



Condominium Management  
Regulatory Authority of Ontario

# Administering Virtual Meetings

A Guide for Condominium Managers





## Table of Contents

<b>Virtual Meetings in Condominium Communities.....</b>	<b>3</b>
<b>Types of Meetings in Condominium Communities .....</b>	<b>4</b>
Meetings of Owners.....	4
Meetings of Directors.....	4
<b>Role of the Condominium Manager in Preparing for Virtual Meetings .....</b>	<b>5</b>
Preparing for a Virtual Meeting .....	5
Choosing the Right Platform.....	6
<b>Role of the Condominium Manager when Conducting Meetings and Voting.....</b>	<b>7</b>
Use of Proxies .....	7
Meeting Attendees .....	7
Voting at a Meeting .....	8
<b>Role of the Condominium Manager After Meetings .....</b>	<b>9</b>
<b>Other Considerations.....</b>	<b>9</b>
<b>Additional Resources.....</b>	<b>9</b>
<b>Appendix – Summary of Legislative Changes.....</b>	<b>10</b>
<b>Have Questions? .....</b>	<b>11</b>

# Virtual Meetings in Condominium Communities

On June 8, 2023, the Ontario government passed Bill 91: [Less Red Tape, Stronger Economy Act, 2023](#), which includes amendments to the *Condominium Act, 1998* (Condo Act) to better reflect the digital age and allow for broader participation by implementing virtual processes. This guide was developed to help condominium managers prepare for the planning and execution of virtual/hybrid meetings and undertaking other virtual processes, such as electronic voting and notices.

Effective October 1, 2023, these changes replace the temporary legislative framework for virtual processes, including virtual meetings, which were enacted in response to the COVID-19 pandemic.

The amendments allow for the following:

- holding virtual or hybrid meetings (combination of in-person and virtual)
- conducting voting virtually or in hybrid form
- facilitating the sending of notices or other documents electronically, including sending notices by email without an owner's agreement/consent (as long as the corporation has the owner's email address)

The government has also made regulatory changes to [O. Reg 48/01](#) (General) of the *Condo Act*, which will complement the legislative changes to help facilitate virtual processes. See the [Appendix](#) for amended provisions of the regulation.



# Types of Meetings in Condominium Communities

Condominium corporations may hold a number of different meetings. These may include board directors and/or condominium owners.

## Meetings of Owners

Owners' meetings are open to and attended by condominium owners. These meetings are considered to include:

- Annual General Meetings (AGMs)
- Requisition for a meeting of owners
- Turn-over meetings
- Meeting of owners for the transaction of any business

## Meetings of Directors

Meetings of directors are required by the by-laws of the corporation; however, a quorum of directors may hold a meeting for the transaction of any business.



# Role of the Condominium Manager in Preparing for Virtual Meetings

Condominium managers play a key role for their clients in preparing for the implementation of the new legislation and when conducting meetings and voting. Managers provide their services and report to and take direction from the condominium corporation through its board of directors. A manager may be delegated by the corporation to assume different responsibilities related to the organization of meetings, such as an administrative role. The extent of delegation is up to the board of directors.

Condominium managers may work with directors to establish roles and responsibilities for setting up a virtual meeting, including conducting rehearsals and contingency planning for cases where there are delays or technical difficulties, such as audio issues.

## Preparing for a Virtual Meeting

When preparing for a virtual meeting, it is important that organizers are familiar with any meeting declarations, by-laws, or rules that the condominium corporation has established, as they must be followed and may affect how meetings are conducted. You may wish to consult lawyers if you do not understand what is required by your condominium corporation's by-laws.

Ongoing communication with meeting attendees is vital to ensuring everyone is kept up-to-date. Information that can be shared before a meeting may include:

- the type of electronic or telephonic platform that will be used to hold the meeting
- any instructions regarding how attendees can access and set up the platform (including any alternative platforms in case of any technical issues)
- instructions outlining how to join the meeting
- meeting materials, including pre-reads, presentations, and visual aids

Due to the legislative changes, notices to owners can be sent electronically. If a condominium corporation has the owner's email address on the record, there is no longer a requirement for the corporation to obtain their written consent to communicate electronically. However, an owner has the right to opt-out of electronic notices if they choose.

