

General meetings for condominium corporations

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

Convening annual general meetings

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

Condominium corporations needing guidance regarding when to convene their AGM should speak with legal counsel - especially during health emergencies such as the COVID-19 pandemic.

Electronic meetings

The *Condominium Property Act* permits condominium corporations to conduct a general meeting by electronic means.

These changes are effective retroactively to August 15, 2020.

Service Alberta has amended the *Condominium Property Act* to allow condominium corporations to provide meeting notices, conduct meetings and hold votes through electronic means, unless their bylaws state otherwise.

“Electronic means” include the use of electronic or telephonic communication that enables all persons attending the meeting to hear and communicate with each other instantaneously. This includes

teleconferencing and computer network-based or internet-based communication platforms.

Bylaws and electronic meetings

If a condominium corporation currently has meeting requirements set out in their bylaws that prohibit electronic meetings, the amendments under the *Condominium Property Act* do not automatically change the bylaws to allow for electronic meetings.

A condominium corporation has the ability to amend their bylaws to prohibit, limit, or create parameters for electronic attendance at meetings and for voting, in a manner that reflects their particular needs or circumstance.

As the responsibilities of the corporation are to give notice of a meeting, determine its venue, and set the agenda, it would be the condominium corporation that would determine how and where the meeting is conducted in accordance with the Act and the bylaws.

Voting

A means of voting must be provided if there are matters to be decided upon that require a vote.

Unless the bylaws provide otherwise, a person who is entitled to vote at a meeting may vote electronically, by telephone or by another method made available by the condominium corporation.

The amendments do not require/mandate electronic voting, but give condominium corporations the ability to define, limit or prohibit electronic participation

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through their bylaws. Voting does not require an electronic voting component, unless the condominium corporation chooses to implement one.

Options for voting could include the use of a ballot vote, for example, that is sent to all eligible voters to decide on matters.

A corporation can approve a particular set of Rules of Order for the conduct of meetings or to set out the specifics for voting procedures. Owners can also establish or change any board rules in this matter by ordinary resolution. Condominium corporations are advised to work with legal counsel when drafting bylaw amendments.

Special general meetings

The board may convene a special general meeting of the corporation by providing notice to each owner, subject to the regulations, at least 14 days before the day the meeting is scheduled. A corporation's bylaws may have additional notice requirements.

Convening a special meeting at owners' request

The board must convene a special general meeting if the board receives a written request from owners whose units represent at least 15% of the total unit factors for all the units.

The request from the owners must include the nature of the business to be addressed at the meeting. The board must convene a special general meeting within 30 days of receiving the request from the group of owners. The board must provide notice to each owner in the corporation at least 14 days before the meeting date. The board must also provide notice to any mortgagee (mortgage lender) who has notified the board of the mortgagee's interest.

The notice for a special general meeting must include the purpose for the meeting and the proposed wording of any resolution.

If the board does not convene a meeting within the 30-day time period required by the legislation, the owners may convene the meeting.

Gathering restrictions

The size of gatherings are determined by fire code capacity and public health measures during public health emergencies.

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

Information on COVID-19 in Alberta, including group size limits, can be found online.



For more public health information during the pandemic please call 811.

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>

Location for annual and special general meetings

Corporations can pass a special resolution that addresses how a corporation may balance the interests of owners to participate electronically with the capacity of the corporation.

Meetings that are not held entirely by electronic means must be held at a location within the municipality in which the units are located, unless an ordinary resolution to hold the meetings in another location is passed at a general meeting of the corporation.

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Section 26(6) of the *Condominium Property Act* permits a corporation to pass a resolution in writing, instead of convening a meeting for the purpose of exercising the powers of voting.

Alternative options

Owners who do not attend a meeting 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.