How are the Procedures Determined to Elect a Strata Council?

The fundamental rules of order for strata corporation general meetings in British Columbia are determined under section 50 of the *Strata Property Act* (SPA). Simply put, matters are decided by majority vote, unless a ¾ vote, 80% vote or unanimous vote is required. The Act does not differentiate between voting on resolutions, procedural issues, or election of council. While there are some exceptions, such as the chair determining whether a proposed amendment to a ¾ vote, 80% vote or unanimous vote is required, the owners by majority vote still retain the ultimate authority to challenge the chair and override the decision to permit an amendment.

If you apply the SPA Standard Bylaws and Section 50 of the Act, you will discover two distinct provisions that will help you resolve this problem. The first is the SPA Standard Bylaws only require your strata to have a minimum of three and a maximum of seven council members. This tells us that it is not mandatory to elect seven. Many strata corporations run into this confusion and feel obliged to accept everyone simply because they are nominated. This is not required unless your bylaws specifically require that all seven positions must be filled. The second, if you apply the SPA Standard Bylaws and Section 50 of the Act logically, the outcome is that the strata corporation by majority vote decide on who is elected to council. Whether you do this by secret ballot or by a show of hands, the result is that those persons who are elected by a majority of the votes cast for or against the resolution will determine who is elected to council. It still requires a majority vote of the owners to elect those nominated. There is no provision in the Act or the SPA Standard Bylaws for acclamation Before you elect someone to council, confirm they are eligible.

by nomination at a general meeting. The only time acclamation is required, which by default still requires the consent of all eligible voters, is in the event the strata corporation requests the owners to waive notice of a general meeting, and all eligible voters consent to waive notice of the meeting and approve all resolutions, motions and the approval of the proposed council.

In the event your bylaws do not stipulate an election of strata council process, you first determine by majority vote how you will elect council, a) a single majority vote to elect all of those nominated in the event no more than the maximum is reached, b) if more than the maximum (7) number are nominated, those 7 with the greatest number of votes are elected to council, or c) regardless of the number nominated, those who receive a majority of the ballots cast are elected to council. If you choose option C, remember you have to count the total number of ballots cast to determine what is the majority vote requirement to be elected to council. For example, a total of 41 ballots were cast; therefore, each council member elected would require at least 22 votes.

A word of caution for readers - many strata corporations have adopted different governance bylaws that address elections, nominating committees, and voting thresholds for council election or removal, so double check your bylaws before you proceed. It is also helpful for strata corporations to adopt bylaws that address voting eligibility. If the strata corporation is entitled to file a lien against a strata lot, a nominee is not eligible to be elected to council or to continue to sit on council, with the proper bylaw amendments.

CHOA

SL 19 requested a secret ballot and moved that those who receive a majority of the votes of the 10 nominated are elected to council. 2nd by SL 25. Carried

Step 1: Count the total # of votes cast = 37

Step 2: Determine the minimum # of votes needed for a majority vote = 19

Step 3: Determine who obtianed a majority vote

Bob 28, Helen 26, Hardip 36, Karen 21, James 20

If an owner requests a precise count you are required to record the total number of votes for each nominated council member.