

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT: <i>Strata Conversion Policy and Guidelines</i>	POLICY NO: B1.7
	CROSS REF.:
EFFECTIVE DATE: August 10, 1999	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 5

PURPOSE

To establish building strata conversion subdivision guidelines and criteria.

POLICY

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

Regional District of Nanaimo

GUIDELINES FOR CONDOMINIUM BUILDING STRATA CONVERSION APPLICATIONS

The following information and guidelines outline the various factors, both statutory and policy matters, which the Regional Board of Directors (Board) will take into consideration in reviewing an application for converting a previously occupied building into strata lots. These guidelines are designed to ensure that the building(s) which is proposed to be converted into strata lots substantially complies with the current building code requirements, the relevant bylaws of the Regional District of Nanaimo, and that the interest of any existing tenants are protected.

Part 1 - Statutory Considerations

1.1 Condominium Act

- a. Pursuant to Section 9, the Board is to consider the following in making its decision:
 - i. The priority of rental accommodation over privately owned housing in the area;
 - ii. The proposal of the owner developer for the relocation of persons occupying the building;
 - iii. The life expectancy of the building; and
 - iv. Projected major increases in maintenance costs due to the conditions of the building.
- b. The Board is also required to ensure that the buildings substantially comply with applicable bylaws and the National Building Code of Canada.
- c. In addition to the above-required criteria, the Board is given statutory power to consider any other matters that, in its opinion, are relevant. Consideration of these other matters enables the request to be refused at the Board's discretion.

1.2 Real Estate Act

- a. Section 69(7) of the ***Real Estate Act*** requires that a complete and current report be prepared by a professional(s) as summarized in the following application requirements. The Regional District acknowledges that the ***Real Estate Act*** prescribes specific information to be included in the report and the applicant is advised to seek qualified advice with respect to these requirements.

Part 2 - Regional District Bylaw Requirements

- a. The Board may refuse an application, which is non-conforming as to use or a regulation pursuant to the provisions of the applicable bylaws, including the land use (i.e., parking areas, refuse disposal, setbacks, loading areas, landscaped areas), signage and building bylaws.
- b. Where a development variance permit, building permit, or other permits are required for the change of use, alterations or additions to a building(s) on the site, the applicant must secure all required permits before submitting a conversion application.
- c. The Board may refuse an application that does not meet the objectives and policies of the applicable official community plan.

Part 3 – Application Guidelines and Requirements

3.1 General Guidelines

- a. The owner/applicant for an application for the conversion of a previously occupied building to strata title ownership shall demonstrate:
 - i. that the conversion would not adversely affect the rental vacancy rate; and
 - ii. the interests of all tenants will have been adequately respected in the conversion process. The owner/applicant must provide for the needs of disadvantaged tenants residing in the building under consideration.
- b. 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 RDN bylaws and the National Building Code.
- c. 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 in the change of occupancy.

3.2 General Requirements

- a. All lands to be included in the strata plan are to be consolidated prior to the registration of the plan.
- b. Where parkland is a requirement of the building strata conversion subdivision, the owner/applicant is to provide parkland or pay cash in-lieu-of parkland pursuant to the current Board policy.
- c. Where school site acquisition is a requirement of the building strata conversion subdivision, the owner/applicant is to meet the requirements pursuant to the applicable school site acquisition agreement.
- d. Applications proposing the strata conversion of mobile homes, recreational vehicles, vehicles, floating structures or other portable structures shall not be supported.
- e. Applications proposing the strata conversion of campsites or mobile home pads shall not be supported.
- f. Where the property, under consideration, is located within a development permit area, the Development Permit Guidelines are to be met as a condition of approval.
- g. Conditions imposed by the 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 Regional District of Nanaimo.
- h. If the Board grants an approval in principle to the application, the applicant may then engage a BCLS to prepare the strata plans in accordance with the provisions of the *Condominium Act*. The strata plans are to be forwarded to the Regional District of Nanaimo for review and execution.
- i. Prior to registration of any required covenants or statutory rights-of-way at Land Title Office, Victoria, the applicant shall submit the draft documents to the Planning Department for review. Preparation and registration of all documents shall be at the expense of the owner/applicant. The owner/applicant shall provide copies of all registered documents to the Regional District.
- j. Prior to the strata plans being signed, the applicant must comply with all the conditions imposed by the Board. Upon signing the plans, the Planning Department will retain one set of paper prints

for the record, and return all remaining copies to the applicant for deposit with the registrar at Land Title Office, Victoria.

