

# Condominium Home Owners' Association

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Bulletin: 300-305

## Condo Smarts

Headline: Only One Council Member Left Standing

Topic: Strata Council

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**Dear Condo Smarts:** We hope you can shed some light on our current problem. At our condo in Victoria we elected 7 council members at the AGM in August. In early September, 6 of the 7 council members resigned, leaving only the treasurer. The details are rather sordid, but suffice it to say, our strata basically ran with only 1 council member controlling everything and making all the decisions until the owners signed a petition to call for a special general meeting to elect a new council. Even then, the treasurer refused to call the meeting so we had to wait until the time expired and convene the meeting ourselves. This is not the first time this has occurred, involving the same person who controls our finances with an iron hand. We couldn't find anything in our bylaws or the Act to solve the problem without an SGM, and we don't know how to elect a new council without this person. Graham W.

**Dear Graham:** Electing only the council members that you want is a simple governance decision under the Act and Standard Bylaws. At general meetings, all matters are decided by a majority vote unless a higher voting threshold is required. The election of council is by majority vote. You don't have to elect 7 council members, but you must elect a minimum of 3. When the vote for the nominated council members

is called, one person should request that the vote be conducted by secret ballot, regardless of the number of nominations, and then each person is elected based on those who receive a majority of the votes that are cast for council elections. Having a firm hand on the finances is not unto itself a problem; however, if the treasurer acts contrary the decisions of council, or refuses to provide copies of all the treasury information, council need to replace that person quickly and act to protect the strata financial assets. You are correct however, when the strata fails to elect a council, or the council resigns, there is no provision for a meeting to be called and the strata may find itself in serious troubles. Even with only 1 council member there is no provision for that person to call a meeting without a petition of the owners. This is frequently a very frustrating problem for strata managers who rely on the direction of council to meet their contractual obligations. It may be possible to address this problem with a strata bylaw amendment that requires those council members forming less than a remaining quorum to convene a special general meeting for the election of a new council, to ensure the strata can continue to meet their business obligations; however, I would recommend that each strata seek legal counsel to ensure the bylaws comply with the Act and Regulations.

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