

Strata Living

Headline: Voting Cards

Topic: Voting

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Dear Tony: Our strata has our annual meeting on Monday night and we had an issue over voting cards and ballots. Owners did not get voting cards, just ballots for the election of council and were told these were to be used as voting cards. That would have worked fine, except, when the ballots for council election were collected, no one had voting cards to deal with the problem of a tie for 7th place position on council. Many owners had left by time the council results were announced and the chairperson had declared the meeting adjourned at that point with council elected, after a show of hands to determine the tied vote. Now the 7th person in the tie who did not get elected has raised a petition of 20% of the owners to call for a special general meeting because it was unclear who voted on the tie breaker, to remove that council member and have an election for the 7th spot. It has thrown our strata into a mess. What is the best way of handling this?

Karen L. Delta

Dear Karen: Voting cards are a requirement of the standard bylaws and most strata corporation bylaws. They should never serve a dual purpose as a ballot for exactly the reason you quoted. Procedural matters, at general meetings such as the termination of a meeting, are decided by majority vote, unless for some reason in the Act, a $\frac{3}{4}$ or unanimous vote is required. Voting cards are ideal if they show the strata lot number and for each strata lot a person represents in person or by proxy they are issued one voting card. This is critical in mixed use strata corporations, especially for vote

counting of ballots or $\frac{3}{4}$ vote resolutions when an exact count or ballot is requested, because the non-residential strata lots have different voting allocations. Not just one vote per strata lot. The only way this can be identified is if a voting card is issued and the strata lot number is identified on the card. Your strata has no choice but to hold the special general meeting as petitioned within 4 weeks of receiving the demand. Whoever is chairing your meeting should also understand the meeting is not adjourned, it is terminated as no business can be carried over to another general meeting with proper notice. This is also a majority vote. One other issues that a chairperson needs to remember is the presence of a quorum. If so many people did leave, was there still a quorum and did your bylaws permit the business to continue? It may have been necessary to terminate the meeting at that point and re-issue notice for a new meeting to complete the business. CHOA is hosting seminars this spring to address strata governance and meetings, and has a new series of publications available to help your strata with meeting procedures. Go to www.choa.bc.ca for more information.

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