

Condominium Home Owners' Association

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Bulletin: 300-237

Condo Smarts

Headline: The ins and outs of legal proxies

Topic: Proxies

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Written by: Tony Gioventu

Dear Condo Smarts: At our annual general meeting in June, a number of issues concerning proxies came up that made me rather concerned.

I am an owner, but two other owners on vacation asked me to hold their proxies to vote for the budget, the new council and special levy for our roofing replacement.

When I registered I was told by the council that there could only be a maximum of one proxy per person and I would have to sign the other proxy to a council member. I refused and demanded the proxies back, but they refused.

During the meeting, the president ended up with 10 proxies and used them to railroad his election back on council. Our manager never questioned any of the business and the minutes have come out to show none of the funny stuff.

Was the council right? Are we permitted to hold only one proxy?

- Mrs. G.N. Hodges

Dear Mrs. Hodges: In B.C. we now have more than 30,000 strata corporations and close to 1.5 million strata-titled lots. Considering those numbers, proxies are a serious problem affecting everyone.

There are no such restrictions on the number of proxies people can hold. Most important though is that the written document is not the proxy.

You, the person assigned the proxy vote is. The strata cannot direct how you vote, but the owner may have written specific instructions or limitations for you to follow.

Proxies must be in the required written form, but they need not be on the proxy form that the strata issues with the notice.

There is always a concern when one person holds enough proxies to influence the voting, but there is little the strata can do about that unless an unfair act is committed.

The registration process with proxies can be confusing at the best of times and proxy holders need to be prepared to provide personal identification for the purpose of certifying the proxy.

The proxy form is the property of the proxy holder, not the strata corporation, but don't plan on using a fake proxy to sway the votes. The record will show your identity on the registration and you could be facing significant costs for the losses if you're discovered.

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