

Policy Title: Strata Conversion Policy		Policy Number: P26
Policy Category: Planning and Development		
Approval Date: July 30, 2009	Policy Owner: Planning and Development Branch	
Approved by: Board	File Reference: 0340-50	

Purpose

To provide guidelines to regulate the conversion of previously occupied buildings or units into strata lots.

Scope

This policy applies to all land and areas covered by water within the Comox Valley Regional District (CVRD).

Policy

To assist both the applicant in the preparation of an application, and the CVRD, in its review and evaluation of a corresponding application, the strata conversion guidelines and criteria shall be in the form attached to and forming part of this policy.

Reason for Policy

Section 242, “Approval for conversion of previously occupied buildings”, of the *Strata Property Act* (SPA) requires that stratification of previously occupied buildings be approved by a local government or delegated to staff subject to the provisions of this section and other criteria that may be stipulated by the local government. This policy has been created to ensure a consistent review of strata conversion applications against criteria that adhere to the requirements of appropriate official community plans and local area plans, as well as, community values.

Authority to Act

Section 242 also provides authority for this policy to be applied by the CVRD.

Procedure

The following information and guidelines provide an outline, including statutory and policy matters, which the CVRD Board will take into consideration in their review of an application to convert a previously occupied building(s) into strata lots. These guidelines are designed to ensure that the proposal adheres to the objectives and policies of the applicable official community plan, that the building(s) proposed to be converted into strata lots substantially comply with the current building code requirements and relevant bylaws of the CVRD, and that the interest of existing tenants are protected.

Revision History

Approval Date	Approved By	Description of Change
August 11, 2020	Board	Housekeeping

Comox Valley Regional District Guidelines and Requirements for Strata Title Conversions

Part 1 - Statutory Considerations

1.1 *Strata Property Act*

- a) Pursuant to Section 242(6) of the *Strata Property Act*, the approving authority (regional board), in making its decision, must consider the following:
 - i) The priority of rental accommodation over privately owned housing in the area;
 - ii) Any proposals for the relocation of persons occupying a residential building;
 - iii) The life expectancy of the building(s);
 - iv) Projected major increases in maintenance costs due to the condition of the building, and
 - v) Any other matters that, in its opinion are relevant.

As stated in item (v), the board is granted statutory power to consider any other matters that it sees relevant. Consideration of such other matters thereby enables the request to be refused at the board's discretion.
- b) Pursuant to Section 242(5) of the *Strata Property Act*, the approving authority must not approve the strata plan unless the building(s) substantially complies with the applicable bylaws of the regional district and the British Columbia Building Code referred to in the Building Regulations of British Columbia.

1.2 *Real Estate Act*

- a) The proposal must meet the applicable regulations as contained within the *Real Estate Act*.

Part 2 – Comox Valley Regional District (CVRD) Bylaw Requirements

- a) The CVRD Board may refuse an application, which is non-conforming as to use or a regulation pursuant to the provisions of applicable bylaws, including the land use (ie parking areas, refuse disposal, setbacks, loading areas, landscape areas), density, minimum parcel size, site coverage, floor area ratio (F.A.R.), siting, signage and building bylaws.
- b) Where other permits are required, such as development permits, development variance permits, building permits or other permits for the proposed change of use, alterations or additions to a building(s) on site, the applicant is responsible to secure all required permits prior to submitting a conversion application.
- c) The CVRD Board may refuse an application that does not meet the objectives and policies of the applicable official community plan.

Part 3 – Strata Conversion Guidelines

3.1 The CVRD has established the following guidelines in order to:

- a) Provide direction for those interested in applying for board approval of strata conversion plans,
- b) Provide a responsible and reasonable assurance to prospective owners of the buildings integrity,
- c) Enable review of proposals according to a set criteria,
- d) Assist the Board in its consideration of the merits of specific requests for strata title conversions.

Part 4 – General Regulations/Requirements

4.1 The CVRD will enforce the following regulations/requirements for all strata conversion applications:

- a) Applications proposing the strata conversion of secondary suites, carriage houses and secondary dwellings shall not be supported.
- b) The strata conversion of second dwellings shall only be supported where the minimum lot size requirement is achieved.
- c) Applications proposing the strata conversion of mobile homes, recreational vehicles, vehicles, floating structures or other portable structures shall not be supported.
- d) Applications proposing the strata conversion of campsites, recreational vehicle (RV) pads or mobile home pads shall not be supported.
- e) The strata conversion must take into account the rental vacancy rate of the area and a conversion may be denied should the rental vacancy rate in the Comox Valley be below 3 per cent as determined by the Canadian Mortgage and Housing Corporation (CMHC).
- f) The strata conversion must take into account the general suitability of the units for conversion where the Board may consider certain conversions as questionable due to the age, number or type of units proposed for conversion.
- g) The Board may approve an application, refuse an application, or refuse to approve an application until the conditions imposed by the board have been met. The proposed building strata conversion application must comply with all applicable CVRD bylaws and the British Columbia Building Code.
- h) Any conditions imposed by the regional board must be fulfilled within one year from the date of the approval in principle. Thereafter, a new application shall be required to be submitted to the CVRD.
- i) The CVRD authorized signatories will not sign final strata plans until all conditions imposed by the board have been satisfied. Upon signing the plans, planning services will retain one set of prints for the record and return all remaining copies to the applicant for deposit with the registrar at Land Titles Office (LTO) in Victoria.
- j) Without limiting its authority, the board may refuse an application where, in the Board's opinion, there appears to be an intent to circumvent these guidelines or the interests of the rental tenants were not adequately respected during the proposed change of occupancy.
- k) The decision of the Board on any application is final and may not be appealed. Where an application is refused, no similar application will be considered until one year from the date of the refusal.

