

## CONDOS & COVID-19 – Questions & Answer Post Webinar

1. We were told a condominium corporation can borrow from its reserve fund to pay common expenses provided it has to be repaid and the loan has to be stated in the disclosure documents, with a statement of when and how it will be repaid to the reserve fund.

***Although this is a creative solution if there are financial difficulties, The Condominium Act (Manitoba) (the “Act”) is clear about what the reserve fund can and can’t be used for. If the loan is for purposes other than the corporation’s obligations to maintain and repair, then the reserve fund cannot be utilized. S. 143(2) of the Act provides examples that can be used. There is an exception that allows reserve fund funds to be used for other purposes only where a corporation has more money in its reserve fund than is recommended by the most recent reserve fund study, and where the other use is approved by the unit owners.***

2. If we send out the financial statements and minutes for the previous AGM now for information purposes, do we have to resend them when we send the AGM notice.

***The Act requires that a Notice of general meeting specify the business to be dealt with at the meeting in enough detail to allow a unit owner to determine whether he or she should attend or appoint a proxy. The financial statements and minutes of last AGM are typically included in order to comply with this requirement.***

***As these documents would have already been provided to the unit owners, it should not be necessary for the financial statements and minutes of last AGM to be re-circulated with the Notice of AGM. However, in the Notice you should make reference to the previously circulated documents (ex. In the agenda, state: “Review and approval of Minutes of last AGM, circulated on \_\_\_\_\_”) for clarity. We would also recommend that you should ensure that a few copies are available at the meeting.***

3. I’ve been in contact with the Fire Commissioner he’s sending a bulletin of how to inspect safely he said yes you have to inspect and maintain cannot delay.

***CCI (Manitoba) has asked the questioner to provide a copy of the bulletin and once it is received, we will distribute it to members, and we intend to put it on our website.***

4. Can you ask people to let us know if they test positive?

***Yes, however they have no obligation to answer in most situations.***