

# Amendments to the Declaration – March 2023

Summer Gardens - Halifax County Condominium Corporation No. 130

1. Subsection (h) of Section 6 of the Declaration, as enacted by Amendment accepted by the Registrar of Condominiums on December 20, 2005, and registered at the Land Registration Office for Halifax County on January 5, 2006, is repealed.
2. Subsection (i) of Section 6 of the Declaration, as enacted by Amendment accepted by the Registrar of Condominiums on December 20, 2005, and registered at the Land Registration Office for Halifax County on January 5, 2006, is repealed.

*Explanation 1 & 2: The Condominium Act provides that matters “respecting the board” and “respecting the conduct generally of the affairs of the corporation” may be set out in By-laws. Meeting procedure, which is now in both the Declaration and the By-laws, is more appropriately covered in the By-laws.*

*Sections 6 (h) and (i) relate to the calling and holding of meetings. These topics are covered in the By-laws and are being amended there. The deleted sections require that meetings be held at “a place in the County of Halifax”, implicitly prohibiting virtual meetings.*

3. The first paragraph of Subsection (h) of Section 8 of the Declaration is repealed and replaced with the following:

(f) **Copies of Budget and Notices of Assessment** A copy of the budget for the ensuing fiscal year together with a notice showing the amount assessed to each owner or such year for common expenses, must be given to each owner not less than 21 days after the beginning of each fiscal year by one of the following methods:

- a) personally or by delivery to the owner’s residence as shown in the records of the Corporation;
- b) by ordinary mail addressed to the owner at their home or address for mailing as shown in the records of the Corporation; or
- c) by electronic message delivered to the owner’s electronic address as shown in the records of the corporation.

A notice delivered personally or to the owner’s residence is deemed received when so delivered. A notice sent to the owner’s electronic address is deemed delivered when sent. A notice sent by ordinary mail is deemed delivered on the second day following the day of mailing.

*Explanation 3: Declaration now specifies delivery by regular mail, but electronic delivery is permitted under the Electronic Commerce Act. This amendment would make that explicit.*