

# Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

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## Condo Smarts

Headline: Strata corps need AGMs

Topic: Annual General Meetings

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**Dear Condo Smarts:** We live in a triplex built in 1985. While we understand that we are a strata corporation we have chosen to operate very informally.

We have never convened an official annual general meeting, we have no bylaws, no minutes of meetings or records for sales documents and purchase our own insurance separately. Now we are at a crisis.

Our roof must be replaced as there are leaks showing up in our attics, but one owner is refusing to agree to a roofing contract and pay their share of the roof expense, so we're stalled.

Is there any way we can force this owner into paying up their share?

Unless we do, we will be faced with damages and rising unmanageable costs?

-- Carol Miller, Nanaimo

**Dear Carol:** Whether you are a duplex in Prince Rupert or a 600-unit complex in Vancouver you are still a strata and you must operate in compliance with the Strata Property Act.

Even the smallest strata corporations must take the time each year to hold an Annual General Meeting (AGM) and pass a budget and elect a council.

You must also produce minutes as a record of your meeting.

Within your budgets you must include common expenses like strata insurance,

operating costs, and contingency reserve contributions.

Many small strata complexes under 10 units pay strata fees of \$350 per month or more to ensure they are properly maintaining their common property, buying the right insurance, and planning for future repairs and not dumping all the responsibility on just one or two owners.

In your case you need to start by holding an AGM to set a basic budget for operating and financial planning for future repairs. But there is a kink in the legislation.

If you are duplex or triplex and one person votes against everything, you can't pass a special levy by 3/4 vote for roof repairs or new bylaws that address long-term planning and maintenance — the vote must be all voting in favour.

The result is you may have to proceed to court if your resolutions fail.

Hold an AGM, place the resolutions on the agenda, create minutes recording the results of the votes, and if they fail the owners must retain a lawyer to either obtain a court order for the repairs or the application of an administrator to handle the strata affairs.

Education is also a critical. Knowing what you are doing makes all the difference. Check out CHOA's fall seminar schedule at [www.choa.bc.ca](http://www.choa.bc.ca). Sessions commence province-wide September 20th, and are open to all strata owners, councils and managers.

For more information on CHOA resources and benefits visit [www.choa.bc.ca](http://www.choa.bc.ca) or contact the office at 1-877-353-2462 or email [office@choa.bc.ca](mailto:office@choa.bc.ca).

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