
Strata Living

Headline: Giving Notice to the Strata: When can council members say no?

Topics: Strata Council; authority

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Dear Tony: The president of our strata council has decided on a policy that any type of notice given to the strata corporation or a request for information or hearings must go through her or it is deemed not to be received. As a result she has failed to notify the rest of council about requests for hearings, a request for a hardship exemption, several requests for alterations to strata lots and demands for information. This seems like a no brainer where the council simply votes to override the policy but every year this person has enough proxies to make sure she gets back on council. The retired people in the building tend to trust her, but she constantly placing the strata in situations where it is only a matter of time before we get sued. It's a form of bullying we don't know how to fight.

Marco T.

Dear Marco: Any owner or tenant may serve notice officially to the strata corporation by either mailing it to the strata registered address in the Land Title Registry, emailing or faxing it to an email/fax address provided by the strata corporation, delivering it to the strata manager, or by delivering it to any council member. The strata corporation cannot change those provisions of the *Act*. It is helpful to have a central address for all communication as it is much easier to control, but owners cannot be barred from giving notice to the strata corporation through council members or the manager.

With respect to hearings, hardship exemptions and bylaw enforcement matters which would include alteration requests, those matters are addressed by the strata council and decided by council at properly convened council meetings. The strata council cannot delegate the authority to another party to render a decision on the eligibility of a hardship, matters relating to a hearing or whether a person will be fined or not. For example, there are significant consequences for both an owner and the strata in the event the strata corporation does not address a hardship request correctly and within the time periods set out by the *Act*. The owner who made the application is automatically exempt if they have submitted a request and were not given an answer or a hearing within the requested time periods.

While a dominant person may always be elected to council, they are only 1 vote at a council meeting and the majority of council present at the meeting decide who fills the positions, and how decisions are made, the enforcement of bylaws, approvals for alterations, the outcome of hearings and hardship requests.