

Condo Smarts September 12, 2018

Accuracy of an Owner's List & Records

Dear Tony: Our strata corporation has 158 residential units and at our recent annual general meeting we had complaints from 10 owners that they had not received the notice package. Luckily a council member posted a reminder in the elevators a week before, so they showed up at the meeting. After the meeting we had emails from 7 other owners claiming they did not receive the notice package and as landlords they should have been mailed a notice package to the alternate address they provided for meeting notices and correspondence. When council double checked notice information we discovered the addresses were dated by many years. As a result of changes from several management companies the following companies inherited less reliable lists each time. We only 42 votes represented at the meeting so did not meet the quorum minimum but our bylaws declare a meeting is call to order within a half hour by those who are present in person or by proxy. The problem is, we voted on 2 contentious bylaws and a special levy and now several owners are challenging the validity of the meeting. How do determine if our owner's list is accurate? V.A. Lee, Richmond

Dear Ms. Lee: The accuracy of owner's lists, notice/ mailing lists and the schedules of unit entitlement and voting entitlement are essential if the strata corporation intends on conducting business in a fair manner, to comply with the legislation and avoid complaints or actions in the Civil Resolution Tribunal (CRT) or the Courts. While there may be ownership changes resulting in unintended occasional inaccuracies, 17 incorrect addresses indicates a serious problem with your records. Provided a strata corporation has not removed or altered Standard Bylaw 4 "Inform the Strata Corporation" of ownership or tenancy changes, an owner must give notice to the strata corporation within two weeks of becoming an owner and informing the strata corporation of their name, strata lot number and if there is any mailing address outside the strata corporation.

The same conditions apply in the circumstance of a tenancy, requiring the strata lot owner to provide a signed Form K Notice of Tenant's responsibilities, within two weeks of renting all or part of a residential strata lot. If the owner/landlord intends on receiving notice at a separate address or supplying an email address for the purpose of receiving notices they must provide that information to the strata corporation as well. Failure to issue proper notice could result in your motions being overturned or an order for another meeting. A potentially costly mistake for your strata. Start with a complete review of your owners' list and inform your owners of the necessity to update the owners' list for accuracy. Review copies of any Form K's that have been provided to the strata corporation for tenancies, and copies of any Form C Mortgagee's Requests for Notification. Incorrect owner lists may also result in ineligible persons being elected to council, votes being cast by ineligible voters at general meetings, or a failure of the strata corporation to provide proper notice to an owner prior to enforcing bylaws, filing liens for collections or issuing notice of court or CRT disputes, or notice of any general meetings that may have a serious impact on the outcome of your decisions.

I know from recent experience that prior to issuing a notice for a special general meeting for a strata corporation to proceed with an 80% vote to wind up the strata corporation, it is mandatory the owners' list is accurate. An owner who is not represented in person or by proxy for 80% and 100% votes is automatically a no vote. Most important, how do you verify the owner or eligible voter if the owners' list is not accurate?

This may be a prudent time to conduct title searches on all strata lots to ensure accurate information is maintained by the strata corporation. In light of the many property management changes in your strata corporation, obtain official documents representing owners' lists and notification requirements, the registered strata plan, the schedules of voting entitlement and unit entitlement.

Sincerely,

Tony Gioventu, Executive Director
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