



BULLETIN

News and resources for BC strata owners, councils, and industry professionals



FEBRUARY 2025

Vancouver Island Strata Owners Association

VISOA Bulletin

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The Bulletin is a digital magazine published by the Vancouver Island Strata Owners Association (VISOA) four times per year.

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VISOA is an independent, non-profit, member-funded society. Formed in 1973, it is the longest-running organization of its kind in Canada. VISOA provides education, support, and advocacy for British Columbia strata owners and strata corporations. As part of its mandate, VISOA meets with government and industry associations, and sits on advisory panels to advocate for BC strata owners and strata corporations.

Membership is open to any resident of BC, strata corporations (such as condominiums, townhouses, bare land, and commercial stratas) and businesses that provide goods and services to stratas. Visit our website or contact us for more information about membership.

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On the cover: One Shady Lane is a 14-unit, now 30 years young, strata in Duncan. It has been a happy home for many owners over the years, even on snowy days. - Mike Kelly

Disclaimer: The material in this publication is intended for informational purposes and cannot replace consultation with qualified professionals. Legal advice or other expert assistance should be sought as appropriate.

Can Owners Be Exempted from a Special Levy?

by Shawn M. Smith

Many older strata corporations are encountering the need to replace components such as windows or upgrade plumbing and electrical systems throughout the building (including within the strata lots themselves). This can create issues where the strata corporation is proposing a special levy to fund the work and some owners have already replaced those items at their own expense (often as part of a renovation). Understandably they don't want to contribute twice. Do they have to?

Repair and maintenance that is carried out by the strata corporation is a common expense to which all owners must contribute on the basis of unit entitlement. See *Strata Property Act s. 99* (SPA). Special levies are imposed on the same basis pursuant to *SPA s. 108(2)(a)*. All strata lots contribute regardless of benefit.

The fact that an owner has already paid for their "portion" of the work in question (e.g., the windows in their unit) does not automatically exempt them from contributing to a special levy. As noted in *Strata Plan LMS 1537 v. Alvarez, 2003 BCSC 1085*, owners are "all in it together".

That principle may not sit well with an owner who is facing paying twice. The strata corporation may face opposition from that owner or even a group of owners in the same situation.

Whether an owner can be exempted from a special levy in such circumstances has been considered by the Civil Resolution Tribunal (CRT).

In *Malm v. The Owners, Strata Plan NW 2588, 2019 BCCRT 234*, the CRT considered a scenario where an owner had replaced all the poly-b piping in their strata lot as part of a renovation they did, saving the strata corporation the need to do so as part of a larger complex-wide project.

In *Laderoute v. The Owners, Strata Plan NW 2689, 2023 BCCRT 705*, the CRT considered a scenario where the owner, with the permission of the strata corporation, replaced the windows and patio doors in her strata lot at her own expense. Ten years later the strata corporation decided it was time to replace all the windows.

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Can Owners Be Exempted from a Special Levy?

In both cases the owners were faced with paying their share of a special levy despite having previously completed work at their own cost. The CRT considered whether requiring the owners to do so was significantly unfair to them under [SPA s. 164](#). In both cases the CRT reached the conclusion it was not significantly unfair because the owners did not have a reasonable expectation they would be exempt from having to contribute to such a levy. They did the work knowing that when the strata corporation later did it, they would be expected under [SPA s. 108](#) to contribute to the cost.

Where their fellow owners are sympathetic to the plight of owners like those in *Malm* and *Laderoute* there is at least one option for relieving them of the burden of “paying twice”.

A special levy based on unit entitlement under [SPA s. 99](#) requires a $\frac{3}{4}$ vote approval at an annual or special general meeting. However, [SPA s. 108\(2\)\(b\)](#) allows the owners by unanimous vote (being every strata lot voting in favour) to choose a formula other than relative unit entitlement. By employing that provision, it is possible to impose a special levy on only the owners of the strata

lots that still need the work done. However, a unanimous vote can be next to impossible to achieve.

In the right circumstances there may be other less orthodox alternatives that could be employed to give owners who are effectively paying twice some relief. Those should, however, be explored with a lawyer to ensure they are compatible with the SPA. Based on the decisions in *Malm* and *Laderoute* there is no obligation to introduce such an alternative scheme.

In the end, owners who elect to replace windows early or carry out renovations involving plumbing should do so knowing that they may end up paying again when the strata corporation carries out a large-scale project. **V**

This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is a lawyer whose practice focuses on strata property law. He frequently writes and lectures for strata associations. He is a partner with the law firm of Cleveland Doan LLP and can be reached at (604) 536-5002 or shawn@clevelanddoan.com. He can be followed on X (Twitter) [@stratashawn](https://twitter.com/stratashawn).

