

**Strata Living**

Headline: Proxy Problems

Topic: Proxies

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Written by: Tony Gioventu

**Dear Tony:** How do we solve the constant problem of one person showing up at our general meetings holding so many proxies that they control everything? At our AGM in April, this owner had 27 proxies and defeated every resolution and then voted all of his favourite people on council. Our building is 32 years old, our depreciation report indicates we need a new roof, the plumbing has to be upgraded, the elevator constantly breaks down we have nothing left in our contingency fund. The majority of the owners support the repairs, which tells us this guy does not act on the proxy instructions, so how do we get votes to pass to raise money for repairs when he defeats every three quarter's vote?

*Daniella V. Burnaby*

**Dear Daniella:** A proxy is an assignment of voting rights to another person to stand in the place of the owner who cannot attend, and gives the proxy the authority to vote on their behalf. The proxy relationship is between the strata lot owner(s) and the proxy holder, and the strata corporation has very little influence over the instructions or the limitations that are imposed by the proxy holder. The strata corporation may send out an optional proxy form that owners can use, but owners may also be able to issue a proxy in any form provided it is in writing and signed by the person appointing the proxy. Proxies may have instructions on them for their voter or they may have imposed limitations such as how long the proxy is valid for, or whether proxy can be used to vote on specific matters or not. When the

strata corporation sends out a notice of meeting, they could include the resolutions on the form with voting instructions, but this is where the process falls into trouble. One of the bylaws in the Schedule of Standard Bylaws of the *Strata Property Act* is part of the problem that we have with proxies. The bylaws require that if any eligible voter requests a secret ballot, the strata must hold a secret ballot on the vote. As a result, people who hold a large number of proxies are usually the same people who request secret ballots, because they do not want anyone to know how they vote, or whether they are following the instructions on the proxy. The standard bylaws may be amended, and the methods of voting may exclude secret ballots, to ensure that the strata has the ability to call the roll or ballot by roll so each strata lot is identified when they vote. This prevents proxy holders from avoiding their owners' instructions. Proxies and voting procedures can be a complicated process. Your strata council should contact a strata lawyer for assistance in addressing your legal obligations to repair and maintain your property, the options available to force the repairs and levies and any amendments to bylaws. If the majority will vote in favour of significant increases in your annual budget, you could be funding many repairs from the contingency fund as recommended by your depreciation report, and this only requires a majority vote.

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