

A background image showing a wooden desk with various electronic devices: a laptop, a tablet, a smartphone, and a pen. The text is overlaid on this image.

Guide to Conducting Electronic Owners' Meetings: What Owners and Directors Need to Know

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1. Introduction

1.1 Purpose and Overview of this Guide

The Condominium Authority of Ontario (CAO) has developed this *Guide to Conducting Electronic Owners' Meetings: What Owners and Directors Need to Know* ("Guide") to help condominium corporations across the province understand their options for holding owners' meetings. This Guide's primary focus is the planning and execution of telephonic and electronic owners' meetings for condominium corporations who do not already have a telephonic or electronic meeting and voting by-law. If your condominium corporation already has a telephonic or electronic meeting and voting by-law, then your condominium corporation will be required to continue to adhere to the provisions of that by-law. This Guide will also touch upon alternative methods of meeting in-person if holding a completely telephonic or electronic meeting is not the right option for your condominium corporation.

1.2 What is an Owners' Meeting?

Condominium 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. Under the *Condominium Act, 1998* (the "Condo Act") the following are considered to be owners' meetings and open to all owners:

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

1.3 Temporary Provisions for Holding an Owners' Meeting

The government's temporary provisions for holding owners' meetings will stay in effect until September 30th, 2023.

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 condominium communities during the COVID-19 pandemic.

The temporary provisions include:

- Condominium 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.
- Owners are deemed to be present at the meeting and count towards quorum in accordance with 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.
- Condominium corporations can use electronic means to deliver meeting-related materials (e.g., meeting notices) to owners, even if there is not an agreement between the owner and the condominium 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 condominium 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 condominium corporation has regarding meetings. For some condominium corporations, there may be provisions in your by-laws and declaration which may impact how meetings must be held. Although the temporary amendments to the Condo Act allow for telephonic and electronic meetings and voting regardless of any by-laws your condominium corporation may have, you must still follow other provisions in your condominium corporation's by-laws. If you do not understand what is required by your condominium corporation's by-laws, you may wish 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 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 allow multiple individuals to interact concurrently through devices such as desktop computers, laptops, tablets, or phones. 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 condominium corporation will be dependent on various factors (e.g., size of the condominium corporation, proficiency with certain technology, etc.) and will vary from one condominium corporation to another. One of the benefits of both teleconferencing and videoconferencing is the opportunity for increased community participation in condominium 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 contribute to the meeting. This means that attendees should constantly see and/or 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 condominium 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 in which all the technology that will be used in the meeting will be tested 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 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 wish to prepare helpful guidelines to be followed by the owners in the condominium corporation when engaging and conducting themselves in electronic meetings and voting procedures.

2.4 Serving Notices

Due to the temporary provisions put in place as a result of the COVID-19 pandemic, condominium corporations can use electronic means to deliver meeting-related materials (e.g., meeting notices) to owners, even if there is not a pre-existing agreement between an owner and the condominium 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 by the board 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, in accordance with [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 condominium corporation must also attach a copy of the financial statements approved by the board and the auditor's report, in accordance with [section 69](#) of 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 condominium 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 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 condominium business to be conducted smoothly. It also gives the condominium 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 transitional period is over, condominium 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, owner-requisitioned meetings, and meetings to elect directors or appoint an auditor), quorum is reached when owners who own 25% of the units in the condominium corporation are present.

For certain owners' meetings, if quorum is not reached on the first two attempts to hold the owners' meeting, quorum is reduced from 25% to 15% on any subsequent attempts, unless specified otherwise in the condominium corporation's by-laws. The reduction in quorum requirements only applies to AGMs, turn-over meetings, and meetings to elect directors or appoint an auditor as per [section 50 \(1.1\)](#) of the Condo Act.

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 condominium board or meeting organizers adequate time to validate the information on the proxy forms, record all important information, and report it to the owners attending the meeting virtually.

As a best practice, we encourage condominium 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. For example, the by-law could specify that all proxy forms must be submitted to the condominium corporation at least 7 days prior to the date the meeting takes place but after the Notice of Meeting has been issued to the owners.