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VISOA 2025 Annual General Meeting

As a registered member-funded society, VISOA holds an annual general meeting (AGM) every year. We welcome VISOA voting members (individual and corporate members) to attend the AGM on Sunday, March 2, 2025 at 1:00 pm. To be accessible to members across BC, the AGM is being held electronically by Zoom. There is no charge to attend but pre-registration is required.

Only individual and corporate members in good standing may attend the AGM and the exclusive webinar that follows. If you're not sure if your membership is up to date, [log in to your profile](#) to check your membership expiry date. Don't have a profile yet? Learn [how to create a profile](#) so you can log in and access member-only benefits. Alternatively, you can contact our office by email or phone to confirm your membership status.

Please [register online](#) by noon on Thursday, February 27, 2025. You will need your strata plan number (example, VIS1234). After registering, you'll receive a confirmation email providing instructions and a Zoom link to join the meeting on Sunday, March 2. Staff will validate all registrants to ensure that they are current members and will cancel the registration of any persons not eligible

to vote. Staff can manually reinstate a registration if the membership is in good standing.

If you are a current member and want to attend the AGM but don't have access to a computer, please contact our office to register. We'll provide instructions to join the AGM by phone.

Stay online after the AGM. We're hosting a webinar exclusively for VISOA members who attend the AGM. Kat Nicholas of [Artemis Fire Consulting Inc.](#) will discuss *What Stratas Need to Know About BC's New Fire Safety Act*:

- Which stratas are affected?
- What are the strata's responsibilities?
- What happens if the strata does not comply?
- and more

View or download the [AGM notice package](#). To have a paper copy mailed to you, contact our office by February 18, 2025. The agenda includes approving the 2025 budget and electing directors (VISOA board members).

To contact the VISOA office, email membership@visoa.bc.ca or call (250) 920-0688 or toll-free 1 (855) 388-4762.



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Financial Planning for Strata Owners

by Brett Millard

Over 25 per cent of British Columbians own a strata lot, a reality often driven by affordability constraints rather than preference. Strata properties, which include condos, townhouses, and bare land stratas, offer an entry point into the real estate market, but they come with unique challenges that many owners fail to adequately plan for.

While much attention is given to helping individuals purchase a home, less focus is placed on the financial planning needed to know when—and how—to live financially securely in or even make the decision to transition out of a strata property.

Understanding the challenges of strata ownership

Strata living requires collective decision-making, particularly when it comes to maintenance and repairs. Strata councils rely on owners to vote on key resolutions, including special levies needed to fund major projects such as roof replacements, plumbing upgrades, or structural repairs. However, in many cases, these votes fail because owners on fixed or limited incomes are unable or unwilling to contribute to costly repairs.

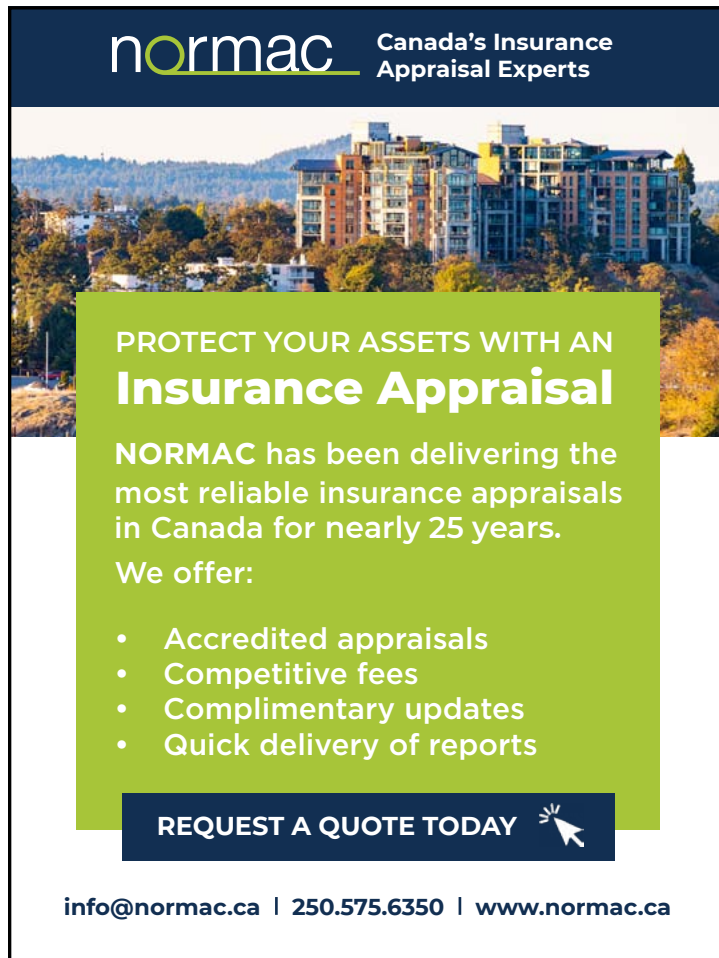
This dynamic creates significant challenges for strata communities. Deferred maintenance leads to deteriorating property conditions, reducing the overall value of the strata lot. Owners who resist special levies often do so out of necessity but their decision can have long-term consequences for everyone involved.

