

Strata Living

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Dear Tony: At our strata in West Vancouver last week we had an independent person chair our annual meeting. We have had some confrontations in the past so this seemed like a good idea; however, this person was very aggressive and did not permit owners the opportunity to participate. There were many procedural errors and owners are petitioning to have another meeting as several resolutions did not even get voted on. The chairperson, who was appointed by the president of council, informed us that Robert's Rules of order would be used for the meeting and he added two items on the agenda that council had requested. Everything went downhill from there. Do Robert's Rules apply to strata corporations?

Daniel Simons

Hi Daniel: Robert's Rules of order and any of the other rules of order that have been created for institutional governance of meetings are all valuable resources in establishing meeting procedures; however, they do not apply to a strata corporation's operational governance unless they have been adopted by the strata corporation as part of their bylaws. When procedural rules of order are adopted into the bylaws, you will discover a significant number of conflicts between the *Strata Property Act* and the rules of order if the rules have not undergone significant amendments. Voting thresholds, proxy use, voting procedures and notice requirements are all set by the Act, and cannot be amended through rules of order. These are the fundamental principles of governance and rules of order. Strata corporations or chairpersons who adopt or

use rules of order outside the *Act* must exercise great care and caution to ensure they are complying first with the *Act*, then with the bylaws of the strata, and then the application of the rules of order. A chairperson does not impose rules, they are used to facilitate fair and respectful meeting procedures. If the chairperson that was "appointed" to chair your meeting had read your bylaws, they would have discovered that a chairperson for your strata has to be elected from those eligible voters present. That would require the person to be either an owner or proxy holder. The decision to elect a chairperson was a majority vote of the owners, not the decision of the president of council. Unless the *Act* requires a 3-4 vote or unanimous vote, decisions are made at general meetings and council meetings by a majority vote of those eligible voters present at the meetings. Items to be voted on cannot be added to the agenda at general meetings. They must be included with the notice.

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