# GUIDE TO COMPLETING THE NEW AMENDED CONDO PROXY FORM\*

## The purpose of the proxy

In simple terms, the condo proxy is a document allowing you to appoint someone to represent you at a meeting of owners. If, for instance, you cannot attend the Annual General Meeting (AGM), you can appoint someone else to attend for you.

The condo proxy has two purposes:

- **Reaching quorum**: Condos can only conduct business at an owners' meeting if they have *quorum* (25% of all owners must be present at the first attempt). By giving your proxy to someone, you will be counted towards *quorum* as if you were present;
- **Voting**: Many issues are submitted to a vote of owners. Think of the election of directors, for instance. With a proxy, you can cast your vote or delegate to someone the decision to vote for you.

### Who to pick as a proxy?

You can give your proxy to anyone who will be present at the meeting of owners. The proxy holder does <u>not</u> have to be an owner. It can be your tenant, a trusted neighbour, a friend or even someone on the board of directors. For instance, you could name the president of the board (or any other board member) to be your proxy. Pick someone you trust to represent you properly.

### How to complete the proxy?

If you are going to give someone a proxy, you <u>must</u> use the Proxy Form issued by the Province. This is a prescribed form, which cannot be modified. You can find the most current form on the <u>government site</u> or by visiting the "Form" tab on <u>Condo Adviser</u>.

It is crucially important you properly complete your proxy to avoid it being rejected at the meeting. Below are instructions on how to complete your proxy. Please note that we have coloured sections of the proxy form to facilitate your review of this guide. These colours will not appear on the actual proxy form.

If you complete the proxy electronically (on a computer as opposed to on paper), the proxy will expand depending on which sections are required. For this reason, you may not see all of the pages we are reproducing below. Indeed, this guide presents a fully-expanded proxy form as if all sections were required.

### What to do with the proxy once it is completed?

Once you have completed your proxy, you should give it to the individual you have chosen as your proxy holder (the person who will attend the meeting for you). Alternatively, if you have completed all sections and have "locked in your vote" (ie, if you are not letting your proxy holder chose who to vote for), you can return the duly completed proxy to a trusted member of the board or to the corporation's manager.

Proxies and ballots must be kept by the corporation for at least 90 days following the meeting or longer if an owner has advised of actual or contemplated litigation relating to the proxy.



#### PAGE 1 – IDENTIFICATION OF THE PERSON GIVING THE PROXY

Ontario Ministry of Government and Consumer Services Proxy Form	
Instruction This PDF form can be filled out electronically and then saved or printed. The blank form can also be printed in full and then filled out in hard copy. The form is formatted so that when it is printed, identifying information about the proxy giver (name, address, and signatures) can be torn off and separated from the voting information in the rest of the form. To do this, the form must be printed in one-sided format.  Proxy Identification Number (optional):	Proxy Identification Number (optional):
To (condominium corporation's name):	
I am (we are)  the registered owner(s)  authorized to act on behalf of the registered owner(s)  the mortgagee(s)  authorized to act on behalf of the mortgagee(s)	Name of proxy giver (the person entitled to vote at the meeting, for example, the registered owner or mortgagee):
Instruction for person filling out the form: In the case of a corporation, affix the corporate seal or attach a statement that the persons signing have the authority to bind the corporation. If you are authorized to act on behalf of the registered owner(s) or mortgagee(s), attach a copy of the document that gives you this authorization.	Proxy giver's unit number and municipal address or other description of the unit:
	Note: if your corporation is a common elements condominium corporation, please identify the relevant parcel of tied land in the above space.
Dated this day of month, at month gear time of day	Signature
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Every page of the new proxy is divided in two sides (left and right). You must complete **both** sides. Information which is of a more personal nature (such as your name, unit number and signature) goes on the right side. This way of dividing the information allows for the inspection of the proxies at a later date while shielding out confidential information.

Don't forget to insert your name, your condo address and unit number in this section. You must also sign the proxy.

You must initial/sign on the right side <u>every time</u> you add something or check a box on the left side.

