
Strata Living

Headline: Limiting proxies-Don't tamper with voting rights

Topics: Proxies

Publication / Date: 24 Hours, June 2, 2017

Written by: Tony Gioventu

Dear Tony: Our property manager and lawyer told us that we were not allowed to hold more than 3 proxies per person at a Special General Meeting that was held last week. We were told that any one owner could unfairly influence the outcome of the meeting, and as a result the decision was made to limit the number. The information seems reasonable, but we cannot find anywhere in legislation that allows for the limitation of proxies. As a result of this information, an owner who had brought 5 proxies, of which he had disclosed their voting instructions on each vote was denied voting cards for 2 units. Is this permitted?

person may be a proxy. How would you enforce a bylaw against a non resident non owner who is eligible to be assigned as a proxy but has no relationship to the strata corporation? Impossible. If the voting rights of owners have been denied because of a proxy limitation, each of those owners would have a valid claim against the strata corporation through the courts or the Civil Resolution Tribunal. The unfortunate effect could result in decisions at general meetings being over turned or nullified until a new meeting was properly convened.

KVR, Vancouver

Dear KVR: The *Strata Property Act* and Regulations do not permit bylaws that limit the number of proxies, which affect voting rights. Specifically the *Act* permits any owner who may vote on a resolution as an eligible voter, to be represented by proxy. Limiting proxies would essentially be denying or restricting the voting rights of an eligible voter. If a proxy holder represented more than the number of proxies permitted who would have the authority to determine which units may be represented and which may not? Who's voting rights would be denied? This creates an easy opportunity to influence or manipulate a vote and is a serious matter. Any owner who is issuing a proxy would have no way of knowing whether the person they gave their proxy to was holding more than the permitted number of proxies. Put this into practical perspective. If the strata had a bylaw that limited the number of proxies, how would you enforce it? Bylaw enforcement is not spontaneous. It requires notice of complaint, the opportunity to respond in writing or request a hearing, and is enforceable against an owner, tenant and their occupants. Other than a strata manager employed by the strata corporation or employee of the strata, any