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## Strata Living

Headline: How is authority delegated in a strata?

Topics: Strata Council; Authority

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**Dear Tony:** Our strata council is having a power struggle with our strata manager. We don't know if it is inexperience, incompetence, laziness and a simple unwillingness to comply with the legislation, but it is resulting in number of problems causing a growing level of dissatisfaction with our owners. The manager has told council there is no need for council to vote on resolutions or motions at council meetings or for council to ratify decisions that have been made by email. As a result, the manager has gone ahead with bylaw enforcement and fining without the council being aware of the decisions, and hiring contractors without our knowledge. He claims we discussed the matter at a council meeting and no one objected so he had the authority to proceed. Because the manager also writes the minutes of the meetings, everything is his version of what happened at our meetings. Help!

*Jennifer C. Vancouver*

**Dear Jennifer:** There is one question strata councils and property managers should always ask before they proceed. Where did I get the authority to do this? Legal authority to act on behalf of the strata corporation is created in a number of ways. The law, your bylaws, voting decisions of the owners at general meetings, and the decisions of council. The *Strata Property Act* sets out specific limitations and direction. For example, if the owners issue a petition demanding a special general meeting be called, the president of the strata council has the authority to call the meeting to ensure the meeting is held within the 4 week period. Otherwise, general meetings are called by a majority decision of the strata council. The standard bylaws of the *Act* including most strata bylaws require that at strata meetings, decisions must be made by a majority vote of council. Most bylaws do not permit meetings by email; however, if a decision is made by email, adopt the decision at your next council meeting to ensure it is

reported to the owners in the minutes. Likewise neither the *Act* or bylaws allows a strata to delegate the enforcement of bylaws to any other party. When owners vote in favour of a special levy or budget at a general meeting, they are also giving the strata council the authority to proceed with that decision and the authority to collect funds. When the annual budget is approved, it may authorize an increase in management fees or other service contracts but it gives council, not the manager, the authority to decide on how those fees or services are contracted and negotiated. Of all the parties involved in strata operations, strata managers should be taking the highest standard of care. In addition to the limitations of the *Act* and the strata bylaws, managers are also regulated by the *Real Estate Services Act* and will be disciplined if they did not have the authority or instruction of their strata council/corporation to take action on a matter, resulting in a complaint.