

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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## Condo Smarts

Headline: Proper proxy notes

Topic: Proxies

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The annual general meeting of a strata corporation is the most important meeting held each year. The decisions made can affect the operations of your strata, budgets and fees, plus determine who will be council members and may influence property values.

If the strata chooses to fund maintenance and repairs reasonably, the council will have the funds to undertake the required operations of the building. But if the owners are more concerned with low strata fees, the corporation will likely struggle with meeting its major obligations, deficits and reduced maintenance and services. But what happens if you can not attend?

An owner of a strata lot may choose to appoint a proxy holder for their vote. The owner can restrict the ability of the proxy holder to vote on only one issue or a general proxy to act on their behalf for all issues.

Recently, a proxy holder in Surrey was refused the right to exercise the proxy because the proxy wasn't on the form that was supplied by the corporation. Technically, the corporation did not have this right. Proxies are valid if they meet the following condition:

- A document appointing a proxy must be in writing and signed by the person appointing the proxy and may be either general or specific.

- An employee of the strata corporation or a person who provides management services to the strata are not permitted to hold proxies.
- A proxy stands in the place of the person appointing the proxy and (subject to limitations) can do anything that person can do, including vote, propose and second motions and participate in the discussion.

Who can hold the proxy is your decision. The strata corporation cannot tell you who can and cannot hold your proxy or the number of proxies that an individual may hold.

After reviewing the registered strata plan, it was discovered that the plan was indeed based on square footage and the monthly strata fees for the bachelor units were as low as \$109 per month while the penthouse units were as high as \$437. The council did not have the authority to change the formula and the corporation is now reverting back to the registered plan. If your strata is considering amending your plan, you should seek legal advice.

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