



Conducting Owners' Meetings During the COVID- 19 Pandemic: What Owners and Directors Need to Know

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1. Introduction

The COVID-19 pandemic has been a catalyst for both action and reflection on various issues within condo communities across Ontario. One of the most pressing topics for the sector is the inability to hold conventional in-person owners' meetings. As the situation continues to evolve, condo boards must continue to consider the health and safety of their owners, residents, and employees. The *Conducting Owners' Meetings During the COVID-19 Pandemic: What Owners and Directors Need to Know* ("Guide") guide is intended to assist directors and owners in finding ways to hold important owners' meetings, including annual general meetings (AGM).

The Condominium Authority of Ontario (CAO) is encouraging condo owners to review this Guide and to sign up to receive future updates from the CAO. To subscribe to our email list to receive important updates from the CAO, owners are encouraged to subscribe through the email link found below in Section 5: Next Steps.

1.1 Purpose and Overview of this Guide

The CAO has developed this Guide to help condo corporations across the province understand their options for holding owners' meetings, as well as ways to navigate the health and safety restrictions outlined by public health officials when having these meetings. This Guide's primary focus is the planning and execution of telephonic and electronic owners' meetings for condo corporations who do not already have a telephonic or electronic meeting and voting by-law. If your condo corporation already has a telephonic or electronic meeting and voting by-law, then your condo corporation will be required to continue to adhere to the provisions of that by-law. This Guide will also touch upon safe alternative methods of meeting in-person if holding a completely telephonic or electronic meeting is not the right option for your condo corporation.

1.2 Extended AGM Deadlines

If you are planning an AGM, one of the most important things to know is the deadline to which the meeting is to be held. Usually, an AGM must be held within six months of the end of each fiscal year of the condo corporation, however, due to the COVID-19 pandemic, **the Government of Ontario has extended the deadlines for holding AGMs.**

Based on the condo corporation's original deadline to hold the AGM (i.e., within 6 months of the end of the condo corporation's fiscal year), the AGM can be deferred according to the extended deadlines, as detailed below:

If the original AGM deadline is:	Then it must be held on or before:
March 17 – July 24, 2020	October 22, 2020

July 25 – August 24, 2020	November 21, 2020
After August 24, 2020	The original deadline, no deferrals

1.3 What is an Owners’ Meeting?

Condo corporations hold many different types of meetings. Some of these meetings are attended only by the board of directors (e.g., board meetings), while others are open to all owners (e.g., AGMs). Under the *Condominium Act, 1998* (the “Condo Act”) the following are considered as owners’ meetings and open to all owners:

- AGMs;
- Owner-requisitioned meetings;
- Turn-over meetings; and
- An owners’ meeting regarding the transaction of any business.

1.4 Temporary Provisions for Holding an Owners’ Meeting

On May 12th, 2020, the Government of Ontario passed the [Response and Reforms to Modernize Ontario Act, 2020](#), which amended the Condo Act with a number of temporary provisions to help condo communities during the COVID-19 pandemic. These temporary provisions will stay in effect until the extended transitional period (the period following the end of the state of emergency in Ontario) ceases on May 31st, 2021.

The temporary provisions include:

- Condo corporations can hold owners’ meetings and votes may be cast by telephonic or electronic means, without the need for a by-law that explicitly allows this.
- Unit owners are deemed to be present at the meeting and count towards quorum as per the temporarily amended section 50 (2) of the Condo Act if they:
 - Personally connect to the meeting;
 - Have an individual represent them by proxy ([using the mandatory proxy form](#)) to connect to the meeting on their behalf; or
 - Vote prior to the telephonic or electronic meeting. Note that advance votes can only be used for and count towards quorum for the items voted on and set out in the meeting agenda.

- Condo corporations can use electronic means to deliver meeting-related materials to unit owners, even if there is not an existing agreement between the owner and the condo corporation to allow this.

It is important to remember that the temporary provisions do not cover mail-in votes. Votes cast in advance through mail-in ballots can only be counted if the condo corporation's by-laws allow for mail-in voting.

