
Strata Living

Headline: What is a quorum?

Topics: Quorum

Publication / Date: 24 Hours, Dec 22, 2016

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Dear Tony: Our strata council recently had a meeting with two days' notice where only 3 of the 7 council members were present. The decision they made was to award a \$350,000 contract for a deck and balconies project that was approved by special levy at our AGM in September. The council president has already signed the contract, but the remainder of the council have some serious concerns over the terms of the contract, and our council did not obtain legal advice as directed by the owners in our September meeting. Is the decision of council binding on the owners?

Glen W. Pt Moody

Dear Glen: Strata councils have the same obligations to comply with the bylaws of the strata corporation as any owner or tenant. Unless your bylaws have a provision for council meetings to proceed without a quorum or those that are present at the meeting constitute a quorum, your strata council should not be conducting business. The principle reason a quorum is required for both general meetings or council meetings is to guarantee a minimum number of participants and to prevent strata councils and strata councils from holding meetings without giving notice to all council members. In addition to your council quorum requirement, your bylaws also require a minimum of 7 days' notice unless the matter is an emergency or the remaining council members consent to the short notice period.

My experience has taught me that where council members attempt to take short cuts or exclude other council members from a decision making process they are almost always hiding an issue that is significant. It is usually a situation where a council member has a direct or indirect interest in a transaction and they are hoping to force the decision before their fellow council members have an opportunity to find out what's going

on. Your remaining four council members have the authority to give the proper 7 days' notice of a council meeting and address the decision making process and the details of the contracts. A contractor can rely upon a decision of a strata council once they have entered into a contract, but individual council members who make decisions that are contrary to the directions of the owners or the voting quorum of owners should be extra cautious as they may be incurring personal liability.