

Strata Living

Headline: Can an owner really be forced out of a special meeting?

Topics: AGM/SGM

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Written by: Tony Gioventu

Dear Tony: At a recent SGM in our building, new rules of order for the meeting were introduced. When asked if a majority of the owners represented at the meeting needed to approve the new rules for the meeting, the strata president and the property manager said no. They further went to state that they could force an owner to leave the meeting if that owner did not comply with the rules they were setting out, and when challenged to provide any legislative context for being able to eject an owner from a meeting they asserted that they didn't need it. What is the correct way, please, to introduce rules of order for special meetings? And under what circumstances, if any, can an owner be asked/forced to leave a special meeting?

Shaun, Vancouver

Dear Shaun: Governance decisions and procedures at meetings are determined through the *Strata Property Act*, the bylaws of the strata and more important Section 50 of the Act. At a general meeting, matters are decided by majority vote unless a three quarters or unanimous vote resolution is required. The simple translation, any rules of order that may vary from your bylaws or the Act require the consent of the owners. Neither the chairperson or property manager have the authority to impose rules on the owners.

At any point, when the owners question a decision or procedure, the owners may require that the matter be put to a majority vote, if this is consistent with the Act and the bylaws. A strata that attempts to impose rules without the consent of the owners at the beginning of the meeting, or rules that conflict with the Act or bylaws is simply setting themselves up for a court action or arbitration challenging the decisions made at the meeting as a result of improper procedures.

When the Civil Resolution Tribunal comes into effect, it will be very easy for an owner/eligible voter to make an application to the CRT challenging the procedures. Because such an action currently involves an application to the BC Supreme Court or an Arbitration proceeding, the cost and time are a significant barrier.

The Act only grants a strata corporation two conditions to be deemed an ineligible voter.

- 1) if the strata is entitled to file a lien against that strata lot and has adopted the appropriate bylaw and
- 2) for matters relating to a court action against a specific strata lot where that strata lot may not eligible to be present or vote for that specific resolution.

Denying voting rights for other reasons is a serious violation of property owner rights. If someone is disruptive to the point of threatening, dial 911 and address the problem officially.