
Strata Living

Headline: Adding business to the AGM

Topics: Annual General Meeting; how to conduct, Rules

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Dear Tony: Our strata had its AGM on Saturday and one of the agenda items is new business. There was nothing identified, but the chairperson allowed for new business to be added when the agenda was approved. One of the items was a proposed rule change to increase parking fees from \$25 per month to \$100 per month for additional parking spaces. The motion passed as it only required a majority vote and more than half of the people either do not have a car or only one car. Several owners who did not attend the meeting are now calling foul because they feel the increase is unfair. At the meeting our strata ended up arguing for half an hour what the purpose of "new business" was on the agenda, if there was no new business?

Glen P.

Dear Glen: Any matters that are to be voted on at an annual or special general meeting must be included with the notice package. A strata corporation is not permitted to raise resolutions at the meeting to be added to the agenda for a vote.

New business is those items included with the notice. For a majority vote, in this case the amendment to a rule that imposes a user fee, the proposed user fee had to be included in the notice package so the owners could vote on the change at the meeting. This prevents strata corporations from raising issues at meetings without informing the owners in advance. For majority vote resolutions, the amendment or purpose of the resolution is required on the agenda, and for three quarter's vote resolutions, the exact wording of the resolution is required on the agenda.

Three quarter's vote resolutions are not as simple as writing out the purpose of the business. They have

legal requirements that give the strata authority for matters such as bylaw amendments, land title filings, collection implications for special levies, significant change in use of property, procedures for court applications and authorization of expenses.

Professional advice on the writing of a three quarter's vote resolution is always a good idea. Interesting note about your strata. The user fee is actually a bylaw, and your strata will be required to call a special general meeting, and amend the user fee bylaw by a three quarter's vote resolution. Rules cannot over ride bylaws.