

Voting Procedures and Meeting Notices

BACKGROUND

Proxy Voting

Condominium owners can cast their vote themselves or by proxy at meetings of the condominium corporation. “Proxy voting” means the owner chooses another person to vote on their behalf. This person may be a family member, friend, or another owner.

Assigning a proxy lets an owner who cannot attend a meeting to cast their own vote have the chance to still have their voice heard. The owner may choose to tell the proxy holder how to vote, or they may let the proxy holder to decide how the vote should be cast.

While the *Condominium Property Act* allows owners to vote by proxy, the Act does not set rules for how to give someone a proxy vote.

As a result, each condominium corporation sets bylaws and rules that govern how a proxy can be used. For example, many corporations require written proof of a proxy before they will accept a vote from a proxy holder.

Many provinces set rules around the use of proxies, such as:

- Setting a specific form for written proxies.
- Listing how long the proxy lasts, such as for a number of meetings or an amount of time.
- Listing people who cannot be a proxy holder, such as a condominium manager.
- Limiting the number of proxy votes that any one person can have.

Units Owned by More Than One Person

When a vote is held, the total votes need to be tallied to find out if the vote has passed or not.

When a unit is owned by one person, or by two or more people who agree with each other, counting that unit’s vote is generally straightforward.

When a unit is owned by two or more people who disagree with each other, however, it can be harder to decide how that unit vote should be counted. For example, a group of three investors may co-own a unit, but may not agree whether to vote for a bylaw amendment.

The *Condominium Property Act* requires the regulations to set out how votes are to be counted when two or more people own a unit.

Many provinces set rules around handling these votes, such as:

- Only count the vote if the unit’s co-owners agree on how to cast the unit’s vote.
- Count the vote according to the majority decision of the unit’s co-owners, with no vote counted if they are evenly split.
- Divide the voting rights between the owners depending on how much of the unit they own. For example, if three owners each owned one-third of the unit, each would get one-third of a vote and cast a vote for one-third of the unit factors.

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Electronic Voting

Giving condominium corporations the option to hold electronic votes would allow them to keep up with changes in technology, and may make it easier for some owners to participate in votes.

Electronic voting could allow owners to vote at their convenience during the voting period using a computer, tablet, smartphone or other device. This can let owners still cast their vote even if they are ill, out of town, busy, or otherwise would not be able to vote.

Electronic voting will require appropriate rules and controls to make sure the vote is secure, reliable, and accessible to eligible voters. The process must also ensure that owners who are unable or choose not to vote electronically can still vote with a paper ballot or in some other way.

A review of international condominium laws shows several jurisdictions have detailed rules for electronic voting, while others leave decisions about how to run the process more in the hands of each condominium corporation.

Notice of General Meeting

The *Condominium Property Act* requires owners be given a meeting notice at least 14 days before an annual general meeting, to make sure owners know about the meeting and have the chance to attend.

Service Alberta has heard from a number of owners and board members suggesting a preliminary notice be given even earlier. This preliminary notice could act as a “save the date” and would allow the owners even more of a chance to plan to attend the meeting and consider whether to ask for topics to be added to the agenda or whether to put forward their name for election to the board.

Recent changes to Ontario’s condominium laws will require owners be given a preliminary meeting notice at least 20 days before the actual notice of the annual general meeting. The preliminary notice will also give a deadline for any owner to advise the board if they wish to add items to the agenda of the general meeting.

If You Have More Feedback

If you have some thoughts or comments you would like to provide after the Open House, please feel free to write down your feedback and send it to us:

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For More Information

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