The role of depreciation reports

Strata owners have access to valuable information that can help them plan for the future. Depreciation reports, which outline the expected lifespan of a building's components and provide cash flow models for upcoming repairs, are a key tool for anticipating future expenses. By reviewing these reports (now mandatory in BC), owners can gauge when significant costs are likely to arise and how much they might be expected to contribute.

Unfortunately, many strata owners take a head-in-the-sand approach, choosing to ignore these reports or dismiss their implications. Emotional attachment to their

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homes often prevents them from considering alternatives, such as selling or downsizing. This reluctance can lead to financial hardship if a special levy is passed unexpectedly, forcing a sale at a less-than-ideal time when the property's value is diminished due to deferred maintenance or looming repair costs.

Long-term planning

Strata ownership is not just about managing day-to-day expenses: it's about planning for the long term. Owners who proactively engage with a financial planner can explore options and make informed decisions well before a financial crisis arises. Key considerations might include:

- **Cash flow analysis:** Understanding whether future special levies are manageable within the owner's current budget.
- **Downsizing:** Exploring the possibility of moving to a smaller or less expensive property, which could free up equity for other needs.
- **Renting or roommates:** Generating additional income by renting out the strata lot or taking in a roommate.
- **Family support:** Discussing options for moving in with family members or receiving financial assistance from relatives.
- **Assisted living:** Investigating long-term care or assisted living facilities, particularly for older owners whose needs may change over time.

These conversations are critical for ensuring that strata owners maintain control over their financial and living situations. A proactive approach can help them avoid being forced into difficult decisions under duress.

The risks of waiting too long

The consequences of ignoring financial planning are significant. Owners who delay making decisions often find themselves facing reduced property values, strained finances, and limited options. If a special levy is passed, those who can't afford to pay may be forced to sell their units quickly, often at a lower price due to the state of the building or the stigma of pending repairs.

This outcome is particularly concerning for older owners who will likely need as much financial resources as possible for medical care or assisted living. By the time they are forced to sell, they may have already lost the opportunity to maximize their equity, putting their long-term financial security at risk.

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Taking action now

For strata owners, the key to financial stability lies in planning ahead. Reviewing depreciation reports, consulting with a financial planner, and considering all available options can help them make informed decisions about their future. It's essential to move past emotional attachment and face the realities of strata living with a clear and pragmatic mindset.

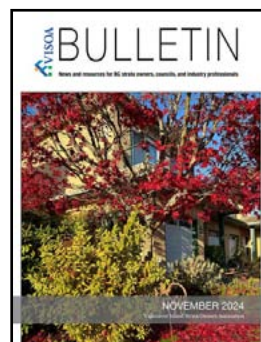
Government programs and resources often focus on helping people buy their first homes. However, it's equally important to provide support for those navigating the complexities of strata ownership. By fostering awareness and encouraging proactive planning, we can help strata owners avoid the pitfalls of deferred maintenance and ensure they have the resources they need for the next stage of their lives. **V**

Brett Millard, CFP is Vice-President and part of the executive team at FP Canada – the national, non-profit education, certification, and professional oversight body for the financial planning industry that works in the public interest. More information and resources can be found at www.financialplanningforcanadians.ca

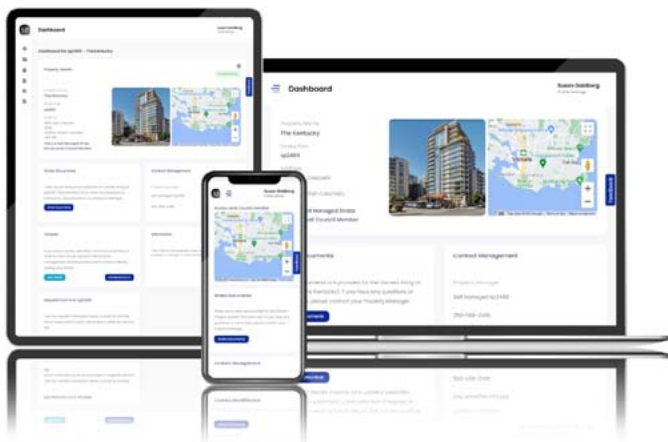
Editor's Message

In December, we drew the winners of our 2024 photo contest from the photos featured on the February, May, August, and November 2024 issues.

