

Strata Living

Headline: Council Decisions
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Dear Tony: At our last strata council meeting, the president of council informed us that he made a decision to authorize the removal of 3 trees between our property and a neighbouring strata corporation. One of the trees is actually on the neighbouring property, and these were trees that were planted as part of the original landscape plan. No one in the strata corporation was aware of the decision and it has cost our strata corporation almost \$5,000 for the removal of the trees. The owners have now issued a petition to the strata council demanding a special general meeting to authorize a law suit against the president to demand the repayment of the \$5,000 and the restoration of the trees for a total cost of \$9,000. The council feels caught in the centre and we do not know what to do about this. How can council members spend a strata corporation's money without the authority?

Carol Q. Surrey

Dear Carol: Strata council members who act in their own personal interests or act contrary to the *Strata Property Act*, the Regulations or the bylaws of the strata corporation could potentially find that they have personal liability. Strata council members who have acted without authority and in conflict of interest have been ordered to repay the costs to the strata corporation. Strata council are elected by the owners to act on behalf of and in the best interest of the strata corporation in accordance with the resolutions approved by the owners, budgets approved for operating and special projects, and the authority granted by the Act and the bylaws. The basic requirement for strata

council members is that they make decisions by majority vote at properly convened strata council meetings. There may be an immediate decision required in the event there is an emergency and they have to act to protect property or personal safety; however, the removal of trees is a significant change in the use or appearance of common property and a common asset. Even if the trees posed a danger and there was an order by an authority, there would have been a requirement for the strata council to meet and decide how to proceed with the approval of the expense and report the expense to the owners. Strata council members who make decisions outside of their scope of authority have to realize that they may pay a significant price. Your strata council should contact your insurance provider and lawyer to obtain instructions on how to proceed.

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