2.7 Register your Attendees

To determine who will be attending the meeting and whether they are entitled to vote, the board may wish 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 wish 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 wish to ensure that the representative of the unit matches the owner's name on the condominium 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 Condominium 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 difficulty 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, condominium corporations are still required to take minutes of the meeting and keep them as records of the condominium corporation in accordance with [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 boards to work with owners to discuss issues that arise when holding a meeting through telephonic or electronic means. Ultimately, different condominium corporations may face different and unique circumstances, and the options for resolving their issues will vary.

2.10 The Role of the Condominium Manager

The condominium corporation can delegate responsibilities, such as the administrative and operational management of organizing the meeting, to the condominium 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. Consider selecting someone who has knowledge of the condominium 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 condominium corporation's 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 and remember that if one attendee takes up an unfair amount of time speaking that may result in other attendees not having time to speak. 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 condominium 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. As a best practice, ensure that any technology used for the meeting is tested before the meeting, as

unexpected issues could result in delays. 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.

The temporary amendments to the Condo Act allow owners to 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 if there are health and safety concerns. It also provides an opportunity for owners, who may not have otherwise attended, to participate in owners' meetings. Telephonic and electronic 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.

Condominium 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 wish to delegate this responsibility to someone who is trusted and has knowledge of the affairs of the condominium corporation (e.g., a director or the condominium corporation's 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. If your condominium 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 condominium 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.

For more information on appointing a proxy and using the proxy form, please click [here](#).

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 condominium corporation's meetings run smoothly and ensure the integrity of the voting process:

- **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.
- **Confidentiality and Privacy:** The voting system should ensure that any votes cast in advance of the meeting are kept confidential and private until the votes are counted at the owners' meeting.
- **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 and retain all information required to be kept by the condominium corporation.

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 Meeting Formats

All condominium corporations are unique, so when organizing a meeting for your condominium corporation, you must assess what works best for your situation. If exclusively telephonic or electronic meetings are not an option for your condominium corporation, there are meeting formats which may offer flexibility to attendees.

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 condominium community. Some important considerations for hybrid meetings include:

- **Logistical Challenges** — Organizing a hybrid meeting can present unique logistical challenges for condominium corporations since the condominium corporation has to set up both a physical meeting space as well as a working telephonic or electronic meeting format. Although all meetings require some degree of organization, special consideration must be given when organizing hybrid meetings as two separate groups of attendees must work together and operate on a fixed schedule. This can also be difficult for the individual moderating the meeting as they have two separate groups of attendees to keep track of. Most important is that meeting attendees all feel they have equitable opportunity to participate. Increased attention should be paid to the registration of attendees for hybrid meetings as it is important that the condominium corporation is aware of how many individuals are going to be attending the telephonic or electronic portion of the meeting, and how many will be attending physically.
- **Voting** — Preparing for voting requires the condominium corporation to ensure that both in person and telephonic and electronic attendees are accommodated. This means that the condominium corporation must ensure both groups of attendees must be able to vote and have been given the opportunity to provide proxy forms to the condominium corporation. In addition, these votes and proxy forms will have to be consolidated to determine the result of the vote. A notable issue that the condominium corporation may run into is that attendees who have voted in advance electronically (if that option was available to them) may attend the meeting in person, mistakenly vote again, or want to change their vote. To avoid potential voting issues, it is important that the condominium corporation prepare for this possibility and keep close track of which attendees have voted.

Proxy Only Meetings involve the owners of the condominium corporation naming a 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. Due to the fact that 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, condominium boards may wish to consider circulating 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.

By following these steps, condominium 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, boards may wish 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 condominium business and condominium 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. In these instances, try to be communicative and work with owners.

3. Gather the necessary proxies for the meeting to establish quorum in advance as it is not advisable to collect proxy forms in-person at the meeting. The collection of proxies in advance will allow the condominium corporation the time to make all necessary preparations to ensure a smooth and efficient meeting.

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 condominium 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 condominium corporation's preferred method of doing business!

For more information regarding electronic meetings and voting by-laws and how to pass one at your condominium corporation, please [visit the CAO website](#).

The CAO is encouraging 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 condominium community. For more information, please click [here](#).