

Condo Smarts

Headline: What are the options of voting at a General Meeting?

Topic: Voting

Publication date: Jun 16, 2013

Publication: The Province

Written by: Tony Gioventu

Dear Condo Smarts: Our strata corporation recently held a ballots only special general meeting to vote on a new bylaw that changes our age restriction from 55 and over to 19 and over. Many of the owners objected to the meeting but reluctantly sent in their ballots. A copy of the minutes of the meeting were requested and they are only a half page long and show the result as the bylaws passing by a three quarters vote with no accurate numbers. Both the president and the property manager said there is nothing in the Act that requires an accurate count at a "ballots only" meeting and the decision stands. We cannot find the location in the Strata Act where such a meeting is permitted. Could you please explain how these procedures are conducted?

Bonnie H. Kelowna

Dear Bonnie: There is no such provision in the Strata Property Act and Regulations for a "ballots only" meeting. The only two options are to either hold an annual or special general meeting, or seek the consent of all the eligible voters for the waiver of the annual or special general meeting. When a meeting is held, notice must be issued allowing for 14 days notice, 4 days deemed delivery, and 2 days for mailing and receipt. The notice must include the proposed agenda, budget, and financial statements if the meeting is an annual meeting, and if there are any 3/4 vote or unanimous vote resolutions, the proposed wording of the resolutions must be included, and those matters requiring a majority vote must be included on the agenda. When the votes are calculated for a majority or 3/4 vote at the meeting they are based solely on those who are present in person or by proxy and have not abstained from voting, or in the case of a unanimous vote all the votes of all

the eligible voters. For a waiver of an annual general meeting, all eligible voters of the strata corporation must in writing, waive the holding of the meeting, and consent in writing to the resolutions that are proposed which include: approve the budget for the coming fiscal year, elect a council by acclamation, and deal with any other business proposed on the waiver of notice by the strata council. For a special general meeting, in writing all the eligible voters must waive holding of the meeting and consent (vote in favour) of the proposed resolutions. Don't forget that even with a meeting that is conducted by waiver of notice, there is still a requirement to produce minutes of the meeting, showing all eligible voters as consenting to both the waiver and resolutions.

In Bonnie's strata corporation, they attempted to hold a meeting without the ability of the owners to either attend or agree to a waiver of notice. As there is no such provision in the legislation for a "ballots only" meeting, the enforceability of the resolutions and the bylaw that was filed in the Land Title Registry will always be questionable. To ensure the bylaw is properly ratified, I would recommend that the strata council seek legal advice on the procedures and have the new bylaw properly ratified by a 3/4 vote resolution at the next general meeting of the strata corporation.

**For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.**

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.