



Filed on behalf of the Applicant  
Initials and Surnames: T. Harris  
Number of Affidavits: 1  
Exhibits: 2  
Date sworn: September 14, 2020  
Date filed:

## AFFIDAVIT IN SUPPORT OF FIXED DATE CLAIM FORM

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO. *SU 2020 CW.03633*

IN THE MATTER of section 9 of the  
Registration (Strata Titles) Act and the  
governing By-Laws

AND

IN THE MATTER of section 3B of the  
Registration (Strata Titles) Act.

I, **TRICIA HARRIS**, being duly sworn, make oath and say as follows:

1. My address for the purpose of this affidavit is in the care of that of Attorney-at-Law, Christopher B. Henry whose office is located at 24 Trafalgar Road, Kingston 10 and I am the Manager of the Commission of Strata Corporations Inspectorate.
2. That since the Corona Virus (Covid-19) pandemic started in March 2020 we have had to review our means of carrying out our mandate under section 3B of the Registration (Strata Titles) Act. One such responsibility is to ensure that strata corporations hold the requisite annual general meeting according to their respective By-Laws.
3. That considering the Corona Virus (Covid-19) pandemic we had come to the conclusion that the best possible way to safeguard the health concerns of persons and to ensure that the annual general meeting is held, the Zoom Meeting Application and/or any other similar application was the most convenient avenue to ensure that both interests were met.

4. As a result, we had decided that it would be prudent and efficient to allow annual general meetings to be held by Zoom or any other similar application which allows for persons to attend meetings “in person” online. The Meeting application allows for persons to all see each other by camera and at live time; in essence persons would be able to verify identity, speak on issues and vote accordingly. A copy of our Protocol is attached hereto and marked “**TH-1**” for identification.
5. That a few proprietors have written to us asking and/or stating that they take no issue with annual general meetings to be held by Zoom in order that they may discuss and resolve issues facing their strata and elect a new executive committee. Some of the proprietors who have bought into strata are either living abroad or are not in the country at present but would like to be a part of the annual general meeting and vote accordingly. Copies of letters requesting our intervention and hosting of annual general meeting by way of Zoom are attached hereto and marked “**TH-2**” for identification.
6. That some proprietors, specifically those sitting on executive committees have taken issue with the said protocol issued by us and sought to dispute our right to issue such protocol.
7. That it is in the best interest of all concerned parties and in the proper exercise of our duties to ensure the proper performance of our functions and powers granted under section 3B, specifically section 3B (2)(d) of the Registration (Strata Titles) Act that we have provided guidance in holding the annual general meeting by way of Zoom or any other similar application so that all parties, even those who are not currently in the jurisdiction, can attend the annual general meeting.
8. We now submit to the Court, for a decision on the matter in order that we may properly advise all strata corporations on the way forward in the

prevailing conditions that we now face with health and safety and our mandate to monitor, regulate and supervise strata corporations.

SWORN TO BY THE SAID )  
**TRICIA HARRIS** )  
AT *24 Trafalgar Road* )  
IN THE PARISH OF: *St. Andrew* )  
THIS *14<sup>th</sup>* DAY OF *September*, 2020 )  
BEFORE ME: )



**TRICIA HARRIS**

  
\_\_\_\_\_  
**JUSTICE OF THE PEACE FOR THE  
PARISH OF:**

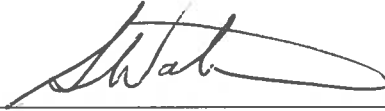
**SANDRA WATSON JP**  
JUSTICE OF THE PEACE  
ST. ANDREW - D00631

'TH -1'

This is a copy of the protocol for annual general meetings by Zoom referred to by me at paragraph 4 of my Affidavit.



TRICIA HARRIS



Justice of the Peace for the Parish of:-

**SANDRA WATSON JP**  
JUSTICE OF THE PEACE  
ST. ANDREW - D00631



**Commission of**



**Strata Corporations**

Commission of Strata Corporations

**ABSTRACT**

The following is a Protocol for Virtual General Meetings for Strata Corporations developed by the Commission of Strata Corporations, as a response to the on-going COVID-19 Pandemic.