2. How to Prepare for an Electronic Owners' Meeting

When preparing for an electronic meeting, your first step must be to research, and be cognizant of, any by-laws your condo corporation has regarding meetings. For some condo corporations there may be provisions in your by-laws and declaration which may impact how meetings are held. Although the temporary amendments to the Condo Act allow for telephonic and electronic meetings and voting regardless of any by-laws your condo corporation may have, you must still follow other provisions in your condo corporation's by-laws. If you do not understand what is required by your condo corporation's by-laws, you may want to seek legal advice.

Owners should be kept up-to-date and provided with ongoing communication. The board may want to send such communication alongside the Notice of Meeting, or any time before the meeting. The type of information that should be circulated to owners is:

- The type of electronic platform (online or telephone) that will be used to hold the meeting;
- Instructions for how attendees can access and set-up the platform (e.g., any dial-in number, access code or other invitations required to join the meeting);
- Information for any backup system that might be used in case of a technical issue; and
- Meeting materials, presentations, and visual aids to the attendees ahead of time.

Remember that owner participation is key to the meeting being successful, so it is important to be flexible. If an owner does not have access to a computer or a reliable internet connection, they may be able to be accommodated by joining the meeting via phone. Be sure to remind unit owners that they can still use a proxy if they are unable or uncomfortable with joining a meeting that is being held through videoconference or teleconference. It is important to be considerate of your attendees' familiarity with

technology and encourage them to reach out to you if they feel they may experience problems.

2.1 Teleconferencing vs. Videoconferencing

Videoconferences use online video and/or audio software that allows multiple people to interact concurrently. Many videoconferencing platforms have the 'Raise Your Hand' option, in addition to allowing people to type text into a chat section. Using text-based communication alongside videoconferences is very useful, as it can be used to keep track of comments, responses, and votes.

Teleconferences allow attendees to call into a meeting, where they can hear and speak to the other attendees but cannot see them. Teleconferences can be a more accessible form of meeting for those who do not have access to a computer.

Determining the appropriate type of conferencing option for your condo corporation will be dependent on various factors (e.g., size of the condo corporation, proficiency with certain technology, etc.) and will vary from one condo corporation to another. One of the benefits of both teleconferencing and videoconferencing is the opportunity for increased community participation in condo governance. The convenience of these options might encourage individuals to participate who have not participated previously.

2.2 Accommodations

When preparing for an owners' meeting, one of your core considerations should always be the needs of your attendees. It is a good practice to ask owners to let you know in advance if there are specific accommodations that they require. Some individuals might feel uncomfortable coming to you with specific requests, so be sure to design your meeting to allow everyone to listen, vote, and contribute comfortably and effectively. For example, choosing an online videoconferencing program that can enable live closed captioning could make a world of difference for your attendees.

If you are unsure about how to respond to an accommodation request, you may wish to seek legal advice before responding.

2.3 Types of Platforms to Use

There are several different platforms that can facilitate electronic attendance of multiple attendees at a single time. When choosing a platform, remember that all meeting attendees need to be able to observe and contribute to the meeting. This means that attendees should constantly see and hear what business is taking place, as well as vote (if they have the right to do so). For example, section 45 (3) of the Condo Act requires that during an AGM, owners may raise for discussion any matter relevant to the affairs

and business of the corporation. Therefore, your meeting platform must be able to accommodate this discussion. Make sure that the platform can host your number of expected attendees and fits within your budget.

Many platform vendors offer additional event and conferencing assistance to help manage the meeting more efficiently. If you are planning on using these services, you may wish to speak with a sales representative to book in advance.

The way that the board formats and conducts their electronic meeting will play a crucial role in determining its outcome and success. Consider completing a test run and give yourself ample time to fix any issues should something go wrong.

Many virtual platforms allow users to record the meeting. For privacy reasons, you should receive consent from those who are attending before recording voice or video.

Be sure to let your unit owners know what is being used ahead of time, and what the differences will be between the new meeting format and the old one. The board may want to prepare helpful guidelines to be followed by the owners in the condo corporation when engaging and conducting themselves in electronic meetings and voting procedures.

2.4 Serving Notices

Due to new temporary legislation put in place as a result of the pandemic, condo corporations can use electronic means to deliver meeting-related materials (e.g., meeting notices) to unit owners, even if there is not a pre-existing agreement between an owner and the condo corporation that explicitly allows this.