Insert your corporation number. Your corporation number may be something like YCC 123, MTCC 123 or CCC 123. Your corporation number should appear in most of the communications from the board. If you are uncertain, ask your property manager or board of directors.

Check the applicable box depending on whether you are the unit owner, the mortgagee or someone authorized to act for either of them. In most cases, the proxy is completed by the owner.

You must insert the **date**, **month**, **year** and **time** of day at which you complete and sign the proxy. If you ended up submitting more than one proxies, the most recent one will be kept. The older ones will be discarded.

#### PAGE 2 – NAME/PURPOSE OF PROXY

Proxy Identification Number (optional):	Proxy Identification Number (optional):
I (we) appoint the proxy named in row A below, or, failing him or her, the proxy named in row B below, to attend and vote on my (our) behalf at the meeting of owners to be held on and at any adjournment of the meeting:  Date (yyyy/mm/dd)	
Name of Proxy	Signature or initials
A.	
В.	
I (we) revoke all proxies previously given.	
Please check only one of the three boxes below:  The proxy is not authorized to vote on my (our) behalf with respect to any matter at the meeting, including matters of routine procedure.  Instruction for person filling out this form: Check this box if you are appointing the proxy only to count towards quorum. If this box is checked, then the rest of the form should not be filled out.	Signature or initials
The proxy may vote on my (our) behalf only with respect to matters of routine procedure at the meeting, and no other matters, as I (we) could do if personally present at the meeting. Instruction for person filling out this form: If this box is checked, then the rest of the form should not be filled out.	Signature or initials
The proxy may nominate candidates or may vote on my (our) behalf with respect to all matters that may come before the meeting, subject to any instructions set out below, as I (we) could do if personally present at the meeting.  Instruction for person filling out this form: If this box is checked and you do not provide instructions with respect to any part of the rest of this form, you are giving your proxy the authority to nominate any candidates or vote in any manner with respect to that part of the form, as you could do if you were personally present at the meeting.	Signature or initials
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Identify the date of the meeting of owners at which you want your proxy to be used. Usually, the date of the AGM.

Identify who you want to give your proxy to (who will represent you at the meeting). Pick someone who will be present. You could also pick a board member (the President, for instance). You can list more than one name in case the first person you named ends up not being present. You could, for instance, name Robert Smith under #1 and the President of the board under #2. If Robert Smith does not show up, the president will be able to exercise your proxy

Sign/initial every time you complete a section on the left.

Check the <u>first</u> box if you want your proxy to count <u>only</u> towards *quorum*. If you check this box, your proxy <u>cannot</u> vote on anything. Leave the rest of the proxy blank.

Check the **second** box if you want your proxy to be able to vote **only** on procedural matters (such as an adjournment). If you check this box, your proxy **cannot** be used to vote to elect/remove a director or to vote in favour/against a rule. If you check this box, you can leave the rest of the proxy blank.

Check the <u>third</u> box if you want your proxy to be able to vote on all matters at the meeting, including to elect/remove a director or in favour/against the adoption of a rule.

- <u>If you want to decide</u> who to vote for, you <u>must</u> complete the rest of the proxy (see yellow sections below);
- If you leave the rest of the proxy empty, your proxy will be able to decide for you how to vote.

# **Page 3 - ELECTION OF DIRECTORS**

Proxy Identification Number (optional):  Section 1. Voting to elect candidates to vacant positions on the board that all owners may vote for:  I/we instruct the proxy to nominate, if necessary, and to vote for the candidates named below		Proxy Identification Number (optional):	
		and in the order set	
Order of vote (enter 1, 2, 3, etc.)	Candidates for the Position(s) on the Board	Signature or initials	
only vote for the na you list more name the order set out at	son filling out the form: If you set out any names above, your proxy may med individuals and only if, at the time of the vote, they are candidates. If s than positions available on the board of directors, your proxy will vote in sove up to the number of positions that are available. The numbers in the dicate the order in which you want the proxy to vote. These numbers y.		
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**COMPLETE THIS PAGE ONLY IF** there is going to be a vote to elect directors

If you want to decide who to vote for, check the "section 1" box and list the directors you want to vote for. List your choices in order of priority in case you list more names than there are positions to be filled.

