



## Use of Proxies and Proxy Forms

A proxy is a person who has been appointed to represent an owner or mortgagee at a condo corporation's owners' meeting. The mechanism by which a proxy is appointed is through a proxy form. The proxy form authorizes a proxy to do one of the following actions:

- Attend the meeting to count towards satisfying quorum
- Attend the meeting and vote only on routine matters
- Attend the meeting, nominate owners for director positions, and vote on matters subject to specific instructions in the completed proxy form

For a proxy to be valid, the mandatory proxy form provided by the Ontario Ministry of Government and Consumer Services must be used. The mandatory proxy form is available electronically as an expandable form that was designed to be completed electronically and printed by the owner to deliver to the condo corporation. The form can also be printed in full for manual completion.

Solicitation of proxy forms is addressed under section 53 of the *Condominium Management Services Act, 2015 (CMSA)*, and is further described under section 33 of the *General Regulation (O. Reg123/17)*. Please also see the relevant sections of the *Condominium Act, 1998 (Condo Act)*, for additional information.

Condo managers need to understand the legislative requirements for the use of proxies and adhere to their ethical obligations when advising their clients.



### Quick Tips for Condo Managers:

- When handling proxy forms, managers should remember their role as neutral administrators in the process.
- Managers should not prepopulate forms in a way that favours specific outcomes—even if directed to do so by the board.
- Managers should avoid the appearance of soliciting. Collection of proxy forms should have equal application across all owners.

## Roles and Responsibilities

The role of condo managers and condo management companies is to be neutral administrators of the meeting notice, proxy, and election processes. CMRAO licensees must understand and adhere to the requirements established in legislation, regulation, and the corporation's by-laws, declaration, and rules.

## Unethical or Unprofessional Conduct of Licensees

The CMRAO uses education, discipline, and licensing processes to address compliance issues. The following actions related to the use of proxies may result in the CMRAO's taking action against a licensee (please note that these are only some examples):

- Failing to remain neutral in the election of directors (for example, promoting some candidates over others, even when pressured to do so)
- Influencing others to promote some candidates over others
- Delivering inaccurate information to owners
- Failing to advise the board of current by-laws, policies, or practices
- Soliciting proxy forms as defined in the CMSA (O. Reg. 123/17 section 33)
- Prefilling proxy forms with information naming a proxy, stating a preference for specific board candidates, or presenting information in a way that favours a particular director or outcome

To see the complete guide, **The Use of Proxies for Condo Managers**, please visit the CMRAO website.



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