

**CONDO ADVISER WEBINAR**  
**(EPISODE 35)**

# **HYBRID AGMS**

September 7, 2022

[CondoAdviser.ca](https://CondoAdviser.ca)

**LEADING THE INDUSTRY**



# CONDO ADVISER CREW

Speakers	Firm
Adam Arcuri	Condo Voter
Mark DiPinto	Get Quorum
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Graeme Macpherson (Lawyer)	Gowling WLG
David Plotkin (Lawyer)	Gowling WLG

# AGENDA

## Topic

Virtual meetings and e-Voting extended

What are hybrid AGMs and how do they work?

Should your meeting be in-person; virtual or hybrid?

What are the various types of hybrid meetings and which ones work best?

What options are being provided by virtual meeting providers?

Dos and Don't when going hybrid

Can owners ...? Pick the chair, Get the recording, Get draft minutes

# E-MEETING AND E-VOTING EXTENDED (GRAEME )

- Virtual AGMs and E-Voting has been extended to **September 30, 2023**
- This extension covers:
  - Virtual Owners' Meetings;
    - Even if the Corporation does not have a by-law permitting it to do so
  - Electronic Voting;
    - Even if the Corporation does not have a by-law permitting it to do so
  - Electronic notices of meeting to owners;
    - Even if owners have not expressly consented to e-notices;
  - Virtual Board meetings;
    - Even if not all Board members consent

## Video or audio recordings of their virtual AGM? (King v. YRCC No. 692, 2022 ONCAT 80)

- **Maybe. Depends on purpose of recordings.**
- Owner sought audio recordings and draft minutes for prior 2 AGMs.
- Stated purpose: to dispute the accuracy and integrity of the signed minutes for each AGM
- CAT ruled: in this *specific case* – recordings were NOT records of the corporation (fell outside purpose of the Condo Act). But *may* be records in other cases.
- Takeaways:
  1. Determine and advise owners of the *purpose* of the recording (i.e. strictly for minute taker?)
  2. Only keep recording until that purpose is completed.

# ARE OWNERS ENTITLED TO...

## **DRAFT AGM MINUTES?**

*([Gagnon v. CCC 331](#) and [Russell v. YCC 50](#))*

- **No.** Minutes are not records of the corp until they are *approved*.
- Draft minutes typically provided as part of AGM package, the following year
- Owners wanted draft minutes within 30 days, not wait 6-12 months.
- You *can* opt to circulate draft versions earlier, but beware of multiple drafts confusion

# ARE OWNERS ENTITLED TO...

## Demand a Neutral Chair? ([Jasper Developments Corp. v. YCC 82](#))

- **No.** Not proactively. Can contest *after* the meeting (if required).
- Ownership group was concerned about partisanship of the proposed chair – no actual issues raised.
- Court: insufficient to usurp the corporation's right to appoint its chair.
- Best practices:
  1. Check governing docs for who can chair or how chair is appointed
  2. Consider having a chair who is respected and perceived to be neutral
  3. Consider retaining a third party to chair the meeting
  4. If running for election, consider *not* chairing or *delegating* the election portion to someone else

# NEXT WEBINAR

- **Next webinar :**  
**Wednesday, November 2**
- **Info will posted on [CondoAdviser.ca](http://CondoAdviser.ca)**
- **You will need to register again.**



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**SEE YOU IN NOVEMBER!**

**Wednesday, November 2, 2022**






# QUESTIONS?

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