

CONDO MEETINGS — TIPS, TRICKS, AND REMINDERS

by Gareth Stackhouse

It's fall and that means we're back in the thick of another condominium meeting season, a most wonderful time of year! We wanted to share some of the Fogler's Condo Group's tips, tricks, and hints for a successful condo meeting.

Mandatory Government Forms

The first question to ask, even before any form is filled out is "Are we using the most current versions of the forms?" This is an issue our office is continuing to see. The mandatory government forms, including the Preliminary Notice of Meeting of Owners, Notice of Meetings of Owners, and the Proxy Form were revised in May of 2018 and the most recent version of any form is the "proscribed form" required by the *Condominium Act, 1998*. To figure out if you have a new form check for a 2018 copyright date on the bottom of the first page and be sure to download the newest forms. The Condominium Authority of Ontario has made the forms easy to access [here](#).

Every form should be filled out electronically because they "grow" as the check boxes are completed to expand and provide fields for more information. It is important to think through the agenda of each meeting and the condo's documents because these will dictate which fields are filled out on the forms. Unit owners can object to items on an agenda that have not been properly disclosed, i.e. a by-law vote, which can lead to having to re-do a meeting.

Some key areas on forms that are consistently missed include:

1. "Yes/No" check boxes should be completed and should not be left blank, for instance Sections 5 and 6 of the Notice Form regarding electronic voting and additional information pursuant to a by-law;
2. Every AGM is a meeting to appoint an auditor and the form parts regarding the appointment of an auditor ought to be completed. See Section 4(d) on the Preliminary Form and Section 8.C. of the Notice Form;
3. A complete agenda needs to be included with the Notice Form, either in Section 3 or attached as separate document; and
4. Make sure that you're up to date on all of the condo's by-laws including whether or not it has an electronic voting by-law, the number of directors, or if it passed a by-law (after November 1, 2017) that increased the quorum requirement or requires additional material to be sent with a Notice of Meeting.

In addition, the Proxy Form needs to be carefully filled out (and expanded) to account for all the different types of voting (i.e. an owner-occupied director position, a by-law



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vote, or a removal vote). Speaking of Proxies, ideally everyone should include a guide to filling out a Proxy Form, our guide is available [here](#). When in doubt about any part of a mandatory form, call your favourite condo lawyers!

Meeting Timeline

Every unit owner is entitled to receive proper notice of a meeting and to object if they did not. Further, improper notice can call into question the very validity of a meeting. We all know that the timelines for owners meetings are now expanded so don't forget to count the days required and always build in some extra days just in case issues come up. Rushing a meeting on the shortest possible timeline can lead to panic and disaster when a printing deadline isn't met or the meeting venue cancels at the last minute. When in doubt about a timeline, call your favourite condo lawyers!

Corporation Records

Everyone knows that "unit owners" (and certain mortgagees) are the only people entitled to receive notice and vote at an owners meeting, and this list unit owners is fixed at those the record 20 days before the date of the meeting (ss.47(2) of the Act, called a "**record date**"). This leads to the question of "Are the condo's ownership records up to date?" and this is especially important where a new management company has taken over a building and some of the unit files or records are incomplete. These records should also include which owners have opted-in to receive electronic communication so that the condo can save printing and mailing costs.

As lawyers, we have all had to break the news to people that they are not the listed owner of a unit, whether they are a spouse who didn't update the Corporation after moving in (or a death) or a family member who assists a relative but isn't the unit owner. If your condominium uses an electronic service that solicits proxies from unit owners or if your condo has an electronic voting by-law, the record of owners and their email addresses must be up to date so that these systems work properly.

It is a good idea to send all unit owners a reminder with the Preliminary Notice (or to even post it in the common elements once a year) reminding everyone to make sure the information they filed with the property management office is up to date and correct.

Proxies and Ballots

Property managers should also remember that the *Condominium Management Services Act* (and its regulations) places limits on what a licensed property manager can do to solicit proxies. Every licensed property manager needs to be familiar with these which allow managers to give out and collect the forms but prohibit managers from directing unit owners to fill in the forms for certain candidates.

When the proxies are received, they should be put in the same order as the owners list so that the meeting chair and the registration desk can quickly and easily find and cross-reference proxies. Ideally managers will take a look at the proxies and put sticky notes on those where they know there could be an issue, for the meeting chair to review.

For the in-person ballots, there should be separate ballots, each on different coloured paper, for each voting item. For instance, the vote for an owner-occupied director position should always be on a separate ballot from the ballot for the directors that all unit owners can vote for. In addition, always have a 'spare' ballot that is distributed at registration. This ballot can be used where there is a tie in a director election or if a balloted vote

is request on any item that would otherwise be done through a show of hands. Having to re-register every in-person voter and give them make-shift ballots can add hours to a meeting. Finally, when registering unit owners, it is helpful if the people at the registration desk initial each ballot they give out.

We hope these tips, tricks, and hints have helped you and we wish you the best for a successful fall meeting season, or if we don't see you this fall, I'm sure we'll see you during the spring meeting season!