And the winners are both in Sidney, BC! "Harbourside" strata won first prize, a free one-year VISOA corporate membership. The photographer of the "Breakwater" strata won the second prize of \$50.



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We're now accepting entries for the 2025 photo contest. Send an email to editor@visoa.bc.ca to submit a photo of your strata or to suggest a topic for an article. **V**

VISOA Bulletin and Suite of Services committees are Wendy Wall, Susan Ferster, André De Leebeeck, and John Grubb with special thanks to volunteer Janice Foley, and Advertising Coordinator Cindy Young.

The Rules About Strata Rules

by Jennifer Lebbert

Strata owners should ensure that they are familiar with the bylaws and rules that apply to owners, tenants, occupants, and visitors. It's also important to understand the differences between bylaws and rules.

There is a hierarchy. The *Strata Property Act* (SPA) and Regulation are at the top of that pecking order – no bylaw or rule is enforceable if it contravenes any section of these pieces of legislation. Beyond that, where there is a conflict between a bylaw and a rule, the bylaw will prevail. All strata corporations must have bylaws while rules are optional.

What can be a rule?

One of the key differences between bylaws and rules is their scope. Bylaws can govern the control, management, maintenance, use and enjoyment of common property, common assets, and strata lots. Rules can only govern the use, safety and condition of the common property and common assets. In other words, a rule cannot dictate what an owner may do in their strata lot or how an owner may use it. For example, only a bylaw could

dictate the type or colour of window coverings that are permitted to be used inside a strata lot, even though they may be visible from the common property. However, a stipulation about the time period during which outdoor Christmas lights may be hung on the common property exterior of a strata lot could technically be either a bylaw or a rule.

How are rules created?

Rules are created in a very different manner than bylaws. While the bylaws need to be approved by a $\frac{3}{4}$ vote of the owners at an annual or special general meeting (AGM or SGM), a rule can be created by a majority vote of the strata council at a council meeting. After the strata council creates a rule, it must inform owners and tenants about it as soon as feasible.

To remain in effect, a rule created by council must later be ratified by a majority vote resolution at the next AGM (or a SGM held before that). If it has not been ratified then the rule ceases to have effect at the first AGM after it is made. See [SPA s. 125\(6\)](#).

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The strata council can create a rule that imposes a user fee for the use of common property or common assets, such as the cost to rent a parking stall. However, the fee may not be charged until after the rule has been ratified. See [SPA s. 125](#) and [Regulation 6.9\(1\)](#).

Are rules filed at the Land Title Office?

Bylaws are required to be filed with the Land Title Office. Rules are not. All rules, including those posted on signs, must be set out in a written document that is capable of being photocopied. Rules must also be attached to all Form B: Information Certificates.

What's the maximum fine for a contravention of a rule?

In their bylaws, strata corporations can set different maximum amounts of fines for contraventions of bylaws and rules, so long as the amounts do not exceed the maximums set out in [Regulation 7.1](#): the maximum fine permitted for each contravention of a bylaw is \$200 (or \$1,000 for the contravention of a bylaw prohibiting short-term rental accommodations), while the maximum fine permitted for each contravention of a rule is \$50.

How are rules enforced?

While there are clearly many differences between bylaws and rules, there is one important similarity: they are both enforced through the procedures set out in [SPA s. 135](#) and the enforcement options in [SPA s. 129\(1\)](#).

Can rules be changed?

Once a rule has been ratified at a general meeting by a majority vote resolution passed by the owners, it remains effective until it is repealed, replaced or amended, without further ratification. What this means is that any change to a ratified rule (to repeal, replace, or amend it), must be ratified again by a majority vote of the owners at a general meeting.

Creating effective rules

To create effective and enforceable rules, strata corporations should ensure that they understand what makes rules unique. Though they are arguably much simpler to create than bylaws, they also have a narrow application and may be less attractive because of lower fines. For each problem that a strata corporation seeks to address with a new rule or bylaw, the strata council should consider both the limitations and benefits of rules to determine if they are an appropriate tool to use. **V**

Jennifer Lebbert is a lawyer with [Refresh Law](#). Based in Comox, she serves Vancouver Island and can be reached at (604) 800-8096 ext 6, or jennifer@refreshlaw.ca



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You Asked

Q: Can council meeting minutes be posted on a bulletin board in the lobby?

A: Standard Bylaw 19 says “The council must inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.”

So what does “inform” mean? *Strata Property Act s. 65* deals with “Informing resident owners and tenants”. It says the strata corporation may inform resident owners and tenants by one or more of the following methods or by any other method:

(a) leaving a document containing the information at a location designated by the strata corporation for the distribution of such information;

(b) posting a document containing the information in a part of the common property designated by the strata corporation for the posting of such information.

