

Condo Smarts July 13, 2022

Who's on Council?

Dear Tony: We have 2 people on our strata council that have controlled everything for the past 10 years. The husband has always been the president and his wife the treasurer. They are dedicated to our building, and have done an amazing amount of work, but recently, the president has been making a number of significant decisions, including bylaw enforcement, without calling a council meeting. There are 5 of us, so in each situation he would have been out voted. Our bylaws have been amended to permit more than one person in a strata lot to be elected to council, but this isn't fair leaving 2 people in control of our strata corporation and no decision making at council meetings. How do you recommend we put a stop to this? Sandra V.

Dear Sandra: A fundamental principle of bylaws adopted by a strata corporation is that they must comply with the Strata Property Act, the Regulations, the BC Human Rights Code and any other enactment of law. Your bylaw that permits more than one person in a strata lot to be elected to council does not comply with the Act. "If a strata lot is owned by more than one person, only one owner of the strata lot may be a council member at any one time with respect to that strata lot". The exception to this provision is small strata corporations of 2-3 units, where all owners are on council. The best solution for strata councils feeling they are being bullied into decisions or ignored is to convene council meetings. Any council member can call a council meeting. Create an agenda of items requiring decisions and formalize the process. Vote, and record the results of the votes. A majority vote at council meetings is different than an Annual or Special General meeting. It is a majority of those persons present at a council meeting. If 4 or 5 council members attend, it is 3 votes to pass a majority. The positions of president, vice president, treasurer and secretary are also determined by majority vote. This is important, as the president or vice president has an additional vote if there is a tie. Who you elect as president has the additional ballot. No council member has any special authority, unless by majority vote the strata corporation has delegated that authority. A council member cannot be delegated the authority to enforce bylaws. If an owner or tenant requests a hearing, you must convene a council meeting, conduct the hearing, and the council then determines the outcome and notifies the owner or tenant within 7 days of the hearing. Read your bylaws before you make decisions.

Tony Gioventu, Executive Director CHOA

Your input matters: please take a few minutes to participate in CHOA's recent survey - [Accessibility in Multi-Unit Residences](#) The survey will run until July 22.

Registration opens soon for CHOA's Fall 2022 Education Program. Course highlights this season focus on Council Meetings, BC Human Rights Tribunal, The CRT, *The Accessibility Act* and Alterations. Go to: <https://choa.bc.ca/seminars/>

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

We bring together industry experts to discuss the many issues affecting BC's strata community. Click here for a link to our archived webinars: <https://choa.bc.ca/resources/webinars/>

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.