When choosing an electronic platform, it is important to consider the needs of attendees and plan a meeting that is accessible for everyone so they can comfortably interact with others and vote during the meeting. Additionally, it is good practice to ask attendees if they require any specific accommodations.

## Choosing the Right Platform

Choosing the right platform for a virtual or hybrid meeting will depend on a number of factors, including individuals who do not have access to a computer, number of attendees, etc. For these reasons, it is important to choose a platform that is accessible and allows all attendees to participate.

**Videoconferences allow attendees to join meetings using online video and/or audio software.** They are able to interact face-to-face, message each other within the platform, cast votes and record meetings (with consent from those attending the meeting).

**Teleconferences allow attendees to call into meetings using a phone.** Attendees are able to speak and hear without seeing each other.

Depending on the requirements of a meeting, for example voting, it is important to ensure the platform has the functionality to allow for such actions, or an organizer may consider using a third-party application. There are additional services that might be available through the platform, such as webinar and event assistance by a representative from the videoconference or teleconference service provider.



# Role of the Condominium Manager when Conducting Meetings and Voting

When conducting meetings and voting, condominium managers must remember they are neutral and impartial facilitators and administrators in the process.

## Use of Proxies

A proxy is a person who has been appointed to represent an owner or mortgagee at a condominium corporation's owners' meeting. As owners do have a right to use a proxy, meeting organizers should utilize a process to accommodate and validate them, for example, request that all proxy forms are delivered in advance of the meeting.

Condominium managers and provider businesses need to understand the legislative requirements for the use of proxies and adhere to their ethical obligations when advising their clients. To avoid being perceived as influencing the process, managers should not be a proxy. Managers should remember their role as neutral administrators in the process and must treat voters' information as confidential. Managers should not prepopulate forms in a way that favours specific outcomes—even if directed to do so by the board.

## Meeting Attendees

Organizers might consider establishing a process for determining meeting attendees. This might include a process for registration or gathering and documenting relevant information about attendees in advance of the meeting, including names, voting rights, and their preferred choice of a voting method (for example, by telephonic or electronic means). This will help verify the individual as an invited attendee during the meeting.

Quorum is the number of individuals that must be present for a meeting, either in-person, by proxy, or through telephonic or electronic attendance or voting. Refer to the Condo Act to learn more about quorum in meetings of owners.

Depending on the platform that is being used to hold a meeting, attendees must refer to the instructions on how to join. It may help to ask attendees to consider using best practices when joining a meeting, including:

- Choose a quiet and private space to join the meeting (in order to avoid loud noises and disruptions)
- Mute themselves when they are not speaking
- Introduce themselves when they are speaking and avoid talking over others during discussions
- If applicable, hold onto questions until the designated period and/or use the chat feature to ask questions

## Voting at a Meeting

Telephonic or electronic voting can take place without the need of a by-law, but if a condominium corporation has a by-law in place, organizers and attendees should comply with the provisions in the by-law.

At a virtual or hybrid meeting of owners, a vote by a show of hands or recorded vote may be conducted by electronic means or a combination of electronic means and in-person attendance. There is no longer a need for a by-law to conduct electronic voting. Meeting organizers can find a number of different electronic methods to use for voting purposes, such as a self-service model (fax, phone, and email) or third-party voting service providers. There are important considerations when it comes to voting as all attendees should be able to contribute.

When choosing a voting method, consider:

- a platform with an easy-to-use interface
- a system that gives attendees the option to vote anonymously
- a platform that has a “Raise Your Hand” feature or similar mechanism
- a process that ensures that votes are kept confidential and private for the desired time period or until all votes are counted
- a provider who can accommodate changing votes that were cast in advance of the meeting and throughout the meeting (until the voting period closes)

In case there are technical difficulties, it may help to have a backup or secondary platform to conduct voting. Attendees should be informed of the voting platforms and provided instructions on how to use them. Once votes are cast, ensure there is a trusted individual who is knowledgeable about the corporation’s affairs to count them.

Condominium managers are required to follow the same ethical obligations surrounding the use of proxy forms when administering electronic voting processes. Managers should never use or share information about advance voting patterns because it may influence the results of an owner’s vote. Any attempt to influence the outcome of votes constitutes a violation of the [\*\*\*Condominium Management Services Act, 2015\*\*\*](#), and the Code of Ethics regulation, and the licensee may be subject to disciplinary action by the CMRAO.



