

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Council must get approval from owners

Topic: Amending common property

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Written by: Tony Gioventu

Who decorates common property? A group of second-floor owners found themselves in a volatile dispute last week when they chose to redecorate the second-floor common area hallways with new paint and new carpets. The strata corporation had not voted to redecorate the building this year, because deck replacement was a major priority. The council president and treasurer both live on the second floor and decided they didn't want to wait for new carpets and authorized \$5,000 for the carpets and painting. The owners, in their frustration, have issued a demand by petition for a special general meeting (SGM) to remove the council and to commence court action against the offending parties.

Strata Law: There are three separate principles here established in the Act. The first is whether the owners had the right to proceed with amending or altering common property without the permission of the corporation and who had the authority to proceed with the work. Section 3 of the Act clearly defines the responsibility for the common property as that of the corporation, not owners at their discretion. Also, two of the seven council members did not obtain written permission for the work. The second is the approval of funds. The matter was not an emergency, the owners had not approved the

expense of the funds, and the bylaws gave no provision for an additional expense. The third and final matter is the petition for the meeting. Section 43 of the Act provides that a written petition signed by 25 per cent of the strata corporation's votes, may require the strata hold an SGM. The matters specified in the demand must be the first item(s) on the agenda.

Tips: In the thousands of diverse strata communities that cover our province, errors, poor judgment, and conflicts are inevitable. Council members are volunteers and frequently act without realizing they may be in the wrong, often thinking of the best interest of the strata. Petitioned special general meetings can be a valuable venue to resolve a crisis at hand. If the crisis is not addressed, the strata may discover they have reached a crisis so drastic that their options are only left to the courts.

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