

Condo Smarts

Headline: Reconsidering a vote

Topic: Voting

Publication / Date: The Province, Aug 20, 2015

Written by: Tony Gioventu

Dear Tony: Our strata corporation had a vote at a Special General Meeting to approve a \$100,000 levy to redecorate our 2 lobbies. Our strata is 2 buildings and 167 units in total. When the vote was taken, the chairman declared that the vote had passed and the meeting was terminated. Several owners asked for a secret ballot and requested an exact count, but the chairman refused to permit the secret ballot or take an exact count. Many owners are now challenging the details of the meeting and want to know if we can have this vote again? We barely made a quorum with 61 units present and have been advised that we can petition for a meeting to vote on this again. Could you please explain the procedures.

Dave M. Metro Vancouver

Dear Dave: If a strata corporation passes a 3 / 4 vote resolution where less than 50% of the owners vote in favour of the resolution, persons who holding at least 25% of the votes may by written demand, require the strata to hold another general meeting within 4 weeks and re-vote on the resolution. In your strata there are 167 units, and even without an exact count of the votes, with only 61 units present it is obvious that less than 50% of the owners voted in favour of the resolution opening the door for a reconsideration. 25% or 42 of your owners could sign to demand another meeting to vote again.

Under a reconsideration of a 3 / 4 vote the demand must be made within one week of the first meeting, so it is important to have an exact count reported at the meeting or at least a report of the quorum present to calculate the requirements. This is not a vote to defeat the previous vote, it is a new vote and if it does not get 3 / 4 in favour then it is defeated.

If the one week period has passed, another option is to petition by 20% of the strata votes for a special general meeting and have a 3 / 4 vote resolution to defeat the previous resolution. This is not a reconsideration of the vote; however, the strata corporation may by 3 / 4 vote consider cancelling the previous resolution.

Whether an exact count or secret ballot is required if requested by an owner, is determined in the bylaws of each strata. The *Standard Bylaws* require a secret ballot if only one eligible voter requests a secret ballot, and if an exact count is requested, the count must be announced by the chair and recorded in the minutes of the meeting. Unfortunately, there are many strata corporations who have removed these provisions when they adopted new bylaw amendments, which may have left the control of the meeting entirely in the hands of the chairperson.

To verify what bylaws apply, print the filed bylaws in the Land Title Registry and compare which are in effect, which have been repealed and whether any of the Standard Bylaws have been repealed or amended.

Dave's strata has retained the Standard Bylaw 27, which requires a secret ballot and exact count if requested. With the Civil Resolution Tribunal on the horizon, strata corporations are going to experience much more scrutiny over their compliance with the *Act, Regulations* and bylaws.