Part 5 – Application Requirements

5.1 At the time of application, the applicant shall provide:

- i) The completed **Application Form**. This must include authorizing signatures of the owner and/or agent.
- ii) A **Written Brief** that describes the present and intended use of the site and reasons/rationale for the proposal.
- iii) A **List of the Names and Mailing Addresses** of the persons occupying the units, together with copies of any lease agreements and the proposal/intentions regarding the relocation of persons who may be affected by the proposed strata conversion.
- iv) A **Notarized Declaration** stating:
 - a) That each person occupying the building has been given written notice of the intent to convert the building(s) into strata lots under the **Strata Property Act** or **Real Estate Act** with the date of notice;
 - b) The number of units occupied on the date of the notice;
 - c) That notices have been posted in conspicuous places in the building advising of the intent to convert the building into strata lots under the **Strata Property Act** or **Real Estate Act**; and
 - d) That each person occupying a unit in the building(s) has been provided with prospective sale prices and any other applicable fees associated with the prospective purchase of the unit (*e.g.*, strata fees, etc.).
- v) A **Site Sketch (Plot Plan)** of the subject property, showing:
 - a) the dimensions of the property;
 - b) the distance from property lines of the location of all buildings;
 - c) the dimensions and occupancy (use) of each building;
 - d) the location of all watercourses and wetlands, lakes or the sea on or adjacent to the land;
 - e) the distance and elevation of all existing and proposed buildings from any watercourses, wetlands, lakes, and/or the sea;
 - f) the location of water connection or well;
 - g) the location of septic tank and field;
 - h) the location of storm sewer outfall;
 - i) the location of all public road rights-of-way adjacent to the site; a
 - j) the location of approved access to a public road right-of-way; and
 - k) the location and dimensions of all off-street parking and loading spaces, manoeuvring aisles and access driveways from street and lanes.
- vi) **Floor Plans** of the units intended to be converted, showing:
 - a) The dimensions of all rooms and halls, and all outside dimensions including balconies and decks; and
 - b) The areas of the building designated as strata lots, common property and limited common property.
- vii) A **Surveyor's Certificate** completed by a B.C. Land Surveyor at the request of the CVRD.
- viii) A **Proposed Strata Plan** detailing the proposed strata lots, common property and limited common property.

- ix) **Letter of Building Certification** from the chief building inspector of the CVRD addressing fire separation requirements, the life expectancy of the building and compliance with the BC Building Code. *(NOTE: This may include the additional requirement for certification by a qualified engineer or architect.)*
- x) A current (dated not more than 12 months prior to the date of application) **compliance letter** and **septic report** addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit from the Environmental Management Branch of Ministry of Environment is required. In addition, the regional district will forward the application to the Vancouver Island Health Authority (VIHA) for their review and comment. A **letter of support** from the VIHA will be requested by the regional district.
- xi) **Servicing Requirements:** any proposed development must address impacts on ground water, on-site and off-site drainage, sanitary services, flood proofing, water supply, and transportation access. This may include studies prepared by professional engineers, soil scientists, biologists, and/or geotechnical specialist(s) on any of these areas of interest prior to consideration by the regional district. The terms of reference will be specified by the CVRD.
- xii) An **Environmental Assessment** may be required, with the terms of reference specified by the CVRD, where the proposed development contains or is in close proximity to environmental hazards, environmentally sensitive habitats, groundwater recharge areas, and/or other areas of environmental significance.
- xiii) As every application is unique, there may be further requirements, at the direction of the CVRD, to be completed prior to consideration of the application. These requirements may include, but are not limited to, geotechnical analyses, building schemes, archaeological and heritage site analyses. Any additional requirements will be a condition of final approval of the strata plan.

5.2 **Processing**

a) **The following procedure will apply:**

- 6 i) The CVRD will circulate the proposal to other departments within its organization and any agencies potentially having interest in the application. Staff may contact the applicant to discuss any issues that arise during the review process.
- 7 ii) The CVRD will consider the application based upon the applicable bylaw(s) and the regulations of the **Strata Property Act**. The strata conversion must take into account the rental vacancy rate of the area and a conversion may be denied should the rental vacancy rate be below 3 per cent. The CVRD must also consider any other matters that, in its opinion, are relevant.
- 8 iii) Upon consideration of the application, the CVRD Board may approve or deny the application and may set out conditions required prior to final approval of the strata plan. Such conditions may include, but are not limited to, items related to the condition of the building, septic system, required covenants, etc.
- iv) The CVRD's designated signing authorities will sign the final strata plan upon the approval of the application and the completion of any conditions,

which must take place within one year from the date of the approval in principal. The CVRD will then advise the Ministry of Transportation and Infrastructure of its decision in writing.