Accordingly strata corporations often post a copy of the minutes in a common area such as a lobby, club house, library, or laundry room.

Q: Can our strata have a bylaw that sets the term of council members as 2 years?

A: The answer to this question remains unclear. *Strata Property Act (SPA) s. 25* says “the eligible voters who are present in person or by proxy at the meeting must elect a council.” However, the SPA doesn’t say that ALL council members must be elected at every annual general meeting (AGM). It’s possible that amending Standard Bylaw 10 to set the length of council members’ terms as 2 years is valid as long as it is properly passed at an AGM or SGM and registered at the Land Title Office.

However, the *BC Strata Practice Manual* says “it is unclear whether s. 25 of the Act, which provides that a council (and, by extension, a section executive) must be elected at each annual general meeting, can coexist with a bylaw providing for...staggered, multi-year terms, to foster greater continuity on council.”

In practice no one can force a council member to serve the full 2-year term. They could resign at any time. If the bylaw isn’t resulting in improved continuity of operations, owners may wish to vote to repeal it.



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You Asked

Q: Can an executor vote at our upcoming AGM?

A: The first step is establishing if the person who says they are an executor has legal authority over the estate.

Council can check the title record at the Land Title Office to see if the strata lot is registered in the name of one or more executors. If so, they are considered “owners” under the *Strata Property Act* (SPA) and can vote at general meetings, assign a proxy, and be elected to council. You can purchase the title record for the strata lot online. To get instructions, log in to your VISOA profile. Go to member resources. Under “Resources: Miscellaneous” download “Purchasing documents from the land title office.”

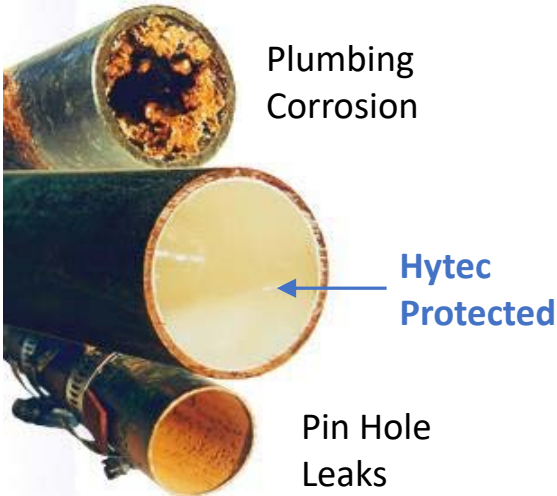
If they are not named in the title record at the Land Title Office, they might still have legal authority over the estate. The SPA doesn’t provide any guidance about executors however VISOA has been advised that an executor can vote on behalf of the strata lot without being registered on title. As an eligible voter, they could attend an AGM or SGM or assign a proxy to vote on their behalf.

A reasonable approach is to obtain both a copy of the will and a “representation grant” to establish who has legal authority over the estate. We suggest reading ClickLaw’s article called [Estate and Administration](#). Here is an excerpt that explains a representation grant:

The executor named under the last valid will, if they accept the appointment, will be vested with legal authority over the estate. In theory, an executor takes authority from the will, and accordingly has authority immediately upon death...In practice, although an executor has legal authority from the date of death, most third parties (e.g. banks and the Land Title and Survey Authority (Land Title Office)) will not recognize that authority without a representation grant from the court.

If council has any doubts about who has authority to vote for a strata lot, please seek legal advice. You can find lawyers in VISOA’s [Business Directory](#).

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You Asked

Q: Can we pass a bylaw to limit the number of hearings that an owner can request?

A: *Strata Property Act* (SPA) s. 34.1 is mandatory. If an owner requests a hearing under SPA s. 34.1, “The council must hold a council meeting to hear the applicant within 4 weeks after the request.” The council has no authority to refuse a hearing request.

A bylaw is not enforceable if it contravenes the SPA or any other law. Any bylaw that attempts to limit the number of times an owner or tenant can request a hearing would contravene the Act.

See [Civil Resolution Tribunal decisions](#) about cases where the strata corporation refused to comply with an owner or tenant’s request for a hearing.

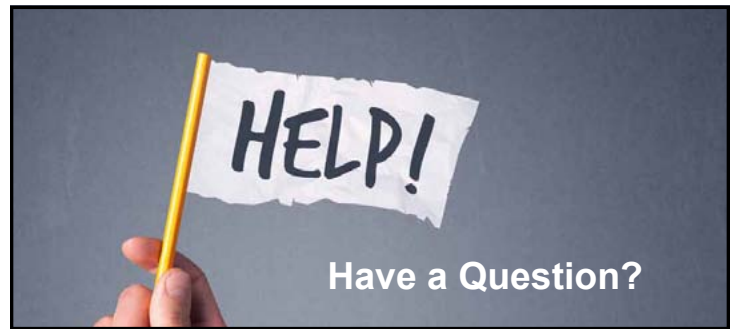
Q: An owner wants to erect a 50-meter cell phone tower on their bare land strata lot. Does s. 71 apply?

