

Condo Smarts

Headline: What is a majority vote?

Topic: Voting

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Dear Tony: our strata manager has advised that our majority votes have not been calculated correctly in the past. She has advised that for a majority vote to pass we require 50 % of the voters plus one. At our AGM last month we had 27 owners present who voted on the budget, 14 were in favour and 13 were opposed. We declared that this passed, but according to our manager it would be 50% of 27 = 13.5 plus one which would be 14.5, so it would have to be 15. I know this seems trivial but could you please clear this up? Thanks,

Hazel Muir

Dear Hazel: Your question is very timely. In our industry misinformation seems to travel like wild fire, and this is a timely issue as we have discovered the misinformation posted on a strata blog site.

The *Strata Property Act* sets out the definition of a majority vote as a resolution by more than "half of the votes" cast by eligible voters present at the time the vote is taken who have not abstained from voting. Similar to three quarter votes, only those votes in favour or opposed are used in calculating the result of the vote. In your strata where 14 were in favour and 13 opposed, the resolution did pass by majority vote. More than half of the votes cast for or against the resolution without abstaining, voted in favour. At an Annual General Meeting of a strata corporation with mixed use, which includes commercial strata lots, the voting results will likely be portions as most commercial strata lots are allocated a different voting formula from residential strata lots. For the same voting results where 27 votes were cast and 13.5 is the majority, if commercial voting was

considered and the result was 13.7 votes were in favour, and 13.3 votes against, this vote would also satisfy the requirements of a majority. Obviously 50% + 1 cannot be applied in all circumstances because of the broad voting variations. 50% + 1 is used generically so we understand that residential voting of 1 vote per strata lot implies a portion of the vote is not sufficient. Strata corporations should exercise caution when calculating the votes. Every strata corporation should always have a copy of the schedule of unit entitlement, voting entitlement and your bylaws at general meetings. To ensure you have calculated votes correctly, it is always beneficial to count the votes clearly whenever they are taken and record those results. If an eligible voter requests an exact count or a secret ballot, it is important that they make the request before the vote is called. Decisions that are "re-voted" at general meetings, make our proceedings questionable and vulnerable to disputes.

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