

Condo Smarts May 15, 2019 Meeting Procedures

Dear Tony: Our strata corporation held their Annual Meeting last week and we were bogged down in simple meeting procedures with the meeting being terminated by the chair and no business conducted. Unfortunately, our strata president is a control freak and insisted he was in control of the meeting and refused to permit the owners to vote on the approval of the agenda, the minutes of our last meeting or the scrutineers to count ballots during elections. Everyone suspected he rigged the scrutineers to ensure he would somehow be re-elected to council, as he also controlled the registration and did not permit anyone to see the proxies presented for voting cards. What can the owners do to prevent this from happening at our next meeting? Every time we give notice of a new meeting it cost our community \$2,500, and we must approve a budget and elect a new council. Louise C.

Dear Louise: The basic principle of general meetings is found in the Strata Property Act, Section 50 of the Act. At an annual or special general meeting, matters are decided by majority vote unless a different voting threshold is required or permitted by the Act or the regulations. Where the Act or your bylaws requires a procedural decision, those decisions are generally a majority vote. Whenever a person is acting as the registrar of the meeting, and issuing voting cards to themselves, and taking minutes of the meeting, and acting as the chairperson, there is the potential for conflict and manipulation of the meeting outcome and record. The owners in person or by proxy at the meeting determine matters by majority vote once the meeting has been called to order. There are often informal decisions where the owners approve items, such as the agenda, previous minutes, or appointment of scrutineers by unanimous consent. The minutes may show the scrutineers were introduced and the owners approved their appointment by unanimous consent with no objections; however, if any person does object and requests a vote on the matter, the chairperson of the meeting must call for a majority vote. By routine practice to avoid any confusion or challenges to the meeting procedures, and to ensure the strata is complying with the Act, I always seek the approval of the eligible voters by majority vote on procedural items in addition to the resolutions. This ensures eligible voters are aware of what decision is being made, they have the opportunity to raise questions to the matter, and there is a clear decision being recorded in the minutes. With the ease of access to challenge a meeting under the Civil Resolution Tribunal, it ensures your meetings procedures are bullet proof. If you have a person other than the president or vice president of council chairing the meeting, it also requires a majority vote to elect that person to chair the meeting, if they are eligible under your bylaws. There are agenda items that may arise where the chairperson is required to make some decisions, such as certification of proxies and determining whether an amendment or correction to a 3 /4 vote, 80% vote or Unanimous vote is permitted. Even under these circumstances it is still possible for the eligible voters to challenge the chair and over ride the chairperson's decision; however, the owners risk the liability of such a decision. Compliance with the Act will give you the best chance of fairness and accuracy. Always confirm your strata corporation has a complete copy of your current bylaws at your general meetings for reference.

Tony Gioventu, Executive Director CHOA

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