

Strata Living

Headline: Who is an Eligible Voter?
Topic: Voting, assignment of voting rights
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Dear Tony: Our strata corporation had a special meeting a few weeks ago to vote a complete new set of bylaws. The changes now permit rentals and dogs. This has been a significant change in the 25 years of our strata. We have found out after the meeting that 12 people were not permitted to vote, because of claims that they owed money; however, after the meeting a group of owners got together and discovered these 12 owners were opposed to the bylaw changes, and that they were never given any notice of any claims for money owing. While we are in favour of the bylaws, we are not in favour of our strata corporation potentially violating the Act by denying voting rights. The bylaw amendment only passed by two votes. The property manager said it was her discretion at the meeting to determine voting eligibility. Why would a hired employee have authority to determine whether we the owners are eligible to vote or not?

Clarence W. Coquitlam

Dear Clarence: The *Strata Property Act* determines the conditions for eligible voters, and the bylaws of your strata corporation must set out those limitations. The Act determines that if a strata corporation has a bylaw that relates to eligible voting, an owner may not be an eligible voter for matters that relate to a majority or three quarters vote if the following applies. First the strata corporation requires a bylaw that determines a person is not an eligible voter if the strata is entitled to file a lien against that strata lot. Second, in order to be entitled to file a lien the strata corporation has to issue a written demand notice providing the strata lot owner

with 14 days notice of the demand and claims allowing the person to be able to respond, remedy the claim and charges or challenge those charges. The claim may only be those types of secured debts that the Act permits. These are strata fees, special levies, a rate of interest approved in the bylaws or a resolution that does not exceed 10% per annum, the cost for repairs related to an order issued by an authority, or share of a judgment against a strata corporation, and the cost of filing or removing the lien and the applied administrative costs which are generally the legal and land title costs for filing the lien. Bylaw fines, damages or insurance deductibles are claims that are not lienable and cannot be used to prevent a person from voting at general meetings. No one, including the property manager has random authority to determine eligible voters. A person unlawfully denied their voting rights has a credible claim against the strata corporation. If this is the case your strata council should consult with your lawyer to determine how to best remedy the error.

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