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## Strata Living

Headline: Who sets the agenda?

Topics: Agendas

Publication / Date: 24 Hours, Feb 16, 2017

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**Dear Tony:** Our Richmond strata council is furious with our property manager. Our fiscal year end is December 31<sup>st</sup> and council had decided to hold our AGM on February 22, giving us time to prepare the financial statements and have our lawyer finish the review of our bylaws. Our plan was to send notice on February 1<sup>st</sup>, but the property manager issued notice of our AGM on January 25<sup>th</sup> with a proposed budget, no bylaws, and two items on the agenda to approve building repairs, both of which require engineering reviews first. So what happens when a notice of general meeting is issued without the authority of council? The Act is silent on what we do next. We immediately sent a notice of retraction to the owners, and subsequently sent out our meeting notice February 1<sup>st</sup> as planned.

*Allen C.*

**Dear Allen:** You are correct, the *Strata Property Act* is silent on this issue. While the does not explicitly say the calling of a general meeting is a requirement of council, there are some clues that make it clear this is a council responsibility. For example, if a group of owners petition for a special general meeting, the president of council may call the special general meeting without holding a council meeting. A clear indication that council have an obligation to convene a council meeting and discuss the agenda, content of resolutions and the date of the meeting and give notice of general meetings. If all the council members resign, under the standard bylaws, owners holding 25% of the votes may hold a special general meeting to elect a new council. While the *Act* does permit council to delegate their authority to a strata manager, there is nowhere in the legislation that indicates a strata manager may give notice of general meetings or add agenda items without the direction of strata council. Ultimately a challenge of the cancelled meeting either in the courts or the Civil

Resolution Tribunal would answer the question; however, your strata is holding their AGM within the 60 days after fiscal year end requirement, has given proper notice of the meeting approved by a majority vote of council and is enabling the owners to vote on a proposed bylaw package that had been approved for development and expense at your previous meeting. Regarding the manager, check your service contract to see if the strata has delegated any such authority to call meetings without the consent of the owners. You may need to amend your contract or in the event of an action without authority consider filing a complaint with the Real Estate Council of BC.