

## Strata Living

Headline: Voting Rights

Topic: Voting

Publication date: Dec 8, 2011

Publication: 24 Hours

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**Dear Tony:** Our strata annual general meeting broke out into a full scale war on Monday night. The council president refused to let 10 owners vote at the meeting, claiming they had been in violation of parking bylaws, and as a result owed the strata corporation fines. He was only prepared to let them vote if they provided payment for the fines. No one agreed to the payment, and as a result, the 10 voided votes guaranteed the president and his friends were back on council. How are the owners supposed to take any democratic actions when the legislation allows this type of cowboy activity to take place?

provide a written demand notice of the strata fees or special levies in arrears, and provide 14 days notice of the demand. Only then, is the strata entitled to file a lien, which then may affect the voting eligibility at the general meeting. Whether a claim is for bylaw infractions or collections of funds, strata corporations cannot simply make claims at meetings of funds owing and then deny voting rights. Proper notice of late payment of strata fees, special levies, or permitted interest charges must be provided at least 14 days in advance to ensure owners have the right to request a hearing or respond in writing to challenge the claims.

*Darren E. Burnaby*

**Dear Darren:** There are 2 common reasons in the Strata Property Act where a vote may not be eligible. Where a proper voting eligibility bylaw is adopted by the strata corporation or a strata corporation is suing a strata lot. The voting eligibility bylaw must stipulate that a vote may not be exercised for a strata lot if the strata is entitled to file a lien against a strata lot. Liens are only permitted for items that may be liened under the Act, such as strata fees and special levies. Bylaw fines and penalties, or damages, including insurance deductible claims are not included. In order for the strata to be in a position to file a lien against a strata lot, the strata corporation must first

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