

Condo Smarts July 13, 2020

Electronic Meetings

Dear Tony: Our strata corporation and manager have advised owners that an electronic meeting is different, and we are required to submit a restricted proxy in advance of the meeting. Doesn't that undermine the integrity of an electronic meeting and assign our proxy to the council? At our annual general meeting last week, all the votes had been pre-counted and when it came to the election of council there were no additional nominees permitted and the council were simply announced as elected based on the restricted proxies that were issued. We were basically observers at the meeting. Is an electronic meeting really any different than a meeting with in-person attendance? Margo W.

Dear Margo: An electronic meeting is a fully constituted meeting like an in-person meeting. All the provisions of the bylaws and the Act must still be followed. The only difference is the address, which is the electronic address and the method of electronic attendance that requires everyone to be able to communicate with each other. The obligation for eligible voters to register and be issued a voting card is still a requirement. Eligible voters may be identified at point of registration, or a ballot showing their strata lot number can be sent with the notice package, which they can use to identify their strata lot and used for voting during the meeting. If an owner cannot attend the meeting, it is the owner's privilege to decide whether to assign their proxy to a person who can attend electronically, or to a council member in attendance. A restricted proxy is only a privilege of the strata owner, this is not a function the strata corporation can impose on owners. The Strata Property Act permits proxies, subject to any limitations or restrictions imposed by owners. By issuing a restricted proxy the owner can confirm their voting instructions or limitations are restricted to what was instructed. The person who is appointed on that proxy must be present at the meeting for the proxy votes to be counted at their instructions. Proxy votes, or a restricted proxy is not an absentee ballot. It must still be exercised at the time the votes are taken, which may be after each resolution or a designated voting window at the end of the resolutions and elections. At this time every eligible voter, including the assigned proxies, submit their votes either in a ballot method, by email, a verbal call of the roll, an electronic poll or some other method determined in the bylaws of the strata. Secret ballots are a bit more complicated to manage as the only method the strata has to verify if an eligible voter has submitted a ballot is to be able to identify the person who voted or submitted the votes. While an email ballot is secret from the remainder of the owners at the meeting, the scrutineers who are receiving the balloting instructions must be able to identify the source of the vote. At an in-person meeting, secret ballots can be easily managed as a sequential audited paper ballot may be used to ensure the vote count can be audited and compared to the registration without identifying the voters. While this may seem a bit excessive at times, strata corporations are frequently required to approve millions of dollars of special levies, expenses, or bylaws that often result in serious limitations to use of property. A helpful solution to prepare for the registration and voting is to develop an instruction page to explain the voting procedures that is included with the notice package. This is both helpful for the owners to understand how they will be voting and the property manager and chairperson to administer the voting procedures. Several strata corporations are including a voting card showing the strata plan number and the strata lot number with the notice package. This makes the electronic meetings much easier to conduct registration and identify voters and the chairperson can still call for a show of voting cards. The real challenges of course are to manage 200 participants electronically. While a traditional 2-hour meeting is easily taking 4+ hours, there is a much greater participation by owners with the convenience of electronic meetings.

Tony Gioventu, Executive Director CHOA

Covid-19 Notice: As a precautionary measure to prevent the spread of COVID-19 CHOA staff are working remotely and our offices are temporarily closed. We understand these are challenging times for strata corporations and we are here to help. Even though CHOA advisors are working remotely we are only a phone call or email away and able to assist you with hosting meetings and notice preparation.

Tuesday Lunch & Learn Live with CHOA: CHOA is hosting a series of webinars once a week, for the next few months. Join us each Tuesday as we bring together industry experts to discuss the many issues affecting BC's strata community. For more information visit our website at: <https://www.choa.bc.ca/seminars/>