



Can the administrator send a condominium member away during the meeting?

Does the director have to attend the meeting? What are the powers of the president? Can a troublesome tenant be removed?

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The condominium meeting can easily transform into an arena in which the different needs of the owners are opposed, sometimes even vehemently. In these cases, the role of the president becomes decisive, as he has the (onerous) task of regulating the discussion to bring it back within the limits of the peaceful exchange of opinions.

It is in this context that the following question arises: **can the administrator send a condominium member away during the meeting?**

There are no **regulatory provisions** that provide a solution on this point. Nonetheless, practice allows us to still provide an answer to the question. Let's delve deeper into the topic.

Does the administrator have to attend the meeting?

The administrator, despite being the **promoter of the meeting**, is not the protagonist: his presence, in fact, is not necessary.

Pursuant to art. 66 available att. c.c., **the administrator calls the meeting**, both ordinary and extraordinary, on his own initiative or at the request of at least two condominium members representing one sixth of the value of the building.

His participation in the meeting, however, **is not necessary**, unless he is also a condominium owner: in this case, the legitimation would derive from his **role as owner** and not as administrator.

That his presence is not mandatory can also be indirectly deduced from the art. 67 available att. c.c., where it is expressly **prohibited to grant delegations** to the administrator.

The administrator, therefore, has no obligation to **participate in the meeting**; However, his presence is frequent, especially when it is necessary to discuss important topics on which only the administrator can provide clarification.

Think, for example, of the need to **choose the company** to which to entrust the work based on the estimates collected by the administrator.

Furthermore, the administrator is in possession of the **receipts of the calls** and is, therefore, able to certify the regularity of the constitution of the board, unless the same have been made available to the president in advance.

Can the administrator remove a condominium member during the meeting?

From what is stated in the previous paragraph it is clear that **the administrator cannot send any condominium members away from the meeting**, as their presence is not necessary for the regular conduct of the meeting.

Even if he takes part in the meeting, the administrator does so only to provide explanations and better illustrate some points on the agenda, **without however having any right to vote** or "active participation" in the discussion: the administrator, in fact, cannot take the floor and fuel the debate,

thus influencing the vote.

Can the president send a condominium member away during the meeting?

In theory, it is the **president** who can send away a condominium member during the meeting, in the event that this **disturbs the smooth running of the meeting**.

Think of the condominium owner who prevents others from speaking or who is guilty of **intimidating attitudes**.

In fact, among the tasks of the president there is also that of **moderating the discussions** that take place in the assembly, allowing everyone the opportunity to intervene in the debate.

In this sense also the jurisprudence (Cass. sentence n. 24132/2009), according to which the president of the condominium assembly, taking into account the fact that his function consists in guaranteeing the orderly conduct of the meeting, has the power to **direct the discussion**, ensuring, on the one hand, the possibility for all participants to express, during the debate, their opinion on the topics indicated in the notice of meeting and ensuring, on the other, that the interventions are contained within reasonable **limits**.

From this it follows that the president, even in the absence of an express provision of the condominium regulation that enables him to do so, can **establish the duration of each intervention**, provided that the relative measure is such as to ensure that each condominium owner has the opportunity to express their own opinions. reasons on all the points under discussion.

In light of this, the president must also be given the power, to be used **in exceptional cases** , to remove the **annoying condominium owner** who prevents the meeting from taking place.

Can the director be president of the meeting?

The **president is chosen by majority** among the participants in the meeting.

third parties with delegation can also assume the role of president (so Court of Cosenza, sentence no. **1157 of 2 July 2020**) and **third parties** present for other reasons (think of the lawyer who intervenes to clarify a legal issue, etc.).

In essence, there is no law that requires the president to be a **condominium owner**.

This means that **anyone can assume the role of president**, as long as there is the majority consensus of the participants.

For reasons of expediency, however, it must be excluded that the choice may fall on the **administrator** , unless he is also a condominium owner and, therefore, present at the meeting as the duly convened owner.

In light of this, we can conclude by stating that **the administrator can send a condominium member away during the meeting**, but only if he is also **president** of the meeting. In all other cases, this power is forbidden to him.

Source: <https://www.condominioweb.com/lassociazione-puo-mandare-via-un-condomino-durante-lassociazione.21149#2>

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