

Annual General Meetings in the midst of COVID-19



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Many condominiums are approaching the time they would normally hold their AGM. In the midst of a pandemic, where the public health authorities have advised we should all be social distancing, this leads to two major questions:

- Do we need to hold our AGM; and
- If yes, how can we do so

Social distancing means minimizing close contact with others in the community. In light of the health-related directives, owners should not gather together and if you have not already done so, access to common spaces where individuals gather such as common rooms, gyms and pools should all be closed for the protection of everyone in your condominium.

Section 40 of *The Condominium Property Act, 1993* (the “Act”) provides that condominiums must hold an AGM no later than 15 months from the previous AGM. Further section 111 of *The Act* provides that a corporation can be fined up to \$2,000 for not complying with section 40.

It is hard to believe that a court would fault a condominium corporation for making a short postponement of its AGM on the basis of advice from the health authorities.

I have had many questions about holding meetings by alternative means, such as

video conferencing or telephone meetings. The government passed an order on May 14, 2020 to amend *The Condominium Property Regulations 2001* to add section 62.01 which provides that unless prohibited by your bylaws, a meeting held by telephone, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting shall be convening an annual general meeting pursuant to section 40. Most bylaws that I have seen do not include such prohibition and therefore electronic meetings would be allowed.

Depending on your specific condominium size, demographic and comfort with technology you can assess which electronic method will work best for your community.

Another alternative would be to hold a proxy meeting wherein your owners provide their proxy to one or two individuals so that those persons can hold the meeting and pass the necessary resolutions. I would suggest this is only done if necessary and it is done in conjunction with an informational call or webinar wherein owners can interact and ask questions.

The key is not to diminish an owner’s ability to participate effectively. Whether you hold your meeting via other methods or postpone, ensure there is the opportunity for communication between the board and owners.