

General meetings during relaunch

This publication is intended to provide general information only and is not a substitute for legal advice.

Timing of meetings and delays

Under the *Condominium Property Act*, condominium corporations must convene an annual general meeting (AGM) no later than 15 months after the previous one.

A Ministerial Order (MO) issued April 9, 2020 that paused the meeting requirements of condominium corporations during the public health emergency expired on August 14, 2020. Once the MO expired, the clock started to run again for convening the AGMs impacted by the MO.

Corporations whose paused AGM, or 15-month deadline, would have occurred during the period of the MO (April 9 – August 14) have an additional period of time, commencing on August 15, to convene their AGM equal to the amount of time their AGM was paused by the MO.

Condominium corporations needing guidance regarding how to calculate the additional period of time they have to convene their AGM should speak with legal counsel.

Information on COVID-19 in Alberta, including up to date group size limits, can be found at: <https://www.alberta.ca/coronavirus-info-for-albertans.aspx>

Information about gathering sizes, physical distancing, and avoiding high-risk or prohibited activities can be found at:

www.alberta.ca/restrictions-on-gatherings.aspx

AGMs that were not paused by the MO, because their deadline did not fall within the April 9, 2020 to August 14, 2020 timeframe, need to be convened within the regular 15-month maximum timeframe.

Gathering restrictions

The size of mass gatherings, such as most AGMs, are limited under the current public health measures. Condominium corporations, represented by the board of directors, will need to take limitations on large groups into account in their decisions on when and how to hold their AGMs or any other general meeting of all owners.

As of September 25, 2020, Alberta Health has advised that condominium meetings are likely to currently fall under the following limitations:

- Meetings involving any gathering in common areas, including before or after the meeting, or where there is a meal or beverage service, fall under the indoor gathering limit of 50 people; and
- Meetings where the audience remains seated, there is no gathering in common areas before or after the meeting, and where there is no meal or beverage service, fall under the indoor gathering limit of 100 people.



The above limitations are subject to change.

Condominium corporations, boards, owners, and managers are encouraged to keep up to date on important health information during the pandemic.

For more information regarding this content visit: <https://www.alberta.ca/condominium-rules.aspx> or phone 1-877-427-4088

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Information on COVID-19 in Alberta, including up to date group size limits.

Electronic meetings

While the *Condominium Property Act* permits members of the board to participate in a meeting of the board by electronic means, there is currently no equivalent provision in the condominium legislation to allow electronic participation in general meetings of the corporation (unless the Bylaws of the corporation already specifically provide for this process).

As the condominium legislation is silent on electronic general meetings, Service Alberta cannot provide direction on what corporations should do in this regard. Condominium corporations that are considering an electronic general meeting should consult their bylaws and speak with legal counsel for guidance.

Alternative options

If a condominium board is concerned about convening their annual general meeting during the pandemic, it is recommended the board speak to legal counsel or management for advice, explore alternative measures for delivery, and stay informed of current developments.

If there are more than 100 owners in a corporation who wish to attend a meeting, or if vulnerable owners do not wish to attend a large meeting, condominium corporations may want to explore other options that would allow people participate,



while following the health guidelines. For example, one option may be to have an online or teleconferenced meeting to share information items and where no business is transacted and later hold a decision-focussed meeting

for items that require votes by the owners. A corporation considering this approach should consult its bylaws and speak to legal counsel.

Owners who do not attend an AGM in person may authorize another person to vote on their behalf by proxy. Information about proxies can be found in the “Owning a Condominium” Tipsheet found here:

<https://www.alberta.ca/condominium-rules.aspx>.

Rules for proxies are also addressed in section 31.2 of the Condominium Property Regulation, which can be found here:

https://open.alberta.ca/publications/2000_168

Corporation bylaws may contain further direction on proxies. A sample proxy form is provided on page 4 of this publication.

Generally, about half of the condominium board members are elected at each AGM. A corporation’s bylaws may set requirements or limitations for the election process and establish procedures to appoint an individual, or individuals, to fill a term, or terms, without convening a general meeting.

Corporations can also consider conducting some business, such as approving reports, outside of a meeting through an ordinary resolution signed by a majority of all the owners, representing more than 50% of the total unit factors. Bylaws may provide further guidance on this approach, and legal counsel should be consulted.

Further information

If boards or owners have further questions, please send an email to cs@gov.ab.ca or telephone 1-877-427-4088.

Suggested best practices

While not mandated by legislation, there are some best practices corporations can consider following during the pandemic.

Venues - Due to the 2 meter physical distancing requirement, corporations may need to secure venues that are roughly 3 times the size of normal capacity for each corporation’s usual attendees. (Be

aware that owners may choose to be represented by proxy, reducing the number of in-person attendees.)

Board Nominations – Limit time spent in meetings by requesting that anyone who is interested in running for election as a board director put their names forward in writing to the board or Manager in advance of the AGM notification date, with a short biography so the information can be sent out to the owners with the notification package.

AGM Notifications – Make owners aware of their option to use proxies, and request only one representative per unit attend when possible, due to the existing restrictions for large gatherings. Prepare all necessary reports in writing and send out in the package with the required information (financial statements, annual report on the reserve fund, annual budget) and the minutes of the previous AGM. In the package, include proxy forms, reminders to wear masks, and advise owners to bring their own documents, pens and paper, etc. Notification must be sent to each owner, and any mortgagee who has given written notice, at least 14 days in advance of the meeting date.

Proxies - Recommend that proxy forms be as detailed as possible to provide an opportunity for owners not attending to give as much direction as possible to their proxy. For example: provide direction on resolutions for approval of financial

reports, changes to previous minutes, and the names of board member nominees plus the number of positions that are up for election, so owners can make a selection in advance if they are not attending. Request that proxy forms be returned two or three days in advance of the AGM to allow time for verification prior to the meeting and also to reduce waiting time at the start of the meeting.

Information Meeting Preview – If teleconference or video-conference technology is available, consider hosting an electronic or online information meeting to allow owners opportunities for discussion and providing feedback where needed. Although no decisions could be made at this meeting, all aspects of the AGM could be reviewed in advance (audit, previous minutes, reports, etc.).

Registration - Consider staggering registration times to minimize gathering of large groups prior to the meeting. Check to see if the venue has shields to enhance protection at registration.

Sample proxy form

Corporations can develop their own form, based on their specific needs and bylaw requirements.

Proxy for Annual General Meeting

I/We, _____, owner of unit(s) _____ (include residential, commercial, parking, mailbox, storage units) will not be present at the Annual General Meeting of Condominium Corporation No. _____, to be held on _____.
(date)

I/We do hereby designate and appoint: _____ to be my/our proxy. This proxy is limited to being used for the following purposes:

1. To be used for quorum;
2. To vote in favor of the following persons for the Board of Directors; and

_____	Yes _____	No _____
_____	Yes _____	No _____
_____	Yes _____	No _____
_____	Yes _____	No _____
_____	Yes _____	No _____
_____	Yes _____	No _____
_____	Yes _____	No _____

3. To be used as follows on voting on resolutions:

Dated this _____ day of _____, 20__.

This proxy form expires on _____ day of _____, 20__ or else _____ months from when it is signed, whichever is earliest.

(Signature of Owner 1)

(Signature of Owner 2)