This means that any materials to be presented at an owners' meeting can be presented through electronic means, and any forms required under the Condo Act can be modified to reflect these temporary changes.

The Condo Act establishes that the board must send out two different notices when calling an owners' meeting:

1. A Preliminary Notice of Meeting before the subsequent Notice of Meeting, sent to the owners at least 20 days before the Notice of Meeting and using the [mandatory form](#). (For owner-requisitioned meetings, the timeline is at least 15 days, as per section 67 of Ontario Regulation 48/01.)
2. The Notice of Meeting is sent at least 15 days before the meeting is held and in the [mandatory form](#). For AGMs, the corporation must also attach a copy of the financial statements approved by the board and the auditor's report, as per the Condo Act.

Section 54 of the Condo Act was amended to define “electronic means” as any means that uses any electronic or other technological means to transmit information or data, including fax, e-mail, computer, or computer networks.

2.5 Quorum Requirements

Quorum refers to the number of owners representing a certain percentage of units in the condo corporation who must be present for the meeting, either in-person, by proxy or through telephonic or electronic attendance or voting. If there is no quorum, there can still be a discussion on a matter, but no meeting or votes can take place.

The temporary amendments to the Condo Act allow for an owner who votes by telephonic or electronic means to be deemed as present either in-person or by proxy, and therefore can be counted towards quorum under section 50 (1) of the Condo Act. As only the requirement for a telephonic or electronic voting by-law has been suspended under the temporary amendments, and given that section 52 (1) (b) (iii) of the Condo Act permits telephonic and electronic voting, the method to establish quorum can be determined by whether the unit owner connected to the meeting telephonically or electronically, or whether they submitted an advance electronic vote.

A common feature of most electronic voting platforms is the ability to vote before the meeting is held. Advanced voting allows for condo business to be conducted smoothly and safely during the pandemic. It also gives the condo board an understanding of whether they are likely to meet quorum requirements. Remember that early votes can only be used for and count towards quorum for items voted on and set out in the meeting agenda. Once the extended transition period is over, condo corporations must pass a by-law which details the manner by which an owner is deemed to be present if they wish to continue to have early voters count towards quorum.

For most owners’ meetings (e.g., AGMs, turn-over meetings, and meetings to elect directors or appoint an auditor), quorum is reached when owners who own 25% of the units in the condo corporation are present.

If quorum is not reached on the first two attempts to hold an owners’ meeting, quorum is reduced from 25% to 15% on any subsequent attempts, unless specified otherwise in the condo corporation’s by-laws.

2.6 Proxies for Electronic Meetings

As the temporarily amended Condo Act allows for meetings and voting by telephonic or electronic means without a by-law which specifically allows this, the administration of

proxy forms presents a practical issue. Validating a proxy form while at the same time conducting a telephonic or electronic meeting may be challenging. Owners do have the right to use proxies though, so it is up to meeting organizers to establish a process to accommodate them.

As a best practice, suggest that your meeting attendees deliver all proxy forms by a specific date, prior to the meeting taking place. This will give the condo board or meeting organizers adequate time to validate the proxy forms, record all important information and report it to the owners attending the meeting virtually.

Going forward, we encourage condo boards to consider passing a by-law to require proxy forms for telephonic or electronic meetings be submitted prior to the meeting taking place, but after the Notice of Meeting is sent out.

2.7 Registering your Attendees

To determine who will be attending the meeting and whether they are entitled to vote, the board may want to implement a formal registration process or document to gather information from owners, including:

- The owner's name;
- Whether they are entitled to vote on matters (if you are unsure you may review the Record of Owners and Mortgagees); and
- Whether they are planning on voting in-person, by proxy or through telephonic or electronic means.

Registration should be done well in advance of the meeting. This gives the board an idea of how many owners will be attending, whether quorum will be reached and whether the platform they wish to use will sustain the number of people attending.

2.8 Organizing your Attendees

An effective meeting depends on effective organization. As a best practice, the board may want to take a roll call of those who voted in advance and all those attending the meeting. Each attendee should start by stating their name and identifying which unit(s) they own or represent.