**Protocol for Virtual General Meetings  
of Strata Corporations**

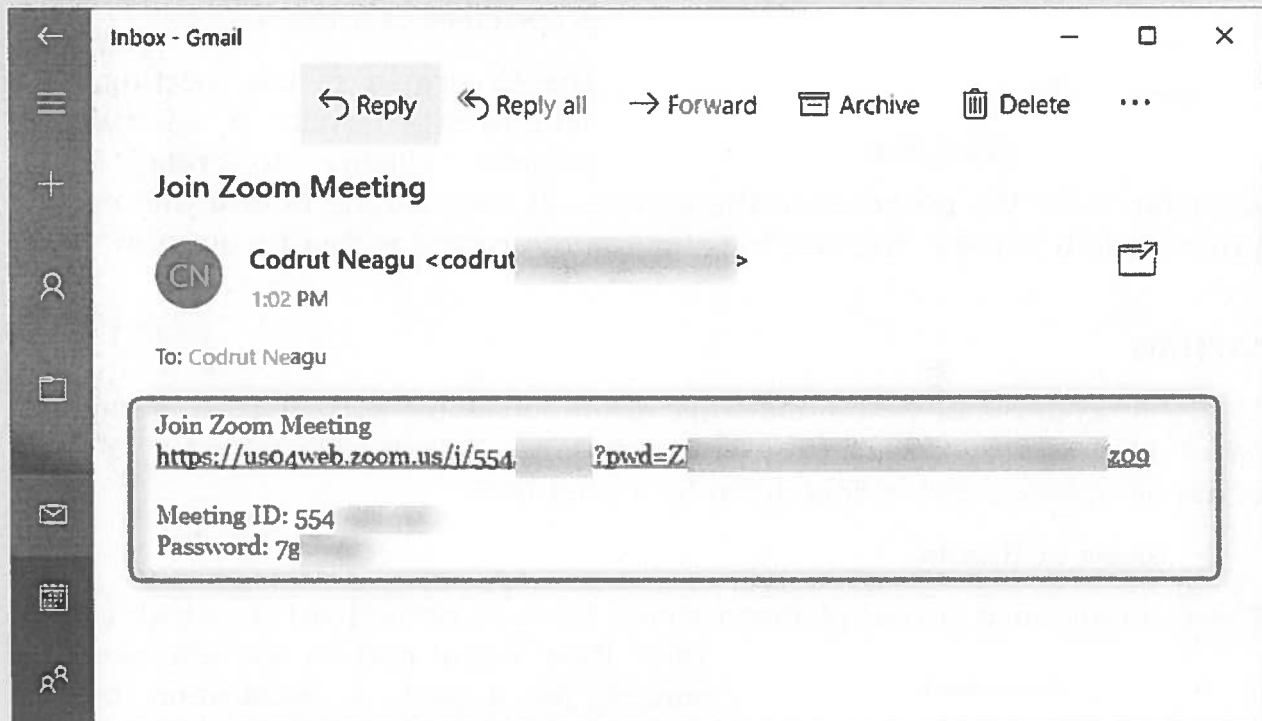
If the corporation was not provided an email address, then Notice is to be served by any of the other methods set out in the Registration (Strata Titles) Act, including facsimile or registered mail. We recommend service in-person as a last resort.

Corporations are encouraged to solicit the email addresses or facsimile numbers of all proprietors.

### FORM OF THE NOTICE OF THE VIRTUAL GENERAL MEETINGS

Notices for general meetings are to be served on proprietors or their agents as well as mortgagees **in writing** stating the date, hour and place of the meeting. However, until further notice from the Commission, all Notices for general meetings are **to list 'ZOOM' as the place of the meeting** instead of a physical location such as - 24 Trafalgar Road, Kingston 10.

Corporations are mandated to include the Meeting Identification Number and Password of the meeting in the Notice of the general meeting.



everyone in the meeting and not privately to the Chairman. Upon submission of the votes the member appointed to tally and record the votes should then proceed to count the votes and inform the Chairman of the results. The Chairman will then inform the meeting of the outcome of the resolution.

Images: Zoom.us Support

## **MINUTES OF MEETINGS**

The executive committee is to appoint a member of the corporation (or the property administrator) to record the meeting – this is a feature that is available within the platform.

Zoom will automatically provide the recordings in video and audio format to the host of the meeting and the Minutes of the meeting are to be prepared based on these records.

## **TREATMENT OF ADJOURNMENTS CAUSED BY 40 MINUTE TIME-LIMITS OF ZOOM MEETINGS**

The Zoom platform limits meetings to 40 minutes unless you purchase their full package. The Commission is not recommending or in any way advising proprietors to purchase the full package however, we shall advise on how to adjourn the meeting and set up a new one using Zoom.

In the event of the meeting coming to its 40 minute deadline, Zoom usually gives a 10 minute and 5 minute warning before ending the meeting. In that case, the Chairman of the meeting is to advise the meeting both verbally and in writing in the chat section that the time allotted by Zoom is coming to an end. He shall ask the meeting to continue and proceed to set up the next meeting on the platform. After the setup he will share the details of the meeting such as the Meeting Number and Password in the Chat as well as verbally with the proprietors present and advise them that the General meeting will continue and the Zoom break is considered an adjournment of the general meeting. The secretary or person taking the minutes should note this and the end time of that zoom meeting. The recommencement of the general meeting should be immediate and the same quorum must be obtained in order for the continuation. All of this must be noted by the secretary or person taking minutes.

