

Condo Smarts November 21, 2018

Tenants on Council

Dear Tony: Is a tenant permitted to be elected to strata council? Our strata corporation has struggled to elect the minimum number of council members and at our AGM in October 2 tenants came forward and offered to be elected to council. They provided written consent from the owners of their strata lots but several owners objected insisting they had to be owners. We only managed to elect 2 council members so we are having another general meeting in December to elect more council members. It would be very helpful if the tenants were permitted on council.
Cally W North Vancouver

Dear Cally: Yes, tenants may be elected to council if the owner of the strata lot has provided a written assignment of their rights for the purpose of being elected to council. A landlord may assign to a tenant some or all of the powers and duties of the landlord that arise under the Strata Property Act, the bylaws or the rules, but may not assign to a tenant the landlord's responsibility for fines, damages and insurance deductibles or the costs of remedying a contravention of the bylaws or rules. The assignment is not effective until the landlord gives the strata corporation a written notice stating all of the following: (a) the name of the tenant to whom the assignment is made;(b) the powers and duties that have been assigned;(c) the time period during which the assignment is effective. Family members who are tenants are also eligible for the similar assignment and permitted to be elected to the strata council. When an owner rents their strata lot to a tenant, or family member defined by the Act, they are required to provide the strata corporation with a Form K signed by the tenants understanding they have received a copy of the bylaws and rules. The form is essential for a strata corporation to manage the owners and tenants list and report their rental inventory. The form may also include any written assignments for the tenant or family member to be elected to the strata council.

In addition to tenants, a strata corporation is also permitted to amend their bylaws to permit other classes of persons to be elected to council. In strata corporations with aging populations where owners are unwilling to serve on council, the strata corporation may amend their bylaws to permit the family members of owners elected to the strata council, if the owner provides written consent. The bylaws may also consider the appointment of other types of persons such as business professionals to serve a specific purpose. Remember that only the owners at a general meeting may elect additional council members. The number you elect at your annual general meeting may only be increased if the strata corporation holds another general meeting for the purpose of electing additional council members.

Tony Gioventu, Executive Director CHOA

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