You may also want to ensure that the representative of the unit matches the owner's name on the condo corporation's Record of Owners and Mortgagees. If not, check that the individual has a proxy form for the unit before allowing them to vote.

Consider asking attendees to respect the following best practices while attending a telephonic/electronic meeting:

- Join the electronic meeting in a quiet area (e.g., their residence vs a public space);
- Use the mute option on their phone, computer or other devices when not speaking;
- Confine their comments to the specified speaking periods (if any are defined).
- Avoid speaking over others; and
- State their name before talking to make all attendees aware of who is speaking.

2.9 The Role of the Board

The board plays a critical role in ensuring that all owners are well prepared for the meeting, as well as helping any owners who are having difficulties participating and voting. The board is responsible for:

- Proactively sharing meeting-related information with owners and finding ways to resolve any issues;
- Ensuring owners are registered beforehand;
- Providing information and options regarding voting procedures;
- Educating owners of their rights and obligations during the meeting;
- If the meeting is to be held through telephonic or electronic means, condo corporations are still required to take minutes of the meeting and keep them as records of the condo corporation as per section 55 (1) of the Condo Act; and
- As a best practice, the board should appear on camera when possible during electronic meetings.

It is important for condo boards to work with owners to discuss issues that arise when holding a meeting through telephonic or electronic means. Ultimately, different condos may face different and unique circumstances, and the options for resolving their issues will vary.

2.10 The Role of the Condo Manager

The condo corporation can delegate responsibilities, such as the administrative and operational management of organizing the meeting, to the condo manager. The degree of delegation can be decided by the board.

2.11 The Role of the Moderator

To ensure timelines are met during the meeting and that there are mutually beneficial conversations, a person can be chosen to act as a moderator, preferably someone who has knowledge of the condo corporation's affairs (e.g., a director), and is familiar with the technology being used. Common responsibilities for moderators include:

- Following any meeting procedures as laid out in the condo corporation by-laws;
- Monitoring chat, email, or other functions that attendees can use to submit questions, materials, or votes before or during the meeting;
- Advancing the slides or presentation materials being shown on screen;
- Answering any technical questions on the meeting platform;
- Keeping track of speaking times and the meeting's schedule; and
- Ensuring that all owners are heard in an organized fashion.

Consider putting a time limit on speakers to make sure all attendees have a chance to speak during the meeting. If you are holding an electronic meeting, be sure to allow owners to appear on video when asking questions (if they wish). As a best practice, consider allowing meeting attendees to see all questions posed to the board. You can also organize designated speaking periods for attendees to provide comments, or to discuss an issue.

2.12 Logistics and Rehearsal

In advance of a meeting, directors and condo managers should establish their roles in both logistics and technical support. If you are planning on using a videoconferencing platform, equipment such as computers/laptops, webcams, microphones, and internet speed should be tested beforehand. Consider creating a script which will include the purpose of the meeting, the agenda of the meeting, and motions for each director. If you are planning on using a videoconferencing platform, a rehearsal should be considered to time and review the script with each presenter.

3. Voting at an Electronic Meeting

A vote can be a contentious moment in a meeting. For this reason, it is vital that the voting process is communicated clearly to all owners.

During the pandemic, unit owners can vote during owners' meetings by telephonic or electronic means without the need for a by-law.

Telephonic or electronic voting is an effective and safe method of limiting the number of individuals physically attending a meeting during COVID-19. It also provides an opportunity for unit owners, who may not have otherwise attended, to participate in owners' meetings. Electronic and telephonic voting methods include online voting service providers, email, telephone, and fax.

It is important to consider that there may be individuals who wish to vote anonymously. For example, if voting is only allowed by show of hands, it would be impossible for anyone to vote anonymously. Anonymous voters can be accommodated by planning for an electronic or secondary platform (e.g., email or an online survey provider) which allows for the individual casting the vote to remain unidentified.

Condo corporations can utilize more than one of the following voting methods when conducting an AGM or other owners' meeting, such as using proxies, a show of hands during the meeting, and advance electronic voting. The board will need to ensure that individuals who are not entitled to vote (e.g., guests) are not accidentally included in a vote.

