

Condo Smarts February 1st-4th 2017

Voting Battles and Calculations

Dear Tony: Our strata corporation is having a battle over the results of votes at our general meetings. Our strata manager takes our minutes, and have always just shown whether a resolution is carried or fails. At our most recent annual general meeting, we voted on a number of bylaw amendments and special levies, which require a 3 / 4 vote, and 3 of the 5 votes had to be recounted before they were declared as passed by the chair. Even though an owner requested an exact count and the chair announced the result, the manager still insisted the only information required was the passing of the resolution. Our owners have submitted a petition demanding a reconsideration of the 3 / 4 votes citing a number of the problems with counting and reporting. There must be a simple method of preventing these problems. Kaya

Dear Kaya: The general purpose of minutes is to record “what was done” at a meeting. These are the decisions of the voters, the exact wording of motions, resolutions and any amendments. This would also include the count if an exact count is requested and the method of how the vote was conducted. The purpose of a vote is to determine whether your strata has the authority to proceed with the delegated authority or action on the proposed motion or resolution. To make this process defensible the best solution is to record the actual voting results of how many voted in favour of a resolution and those opposed. Exact counts also ensure the voting results were calculated properly. For example, a 3 / 4 vote is only counted on 3 / 4's of the votes cast for or against a resolution. Abstentions are not included. The Standard Bylaws of the Strata Property Act permit voting by: a show of voting cards, or if a precise count is requested, the chair must decide whether it will be by show of voting cards, roll call, secret ballot or some other method. The content or results of votes included in the minutes is determined by the council for council minutes and the eligible voters for general meetings. This is affirmed by the requirement to approve the minutes of the previous meetings, which at both council and general meetings are approved by a majority vote. Unless a different voting threshold is required, matters at meetings are determined by a majority vote. Even the chairperson is subject to a direction or challenge by a majority vote at the meeting. A simple solution at the beginning of any meeting is for the eligible voters to decide that the exact count of any votes will be included in the minutes. This forces accurate counting, calculations and reporting. The method of voting is then subject to the bylaws of your strata corporation.

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