
Condo Smarts

Headline: How voting is calculated

Topic: Voting

Publication / Date: Province, Oct 5, 2023

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Dear Tony: Our strata corporation is a mixed use of residential and retail. Since it's opening in 2014, all the property owners showed up at the annual meeting and each person was given a voting card, whether in person, or shown in an electronic meeting. As a commercial property owner, I have always challenged the property manager about voting. Shouldn't commercial property owners get more than 1 vote? His response has been, no, each strata lot is entitled to one vote. We double checked the strata plan and because there is no voting schedule on the plan, we assumed that was correct. A new commercial owner showed up at our AGM last week and claimed he was entitled to 3.7 votes. How do we verify the voting rights of owners?

Chelsea Sheridan

Dear Chelsea: Historically the voting rights and schedule of unit entitlement were published on the registered strata plan, but with the change to the *Strata Property Act* in 2000, they were separated and published as a separate schedule on the Land Titles strata plan general index. This is often a common error when strata corporations rely on copies of the strata plan and bylaws. Residential strata corporations, with a few rare exceptions, are all granted 1 vote per strata lot, and if no schedule of voting entitlement was filed, then all strata lots, including commercial, would have 1 vote.

In your strata corporation there is a Schedule of Voting Rights filed. The non-residential (commercial) strata lots indeed have different voting entitlement which is based on the relative size of the commercial lots to average size of residential units. The smallest commercial unit is entitlement to .59 votes and the largest has 3.7 votes. A singular voting card that does not recognize the commercial units separately and by strata lot number is ineffective and often results in errors of voting

calculations as the chairperson is unable to identify different voting allocations.

Ironically, electronic meetings have resulted in much better accuracy of voting as the voting rights of each eligible voter are posted on registration. In person meetings require each strata lot owner to be given a voting card. The voting card must identify commercial owners by the strata lot number and number of votes they represent to ensure the chair person is able to properly count the voting results. If the corporation is adopting new bylaws, the commercial and residential strata lots must vote separately on the bylaw resolutions. I recommend that all strata corporations pull both the Common Index and the General Index from the Land Titles Office. This will identify any bylaw amendments, property designations, voting and unit entitlements, and any easements or covenants filed on the property. You may have a few surprises!