
Condo Smarts

Headline: Electronic Meetings and Proxies

Topic: Electronic General Meetings; Proxies

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Dear Tony: Is it possible for owners in a strata corporation to determine how our general meetings are being held? Prior to the Covid era, we had in person meetings, we always struggled with a quorum, and one person always controlled the meetings with a fist of proxies. During the restrictions we held meetings electronically, our owners attending more than doubled, and very few proxies were ever issued. Now we are back at in person meetings because of our president, and he showed up at last week's meeting with 47 proxies. In a community of 120 units, this guaranteed he had the controlling votes and determined the outcome of decisions and council. Do owners have any say in the type of meeting we hold?

BDR, Surrey

Dear BDR: The decision on the type of meeting is determined by the strata council and within the limitations of your bylaws and the *Strata Property Act*; however, there is an option where the owners by majority vote can direct the council, including the type of meeting being conducted. Twenty percent of the owners can petition for a special general meeting or add an agenda item at your next general meeting, to vote to direct council to conduct meetings electronically. The downside of this process is the same person may be representing a large number of proxies and defeat that motion by declaring the use of a secret ballot.

There are circumstances where the owners may consider an application to the Supreme Court to prevent or remedy a significantly unfair (a) action or

threatened action by, or decision of, the strata corporation, including the council, in relation to the owner or tenant, or (b) exercise of voting rights by a person who holds 50% or more of the votes, including proxies, at an annual or special general meeting. Where a person holds more than 50% of the votes at an annual general meeting, they are the chairperson of the meeting, and exercise those proxies to the benefit of their election and control of the strata council and the operations of the strata corporation, and argument can be made this is an unfair action. This remedy is not within the jurisdiction of the Civil Resolution Tribunal.

Electronic meetings have been very successful for strata corporations and managers to enable a greater level of personal participation, remote owners and owners with disabilities have easier access to meetings, and with the implementation of information meetings electronic meetings provided frequent opportunities for owner updates during major projects. They have also resulted in cost savings for many large corporations that are required to rent large scale facilities. Provided all eligible voters can be properly identified, and the voting results using a polling system or voting platform are properly applied, the meetings run very well. Secret ballots are not permitted for electronic meetings, which is also a benefit as it identifies how voters and proxy holders are casting ballots.