

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Stratas must comply with rights charter

Topic: Spending money on non common expenses

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At a July Annual Meeting, strata owners were astonished to discover their council had donated \$500 of the strata's money to a political party in the recent federal election. Not only were the owners outraged at the expense, but support of a specific party on their behalf usurped their democratic rights and freedoms. One owner was quoted to say, "not only have you decided our minds for us, but if we chose not to support your decision by not paying our fees, you could lien or sell our homes, the final blow to democracy." Even though the strata council have made compensation for the error of their ways, a vein of distrust is now deeply furrowed among the owners.

Strata Law: Common expenses, which the strata collects funds for, are defined as related to the common property and common assets of the corporation or required to meet any other purpose or obligation of the strata corporation. Fundamental freedoms of the Charter of Rights, amongst others, are a freedom of conscience and religion, freedom of thought, belief, opinion and expression. The Strata must comply with every enactment of law.

Tips: Every decision a council makes has some risk associated with it, but deciding to spend money not authorized by the corporation, allowed by the Act, or without emergency cause is out right dangerous. Donations to community organizations, social clubs, religious institutions, or political organizations to name a few, stretches the definition of common expenses. If the strata wishes to support a local organization, a fully debated and supported resolution at a general meeting would be wise, but there is no guarantee that owners' rights would not be violated, the strata would be compliant with the Act, or that an owner(s) would challenge the decision.

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