

Condo Smarts

Headline: Voting Basics

Topic: Voting

Publication / Date: The Province, May 28, 2015

Written by: Tony Gioventu

Dear Tony: Our bare land strata in the interior is having some serious problems with our annual meetings. We are a combination of duplexes and detached homes. The detached homes each have 1 vote and pay one full unit per lot for common expenses, the duplexes are half a strata lot and pay half the amount and each has a half vote at general meetings, but our strata is issuing a general voting card to all strata lots and as a result votes are not being counted correctly. One half of our strata lots are duplexes which have common area landscaping, but the other units don't want to fund a landscaper to maintain the area, but by giving the half lots a full vote each they form the majority of votes and overall the full strata lots. There is a lot of confusion in our strata so any assistance would be welcome.

Jordan M.

Dear Jordan: Just as a reminder to the readers, a bare land strata is a strata where the strata lot shown is literally "bare land" and there are no strata lot buildings shown on the strata lot. Your property lot boundaries form the strata lot and any buildings or structures that are built on the bare land strata lot, which are not shown on the strata plan, are the responsibility of each owner to maintain, repair and insure, unless the strata corporation has adopted a bylaw that makes the strata responsible to maintain and repair of some portions of the strata lots. Most other conventional ways, such as the application of budgets, bylaws, and insurance for common assets and common property are the same as any other strata.

There is no such description as half a strata lot on a strata plan. There may be a divided or shared interest in a strata lot with a shared use agreement. Typically in a bare land strata and residential strata, each strata lot is given one vote per strata lot, but there may be

situations where a bare land strata lot is subdivided into two strata lots, as in the case of your strata with the duplexes, but it is important to review the schedule of voting entitlement and the strata plan to determine they comply with the provisions of the *Strata Property Act*.

After a review of your Land Title documents it is clear that the duplexes are sub divided and were created into "half sized" strata lots so they pay half the amount of fees and are granted only one half vote per lot. It is absolutely essential for every strata corporation to maintain a copy of the schedule of voting entitlement at their general meetings so voting cards identifying the total number of votes per strata lot is correctly issued. If your strata plan simply allocates one vote per strata lot as is the case in most residential strata lots, then a general voting card for each strata lot is sufficient.

Don't be fooled by opinions or common information about voting. There are many variations of voting entitlement, including the different voting allocations for commercial strata lots based on the size of the strata lot, so only rely on official filed documents. Voting cards in these circumstances need to be issued showing the strata lot numbers so the voting allocations can be easily identified, or the voting card actually shows the total number of votes of the identified strata lot.