
Strata Living

Headline: To destroy ballots or not, that is the question?

Topics: Voting

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Dear Tony: What happens to ballots at a general meeting? We had our AGM in May and the election of council was a very hotly contested issue. The property manager insisted he would count the ballots, which were blank recipe cards, and announced after the count the 7 elected council members, which happened to be last year's council. We know that is not possible because at least 65% of the owners signed a petition demanding we vote on a new proposed bylaw at our AGM that relates to how council is elected. Owners are outraged at the result. The next day the petitioners requested a hearing with the council and the property manager to demand a recount of the ballots, the property manager advised he destroyed the ballots at the direction of the council. How do we stop this type of thing from happening?

Karl V.

Dear Karl: The destruction of ballots, like the approval of minutes, the election of council, the appointment of scrutineers to count ballots or the termination of the meeting are all matters that are decided by majority vote at an annual or special general meeting. The council does not have the authority to undo the decisions of owners at a general meeting, and if ballots were used, they are destroyed at the direction of the owners by majority vote. I tend to agree with the suspicions of most strata owners when the ballots are quickly destroyed. Why is everyone so eager to essentially destroy the evidence? Serious concerns should also be raised when ballots are destroyed without the consent of the strata corporation.

With the ease of access to claims now through the Civil Resolution Tribunal, any owner/voter can raise a

challenge to the credibility of the meeting and the decisions if there are discrepancies or irregularities in voting procedures. The majority of the owners appoint the scrutineers (ballot counters and witnesses) and the majority determine before the meeting is terminated, whether to retain or destroy ballots. If the ballots are retained, how they are retained, who has them and how they may be accessed should be documented in the minutes of the meeting. The likelihood of a tribunal adjudicator ordering a strata corporation to reconvene a general meeting will only increase dramatically if there are irregularities in the procedures. Retaining the ballots as evidence or proper procedures will be valuable evidence for your strata corporation if they are challenged on significant or contentious decisions.