



CONDO LAW
FOR ALBERTANS

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Election to a condominium board

A condominium board of directors (known as the board) is a group of individuals. They are normally elected each year by unit owners to run the condominium corporation. Board members can also be selected for the board in a different way – for example, by appointment. Board members meet regularly to conduct the corporation's business. Here's what you need to know about condominium boards.

Who can be board members?

Board members are usually unit owners but they do not need to be. At least 2/3 of board members must be unit owners or mortgagees (money mortgage lenders). The bylaws will often provide further guidance on who can be on the board. For example, some bylaws may:

- establish rules for multi-owner units (for example, if a condominium unit has more than one owner, then only one of them can sit on the board at a time)
- establish restrictions on who can be on the board (for example, board members must be at least 18 years old or unit owners who have not paid their monthly contributions cannot sit on the board)
- allow renters or relatives of owners to sit on the board
- allow external members to sit on the board (for example, a lawyer, accountant, or a representative from the condominium corporation's property management company)

How many people can be on the board?

The bylaws will often establish how many people can be on the board. For example, some bylaws will specify that at least three people but not more than seven can be on the board.

How are board members elected?

Board members are normally elected at the Annual General Meeting (AGM). Election procedures are outlined in a condo corporation's bylaws and may include rules on:

- Nominations
- Eligibility requirements for board members
- The number of members who must be owners
- Whether non-members can serve and if so, their eligibility
- Term of service
- Whether board members can serve consecutive terms
- Board members qualifications
- Duties and responsibilities
- Procedures for electing board members and appointing officers
- Procedures for removing board members
- Other criteria for choosing board members



TIP

Within 30 days after the AGM, the condominium corporation must register a Notice of Change of Directors at the Alberta Land Titles Office (listing the names and addresses of board members) and provide a copy of the notice to owners and mortgagees. If a change occurs between elections (for example, a vacancy or removal of a board member), then the corporation must promptly file a Notice of Change of Directors at the Alberta Land Titles Office.

How can new board members learn about their roles and responsibilities?

Some condo boards have orientations for their new members to explain how the board works in the best interest of the owners and carries out its duties under the *Condominium Property Act*. The board may have previous or current board members explain their roles and responsibilities. New members should also review past board minutes to get up to speed on the business of the board. New members should always ask questions if they need clarification on any board roles, responsibilities, or business. For more general tips, new board members can also refer to our **Checklist for first time board members**.



TIP

Board members have a duty to avoid any conflicts of interest that may arise while conducting the business of the board. This means timely disclosure of any real or potential conflict and not vote on any matter that creates a conflict.

How are board positions determined?

Most bylaws provide for the selection of the officers (also known as board executives) when board members meet for the first time after their election at an AGM. The officers' duties vary depending on what the bylaws says, or what the board assigns to them, but usually are as follows:

President	Vice-president	Secretary	Treasurer
<ul style="list-style-type: none">• Manage the daily business of the corporation• Prepare the agenda and chair the board meetings• Cast the deciding vote in a tie vote	<ul style="list-style-type: none">• Assist the president as needed• Fulfill the president's duties if they are absent or disabled, such as manage the daily business of the corporation and chair the board meetings	<ul style="list-style-type: none">• Take minutes at board meetings• Maintain records of board meetings• Handle correspondence for the corporation• Carry out the secretary's duties under the direction of the president and board	<ul style="list-style-type: none">• Receive and deposit funds• Properly account for the condo corporation's funds• Present a full detailed account of receipts and disbursements, as the board directs• Prepare financial statements and budgets

Some boards have less than 4 officer positions. For example, they may combine the treasurer and secretary position. A board may delegate some of the executive members' duties (for example, bookkeeping, record management) to a condominium manager or management company.

How long can board members be in office?

The condo's bylaws provide guidance, as some bylaws will allow board members to be re-elected and serve for consecutive terms. Others place restrictions on board members' length of service. Once elected, board members will generally remain in office until the next AGM or until their terms of office expire.

In some circumstances, a person is no longer considered a board member if they:

- become bankrupt under the *Bankruptcy and Insolvency Act* (Canada)
- are more than 60 days in arrears (late) in their condo contributions
- are or become a represented adult under the *Adult Guardianship and Trusteeship Act*
- are convicted of an indictable offense
- resign by serving a written notice to the corporation
- are removed by an ordinary resolution



TIP

A condo corporation can remove a board member by ordinary resolution and appoint someone to fill the member's spot until the remainder of that member's term.

Can boards create committees?

Unless the bylaws say otherwise, condo boards can establish committees to get things done. Some boards establish committees for specific tasks, such as landscaping or communications. These committees are often made up of unelected owners who have an interest in a particular aspect of the condominium. Committees of the board typically report to the board regarding their tasks. Working on a committee is a good way for owners to become more involved in their condominium corporation. Serving on a board committee is also good training for potential board members and helps them determine if being on a board is right for them.



TIP

Boards should ensure that all major decisions are still made by the entire board. No individual board member or committee can make decisions for the board. It is a good idea that a board member be assigned to work on a committee or be the board liaison for the committee to ensure there is ongoing communication with the board.