



Instruction Guide 7

How to Prepare for an Annual General Meeting (“AGM”)

Caution and Disclaimer: Please note that this Guide has not been updated to take into account legislative amendments and court decisions that have occurred since it was prepared in 2000. For example, certain legislative amendments came into force on January 1, 2010 and the Guides have not been updated to reflect those amendments. The reader should review the current legislation or seek professional advice in order to obtain a full understanding of the current provisions of the *Strata Property Act*. Neither the Superintendent of Real Estate, nor any other authority of the government of the Province of British Columbia, is liable for any inaccurate or incomplete information in this Guide.

Important Notice: This Instruction Guide has been prepared by the Superintendent of Real Estate to provide information about the *Strata Property Act* (the “Act”). This is only a guide to certain parts of the Act and Regulations. Please consult the Act and Regulations to determine the complete and precise requirements of the Act and Regulations. In addition, please remember when reviewing statements about the Standard Bylaws that they may not apply until January 1, 2002, and even when they do apply, they may have been amended or removed if the strata corporation has filed bylaw amendments in the Land Title Office. Please check all filed bylaw amendments to determine whether and how the Standard Bylaws may have been amended.

October, 2000.

1. Calling the Meeting

An Annual General Meeting (“AGM”) must be held every year within two months after the fiscal year end of the strata corporation, unless the AGM is waived.

An AGM can be waived if all eligible voters waive, in writing, the requirement to hold an AGM and if they pass resolutions in writing to:

- approve next year’s budget;
- elect the strata council by acclamation; and
- deal with any other business.

2. **Documents to Prepare**

The following documents should be prepared for the AGM:

- the Agenda;
 - the strata council determines the agenda; but
 - persons holding 25% of the votes can demand in writing that a resolution or matter be added to the agenda.
- the budget and financial statements;
- the exact wording of resolutions needed to be passed by a $\frac{3}{4}$ or unanimous vote; and
- the notice of the AGM (the "Notice") that must be given to all persons who are entitled to receive notice, and the Notice must include:
 - a description of matters to be voted on;
 - the exact wording of resolutions that need to be passed by a $\frac{3}{4}$ or unanimous vote;
 - the budget and financial statements; and
 - all matters or resolutions that are on the agenda by the written demand of 25% of the eligible voters.

3. **Persons Entitled to Receive Notice**

The strata corporation must give the Notice two weeks before the AGM date to the following persons:

- every strata lot owner;
- every mortgagee who has filed a "Mortgagee's Request For Notification" (Form C); and
- every tenant who:
 - has been assigned a right to vote;
 - is a family member, as defined in the Regulations; or
 - has a lease of three years or more; andif the strata corporation has received notice of the assignment or leasing arrangements.

As long as the strata corporation has made reasonable attempts to give the Notice to all necessary persons, no vote taken at an AGM will be invalid because someone has not received the Notice. \

4. **Methods of Giving Notice**

Notice of an AGM can be given in the following ways:

- if a person has provided the strata corporation with an address for receiving notices that is outside of the strata development, then Notice can be delivered:
 - by personally leaving it with the person; or
 - by mailing to the address provided by the person.
- if a person has not provided the strata corporation with an address for receiving notices that is outside of the strata development, then Notice can be delivered:
 - by personally leaving it with the person;
 - by leaving it under the door of the person's strata lot;
 - by leaving it with an adult occupant of the person's strata lot;
 - by mailing to the strata lot address;
 - by putting into the mail box or mail slot for the strata lot; or
 - by faxing it to a fax number provided by the person.
- if Notice has been given by any of the above methods, except by giving it to the person, the Notice is deemed to be received by the person four days after it was given.

5. **How the Notice Period Runs**

Under the Interpretation Act, if the reference to time includes phrases such as “clear” days or weeks, or “at least” in reference to days or weeks, the time must be calculated by excluding the first day and the last day of the period. Another way of thinking about the days that must be excluded is to think that nothing can happen on those days. Thus, when calculating the number of days within the two week notice period for an AGM, the day the notice is given (Day 1 on the chart below), or is deemed to be received (Day 5 on the chart below) cannot be counted as one of the days. The AGM cannot take place on the last day of the notice period (Day 15 or Day 19 on the chart below). It can only take place on any of the days following the last day of the notice period (Day 16 or Day 20 on the chart below).

Example of How the Notice Period Runs

Type of Notice	When delivery is initiated	When Notice is given	When Notice period starts to run	When the Notice period stops running	When AGM can be held
<p>Deemed Notice:</p> <ul style="list-style-type: none"> • Mailing to address provided by the person; • Leaving it under the strata lot door; • Leaving it with an adult in the strata lot; • Mailing it to the strata lot address; • Putting it in the strata lot's mail box; • Faxing it to a fax number provided by the person. 	Day 1	Day 5, Notice is "deemed " to be received after 4 days	Day 6, the 2 week period starts on this day	Day 19, the 2 week period ends on this day	Day 20 or later
<p>Actual Notice:</p> <ul style="list-style-type: none"> • Actually handing it to the person. 	Day 1	Day 1	Day 2	Day 15	Day 16 or later

References:

Sections of the Act: 40, 41, 44-46, 61, 103

Caution and Disclaimer: Please note that this Guide has not been updated to take into account legislative amendments and court decisions that have occurred since it was prepared in 2000. For example, certain legislative amendments came into force on January 1, 2010 and the Guides have not been updated to reflect those amendments. The reader should review the current legislation or seek professional advice in order to obtain a full understanding of the current provisions of the *Strata Property Act*. Neither the Superintendent of Real Estate, nor any other authority of the government of the Province of British Columbia, is liable for any inaccurate or incomplete information in this Guide.