- k. The decision of the Board on any application is final and where an application is refused, no similar application will be considered until one year from the date of the refusal.

3.3 *Application Requirements*

An application for a building strata conversion is completed by the applicant using the Building Strata Conversion Subdivision Application Form; and shall include all information as outlined below.

- a. Completed Building Strata Conversion Application Form.
- b. A non-refundable processing fee as set out in the applicable land use bylaw.
- c. A current copy (within 30 days) of the State of Title Certificate for the subject property.
- d. A site plan, drawn to scale of at least 1:200 and showing:
 - i. north arrow and indication of scale;
 - ii. all proposed building strata lots, with dimensions including setbacks from all proposed boundaries;
 - iii. adjoining streets and names;
 - iv. the intended land uses of each proposed strata lot;
 - v. all proposed common property or limited common property;
 - vi. the number, location and dimensions of all proposed and existing off-street parking spaces, off street loading spaces, and aisle ways including description of surface treatments;
 - vii. access points to public rights-of-way;
 - viii. the number, location and dimensions of all refuse areas;
 - ix. all existing and proposed landscaped areas;
 - x. all existing and proposed signs;
 - xi. all bodies of water, watercourses and drainage courses;
 - xii. all topographical features such as steep banks;
 - xiii. all existing and proposed rights-of-way, easements, covenants or other charges;
 - xiv. all existing and proposed park lands, if applicable;
 - xv. all existing and proposed school sites, if applicable.
- e. A letter stating the property address and legal description of the site and providing the names and mailing addresses of the persons occupying the building, together with the proposals by the owner/developer for the relocations of persons who may be affected by the proposed conversion.
- f. Floor plans, drawn to a scale of at least 1:100 including a north arrow and an indication of the scale and showing:
 - i. the dimensions of all rooms and halls, and all outside dimensions including balconies and decks;
 - ii. the areas of the building designated as strata lots, common property and limited common property.
- g. A notarized declaration stating:
 - i. that each person occupying the building has been given written notice of the intent to convert the building to the strata lots under the **Condominium Act** together with the date of notice;
 - ii. the number of units occupied on the date of the notice;
 - iii. that notices have been posted in conspicuous places in the building, advising of the intent to convert the building into strata lots under the **Condominium Act**, and

- iv. that each person occupying a unit in the building has been provided with prospective sales prices, example management fees and a copy of the declaration of the building quality outlined below.
- h. A written report from an architect or professional engineer, registered to practice in British Columbia, in a form acceptable to the Regional District of Nanaimo, certifying the following:
 - i. that the building(s) is of a reasonable quality for its age, physical condition, and the state of repair of each building including heating, plumbing, electrical fixtures and equipment, elevators, roof, drainage and foundation as well as the general workmanship and measure of compliance with relevant bylaws and the National Building Code;
 - ii. the life expectancy of the building(s);
 - iii. a financial statement outlining the projected increases in maintenance costs;
 - iv. proof of potable water supply to Bylaw standard; and
 - v. proof of means of sewage collection.
- i. A conditional approval letter for the application from the Ministry of Transportation and Highways.
- j. A conditional approval letter for the application from the Ministry of Health.
- k. A completed Site Profile pursuant to the *Waste Management Act*.
- l. In addition to the above information to be submitted at time of application, for proposals involving a commercial, industrial or multi-dwelling use (3 or more dwelling units), the following additional information is to be included with the application:
 - i. A written report from a professional electrical engineer, registered to practice in British Columbia, certifying that all the electrical works has been upgraded to current electrical code standards.
 - ii. A written report from a professional mechanical engineer, registered to practice in British Columbia, certifying that all the plumbing and heat and ventilation and air conditioning systems has been upgraded to current building code standards.
 - iii. A written report from a professional engineer, registered to practice in British Columbia, certifying that the on site services, including sanitary sewer system; potable water supply; and storm drainage system, are adequate for the use intended, including that the water supply for fire fighting, will meet or exceed the current building code requirements.
 - iv. If the proposed strata lots are connected to gas, a copy of the gas installation permit from the Gas Inspector stating that a gas inspection has been completed and approval received.

3.4 Fees

- a. For those properties subject to the RDN Land Use and Subdivision Bylaw No. 500, 1987, fees for an application for a building conversion are subject to the fees requirements set out in Bylaw No. 500.
- b. For those properties located outside Bylaw No. 500, the fees are subject to Bylaw No. 901.