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## Condo Smarts

Headline: Who's on Council?

Topic: Strata Living

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Written by: Tony Gioventu

**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 on strata council, 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. Kelowna*

**Dear Sandra:** A fundamental principle of any bylaws that are 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. The Act states "*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 a council meeting. Any council member can call a council meeting in accordance with the strata bylaws. Create an agenda of items requiring decisions and formalize the process. Vote, and record the results of the votes in the meeting minutes. 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.