

Strata Living

Headline: How are votes counted?

Topic: Voting

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Written by: Tony Gioventu

Dear Tony: Our strata was hampered by a significant amount of confusion at our Annual General Meeting on Saturday. When the vote was called for the bylaw amendments, and the results were reported and declared as carried, one owner challenged the property manager and the chair as to how they calculated the votes. We had 87 owners registered in person or by proxy at the meeting. When the vote was called, the chair advised that we required three quarters of the votes to pass the resolution to adopt the bylaws, which required 66 votes minimum to pass. The owner challenging the vote advised the abstentions counted against the resolution and with 62 in favour, 10 votes abstained by the developer, and 15 opposed, the vote had failed. Could you please explain the voting procedures?

Darcy McClean

Dear Darcy: The *Strata Property Act* defines 3 separate voting thresholds at this time. Majority votes, three quarters votes and unanimous votes. For both majority and three quarters votes, the definition is a majority or three quarters of the votes cast for or against a resolution and who have not abstained. Apply this to your strata. Simple procedure for any vote is to calculate those that voted in favour, 62, those that voted against 15 and then add them to create the total number of votes cast, which is 77. Three quarters of 77 is 57.75, and your strata had 62 votes in favour; therefore, the resolution passed. Many people often confuse other rules of order with the *Strata Property Act*, but even if your strata were to adopt other rules of order, they would not

override the definitions under the Act for voting thresholds. Apply this to a majority vote and the same 77 votes cast for or against would require a minimum of 38.5 votes. Remember that abstentions are not counted in the calculations. For unanimous votes, every owner of every strata lot must vote in favour. If your strata has 137 strata lots, all 137 strata lots must vote in favour of a unanimous resolution. It is important to review the schedule of voting entitlement and the bylaws of the strata corporation if your strata plan has any non residential (commercial) strata lots, as the voting entitlement for each strata lot on commercial strata lots is based on proportional size and may be fractional. Also check your bylaws to determine if the non residential strata lots have amended the voting requirements for different voting thresholds. Both critical documents to have at all general meetings.

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