3.1 Show of Hands Through Electronic Means

Using a show of hands may be the simplest method for voting on matters through videoconference. Many videoconferencing platforms provide a 'Raise your Hand' option, which allows owners to electronically signal which matters they wish to vote for, and how they wish to vote. To ensure votes are being counted correctly, the board may want to delegate this responsibility to someone who is trusted and has knowledge of the affairs of the condo corporation (e.g., a director or the condo lawyer).

A show of hands over a videoconference will require this person to scan the attendees and note their votes during the meeting.

If your attendees are voting by a show of hands, you may need to take a roll call of how each unit votes on the matter, in addition to counting all ballots and proxies.

3.2 Recorded Vote that is Marked on an Electronic Ballot

An electronic ballot is a common voting method which involves a ballot that is submitted to the board through email, fax, or other electronic methods.

There are several e-voting or polling programs that are commercially available. Results can be provided immediately during the meeting, which can reduce the time needed to count votes and determine consensus.

Electronic ballots are a convenient option if you wish to allow owners to vote before the meeting is held. As discussed earlier in this Guide, advanced voting is a common option for commercial electronic voting platforms and has the benefit of allowing meetings to be conducted smoothly and safely. If your condo corporation wishes to continue using advanced voting after the extended transitional period, remember that a by-law allowing advanced voting will be necessary once the extended transitional period is over.

3.3 Voting by Mailed Ballot

This method of voting through paper ballots is easy to implement and is straight-forward for owners or proxies to complete. However, despite the suspension of many provisions during the extended transitional period, implementing voting by mail will require the condo corporation to pass a by-law which allows owners to submit ballots by mail.

3.4 Voting by Proxy

If an owner cannot, or does not, wish to attend the electronic meeting, but still wants to participate in the decision-making process, they can appoint a proxy who will attend the electronic meeting and potentially vote on their behalf. To appoint a proxy, the owner must use the [proxy form](#) on the CAO's website.

As discussed earlier in this Guide, encourage your owners to deliver all proxies for telephonic or electronic meetings on a specific date prior to your meeting. Validating proxy forms while a meeting is taking place can be difficult and has the potential to interrupt or even halt the business of the meeting.

3.5 What to Look for in a Commercial E-Voting System

If you decide to make use of a commercial e-voting system, there are certain features that are necessary to ensure that your condo corporation's meetings run smoothly:

- **Intuitiveness:** Owner participation should be a key consideration when choosing an e-voting system. The system must be intuitive or you will risk frustrating some owners.
- **Accountability:** Owners must be aware of how the voting system works and trust the system to accurately reflect all votes.
- **Retaining Required Information:** The voting system you choose must have the ability to record, retain and easily allow for the access of all legally required information.

After your meeting, be sure to collect feedback from your owners regarding their thoughts on the e-voting system and use this feedback to address any challenges or issues when organizing your next meeting.

4. Using Additional Formats and Safely Hosting In-Person Attendees:

All condo corporations are unique, so when organizing a meeting for your condo corporation, you must assess what works best for your situation. If exclusively telephonic or electronic meetings are not an option for your condo corporation, there are meeting formats which may reduce the number of in-person attendees to a safe and manageable level and to adhere to any in-person gathering limits.

4.1 Additional Meeting Formats

Hybrid Meetings are held at a physical location, while allowing some owners to attend in-person, and others by proxy or through telephonic or electronic means. This

encourages all owners to be more involved in the decision-making processes that affect their condo community.

Proxy Only Meetings involve the owners of the condo corporation naming a condo board director as a proxy holder, while including voting instructions for the planned business of the meeting on the proxy form. The board then holds the meeting provided they have enough proxies to establish quorum. The directors record the results of any votes by utilizing the voting data on the proxy forms. It is important that owners remember to include specific voting instructions on their proxy forms.

Note that because owners are giving up their ability to discuss issues during proxy only meetings, this format is best suited to non-contentious meetings and may not be appropriate for all meetings. Section 45 (3) of the Condo Act specifies that owners may raise matters for discussion at an AGM, so a proxy only AGM may not be appropriate. Meetings in which there are likely to be amendments to the business of the meeting might also be inappropriate as it may be impossible to consult owners on the new business.

