

Strata Living

Headline: Who is eligible for council?

Topic: Strata Council, Age Restriction Bylaws

Publication date: July 5, 2012

Publication: 24 Hours

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Dear Tony: We would like to add someone to our strata council who is not an owner. Our strata corporation adopted an age bylaw of 55 and over back in the mid 80's. At the time it was the right decision as we were marketed as a retirement community. Almost 30 years later we have many of the same people residing in our strata corporation, who are all over 80 and no one in our strata corporation wishes to sit on the strata council any longer. We are not a very large strata and the owners refuse to pay the cost for a property manager, so we are stuck with only 2 people on council this year. Two of the owners' children have offered to sit on council but we were told this is not possible. I suspect we have many communities in the same situation so perhaps you have some insight into our dilemma.

Marjorie Cross

Dear Marjorie: You are correct that aging communities are struggling with the daunting task of managing their strata corporations, especially when your strata corporation is self managed. Contracting a manager to assist you with the administration and operations is one option, but you are still required to elect a strata council who are solely responsible for the administration and enforcement of the bylaws and decision making of the strata corporation. Family members of owners may be a viable solution for self managed strata corporations in aging communities if your strata corporation is having difficulty in electing owners to be on council. Before you consider any such bylaw amendment, first speak with the family members. If any of those family members are on title with their parents, they are an owner and

eligible to be elected to the strata council, whether they reside in the building or not. If that is not a solution, your strata corporation is permitted to allow other classes of person to be elected to the strata council with the adoption of a bylaw. The bylaw should set out exactly the definition of the class of person, for example a family member, how they are elected to council, and what consent of the owner is required for the election. A bit of legal advice on the drafting of the bylaw, notice for the meeting and filing in the Land Title Registry, will help expedite the amendment.

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