

Strata Living

Headline: Unanimous Vote

Topic: Voting

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Dear Tony: We live in a 22 unit townhouse complex in North Vancouver. In January we had a special general meeting for the replacement of our roofs.

We approved the special levy unanimously, including an agreement that everyone would pay the same amount. Two owners have come back to us and refuse to pay anything but their unit entitlement we use for strata fees.

The difference is substantial half of the units do not have a covered garage. Council met the requirements for a vote on the allocation, so is there something else we need to do?

Karen Perkins

Dear Karen: To amend the schedule of unit entitlement or how fees are calculated for a specific project the strata corporation requires a unanimous resolution. Under the definitions a unanimous resolution basically requires that all the votes of all the eligible voters must vote in favour of the resolution. First the exact wording of the unanimous resolution must be included with the notice, and then all 22 of the strata lots, all of whom are eligible voters must vote in favour of the resolution. Your strata corporation did not give notice of a unanimous resolution, and while the vote passed unanimously, it was only 17 out of the 22 owners who were present in person or by proxy, so this does

not constitute a unanimous vote to amend the formula for roofing expenses. If your strata corporation wishes to amend the formula correctly, get some legal help on writing the resolution, including the proposed change to the formula of expenses for the roof, convene another meeting, and either in person or by proxy you are going to need all 22 of the owners to vote in favour of the resolution, otherwise, the filed schedule of unit entitlement will apply. In addition, if the strata does amend the formula, just for the roof, it would require a Form E be filed in the Land Title Registry.

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