If you leave this section **blank** (and have checked the **third** box in the orange section on page 2), your proxy holder can decide who to vote for. In such a case, your proxy holder should be provided with a ballot at the time of registration.

Remember to sign or initial on the right every time you complete a section on the left

# PAGE 4 – ELECTION OF <u>OWNER OCCUPIED</u> DIRECTOR

Proxy Identification Number (optional):  Section 2. Voting to elect candidates to any vacant position on the board that only owners of owner-occupied units may vote for:  I (we) instruct the proxy to nominate, if necessary, and to vote for the candidates named below and in the order set out below for the position on the board for which only owners of owner-occupied units may vote under s. 51(6) of the Condominium Act, 1998.		Proxy Identification Number (optional):
Order of vote enter 1, 2, 3, etc.)	Candidates for the Position(s) on the Board	Signature or initials
names are set out a names than positio	son filling out the form: Your proxy may only vote for individuals whose above and who, at the time of the vote, are candidates. If you list more as available on the board of directors, your proxy will vote in the order set a number of positions that are available.	

**COMPLETE THIS PAGE ONLY IF** there is going to be a vote to elect directors who can only be voted-in by owner-occupied units.

If you want to decide yourself which owner-occupied director you want to vote for, you must check the "section 2 box" box and you must insert the name of the director(s) for which you want to vote. Again, list your directors in order of preference in case you list more directors than there are positions to be filed.

If you leave this section **blank** (and have checked the **third** box in the orange section on page 2), your proxy holder can decide who to vote for. In such a case, your proxy holder should be provided with a ballot at the time of registration.

Remember to sign or initial on the right every time you complete a section on the left.

### **PAGE 5 - VOTING ON OTHER MATTERS**

Proxy Identification Number (optional):	Proxy Identification I (optional):	Number
Section 3. Voting for specific matters:  I (we) instruct the proxy to vote as indicated may come before the meeting, subject to an personally present at the meeting.	elow with respect to the specified matters that instructions set out below, as I (we) could do if	
Specific Matter	In favour Signature or initials	
	Yes No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	☐ Yes ☐ No	
	Yes No	
	Yes No	
	☐ Yes ☐ No	
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**COMPLETE THIS PAGE ONLY IF** there is going to be a vote on another specific matter, such as a vote on a rule or a by-law.

This section only applies if there is going to be a vote on other specific issues, such as a vote on a rule or a by-law.

<u>If you want to decide yourself</u> how to vote on these issues, you must check the "section 3" box and check the applicable boxes beside each item to vote on (whether you are in favour or against the issue being vote on).

If you leave this section blank, your proxy can decide how he or she will vote.

Remember to sign or initial on the right every time you complete a section on the left.

# **Page 6 - VOTING ON REMOVING DIRECTORS**

Proxy Identification Number (optional):			Proxy Identification Number (optional):
Section 4. Voting for removal of directors and election of substitutes:  I (we) instruct the proxy to vote as indicated below with respect to the removal of director(s) from the board of the Corporation:			
Name of Director	In Favour of Removal	Against Removal	Signature or initials
section 46 of the Condominium Act, 198 above may include directors in any posi which only owners of owner-occupied ut 1998. Note that if a director's position o units can vote for under s. 51 (6) of the vote with respect to the removal of that	tion on the board of directors, incl nits may vote under s. 51 (6) of th n the board is a position for which Condominium Act, 1998, then only	uding any position for e Condominium Act, only owner-occupied	

**COMPLETE THIS PAGE ONLY IF** there is going to be a vote to **REMOVE** directors from the board. Otherwise leave it blank.

If you want to decide yourself whether to keep or remove a director, you must check the "section 4" box and you must indicate, for each director, whether you want to have them removed ("in favour of removal") or whether you want them to stay on the board ("Against Removal").

