

Strata Living

Headline: Counting Votes

Topic: Voting

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Dear Tony: We had a huge brawl and screaming match at our strata meeting last week over counting votes. The good news is we recorded everything accurately, but we cannot agree on whether a resolution has passed or not. Our bylaws stipulate that we use Robert's Rules of Order for our meetings and procedures. Under Robert's Rules, several owners insist that a vote that abstains counts against a resolution. We had 29 in favour, 5 opposed and 11 abstentions. The property manager advised that under the Strata Act a vote only counts if it's for or against the resolution, which means the voted passed, but the president then decided we would apply Robert's Rules of order which has a significant change on our voting threshold, means the voted was defeated. What is the rule?

Karen D.

Dear Karen: While this is a simple definition and answer, it is surprising how often the votes are calculated incorrectly, or the outcome is calculated incorrectly. Under the Strata Property Act, majority votes and three quarters votes at annual or special general meetings are calculated as follows: it is a majority or three quarters of those votes who have voted for or against a resolution and have not abstained. For example: in a 85 unit strata corporation, if 45 owners are present in person and 12 are by proxy, we have 57 eligible voters attending the meeting. When is held for a three quarters votes, we specifically ask for those in favour and those opposed. If 30 voted in favour, and 10 were opposed and 17 abstained or did not vote, the vote is calculated on $30 + 10 =$

40. A three quarters of 40 requires a minimum of 30 votes, so the resolution is carried. While Robert's Rules of Order is a very helpful protocol for the procedures of meetings, it does not over ride the provisions of the Strata Property Act. Voting thresholds and calculations, notice periods, minimum agenda requirements, and decision making thresholds are determined in the Strata Property Act and cannot be over ridden in your bylaws or through an alternative rules of order adopted by the strata corporation. If you adopt a published rules of order in your bylaws, make sure the bylaw only relates to the meeting procedures and not those areas of the Act that cannot be altered. It is also important to have a schedule of the voting entitlement to determine the number of votes for each strata lot. Karen's strata is mixed commercial residential and they were voting on a special levy. The 2 commercial units have: 5.9 and 3.7 votes each because of their size. They both attended the meeting, and they both voted, which means there is even a greater calculation problem with the votes.

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