

Strata Living

Headline: Schedule of voting rights

Topic: Voting

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Dear Tony: Our strata is a mixed use building of 82 units. Twelve of the units are on the ground level and are for commercial use. We do not have sections, but we have a simple types bylaw for the elevator of the residential units. We had an issue come up at our AGM last week over voting that needs an answer. Every strata lot was given a voting card when they registered, and only 1 of the commercial units was present. In total we had 33 votes present at the meeting. When the vote was taken for a bylaw amendment, three quarters of the vote was calculated on the 33 votes. It required 24.75 votes to pass. We had 26 votes in favour, and those opposed included the commercial unit. The commercial strata lot owner has advised we voted on the bylaws incorrectly, and that the voting numbers were not calculated correctly. Can you tell where we went wrong.

Doug M.

Dear Doug: When a strata corporation with both residential and non residential (commercial) units votes on bylaw amendments, it requires a separate three quarters vote of both the residential units who vote for or against at the time the vote is taken, and a three quarters vote of those commercial units who vote for or against at the time the vote is taken. Technically speaking, if the commercial strata lot voted against the bylaw amendment, the bylaw

amendment applying to the strata corporation was defeated. Another issue that your strata corporation needs to address is the voting entitlement per strata lot. Non residential strata lots are given a proportional voting allocation based on the area of their strata lots. It is very unlikely that the commercial strata lot would receive only 1 vote. I checked your strata plan and voting entitlement, and the voting of each commercial strata lot is between .69 votes and 12.84 votes for each strata lot. Therefore the voting cards need to correctly identify the voting entitlements and they need to be calculated and recorded accurately.

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