

How Is a Requisitioned Meeting Organized?

Step 1: Organizing the Petition

The first step in requisitioning a meeting is to organise a petition with signatures of at least 15% of owners of all suites.

This means that owners who take the initiative should draw up a petition, list the issues to be discussed, or, when this is the goal, give the name of the director who should be removed and the reason why. Then, they have to obtain enough signatures (owners' names and suite numbers) to cover 15% of suites.

This task will be easier if the initiating persons have a small network of neighbours who agree with their cause and can help obtain signatures in the condo.

Unfortunately, when a great proportion of owners do not reside in the condo, the task will be more difficult—especially when many owners do not speak English. Preparing a translation in at least one key language is helpful.

At least in Ontario, if the intent is to remove a director or the entire board, the other issue that the initiators have to consider is that the affirmative vote needed at the meeting itself is a majority of all units or over 50%--and not just a majority of owners present at the meeting. Therefore, if too many owners live elsewhere, this will be nearly impossible to achieve.

Step 2: Obtaining the List of Owners

Once signatures for 15% of units have been obtained, requisitionists approach management (or the board, depending on the situation) to organize a meeting. At that point, this is where things may get "sticky" and "politics" may begin.

And things are more likely to get sticky when managers feel threatened by the meeting. For instance, incompetent managers can lose their contract as a result of a change from a bad board to a good board. As well, managers may refuse to proceed if they dislike the initiators, or they like the director whom requisitionists want to remove. In theory, managers should remain neutral: But the reality is different.

Therefore, managers and boards, especially those who are ignorant of rules and the *Act*, may give a flat-out "no." Period. If this happens, keep reading below. Or a manager may say, "OK, but you organize it."

Requisitioned meetings are a right given under the *Condo Act*. (It is also suggested here that the initiators should consult the relevant sections in the *Condo Act* which begin with Section 46.)

If the management or board refuses the requisitionists, then, the initiators will need access to an owners' list and addresses in order to send out the notice. The condo corporation is required to pay for the costs of printing, labels, paper, envelopes, and stamps.

If everything fails and the board refuses to call a meeting and to provide a list of owners, the requisitionists should meet and decide if they will consult a lawyer to obtain a Court order forcing the board to comply.

As you can see, unless you are fortunate to live in a condo where over 70% of owners are resident, it is practically impossible for a small group of owners to requisition a meeting for the purpose of removing directors if the board prevents it: Who can afford to hire a lawyer and pay Court fees? (For Owners' Problems of Legal Recourse, click here into [Auditors and Lawyers](#); also see letters in [Issues with Lawyers](#))

Step 3: Organizing the Notice for the Meeting

Let's assume that management agrees to organize the meeting or provides the list of owners and accepts to reimburse the initiator afterwards. What needs to be done?

- If the goal simply is to request that the board discuss or provide more information on a given issue, then all that is needed is to draw up a notice stating the topics to be discussed. You will also need to include a proxy form in order to make certain that you will have a quorum of 25% of all suites.
- If you want to object to a new rule or to prevent a useful rule from being withdrawn by the board, then you will need to state this on the agenda, provide the exact wording of the rule that you object to, or how it should be reworded, if this were the case. You could ask owners to sign their name on the proxy form to indicate that the rule is not acceptable or that the rule should be retained. If a majority of owners who are present (either in person or by proxy) vote in one direction, then, this is what passes.
- If you want to prevent your board from spending over 10% of the annual budget on an improvement, replacement, or change, then the onus really is on this board to obtain affirmative votes from 66% of units in favour of this project. It should actually have been this board's duty to have requested owners' permission. (Click here for [Owners' Permission](#)) However, if a meeting is called to remove a director, things are more complex. The name of the director and the reason for removal has to be stated. Examples: does not communicate with owners; conflict of interest; never attends meetings; owners disagree with policy; does not follow rules--whatever the case might be. In other words, one does not remove a director simply because he is unpleasant!

When a large proportion of owners speak two or three languages other than English (or French in Quebec), it is helpful when key communications are translated. This is a civic gesture, good business, and will help achieve the goals of the meeting.

Then, the proxy form gives the director's name and owners sign for removal (or against). If more than one director is being removed, a vote or signature has to be received for each one individually.

The notice of the requisitioned meeting should also include the name(s) of one or more candidates who have already volunteered to replace the removed director. This or these candidates should also have provided a statement of intent and goals. Owners who cannot attend have to insert the name of the candidate they wish to vote for on their proxy form. There are variations in terms of the layout of these proxies. (Click here for a [Sample Proxy Form](#))

At this point, as a majority of units have to vote for a director's removal, the requisitionists will have to do quite a bit of work to secure a sufficient number of proxies, especially from non-resident owners in large condos. (Click here for [What Are Non-Resident Owners' Rights and Responsibilities?](#))

When a Requisitioned Meeting Fails

If there is no quorum at the meeting itself (25% of all suites), the requisitioned meeting will die there and the board of directors does not have to call another meeting unless the group requisitions another one. Similarly, when the goal had been to replace a director or a board, if the vote is short of a majority of all units, then the director stays. That is, the goal of the requisitionists is rejected.

In either case, it may be pointless to pursue the issue by organizing yet another requisitioned meeting, even if the requisitionists are right (and they generally are). This would constitute a waste of resources and of time. As well, unfortunately, the person or persons who have spearheaded the drive for the requisition are often discriminated against by the board and the manager after.

However, if the issue is a very serious one, the requisitionists might want to consider another venue that would allow for a remedy to the situation they are facing. Carefully approaching owners who have not been involved is important. As well, some of the requisitionists or other like-minded owners may present themselves as candidates to the board when a vacancy occurs later. This website might be a useful instrument in convincing owners. Finally, if the board is in contravention of the *Condo Act*, owners may use Section 134 of the *Act* in order to obtain a Compliance Order (with the help of a lawyer).