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## Waiver of Notice / Holding of a Special General Meeting

### **Strata Property Act Section 44**

44 (1) *The strata corporation does not have to hold a special general meeting to consider a resolution if all eligible voters waive, in writing, the holding of the meeting and consent, in writing, to the resolution.*

(2) *If 2 or more persons share one vote with respect to a strata lot, all of them must consent to the waiver of the meeting and to the resolution under subsection (1).*

While the *Strata Property Act* does not give specific direction in the waiver of notice for a strata to hold a meeting, the same conditions if applied would follow from section 44, thereby meeting the standard required by the Act for waiver of conducting a meeting, which includes notice. Use the checklist to determine that your strata have met the conditions required by the Act.

### Checklist:

- Have the resolutions been properly prepared and is the wording complete? For example: a special levy for emergency/urgent repairs would have to meet the requirements of section 108 of the Act. Legal advice is recommended to ensure the proper wording of resolutions.
- Verify every eligible voter signed the waiver and consented to the resolution. For requirements of a unanimous vote this would require every registered owner/voter.
- Like the minutes of a special general meeting, this waiver forms part of the records and minute of the strata corporation. It is important to maintain a copy of the resolutions that were passed/failed by the waiver for council's future direction and actions.

### Sample Resolution:

The owners, strata plan ABC 1234, by 3/4 resolution, signed by a waiver of notice in accordance with section 44 of the *Strata Property Act*, hereby approve the expense of (\$money amount) from the contingency reserve fund for the purpose of (authorized use of the funds)

I, the undersigned owner, agree in writing with the waiver of notice and consent to the resolution.

Strata Lot #	Name of Owners/Voters	Signature of All Owners/eligible voters
_____	_____	_____

***Note: The practical result of this process imposes a greater voting threshold than if a meeting were actually convened. To pass a resolution requires the waiver and consent of all eligible voters whereas a ¾ vote at a general meeting is only passed by ¾ of those eligible voters present at the meeting in person or by proxy who vote for or against a resolution and who have not abstained. Please refer to your bylaws to determine the status of an eligible voter. If you are attempting to pass an 80% vote or unanimous vote seek professional advice before you issue your notice of waiver.***

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Waiver of Notice                      Strata Plan \_\_\_\_\_                      Date of Waiver \_\_\_\_\_

I the undersigned owner agree to waive notice of an annual or special general meeting and agree to the following resolutions and the acclamation of the nominated strata council.

Name of Owner	Unit /Strata Lot #	Signature	
	101		
	102		
	103		
	104		
	105		
	106		
	107		

Resolution 1: Agree to the attached proposed annual operating budget with a 13.5% increase in strata fees

Resolution 2: Agree to ratify the adopted Rule by council on August 2019, “ all owners must clean out the drains on their common area decks and patios on a monthly basis

Resolution 3: The owners, strata plan ABC 1234 by majority vote approve the expenditure of up to \$75,000 from the contingency reserve fund for the replacement of the roof as recommended by the depreciation report.

Resolution 4: The owners, strata plan ABC 1234, by ¾ vote resolution agree to a special levy of \$25,000 to replace the skylights over townhouse units during the roof replacement. The levy is due on (date) and each amount payable is shown in the schedule of strata fees, contingency contributions and special levy calculations based on unit entitlement.

Resolution 4. Agree to the election of the 5 nominated council members, Alex Smith, John Doe, Leo Wang, Carol Jones, Claire Wei.

Minutes of the notice of waiver and consent shall be published in the records of the strata corporation.

**Note:** the waiver of notice may be signed on a single page by every owner or a separate waiver of notice may be issued to each owner and each owner may sign and return or scan/photograph and return to the strata council for the record.

A waiver of notice is helpful in that it does not require a specific period of time (a day or date). It only requires all eligible voters to agree to the matters that require a majority or ¾ vote