

## PROXIES - SOME SUGGESTIONS

First, what does the Strata Property Act say about proxies?

### Proxies

**56** (1) A person who may vote under section 54 or 55 may vote in person or by proxy

(2) A document appointing a proxy

(a) must be in writing and be signed by the person appointing the proxy,

(b) may be either general or for a specific meeting or a specific resolution, and

(c) may be revoked at any time.

(3) Subject to the regulations, any person may be a proxy except the strata manager or other employee of the strata corporation. (There are no regulations at this time.)

(4) A proxy stands in the place of the person appointing the proxy, and can do anything that person can do, including vote, propose and second motions and participate in the discussion, unless limited in the appointment document.

In short, although the Act provides some basics, it does not really address the thorny issue of proxy use, misuse and abuse. Section 56 (Proxies) of *The New Condominium Concept* provides a full discussion of this topic.

Here are some suggestions (for a bylaw):

1. They should be specific for each meeting rather than perpetual or general.
2. An owner should be limited to carrying / holding not more than 10% of the strata corporation's vote.
3. The proxy can only be given to another owner, or their spouse or immediate family member, or their legal counsel.
4. The proxy should identify each of the resolutions (and budget if appropriate) and have a "box" to indicate how the proxy issuer wishes the proxy holder to vote.
5. Property managers should not hold proxies. (See Section 56(3))



These are some suggestions for a by-law. Keep in mind that by-laws are only a "contract" between the owners and their strata corporation. The by-laws do not necessarily bind persons who are not owners. Also remember that proxy voting is an emotional topic. It is not easily possible to stop all types of abuse by the creation of by-laws.

*This column is not intended to provide legal advice. Readers should obtain legal advice from their lawyers.*

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