

---

## Condo Smarts

Headline: How do we revote on a Bylaw Amendment?

Topic: Voting, Bylaws

Publication / Date: Province, April 13, 2023

Written by: Tony Gioventu

**Dear Tony:** Our strata corporation recently held a special general meeting to vote on a no smoking bylaw. At the meeting the property manager advised that anyone who is currently a resident and a smoker would not be affected by the amendment as they would be grandfathered. The vote only passed by 1 ballot, and the next day we were informed there were no provisions in the bylaw for grandfathering, and the Act has no such exemption. A group of owners immediately petitioned for a meeting to be called to re vote on the bylaw; however, by the time council received the petition, the property manager had already filed the amendment in Land Titles. Do we now have to vote to repeal this bylaw? If that is the case it would never pass, and the owners would have voted with incorrect advice. How do we fix this?

*Carolyn T.*

**Dear Carolyn:** There is a specific provision in the *Strata Property Act* for parties to reconsider a vote. It applies only if a resolution required to be passed by a 3/4 vote is passed at an annual or special general meeting by persons holding less than 50% of the strata corporation's votes. When this occurs, as it did in your case where only 40% of the owners attended the meeting, the strata corporation must not take any action to implement this resolution for one week following the vote, unless there are reasonable grounds to believe that immediate action is necessary to ensure safety or prevent significant loss or damage. This is not a vote to repeal; it is a re-vote on the same resolution. If the resolution to adopt the bylaw fails, the filing amendment will have to be corrected.

Within one week following the vote, persons holding at least 25% of the strata corporation's votes may, by written demand, require that the strata corporation hold a special general meeting to reconsider the resolution.

The demand must be signed by each person making the request. After receiving a demand for a special general meeting the strata corporation must not take any action to implement the resolution unless there are reasonable grounds to believe that immediate action is necessary to ensure safety or prevent significant loss or damage.

The strata corporation must hold the special general meeting within 4 weeks after the demand is given to the strata corporation. At the special general meeting, the 3/4 vote resolution is the first item on the agenda and must be dealt with before consideration of any other matter about which notice has been given. Despite any other provision of the Act, the regulations, or the bylaws, if a quorum is not present within ½ hour of the start of the special general meeting, the meeting must not proceed. The resolution may be presented for reconsideration under this section only once. A precise count of votes for bylaw amendments or special levies is essential for property managers and strata councils to determine whether the persons holding less than 50% of the strata corporation votes passed a resolution. If that is the case, the implementation of a contract, bylaw filing or levy collections are not permitted to be executed for one week, unless this is an emergency situation. The strata message: always take a precise count of 3/4 votes!