutes and general meeting minutes are now posted. While this is a valuable tool providing access to authorized users, not all owners may have access to on line services. The Standard Bylaws simply requires that council must inform owners of the minutes. It is helpful if owners have access to minutes either in print form or on line. For example, the strata must inform owners about new rules once they are passed. A posted set of minutes that was not accessible to all owners either through a web site, via provided email or distributed will make it impossible for the owners to be aware of the new rule, and the council may be facing a challenge to the enforceability of the rule.

Sections of the Act & Bylaws that apply to minutes of general meetings & strata council meetings.

General Meetings

Section 50 of the Strata Property Act

- (1) *At an annual or special general meeting, matters are decided by majority vote unless a 3/4 vote or unanimous vote is required by the Act, or the regulations*

Section 35 of the Strata Property Act

- (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;*

Standard bylaw 27 of the Strata Property Act

- (1) *At an annual or special general meeting, voting cards must be issued to eligible voters.*
(2) *At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.*
(3) *If a precise count is requested, the chair must decide whether it will be by show of voting cards or roll call, secret ballot or some other method.*
(4) *The outcome of each vote, including the number of votes for and against the resolution of a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.*
(5) *If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.*
(6) *If there are only 2 strata lots in the strata plan, subsection (5) does not apply.*
(7) *Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.*

Section 56 of the Strata Property Act

- (4) *a proxy stands in the place of the person appointing the proxy, and can do anything that person can do, including vote, propose and second motions and participate in the discussion, unless limited in the appointment document.*

Section 128 of the Strata Property Act

- (4) *The strata corporation must inform owners and tenants of any amendment to the bylaws as soon as feasible after the amendment is approved.*

Strata Council Meetings

Standard bylaw 18 of the Strata Property Act

“always read your bylaws”

- (1) *At council meetings, decisions must be made by a majority of council members present in person at the meeting.*
(2) *Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.*

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

Standard Bylaw 17

- (1) *At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate.*

Section 35 of the Strata Property Act

- (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;*

Section 125 of the Strata Property Act

- (3) *The strata corporation must inform the owners and tenants of any new rules as soon as feasible.*

The Schedule of Standard Bylaws does not include an agenda for council meetings. A template agenda for each meeting helps to building a routine that ensures the council and manager does not miss crucial items. The notice of council meetings is set out in *Standard Bylaw 14*, although this may be amended to include a structure of agenda and notice requirements. When a council member calls a meeting, they must include the reason for calling the meeting. This does not prevent council from adding additional items to the agenda for consideration. Remember the annual budget and the approved resolutions, such as special levies or majority vote depreciation contingency expenses for major projects provide the strata with authority and direction.

Sample Council Agenda – Decisions are a majority vote*

Call the meeting to order	Action: President/chair of the meeting
Approve the agenda:	Action: Majority vote of the council
Approve the minutes of the previous meeting	Action: Majority vote and errors and omissions may be corrected at this time
Financial Report	Action: Report of the treasurer. Receivable updates, special levy reports, contingency reports, loans for operating expenses
Construction updates	Action: Report to council on major construction renewal or repair projects underway. Update information is helpful to include in the minutes and include any decisions that relate to the projects
Grounds & Landscaping	Action: Update reports, any approval required for service contracts, maintenance, tree pruning, plant materials, and expenses
Emergencies/Insurance Claims	Action: A report to council on any emergencies and claims to be included with the minutes, as well as decision to proceed with collections of claims for damages against an owner through Provincial Court if authorized in the bylaws
Maintenance Updates	Action: General information on service contracts, gutter cleaning, elevators, fire safety, janitorial, window cleaning....
Bylaw Enforcement	Action: Decisions required by council for complaints, hearings, imposition of penalties, collections,
Correspondence	Action: Communication from owners requesting information, permission to alter property, filing a bylaw complaint, permission to alter use of common property such as parking or storage
Any other business	Action: Any other agenda items that are agreed by council
Next meeting date and Adjourn	Action: Majority decision of council

****18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting. This will also require that a quorum is present at the meeting. Council members must be present in person and may not be represented by proxy. Electronic attendance is deemed attendance.***

Sample: Minutes of the Council Meeting of Strata Plan ABC1234

Date: March 15, 2015 Location: Club House

In Attendance: Council: John Doe, Jane Smith, Bob Black, Mary Wells, Jeannie Brown,
Strata Property Manager: Jason Blue, Caretaker: Bud Blake

Observers: Karen White SL 14, Marge Grey SL 22

1. **Call the meeting to order:** by John Doe President, at 7:15pm
2. **Approve the agenda:** the council approved the agenda with the addition of the discussion on the fencing behind the buildings which has been infested with carpenter ants.
Motion by: Bob Black, 2nd by Mary Wells Carried
3. **Approve the minutes of the February 15th meeting**
Motion by: Jeannie Brown, 2nd by Mary Wells Carried
4. **Financial Report**

Jason Blue provided the council with an update of the financial period ending January 31st. Expenses are within the approved annual budget. Current receivables are at \$10,750.00. One amount is \$10,000 insurance deductible and 1 strata lot is behind 3 months in fees. There are 2 GIC's due at the end of April, and the manager requires a decision of council to consider renewing them.

Motion by Jeannie Brown to renew the GICs for a 1 year term only as we will be needing funds for the roofing renewals in summer of 2016. 2nd John Doe Carried

Motion to give notice to the owner who owes the \$10,000 deductible that they pay the amount within 30 days or the strata corporation will proceed under Bylaw 33.5 to commence a small claims action. If the amount is not paid within 30 days, Jason Blue is instructed to contact the law firm to commence the action.

Motion by Mary Wells, 2nd by Jane Smith Carried

Motion to have the law office send a final demand notice to the strata lot owing 3 months of strata fees and failing their payment to file a lien against the unit.

Motion by Mary Wells 2nd by Jane Smith Carried
5. **Construction update:** Bud Blake has reported that the roofing over strata lots 1-20 is almost complete and we are waiting for the final inspection before we release the final payments and holdbacks. The inspector is working on the scope of the project for 2016 for strata lots 21-50 and we should be able to go for bids by the fall of 2015.
6. **Grounds & Landscaping:** Mary Wells reported that all of the pruning is now complete and the landscapers are preparing beds for spring flowers and plant materials. We have managed to save 2,500 this year as we have had no snow.
7. **Emergencies/Insurance Claims:** Jane Smith reported the only outstanding issue at this time is the claim for the \$10,000 deductible where the owner overflowed their bath tub.
8. **Maintenance Updates:** Bud reminded council that we need to give the owners notice of the servicing for the dryer vents that will be happening from April 10-15 and how owners can make arrangements for access.
9. **Bylaw Enforcement*** Nothing at this time
10. **Correspondence*** An owner SL 15 is requesting permission to change their original Shag carpet to a short pile. Council have agreed provided it does not affect the sound transmission.
Motion by Mary Wells to approve, 2nd John Doe Carried
11. **Next meeting date** April 15th in the club house.
9:15 Motion by Mary Wells to adjourn 2nd John Doe Carried

**if the strata council is addressing bylaw enforcement, personal information or hardship exemption hearings observers are not permitted to remain in the room.*