

# Amendments to the By-laws - March 2023

Summer Gardens - Halifax County Condominium Corporation No. 130

1. Article I – **Definitions** of the By-laws is amended by insertion after definition 9 of the following:

9A. “**Virtual Meeting Platform**” means an electronic communications system or platform that is reasonably accessible to all members of the Corporation or Board and which permits all participants in a meeting to hear and be heard by all other participants and to vote on business before the meeting by a method that is determined to be reasonably secure and reliable by the Chair of the meeting.

2. Article II – **The Corporation**, Section 4 -**Duties of the Corporation** is amended as follows:

- a. by deleting clause (h) and replacing it with:

(h) to purchase public utilities for use in the common elements and water for the units;

*Explanation: The By-laws now require the Corporation to provide basic T.V. and cable to the units. This is not available and has never – or not for many years – been provided.*

- b. by deleting clauses (j) and (k):

*Explanation: Clause (j) requires the Corporation to acquire fidelity bonds for the officers of the Board. This has never been done and the Board considers it would be a wasteful expense. Clause (k) is a recital of the Reserve Fund Study in 2002, and it is no longer relevant.*

- c. by deleting clause (l) and (m) and replacing them with:

(l) to conduct Reserve Fund Study in accordance with the Regulations under the *Condominium Act* at five year intervals or at any time that there is significant change in the assets of the Corporation;

(m) to cause each Reserve Fund Study to be filed with the Registrar no later than thirty days after it is completed.

*Explanation: Clauses (l) and (m) now speak of a Study every ten years and an update every five. The Act has been changed to require a full study every five years.*

3. Article III – **Board of Directors**, section 8, is repealed and replaced by the following:

8. **Calling of Meetings.** (1) Meetings of the Board may be held on a date and at a time as the President, the Vice-president or any two directors may direct, and the Secretary must call a meeting accordingly when so directed.

(2) Meetings may be held:

- a) In person at a place in Halifax County determined by the person or persons directing the calling of the meeting;
- b) By a virtual meeting held on a Virtual Meeting Platform; or
- c) As a hybrid meeting in which some directors participate in person and some directors participate through a Virtual Meeting Platform.

(3) Directors participating through a Virtual Meeting Platform are considered to be present for purposes of determination of quorum.

(3) Written notice of a meeting must be given to each director at least 48 hours before the meeting, but notice is not required if all directors are present or if a quorum is present and those absent have waived notice or signified their consent to the holding of the meeting.

(4) Notice may be given:

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

4. Article III – Board of Directors, section 9, is repealed and replaced by the following:

9. **Regular Meetings.** Regular meetings of the Board may be held in accordance with Rule 8 at such times as the Board may determine by resolution.

5. Article IV – Meetings of Members of the Corporation, section 3, is repealed and replaced by the following:

**3. Place of Meetings.** Meetings of members of the Corporation may be held:

- a) in person at a place in Halifax County;
- b) by a virtual meeting held on a Virtual Meeting Platform; or
- c) as a hybrid meeting in which some directors participate in person and some directors participate through a Virtual Meeting Platform

as determined by the Board.

At a meeting held as a virtual meeting or hybrid meeting, a member who is participates through a Virtual Meeting Platform is considered present for all purposes.

6. Article IV – **Meetings of Members of the Corporation**, section 5, is repealed and replaced by the following:

**5. Notice of Meetings.** (1) A written notice of every general meeting and annual meeting specifying the day, hour and place of the meeting, and whether the meeting will be in-person, virtual, or hybrid, must be given to all members of the Corporation and to all mortgagees who have notified the Corporation of the registration of their mortgages

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

(2) The notice must be given at least ten days before the date of the meeting.

(3) A notice delivered personally or to the member's residence is deemed received when so delivered. A notice sent to the member'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.

(4) Notice of any meeting, or any irregularity in such notice, can be waived by any member or mortgagee. Any error or omission in giving notice of any meeting does not invalidate the meeting or any proceedings or resolutions taken at it.

7. The following section is added following Article IV – **Meetings of Members of the Corporation**, section 16:

**16A. Consent of Members.** Where the *Condominium Act* requires that an action or resolution of the Corporation be consented to or approved by owners of a specified percentage of the common elements, that consent or approval can be signified using a written or electronic means that is determined by the Board to be reasonably secure and reliable.