It must be stated that the new Zoom meeting is merely the continuation of the meeting and not a new meeting. All decisions and resolutions will be regarded as taking place at that meeting.

'TH -2'

These are copies of the letters from proprietors indicating that they are willing to have the annual general meeting by way of Zoom referred to by me at paragraph 5 of my Affidavit.



TRICIA HARRIS



Justice of the Peace for the Parish of:-

**SANDRA WATSON JP**  
**JUSTICE OF THE PEACE**  
**ST. ANDREW - D00631**



## AGM needed for PSP#461 The Point, Negril

From: Joy <welikeithot2@yahoo.com>

Sent: Fri, 19 Jun, 2020 at 4:17 pm

To: tharris@reb.gov.jm

Cc: Gloria Bonsu Point Negril

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I am writing to please ask for Strata Commission to step in to be sure Strata #461 will hold the AGM as soon as possible. The AGM should have been held no later than the beginning of June, which was fifteen months from the date of the 2019 AGM. The Strata Manager, some Strata Board members & many of the Owners at Point want a Zoom AGM. This actually makes sense for all AGM & EGM meetings. More Owners can participate that way.

There are a few Strata board members who have been trying to continue to delay the AGM for as long as they can as they do not want a vote where they may very well lose their position on the Strata Board.

There has been no transparency as to monies collected. Two Strata board members must sign all checks. For clarification, the Strata Manager does not sign any checks.

Please take all of this into consideration. I hope you can step in and be sure the AGM is held ASAP, under guidelines of the Strata Act.

Thank you for your time.

Black Coral Properties  
apartment #100 The Point

Sent from my iPad

To: Gloria Bonsu-Akoto <psp461@cwjamaica.com>  
Date: July 2, 2020 at 7:19 AM  
Subject: Re Strata Meeting PSP 461

As a member of PSP 461, I am requesting that all efforts be made to convene the annual meeting of captioned strata as there are important matters concerning the operation of the strats which needs to be discussed. There can be no further justification for delaying this meeting especially since it has been accepted that a virtual meeting can be convened  
Therefore I would expect at a minum that the date for this meeting should be set as soon as possible and within the next 21 days.  
Errol Martin

Sent from Yahoo Mail on Android



Head Office: 12 Ocean Boulevard, Kingston Mall, Kingston, Jamaica W.I.  
Telephone: 876-656-8031, Telefax: 876-922-9326  
Email: info@udcja.com Website: www.udcja.com

Branch Offices: Montego Bay, 42 Fort Street, Telephone: 876-656-9290, Telefax: 876-971-7001  
Ocho Rios, Ocean Village Shopping Centre, Telephone: 876-656-9022, Telefax: 876-974-2731  
Negril, Norman Manley Boulevard, Telephone: 876-957-5260, Telefax: 876-957-3159

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July 23, 2020

The Commission of Strata Corporations  
1 Surbiton Road  
Kingston 10

Attention: Mr. Christopher Henry


Dear Sirs:

Re. Consent to Annual General Meeting (AGM) being convened by Zoom

This is to confirm that the Urban Development Corporation, the holder of one hundred and fifty-two (152) units of entitlement offers no objection to the meeting being held by Zoom on Sunday, July 26, 2020.

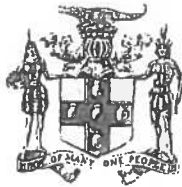
Given that the current government health protocols in place restricts the gathered number to fifty (50) and there are two hundred and thirty-six (236) apartments on property and the usual attendance at the AGM exceeds fifty (50).

Yours faithfully  
URBAN DEVELOPMENT CORPORATION

  
Yvette Sibble (Ms.)  
GENERAL COUNSEL

YS/mrw

TH-2



NATIONAL INSURANCE FUND  
C/O MINISTRY OF LABOUR AND SOCIAL SECURITY

4TH FLOOR, 40 KNUTSFORD BOULEVARD

KINGSTON 5

JAMAICA

2020 July 23

TELEPHONE: (876) 908-0020-21  
FAX: (876) 908-0028  
E-MAIL: secretariat@nif.gov.jm

Commission of Strata Corporations  
24 Trafalgar Road  
KINGSTON 5

**Attention: Mr. Christopher Henry - Attorney-at -Law/Senior Legal Officer**

Dear Sirs:

**Re: The Proprietors Strata Plan No. 461, referred to as Point Village, Rutland, Negril, Hanover**

This is to advise that the National Insurance Fund (NIF or the Fund) is the beneficial owner of the fee simple interest in eight (8) strata lots at the subject property. The Strata Lots are registered in the name of the Commissioner of Lands which holds the interest in the property for the sole benefit of the Fund.

With regards to the Annual General Meeting schedule to be held on Sunday, July 26, 2020, the NIF gives its full support for the meeting to be held via Zoom and look forward to being advised of the Meeting ID and Password.

Yours sincerely,

Ludlow Bowie  
Director, Real Estate