A: SPA s. 71 deals with a significant change in the use or appearance of common property. It requires a 3/4 vote approval at an annual or special general meeting to

approve the change. However, the BC Supreme Court confirmed that SPA s. 71 doesn’t apply to a significant change in the use or appearance of a strata lot. See [Chan v. The Owners, Strata Plan VR677, 2012 BCSC 2255](#) part [47].

Since your strata doesn’t have a bylaw specifically banning cell phone towers, Standard Bylaw 3 “Use of property” may be helpful. Legal advice is recommended.

Are you a VISOA member? Log in to your profile on our website to submit questions to the [Strata Support Team](#).



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Tenants' Rights Under the Strata Property Act

by Brenda Li

On page 24, you'll see VISOA's "Guide for Notices to Owners and Tenants". You may be surprised by how many communications and notices must be given to tenants!

For context, it's helpful to summarize some of the rights that tenants have under the *Strata Property Act* (SPA). Also, note that under [SPA s. 147](#), a landlord may assign certain powers and duties to their tenant. In the case of a long-term lease, [SPA s. 148](#) automatically assigns the powers and duties of the landlord to a tenant. However, the tenant cannot exercise those powers until they have notified the strata corporation under SPA s. 148(3).

A tenant may:

- Make a complaint about the contravention of a bylaw or rule (SPA s. 135)
- Request a hearing at a council meeting (SPA s. 34.1)
- Request permission to exclusively use, or a special privilege in relation to, common assets or common property (CP) that is not designated as limited common property such as a request to rent a CP parking stall (SPA s. 76)
- Attend AGMs and SGMs whether or not they are eligible to vote (Standard Bylaw 26)
- Ask the Civil Resolution Tribunal (CRT) to resolve a dispute concerning any strata property matter within the CRT's jurisdiction (SPA s. 189.1)
- Seek a court order to prevent or remedy a significantly unfair action or threatened action by, or decision of, the strata corporation, including the council, in relation to the owner or tenant (SPA s. 164, Also see court remedies under SPA s. 165)
- Make a claim on the strata corporation's insurance policy. Tenants are named insureds. (SPA s. 155)
- Give the strata corporation written notice of exercising the powers and duties of the landlord under a long-term lease (SPA s. 148)

continued on page 23



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Tenants' Rights Under the Strata Property Act

A tenant that has the powers and duties of the landlord under SPA s. 147 or 148 may:

- Request certain records and documents (SPA s. 35 and 36(1))
- Vote at an AGM or SGM (SPA s. 54(1)(b))
- Be eligible to be a council member (SPA s. 28(1)(c)). Alternatively, the bylaws may permit any tenant to be a council member.

Webinar series

For more information about rentals in stratas, watch the videos from the [strata rentals webinar series](#) co-hosted by LandlordBC and VISOA:

- A Strata Council's Guide to Rentals
- Getting Started as a Strata Landlord
- A Landlord's Guide to Communicating with Strata Councils
- Strata Rentals: Resolving Complaints and Conflict

Additional information

Visit the [BC Strata Housing website](#) to learn about renting in stratas including the rights and obligations of:

- Tenants
- Tenants assigned powers and duties of the landlord
- Landlords
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Guide for Notices to Owners and Tenants

The following table lists the most common communications and notices that must be given to owners and/or tenants. The list is not exhaustive. Read the referenced sections of the [Strata Property Act](#) (SPA) or [Standard Bylaws](#) (SB) for details and seek legal advice as needed. “Tenant w P&D” applies to tenants who have the powers and duties of the landlord under SPA s. 147 or 148.

