



Condo Smarts

Headline: Petition to Remove Council

Topic: Voting

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Written by: Tony Gioventu

Dear Tony: What do we do if our strata council will not hold a special general meeting that has been petitioned by the owners? Our council are continually violating our bylaws, the Act and failing to enforce bylaws. After firing our gardeners, they have purchased landscaping equipment without the authority to spend the funds or terminate the contract. 35% of our owners signed a petition demanding a special general meeting to remove and elect a new council, but the current council have refused to convene the meeting.

Marilyn D.

Dear Marilyn: The *Strata Property Act* gives a clear provision for petitioners if a strata council refuses to convene a petitioned meeting. If the council fails to convene the meeting within 4 weeks after the meeting was petitioned, the petitioners may give notice of a Special General Meeting themselves provided that they comply with the notice requirements and provisions of the Act, and bylaws respecting the calling and holding of a special general meeting. The notice must include the proposed agenda and any resolutions, such as the removal of council and election of a new council. It must include the date, time and location whether in person or an electronic address, and must be issued 20 days written notice to each strata lot or owner in advance of the meeting.

Your petitioning owners who issue the notice may also want to consider having a lawyer present at the meeting to ensure the procedures are followed for registration, certification of proxies, issuance of voting cards, and to scrutinize the voting procedures and results. A strata council who has gone rogue and not responding to a valid petition are likely to be confrontational and disruptive in your attempt to convene a special general meeting. This may also require some security at your meeting.

One of the records the petitioners are going to require is the owner list, to determine the accurate mailing addresses for notice. When the strata owners issue a petition, request a copy of the current owner list with current mailing addresses and email addresses if used for notice. The strata council may attempt to refuse to provide this information, but it must be provided within 14 days of a written request. In addition to the registration process, confirm you have a designated person to be elected to chair the meeting, and a person to take minutes of the meeting. A recording of the proceedings may be valuable evidence if this evolves into a legal dispute.