

Condo Smarts December 5, 2018

Who can be on council?

Dear Tony: We are a mid sized condo building in Penticton and having a tough time getting people to sit on council. We would like to permit family members to be elected to our council but our council president said it has to be a resident owner to be eligible for council. We have several long-term tenants in the building and their landlords who would be willing to help out but he keeps refusing their nomination or election at our annual meeting. We are concerned that fewer owners are willing to be on council and the balance of power is left in the hands of our condo bully. How do we get more people to be on council? Mary F.

Dear Mary: There are several classes of person under the Strata Property Act who are permitted to be elected to council: owners who are those persons registered on the title, tenants who have been given the written assignment of the owner, family tenants who are granted an assignment under the Act and have provided written verification of their family status and assignment, and assigned representatives of a strata lot owned by a corporation. In addition, a strata corporation may also adopt bylaws that permit other classes of person eligible for council, such as a spouse of an owner who is not registered on title, or a family member who is not a resident of the building. Any owner, regardless of their residency status is eligible to be on council. You might find this surprising but the president of council when acting as the chair, or any person acting as the chair of a general meeting has very little authority to make decisions. The Act establishes that matters at general meetings are decided by a majority vote, unless a ¾ vote, 80% vote or unanimous vote is specifically required. This section of the Act tells us it is the owners in person or by proxy at the meeting who routinely make decisions on matters such as the approval or amendment of: the previous minutes, the agenda, the annual budget, the nomination of council members and their election, and the termination of the meeting. The same rule applies to council meetings. At a council meeting it is a majority of the council quorum who make decisions, not the president. Strata owners do not have to be bullied. Stand up and motion for the nominations of other eligible owners and tenants at the meeting. If the chair refuses to accept the nominations, the owners by majority vote may challenge the chair and over ride that decision. Bullies only have power if your community surrenders it. Consider applying a nominating or invitation process for council before their annual meeting to fill the vacant positions to encourage owners and eligible tenants to volunteer for council. It is a great time to source out people with a variety of experiences to contribute to your operations and management of your community. Landlords and their tenants have just as much interest in a well-run property as a resident owner, and landlords carry all of the liability of the tenants as well as their own. Their contributions to council are just as valuable.

Tony Gioventu, Executive Director CHOA

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