

Bulletin #4

The new *Strata Property Act* is overwhelming. Each month we attempt to inform and educate you on different provisions and we hope this process is helpful. If you need a copy of previous bulletins please feel free to ask your property manager. If you have joined your strata council in recent months you should obtain a copy of previous bulletins as they are most useful. The content of these bulletins does not purport to offer legal opinions or advice. You should retain and consult with legal professionals.

The Strata Property Act

Special Resolution = $\frac{3}{4}$ Vote

You are familiar with the term “special resolution”. Effective July 1st, it is called a “ $\frac{3}{4}$ vote”. The application is the same as in the past. Here are some common examples:

- Amending bylaws
- Spending money not in the operating budget
- Spending money from the CRF (non emergency items)
- Raising special levies
- Terminating management contracts (yikes!)

There is one change which is significant: it has to do with the way the vote count is tabulated. Under the Condominium Act you needed “not less than $\frac{3}{4}$ of the votes of all persons entitled to vote . . .”. Under the Strata Property Act “ $\frac{3}{4}$ vote means a vote in favour of a resolution by at least $\frac{3}{4}$ of the votes cast by eligible voters who have not abstained from voting.” It makes a big difference. Note the example:

Eligible Votes to be Cast	Votes Abstained	Net Eligible Votes	Required Majority
(a) 100	0	100	75
(b) 100	4	96	72

Reprinted from The New Condominium Concept (Revised) An Examination of the Strata Property Act.