

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Headline: **Expanding the Number of Potential Strata Council Members**

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Over time, many Strata Corporations find it harder and harder to attract owners to sit on the Strata Council. Young owners may be busy with work and family and not have the time to commit to Strata Council duties. Other owners may be busy traveling and are not able to attend meetings and devote the necessary time to attend to Council matters. As some owners age, or their health deteriorates, they may no longer be willing to take on the work and make the time commitments that being a productive Council member requires. The fact that an owner is not able or willing to sit on the Strata Council does not, however, mean the owner is not interested in the operation of the Strata Corporation.

Strata Council members are often not sure how to address the issue of the shortage of available owners to sit on the Strata Council and how to insure that a greater number of owners are involved in the management and operation of the Strata Corporation.

Some owners have addressed this issue individually by transferring a part of the title of their strata lot to a parent, child, or other relative, who is then an owner and is eligible to sit on the Strata Council. However, such an approach is cumbersome, may have tax and other implications, and is not necessary if the Strata Corporation amends its bylaws under the *Strata Property Act*.

Simply because a person is not on title does not necessarily mean that they cannot sit on the Strata Council. The *Strata Property Act* has specifically contemplated the issue of expanding the number of potential Strata Council members.

Section 28 of the Act provides:

28 (1) The only persons who may be council members are the following:

- (a) owners;
- (b) individuals representing corporate owners;
- (c) tenants who, under section 147 or 148, have been assigned a landlord's right to stand for council.

(2) Despite subsection (1), the strata corporation may, by a bylaw passed at an annual or special general meeting held after the first annual general meeting, allow classes of persons, other than those referred to in subsection (1), to be council members.

Subsection (2) specifically permits owners to amend their bylaws to include other classes of persons to sit on the Strata Council. A popular bylaw amendment is to allow for spouses of owners to sit on Council.

However, a bylaw can provide that any class of person can be a Council Member. For instance parents, children, step-children, and grandchildren of owners can be allowed to sit on Council. The provision can also be used to allow classes of persons such as accountants, financial planners, lawyers, or simply professional

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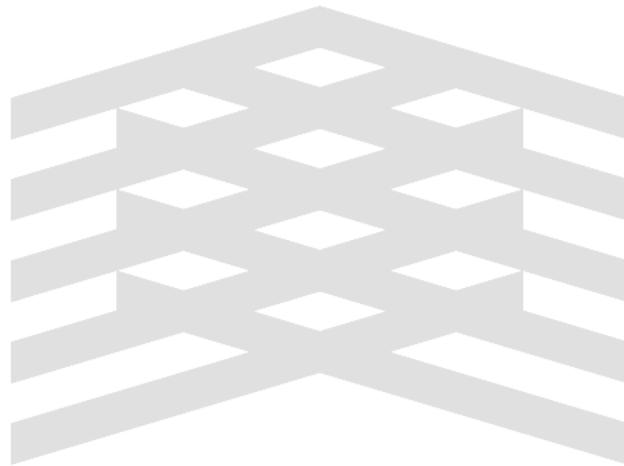
page 1

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advisers, to sit on the Strata Council. It may be particularly useful to have a professional adviser as a Council Member if the strata lot is a commercial strata lot, or is owned as an investment.

Section 28 has significant potential to assist Strata Corporations to expand the group of people available to sit on the Strata Council. If not having enough owners run for Council is an issue in your Strata Corporation, it may be time for the Strata Council to hold a Special General Meeting so that the owners can vote on an amendment to the bylaws that allows additional classes of persons to be eligible to sit on the Strata Council



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page 2

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