| Communication or Notice | Owner | Tenant w P&D | Tenant |
|---|-------|--------------|--------|
| Give notice of an annual or special general meeting (SPA s. 45(1)) | ✓ | ✓ | |
| Inform owners of the minutes of all council meetings within 2 weeks (SB 19) | ✓ | ✓ | |
| Inform owners and tenants of any new rules as soon as feasible (SPA s. 125(4)) | ✓ | ✓ | ✓ |
| Inform owners and tenants of any amendment to the bylaws as soon as feasible after the amendment is approved (SPA s. 128(4)) | ✓ | ✓ | ✓ |
| Inform owners and tenants as soon as feasible of any material change in the strata corporation’s insurance coverage, including any increase in an insurance deductible (SPA s. 154(c)) | ✓ | ✓ | ✓ |
| For an alleged contravention of a bylaw or rule: give the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, and give notice of the complaint to the person’s landlord and to the owner (SPA s. 129(2) and 135(1)(f) and (2)) | ✓ | ✓ | ✓ |
| After a hearing: if the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week after the hearing (SPA s. 34.1(3)) | ✓ | ✓ | ✓ |
| Give notice in writing of a decision to impose a fine or other remedy for a contravention of a bylaw or rule, and give notice of a decision against a tenant to the person’s landlord and to the owner. (SPA s. 135(2)) | ✓ | ✓ | ✓ |
| Request a tenant to inform the strata corporation of the tenant’s name (SB 4) | | ✓ | ✓ |
| Building notices such as heating or elevator outages (no requirements in SPA) | - | - | - |
| Permit entry to strata lot: an owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot... at a reasonable time, on 48 hours’ written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain (SB 7) | ✓ | ✓ | ✓ |
| Notify of a cancellation of a permission or privilege given in relation to common assets or common property (CP) that is not designated as limited common property such as a CP locker or parking stall (SPA s. 76(4)) | ✓ | ✓ | ✓ |
| Correspond with the user regarding their user fees (SPA s. 110) | ✓ | ✓ | ✓ |
| Give a one-month notice to end tenancy by strata for cause (SPA s. 138(1)) | | ✓ | ✓ |
| Give written notice demanding payment before suing or initiating a Civil Resolution Tribunal (CRT) claim (SPA s. 112) | ✓ | ✓ | ✓ |
| Serve a CRT Dispute Notice (<i>Civil Resolution Tribunal Act</i> & CRT Rules) | ✓ | ✓ | ✓ |
| If a tenant has given the strata corporation written notice of exercising the powers and duties of the landlord under a long-term lease, the strata must give a copy of the tenant’s notice to the landlord and to the owner (SPA s. 148(4)) | ✓ | | |

Tip!

See [SPA s. 61](#) for methods to “give notice”.

See [SPA s. 65](#) for methods “to inform”.

Tip!

◀ When enforcing bylaws and rules against a tenant under [SPA s. 135](#), the strata must give the person’s landlord and the owner copies of correspondence.

Tip!

◀ Give notice to the persons residing in the strata lot.

How to Certify Proxies

The first order of business at an annual or special general meeting (AGM and SGM) is “certify proxies”. What is the process to certify a proxy?

What is a proxy?

A proxy is a person, not a document. A proxy is appointed by an owner or other eligible voter to attend the AGM or SGM and cast votes on their behalf. [Strata Property Act \(SPA\) s. 56](#) says that 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. A proxy can be appointed for one meeting or for any general meeting within a timeframe. The appointment could even be to vote on just one resolution at a meeting.

Who can be a proxy?

A proxy doesn't have to be another owner. It can be almost anyone. SPA s. 56 says that employees of the strata corporation and persons who provide strata management services to the strata corporation cannot be proxies. This can be problematic when an owner is

employed by the strata. In what capacity are they being appointed as a proxy? A best practice is for owners to appoint someone else to be their proxy.

How is a proxy appointed?

SPA s. 56 says that a document appointing a proxy must be in writing and be signed by the person appointing the proxy. An owner can't verbally appoint a proxy or send a text to a council member or manager to say who they want to vote for them.

The Strata Property Regulation provides an optional form called [Form A – Proxy Appointment](#). However, any form or letter can be used as long as it's written, signed, and contains the required information. In this article, we'll refer to it as the “proxy appointment document”.

Signing in to the meeting

The usual process at an AGM or SGM is to have a registration table where voters sign in as they arrive at the meeting place. The council should have an up-to-date list of owners. Typically, there is a sign-in sheet and persons

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How to Certify Proxies

managing the sign-in process ask each person to sign their name beside the strata lot number as the owner or as a proxy. If all is in order, they give a voting card to the person. The sign-in process can be adapted for meetings held by electronic means. Voting cards are not required for voters attending by electronic means such as by phone or Zoom.

A proxy must bring the proxy appointment document or a copy of it with them. The document doesn't need to be the original. It can be scanned and printed or emailed as long as it meets all the other criteria below. In other words, the document can be scanned and sent by email but an email message with no document is not valid.

Stratas can request that owners send a copy of proxy appointment documents in advance. That helps speed up the sign-in and certification of proxies process particularly for electronic meetings. However, the strata can't require it. If someone shows up to the meeting with a proxy appointment document, even if they show up late, the strata has to certify the document.

How is a proxy certified?

Certification means checking that the document

was properly completed. It's not a judgment about whether an owner appointed a proxy under appropriate circumstances. How or why an owner appointed a proxy is a matter between those persons. It is not a matter that involves the strata.

The BC Supreme Court decision in *Macdonald v. The Owners, EPS 522, 2019 BCSC 876*, provides guidance to determine whether a proxy appointment document is properly completed.

