

LET THE PEOPLE VOTE

The major decisions that are made by a Body Corporate are decided by a vote of the owners at a general meeting. Some decisions require a simple majority, while more contentious matters might require a unanimous resolution of all owners attending the meeting. No matter how vocal an opposition is to a motion being proposed, there is always a chance that a vote can be won in the right circumstances. It is impossible to win a vote, however, if the motion never even makes it onto the agenda.

Winning a vote to extend the term of your caretaking agreement can be essential to maintaining the value of your business and satisfying the requirements of your financier. There are a variety of strategies that can be taken to give yourself the best chance of succeeding. Before you can implement those strategies though, you need to ensure there is a meeting being held that meets the requirements for your motion and that your motion is actually on the meeting agenda.

If you own a lot in a strata scheme you hold a right to include motions on the agenda of Body Corporate meetings and a right to request that the Body Corporate call meetings. To ensure that all owners have reasonable time to consider a motion being proposed, motions must be submitted to the Body Corporate well in advance of the date the meeting is being held. Motions cannot be sprung on owners without notice, i.e. you cannot raise an issue at a meeting and ask owners to make a major decision then and there.

Depending on which State or Territory your strata scheme is located in, to include a motion on the agenda of the annual general meeting (**AGM**) for the Body Corporate you will need to submit your motion around 1-3 months before the meeting is due to be held. If you are unsure of when your cutoff date falls you should speak to your strata manager. In some circumstances you might still be able to get your motions on the agenda after the cutoff date, but this relies on you having a very good relationship with the committee and the agenda for the meeting not being finalised already.

If you can't wait for the next AGM to roll around and you need your motions voted on sooner, you will need to request that the Body Corporate hold an extraordinary/special general meeting (**EGM**). As a lot owner, you can request the Body Corporate hold an EGM at any time. The Body Corporate is not however required to hold an EGM simply because you ask. The committee can elect to hold an EGM when requested, but if the committee doesn't agree that the matter is urgent the committee can elect to hold onto your motions until the next general meeting is called in the usual course of events.

The committee can be forced to call an EGM in specific circumstances, which vary from State to State. Generally, you will need to collect a written request from at least 25% of the owners in the strata scheme to force the calling of an EGM. Even if you do have the support of a majority of owners to call an EGM, note that there will still be a delay (usually at least one or two months) between requesting the meeting and the meeting being held. Therefore, if you need an EGM to be called for your motions you should be starting the process at least three months before you need it, if not more.

If you do not own a lot in the strata scheme, you likely have no rights to submit a motion or call a meeting of the Body Corporate. This means that you will need to maintain a very good relationship with the committee if you want to rely on the committee allowing you to include motions on the agenda or calling meetings when you need them. This is fine for most day-to-day matters, but is risky when wanting to raise things that are contentious with the Body Corporate or with certain owners on the committee.

To avoid this risk you need to foster a strong relationship with individual owners in the Body Corporate, such as owners in your letting pool. When you don't own a lot in the strata scheme it is essential that you have one or more owners that you can rely on to submit motions and requests to the Body Corporate on your behalf. If you can't get your motion on the agenda it doesn't matter how many owners are in your corner, as they will never get a chance to vote on your motions.

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