

Strata Living

Headline: Can we limit proxies?

Topic: Proxies

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Dear Tony: Every year at our AGM one owner always shows up with at least 25 proxies and controls the outcome of every vote, including who gets elected to council. Even -though we are a 70 unit strata, we are lucky to get 40 represented at our annual meeting. Is there any way we can adopt a bylaw that limits the number of proxies a person can hold, or at least prevent them from using them to vote for council?

Dawna Bowen

Dear Dawna: The best solution for everyone dealing with this person is to simply stop giving this person their proxies. Technically the proxy document is not the proxy, it is the person who has been assigned by the owner, the proxy voting rights as instructed on the form. If proxy limitations were permitted by the Act through a bylaw, which they are not, they would be extremely complicated to enforce. If someone collected proxies exceeding a limit, it would then be up to the registrar at the desk to determine which, if any of the votes of the proxied strata lots that exceeded the limit would be ineligible to vote. Whereas, the violator would be the person holding the proxies, not the owners of the strata lots, yet you would be attempting to enforce the bylaw and punishing the owner of the strata lot who is an eligible voter and who did not violate the bylaws. There are some easier solutions a

strata corporation may want to consider. When you send out the notice of a general meeting, include an optional proxy form dated only for that meeting, that includes restrictions on the proxy that prohibit a proxy holder from voting on items such as council elections or some other vote. If the owners in your strata use the optional form issued by the strata corporation, and do not remove the restriction, at least this person does not have an unfair number of votes for council elections, ensuring they are guaranteed a spot on council each year. As long as the proxy is in writing and signed by the person appointing the proxy, the vote is generally valid as long as the strata lot owner is eligible to vote.

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