- The document must be signed by the person appointing a proxy.
- It should include the date the document was signed.
- Blank proxy appointment documents are invalid.
- The name of the proxy must be filled in **before** the document is signed. A blank space can't be filled in at the meeting.
- The proxy must identify a person by name. It can't say "the president" or "a council member".
- Changes to the document must be initialed by the person appointing a proxy.

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How to Certify Proxies

- It has to be for the right meeting date.

What happens if a document is invalid?

If any of the criteria above aren't satisfied, the proxy appointment document is not valid and cannot be accepted. Regardless of who is working at the sign-in table, technically it's the chair that certifies proxies. Generally, the chair accepts the recommendation of which proxy appointment forms are accepted. If sign-in table workers say a proxy appointment document is not valid and someone challenges that, the chair should resolve the dispute at the start of the meeting in the presence of attendees so there's a formal decision made.

Can an owner revoke a proxy appointment?

A proxy appointment can be revoked at any time. An owner could send a letter to council saying, "I appointed my neighbor Bob to be my proxy but I've changed my mind and I want to revoke the appointment." Or the appointment can be revoked by appointing a new proxy. An owner can also revoke a proxy appointment by showing up to the meeting. Most owners who attend the meeting intend to vote. Not always. Some people appoint a proxy to vote for them and attend the meeting to observe and listen to the discussion. In that case, the chair should ensure that the proxy, not the owner casts the votes.

What if there are 2 proxy appointment documents for the same strata lot?

Typically, the practice is the document that has the most recent date revokes the prior one. If you end up with 2 proxy appointment documents with the same date, then you really shouldn't allow either of them because you don't know which one is the most recent. Both proxy appointment documents would be invalid and neither person can vote for the strata lot.

Appointing a proxy during a meeting

AGMs and SGMs can be lengthy. As it gets later into the evening, some people leave and hand their voting card to the neighbour sitting beside them. That's not permitted. Persons assisting with the meeting such as council members or a strata manager should notify the chair if they see this practice happening. The chair can pause the meeting to allow a few minutes for the owner to complete a proxy appointment document, and once certified, the voting card can be given to their proxy. **V**

The information in this article is from the webinar [How to Successfully Conduct an AGM](#). Watch the video for tips about giving notice, sign-in, chairing the meeting, voting, and more. If you are a member, log in to your VISOA profile to get a copy of the slides.

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2025 Cover Photo Contest

Submit your photo of a BC strata to editor@visoa.bc.ca. Photos selected for the cover of Bulletin issues in 2025 will be entered into a draw on December 1, 2025.

First prize: a one-year VISOA corporate membership for all owners in your strata.

Second prize: \$50 to the submitter.



■ President's Message

A Very Canadian Message

The new year has already proven to be eventful. Threats from our neighbour to the south have had the effect of bringing us together, uniting us as Canadians. Social media is overflowing with suggestions of how we can support our Canadian manufacturers, producers, and farmers. We're discovering locally-made goods and retailers and learning about the risks facing our communities.

The message is clear. Canadians are strong. British Columbians are strong. We come together when times are tough.

This is a reminder for us as strata owners as well. We can face the challenges in our strata communities if we work together. This is not the time for small grievances. This is the time to focus on our community goals, the wellbeing of our residents, and the resiliency of our buildings. It's not too late to commit to New Year's resolutions.

- Be an active participant in your strata community. Show up at the AGM. Vote. Volunteer. Run for council. Be ready to hop over the boards onto the ice when needed.
- Play as a team. As the BC Supreme Court said in the *Alvarez* decision, in a strata corporation you "are all in it together." If your owners play as a team, you're stronger, you'll likely get more accomplished (and you might even enjoy it.)
- Embrace change. Can your strata council and owners change in ways that bring you together instead of driving you apart? It could be a change in how you use technology, a change in how your strata manages maintenance or record keeping, or it could be a commitment to have an open mind, listen to each other, and try new solutions.

Each of us experience times that are stressful and challenging at our stratas. How we deal with those challenges is a choice. We can do or say things that contribute to divisiveness and escalate conflict or we can try to find a path forward that makes every attempt to work together to find a resolution with respect and kindness.

As strata owners and as members of VISOA, we can find our strength, our Canadian resolve, and accomplish more by working together.

I hope to see you all at VISOA's upcoming AGM. 

Wendy Wall, VISOA President, president@visoa.bc.ca

Thank You

With the 2024-2025 term ending soon, I'd like to take this opportunity to thank Cindy Young, our Office Administrator, VISOA's volunteers, the Strata Support Team, and my fellow directors for your hard work and dedication to helping our members throughout BC. It's an honour to be part of such a great team.

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