# Role of the Condominium Manager After Meetings

Condominium managers play a key role in ensuring that the results of the meeting/elections are communicated to all condominium owners and members in a transparent manner. This ensures that the condominium community is aware of all decisions that may affect owners and residents, and helps them feel involved in the process.

## Other Considerations

Telephonic and/or electronic meetings allow for more flexibility and accessibility since more people can join from different locations when they are not available for in-person meetings. Consider the different ways in which virtual and hybrid meetings can be utilized to encourage more participation and contributions from those in condominium communities.

It may also help to learn about attendees' preferences regarding the type of meeting that works best for them, and work to accommodate for virtual (only), hybrid, and in-person (only) meetings. If a majority of owners prefer to have a proxy-only meeting, directors will act as a proxy for all owners (owners may still choose to attend themselves or assign their own proxy).

## Additional Resources

Refer to [Condominium Authority of Ontario](#) website for more information and additional resources related to virtual meetings in condominiums.

# Appendix

## Summary of Legislative Changes

Condominium Act, 1998	O. Reg. 48/01 (General)
<p>The term “telephonic or electronic means” is defined for the purposes of the entire Act.</p>	<p>Definitions in the French version of the regulation are amended to ensure accuracy.</p>
<p>With respect to notice of a meeting of directors, the notice shall state:</p> <ol style="list-style-type: none"> <li>1. The time of the meeting</li> <li>2. The place of the meeting (in-person meetings)</li> <li>3. Instructions for attending, participating and, if applicable, voting in a meeting by telephonic or electronic means</li> <li>4. General nature of the business to be discussed at the meeting</li> </ol>	<p>Certain information, such as instructions for attending a virtual meeting, is required to be in notices of owners’ meetings that are to be held virtually or in hybrid form.</p>
<p>Meetings of directors or of owners may be held entirely by telephonic or electronic means or by any combination of in-person attendance and by telephonic or electronic means (as subject to by-laws).</p> <ul style="list-style-type: none"> <li>• A meeting of directors must provide that all attendees are to communicate with each other simultaneously and instantaneously.</li> <li>• A meeting of owners must enable all persons entitled to attend the meeting to reasonably participate.</li> </ul>	<p>Owners’ email addresses are required to be kept in the condominium corporation’s record of owners in certain circumstances, including to send notices electronically without an agreement.</p>
<p>A corporation’s record of owners and mortgagees are required to also include any prescribed information.</p>	<p>Allow owners to opt-out of electronic communication of notices.</p>
<p>Notices sent to owners can be sent electronically, as long as the condominium corporation has the owner’s email address and certain by-laws do not prevent sending notices electronically.</p>	<p>Prohibit records requesters from accessing electronic communication addresses in the corporation’s record.</p>
<p>A notice of a meeting of owners that is to be held entirely by telephonic or electronic means is not required to specify a place of meeting.</p>	<p>Board is no longer required to make a resolution to determine the corporation’s method of electronic communication in certain circumstances.</p>
<p>At a meeting of owners, a vote by a show of hands or recorded vote may be conducted by telephonic or electronic means or a combination of in-person attendance and telephonic or electronic means (by-laws may limit procedures and specify requirements).</p>	<p>Transitional provisions are outlined to help condominiums move to the new framework.</p>
<p>Documents other than notices may be sent to owners and mortgagees via email as long as the condominium corporation has the owner’s email address and certain by-laws do not prevent sending notices electronically.</p>	<p>Certain regulatory provisions are amended or revoked, as they may no longer apply to the legislative changes, such as provisions related to the agreement to receive electronic notices.</p>
<p>A corporation shall keep records of ballots or instruments appointing a proxy for a meeting of owners, including any record of votes cast through telephonic or electronic means.</p>	
<p>The Lieutenant Governor is authorized to make regulations governing:</p> <ul style="list-style-type: none"> <li>• Giving of notices</li> <li>• Transitional matters</li> </ul>	

## Have questions? Contact the CMRAO.



Toll free: 1-866-888-5426 | Local: 647-363-6490



[www.cmrao.ca](http://www.cmrao.ca)



[info@cmrao.ca](mailto:info@cmrao.ca)



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