4.2 Additional Considerations for Calling and Holding a Hybrid Meeting

To call and hold a hybrid meeting, condo boards may want to consider these additional steps:

1. Circulate a survey to owners beforehand to determine the preference of a majority of owners for a meeting format, and include information on telephonic and electronic meetings, hybrid meetings, and proxy only meetings.
2. Ensure that the number of in-person attendees aligns with the advice and restrictions provided by the Province of Ontario. This may require contacting your local Public Health Agency.

By following these steps, condo boards can hold a meeting at a physical location with owners who wish to attend in-person, while accommodating owners who wish to attend, observe, vote, and ask questions electronically.

4.3 Additional Considerations for Calling and Holding a Proxy Only Meeting

To call and hold proxy only meetings, condo boards may want to consider these additional steps:

1. If a majority of owners express their wish for a proxy only meeting, the directors will act as a proxy for all owners. As a best practice, choose an individual who is knowledgeable about the condo business and condo meetings in general.
2. Although your goal might be to have only directors as designated proxies for all owners, remember that all owners have a right to attend owners' meetings, so some owners may insist on attending themselves or by selecting their own proxy. Try to be communicative and work with owners to keep attendance within the gathering limits set out by the Province of Ontario.
3. Gather the necessary proxies for the meeting to establish quorum in advance. During the COVID-19 pandemic, it is not advisable to collect proxies in-person.

4.4 Safety Measures for In-Person Meetings

If you are planning on holding a meeting with an in-person element, there are steps that meeting organizers can take to protect meeting attendees. First and foremost, ensure that your meeting meets local public health standards and the social gathering limits established by the Province of Ontario, the safety of your meeting attendees depends on it.

Limit the Chance of Spread

COVID-19 spreads in three ways: close contact, contaminated surfaces, and common greetings. Each can be limited with a few simple steps:

- **Close contact:** Attendees must always stay at least two meters apart to ensure adequate social distancing. Wear a mask and [encourage your meeting attendees to wear masks or face coverings](#) in addition to social distancing.
- **Contaminated surfaces:** Instead of handing out documents, encourage attendees to print at home. Wipe down chairs, tables, handles and other contact points with disinfectant beforehand. For more information on hard-surface disinfectants, click [here](#).
- **Common greetings:** Proper social distancing means no handshakes or hugs. Greet attendees from a distance.

Be an Active Leader

Hosting a small in-person or hybrid meeting in a pandemic will require strong leadership. Here is how to actively maintain a safe meeting environment:

- Set aside extra time for pre-meeting preparations.
- Do not be afraid to speak up and remind attendees to follow safety procedures.
- Properly communicate all safety procedures to attendees – clearly, consistently and in advance. Do not let these procedures take them by surprise.
- Ensure that all owners, whether participating in-person or through electronic means, are able to witness or hear the conduct of business and are provided with equal opportunities to vote and participate.

Additional Safety Tips

- Let attendees know to stay home if they are sick.
- Encourage attendees to think carefully about attending if they are more at risk of experiencing severe COVID-19 symptoms. This includes those who are older, have an underlying medical condition or have a weakened immune system.
- Advise owners to attend or vote electronically or vote by proxy to limit in-person attendees.
- Stagger entry into your meeting space to prevent lineups.
- Add physical markers or floor decals to indicate appropriate social distancing.
- Offer hand sanitizers at entrances.

5. Next Steps

Once the meeting has finished, take a step back and consider what worked, and what could be improved. Was the attendance higher or lower than normal? Was there confusion with the technology or the materials? Did votes proceed smoothly?

Use your first meeting as a learning opportunity and be sure to gauge what your attendees thought of the new format.

Also, consider the benefits of passing a by-law allowing your condo corporation to hold meetings and vote electronically when the extended transitional period is over. It is always best to provide multiple ways for owners to participate, as well as to be prepared for emergencies. The new meeting format might even become your condo corporation's preferred method of doing business!

The CAO is encouraging condo owners to subscribe to our email list to receive important email updates from the CAO. You can subscribe by signing up [here](#).



The CAO has a dedicated team of professionals who are available to support owners and directors in these matters, or any other issues pertaining to your condo community. For more information, please click [here](#).