

Strata Living

Headline: Calculating 3/4 votes

Topic: Voting

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Dear Tony: Our strata corporation passed a new set of bylaws and a small special levy at our meeting last night. Both were called special resolutions and both were passed by a 2/3 majority vote. The president of council had deemed we would use Robert's Rules of Order for the meeting. A number of owners challenged the decision and that we required a $\frac{3}{4}$ vote but were told we were out of order and to sit down. No one was sure what really happened at the meeting so we need some help.

Carl J. Vancouver

Dear Carl: Under the Strata Property Act, resolutions for amending the bylaws or special levies requires a three quarters vote, also known as a three quarters vote resolution. Robert's Rules can be helpful for strata corporations in the basic procedures of a meeting, but they do directly conflict with our legislation in some areas; however, the Strata Property Act prevails. The resolutions should also indicate they were three quarters vote resolutions, and when the vote is taken the numbers are calculated on the total of those who vote for and against and who have not abstained at the time of the vote. A typical vote is as follows.

There are 88 people present in person or by proxy at the meeting. At the time the vote is called 58 vote in favour, 21 are opposed and 11 either abstained or had left the meeting and did not vote. The vote is totalled $58+21=79$. It is three quarters of 79 that is calculated, making it 59.25 votes to pass. The vote would be defeated in this example. It is important to remember that on three quarter votes, the exact wording of the resolution must be sent in advance with the notice package. It is also extremely valuable to include the actual voting numbers cast at the meeting as an accurate count may be valuable in the future if the strata corporation has to defend that they counted and calculated the vote correctly.

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