If you leave this section **blank** (and have checked the **third** box in the orange section on page 2), your proxy holder can decide who to vote for. In such a case, your proxy holder should be provided with a ballot at the time of registration.

Remember to sign or initial on the right every time you complete a section on the left.

## Page 7- ELECTING DIRECTORS AFTER REMOVAL

Proxy Identification Number (optional):		Proxy Identification Number (optional):
If a vote for the removal of one of more directors is successful, I (we) instruct the proxy to nominate, if necessary, and to vote for the candidate(s) named below and in the order set out below. Any candidates named below are or may be candidates for those positions on		
the board of directors for which all owners may vote at the meeting:  Order of vote  Candidates for the Position(s) on the Board		Signature or initials
(enter 1, 2, 3, etc.)		
only vote for the na list more names tha order set out above column indicate the	son filling out the form: If you set out any names above, your proxy may med individuals and only if, at the time of the vote, they are candidates. If you in positions available on the board of directors, your proxy will vote in the up to the number of positions available. The numbers in the left hand order in which you want the proxy to vote. These numbers indicate your	
units may vote for u	a director's position on the board is a position for which only owner-occupied nder s. 51 (6) of the <i>Condominium Act</i> , 1998, then only those owners may the election of a substitute.	
units may vote for u	nder s. 51 (6) of the Condominium Act, 1998, then only those owners may	
units may vote for u	nder s. 51 (6) of the Condominium Act, 1998, then only those owners may	
units may vote for u	nder s. 51 (6) of the Condominium Act, 1998, then only those owners may	

**COMPLETE THIS PAGE ONLY IF** there is going to be a vote to **REMOVE** directors from the board. Otherwise leave it blank.

Indeed, if Directors are removed as a result of a vote on page 6, new directors need to be elected. This is where you vote for them.

If you want to decide yourself who to vote in place of the directors to be removed (assuming they are removed), you must check the box in this section and you must insert the names of the directors for which you want to vote. Again, list your directors in order of preference in case you list more directors than there are positions available.

If you leave this section **blank** (and have checked the **third** box in the orange section on page 2), your proxy holder can decide who to vote for. In such a case, your proxy holder should be provided with a ballot at the time of registration.

Remember to sign or initial on the right every time you complete a section on the left.

# Page 8 - ELECTING DIRECTORS AFTER REMOVAL – OWNER OCCUPIED

Proxy Identification	Number (optional):	Proxy Identification Number (optional):
owners of owne Act, 1998 is suc	removal of a director in any position on the board of directors for which only r-occupied units may vote under subsection 51 (6) of the <i>Condominium</i> cessful, I (we) instruct the proxy to nominate, if necessary, and to vote for named below and in the order set out below for that position on the board	
Order of vote (enter 1, 2, 3, etc.)	Candidates for the Position(s) on the Board	Signature or initials
only vote for the nar list more names tha order set out above column indicate the priority. Note that if units may vote for u	bon filling out the form: If you set out any names above, your proxy may med individuals and only if, at the time of the vote, they are candidates. If you n positions available on the board of directors, your proxy will vote in the up to the number of positions available. The numbers in the left hand order in which you want the proxy to vote. These numbers indicate your a director's position on the board is a position for which only owner-occupied nder s. 51 (6) of the Condominium Act, 1998, then only those owners may the election of a substitute.	

**COMPLETE THIS PAGE ONLY IF** there is going to be a vote to **REMOVE** directors from the board. Otherwise leave it blank.

Indeed, if Directors are removed as a result of a vote on page 6, new directors need to be elected. This is where you vote for them. This page deals with the election of directors for which only owners of owner-occupied unit can vote.

If you want to decide yourself who to vote in place of the directors to be removed (assuming they are removed), you must **check the box** in this section and you must insert the names of the directors for which you want to vote. Again, list your directors in order of preference in case you list more directors than there are positions available.

If you leave this section **blank** (and have checked the **third** box in the orange section on page 2), your proxy holder can decide who to vote for. In such a case, your proxy holder should be provided with a ballot at the time of registration.

Remember to sign or initial on the right every time you complete a section on the left.