THE CONDOMINIUM ACT 1998 - MEETING TIMELINES

3100 Steeles Avenue West, Suite 300, Vaughan, Ontario L4K 3R1

Contact: Mario Deo



Telephone No. (905) 760-1800 Fax No.: (905) 760-0050 E-mail: mdeo@finedeo.com

After July 4, 2001, you must hold your AGM within six months of the end of the fiscal year of the corporation. See section 45(2). For new condominiums, the AGM must be held not more than three months after registration. Here's what to do and when to do it.

No. of days prior to AGM

What to Do

- 90 Send a notice to owners which is referred to here as a "Directors Call Notice." This is not an AGM notice. This notice is not required by the New Act so it is not mandatory. The Directors Call Notice could advise owners of the following matters:
 - The date of the AGM. If the actual date is not known, give an approximate date.
 - Advise owners that the Condominium Act requires the formal AGM notice to contain a statement indicating the
 name and address of each person who has notified the board, in writing, of his or her intention to be a candidate
 for the board. [section 28(2)]
 - Explain section 51(6) which reserves one position on the board where at least 15 percent of the units of the
 corporation are owner-occupied units. Explain that only the owners of owner-occupied units may elect a director to
 this reserved position on the board. State the number of owner occupied units at the time of the Directors Call
 Notice.
 - State the date by which each candidate must advise the corporation of his or her intention to run for the board. The New Act [section 28(2)] states that the candidates included on the AGM notice will be those who have notified the corporation of their intention to be a candidate, as of the fourth day before the AGM notice is sent to owners
 - Explain that proxies under the new Condominium Act must specify who the proxy may vote for. Accordingly, all directors who inform the corporation in advance of their intention to be a candidate will have the advantage of being eligible to be listed on a proxy. Candidates who are nominated at the meeting obviously will not be listed on the proxy and therefore may not be able to obtain votes from any proxy holders.

In the Directors Call Notice, you may wish to include a form which each candidate may sign and forward to the condominium corporation. This form may also serve as a nomination form if you wish. The Directors Call Notice is not required to be in any specific form and it is not required to be delivered in any specific way. Delivery by ordinary mail is recommended.

- 21 Since the notice of the meeting must be forwarded on day 17, this is the last day for candidates for the board to advise of their intention to run for the board, if they wish their names to be included in the notice of meeting. See section 28(2).
- The notice of the meeting is forwarded to all persons in the corporation's records as at this day. See section 47(5).
- This is the last day for any "owner-occupied candidates" to notify the corporation of their intention to be candidates for the board. Remember that this position is only available where at least 15 percent of the units of the corporation are owner occupied units. If this is the case, one position on the board is reserved for such a candidate. See section 28(3).
- 17 The notice of meeting must be given no later than this day. See section 47(1)(b).
- 1 The owners meeting is held on this day.

Day 10 after meeting

Anyone who was elected or appointed to the board and was not present at the meeting, must consent in writing to act as director by this date. If he or she fails to do so, he or she may not be a director. See section 30(3).

Day 91 after meeting Proxies of the meeting may be destroyed, unless there is an ongoing dispute about the meeting. See section 52(7)