

Condo Smarts

Headline: Exercising your democratic rights
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Dear Condo Smarts: In 2001 our Strata Council adopted a set of bylaws that included a bylaw on the terms of office for council elections. One of the bylaws stipulates that no person can serve for more than three consecutive years on council. Looking back at our records this was a recommendation from a parliamentarian that assisted us with our bylaws. His recommendation was that it would allow for a change and would result in a routine change of council members. Our strata have recently started to run into the problem of not enough people being elected to council. At our AGM on July 2, none of our five council members could continue because they had all served three years and no one else wanted to be elected to council. No one knows what to do, and we now have no strata council. We are an aging community and most residents couldn't even be bothered in coming to our meetings. What happens when a strata does not elect a council? Marj D., Kelowna

Dear Marj: Your problem is a growing concern in the province. Council members are volunteers serving their fellow owners, and the role can be a very time consuming and stressful job. I have seen many good people who committed their lives to their strata communities, only to get burned out and abused by unhappy owners when suddenly the strata is struggling or is faced with some

major financial decisions. Your strata obviously needs to amend its bylaws quickly to ensure you can elect those people who are willing to serve, but also take a moment to review what types of services and support your strata has made available to owners. Council members are volunteers and often inexperienced with the formalities of bylaw enforcement, operating a building system, financial reports and accounting, insurance and conflict resolution. Strata corporations are best served if their strata councils are well served. Annual budgets should include consulting services for legal, procedural and operational professionals. When a strata council runs into a bit of trouble, they should have the resources available to access the trades and professionals who can help them out. Strata councils often find bylaw enforcement very frustrating, and often because the owners do not provide enough resources for the strata council to take action when it's needed. If a building has a bylaw that prohibits pets, and a person moves in with a pet, the strata can impose fines for violations, but eventually may have to seek a court order for the removal of the pet. At this time, the court action requires the support and the funding of the owners by $\frac{3}{4}$ vote at an annual or special general meeting. If the annual budget contains consulting allowances the strata council can proceed with legal counsel in the enforcement process. If they don't have

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the funds or support, the strata council are often resigned that there is little they can do.

There are serious repercussions if your corporation does not elect a council. You will not be able to enforce bylaws, which instantly means if someone does not pay their strata fees no one can collect the funds. If you are self managed, no one can sign information or payment certificate requests for sales agreements, and generally the strata corporation will cease to operate within the requirements of the Act. Eventually an owner(s) will have to apply to the courts for the appointment of an administrator to manage the affairs of the corporation. If a strata corporation reaches a serious impasse over administration of their affairs, the administrator may be the correct decision, but simply failing to elect a council may not be the appropriate decision.

Strata corporations have many choices in addition to owners being elected to council. Bylaws can be amended to permit the election of: "spouses of owners not on title, family members of owners not on title, professionals, tenants, or other parties."

Whether your strata is self managed, or contracted management, make sure your bylaws truly reflect the needs of your community, and your annual budget provides the necessary tools for the strata council to perform their roles effectively. Being on council is a democratic right. On this BC Day weekend, exercise your rights. Represent your owners on council and protect your investments.

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