

Condo Smarts

Headline: What resolutions really say in the minutes

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Written by: Tony Gioventu

Dear Condo Smarts: I am the newly elected president of my strata in the north Okanagan. I purchased my unit 18 months ago in a complex that is mixed townhouses and apartments. When I purchased I read all of the minutes for five years, the bylaws, asked questions about maintenance, had an inspector look at the townhouse, and all was basically well. Being a new condo owner, I have to admit, I didn't really know what I was reading, but the basic business appeared to be intact. One practise that we have changed since my election to council is the content of the minutes. Had I known about the real reason for roof repairs approved in 2009, I likely would never have purchased. The repairs were a result of a carpenter ant infestation, but the minutes only said the roofing repairs for the special levy for \$75,000 were approved by ¾ vote. An owner has given me a copy of the original notice and the ¾ resolution was almost two pages long. It dealt with access to strata lots, the infestation, the exterminators, the necessity for the repairs and all the associated damages. Clearly this was a critical piece of information for a potential buyer, and obviously gave the strata council the authority to proceed. Are we not required to include the wording of the resolutions in the minutes? Not surprisingly, we have carpenter ants again. Joan D.

Dear Joan: When a potential buyer or owner requests copies of minutes, a Form B Information Certificate, or copies of the records of the strata corporation, those records do not include the notices of Annual or Special General Meetings. Even the portion of the Strata Property Act that addresses records, does not include a specific reference to notice packages, although it may be argued that they are included with correspondence sent or received by council. Correspondence however, must only be retained for a minimum of two years. Strata corporations of every size and design across the

province have been chronically reducing the capacity of their minutes as it is both time saving and cost saving; however, for exactly the reason you have raised, it is absolutely critical that the wording of unanimous, ¾ vote, and majority vote resolutions that are on the agenda and raised at the meetings, are included in the minutes. It is not only critical for a potential buyer to understand exactly what has been approved, but it is also necessary for the effective operation of the strata council. Many resolutions for example approve special levies, major construction, bylaw amendments, court actions, significant alterations to common property, allocations of limited common property, the annual budget, and authorized expenses from the reserve funds. The wording of these resolutions whether included in the notice as a ¾ vote resolution, or as a majority vote motion from the floor for a budget approval or amendment of the annual budget, provide both the instructions to council and the legal authority for council to enact these resolutions as the representatives of the strata corporation. Subsequently, at a future general meeting, the owners will be approving the minutes of the past meeting, and if you have not included the exact wording of the resolutions in the minute, how can you reliably or competently approve these minutes? Also, strata councils are given the authority to implement these resolutions, many of which can be effective for years. How do new council members two years from now understand with any accuracy the implication of a long term resolution, if the minutes do not record the wording of the resolutions? There is no excuse to not include the resolutions as they were drafted with the notice or raised from the floor at the meeting. Most notice packages are written on desk top programs, so it is simple to retain the notice documents and merge the minutes with the resolutions in the notice.

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