

**Condo Smarts**

Headline: Voting Procedures

Topic: Voting

Publication date: November 28, 2010

Publication: The Province

Written by: Tony Gioventu

---

**Dear Condo Smarts:** Have there been any changes to the Act that would permit strata councils to convene meetings by email? I am the treasurer for a vacation strata in Whistler, and other than the AGM each year, our owners are never together in one place. Several council members live in the U.S. and our president lives in England. Other than routine emails that we share, there is no common event at which time council makes decisions. An owner has recently requested permission to alter their strata lot and a small area of common property, and a hearing of council, but how can we conduct a hearing if the council can never get together? We had an email vote on the proposed alteration where three council members abstained, and the president declared the request approved. We are becoming increasingly concerned that we are not conducting proper meetings, and we may find our council challenged by some of our decisions. Have any other strata corporations found solutions that might be useful in our case? Robyn C., Whistler

**Dear Robyn:** Strata corporations are permitted to amend their bylaws to accommodate the different styles of governance and operations of a strata corporation. You must remember that the bylaws must comply with the Act, Regulations, BC Human Rights Code and any other enactment of law. Your example perfectly defines the need for ongoing review of bylaws to accommodate changing technologies and the multiple variations of strata corporations in the province. Standard bylaw 17 permits attendance of council by electronic means, but that is essentially a conference call or direct audible connection where all council members and participants can communicate with each other. Your specific bylaws could permit on-line council meetings on a secured site that would enable council to

address day to day operational decisions and record minutes of those decisions, in the same manner as a routine council meeting. However, there are serious complications and risks to a strata corporation who shares confidential, personal or privileged information on-line. The strata corporation can never be certain who is monitoring the proceedings remotely, and they may not be able to contain a breach of personal and confidential information. So get professional advice on writing new bylaws for procedural governance. The voting decision is also a quirky problem. The standard bylaws count a council vote as a majority vote of those persons present in person at the meeting, and council members attending a meeting electronically are deemed to be present in person. The implication of this decision is that both votes against or abstained are not deemed to be counted as votes in favour. If you have five elected council members, a quorum is three. If three are present, and two vote in favour of the motion, the motion is passed. This is different in voting at general meetings where voting is calculated only on those persons who vote for or against a majority or  $\frac{3}{4}$  vote, and who have not abstained. Even a unanimous resolution would record abstentions separately from votes against a resolution, as parties may be polled and identified for the purpose of litigation or for court actions to remedy unfair acts. Council decision making through on line functions is a reality for many strata councils today. To ensure council decisions are properly ratified and recorded, councils should make every effort to document their proceedings in minutes, showing the motions being discussed and the outcomes of each motion.

It will still be necessary to convene council meetings for the purpose of conducting a hearing

---

For more information on CHOA resources and benefits visit [www.choa.bc.ca](http://www.choa.bc.ca)  
or contact the office at 1-877-353-2462 or email [office@choa.bc.ca](mailto:office@choa.bc.ca).

**No part of this publication may be reproduced without the prior written permission of CHOA**

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.

on request, a bylaw violation hearing, a bylaw enforcement decision, or a hardship application request and subsequent hearing. The council cannot delegate these duties to other parties; however, it may be necessary for the council to meet by conference call to address the matter, especially with a time sensitive hardship application for a rental bylaw exemption.

**For more information on CHOA resources, and member benefits, please visit the website at [www.choa.bc.ca](http://www.choa.bc.ca). Questions may be directed to the Advisor by phone at 1-877-353-2462 or email your questions to [advisor@choa.bc.ca](mailto:advisor@choa.bc.ca).**

**No part of this publication may be reproduced without the prior written permission of CHOA**

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.