

This guide summarizes the process involved in considering an application for a Strata Conversion. It is not a legal document; it is intended only to assist you through the application process. It does not include details of the pertinent Acts, Bylaw and Regulations that may be relevant to your application. While every care is taken in the preparation of this brochure, the City of Cranbrook assumes no responsibility or liability with respect to its contents. The public is advised to review the applicable legislation and bylaws and conduct its own inquiries with City Staff.

Previously occupied buildings may be converted to strata units with the approval of the City of Cranbrook. The following guidelines outline the requirements and approval process used by the City of Cranbrook.

1. Background

From time to time the City of Cranbrook receives applications for the conversion of rental units to strata title under the *Strata Property Act* (SPA). In considering an application for strata title conversion, the City of Cranbrook reviews:

- the current amount of rental accommodation available to meet the needs of present and future residents of Cranbrook,
- potential for displacement of residents by a strata title conversion, and
- the extent to which converted units meet a standard of construction, appearance, and amenity that will benefit the neighbourhood and the community.

2. Guideline Goals

The following guidelines have been established in order:

- .1 to provide direction for those interested in applying for municipal approval of strata plans,
- .2 to provide a responsible and reasonable assurance to prospective owners of the buildings integrity,
- .3 to enable review of proposals according to set criteria,
- .4 to assist the Approving Authority in its consideration of the merits of specific requests for strata title conversions.

3. The Requirements

Applicants shall be advised that in accordance with the Section 242 of the *Strata Property Act*:

- .1 The City of Cranbrook shall not approve the strata plan unless:
 - (a) The property shall substantially comply with all applicable bylaws including full compliance in terms of use and density, and

- (b) The building complies with the British Columbia Building Code.

- .2 The City of Cranbrook shall consider:

- (a) the availability of rental accommodation in Cranbrook,

The City of Cranbrook considers a 5% vacancy rate as a desirable minimum threshold. The City refers to data provided by Canada Mortgage and Housing Corporation. In reviewing applications both the overall and relevant unit type rates are considered.

- (b) the proposal for the relocation of persons occupying a residential building,

The applicant must supply the City of Cranbrook with a written statement indicating that they will comply with the *Residential Tenancy Act* with regard to the existing tenants of the building. If the applicant is prepared to go beyond the minimum requirements of this Act, they may wish to identify any other measures they are prepared to undertake relating to tenant relocation.

- (c) the life expectancy of the building,
- (d) projected major increases in maintenance costs due to the condition of the building, and
- (e) any other matters that, in its opinion, are relevant.

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An Approval in principle, is valid for a period of one year from the date of City Council's resolution.

The decision of the approving authority under *Strata Property Act*, subsection 242(4) is final and may not be appealed.

4. The Application

The following items constitute a complete application:

- .1 **A completed application** If the application is being made on behalf of the landowner a letter of authorization shall accompany the application. General Information is identified on the application form and is required in order that City Staff can conduct their review. This information includes: the number and type of units (e.g. studio, one & two bedroom) and size of units, the amount and type of common property, the number and size parking stalls, etc.
- .2 **A Certificate of Title** for the subject property that is not more than 30 days old. If a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application shall be a company director.
- .3 **Applicable Fee Submission**
 - 4 units or less is \$100 plus \$25/unit
 - More than 4 units is \$300 plus \$25/unit
- .4 **Site plan** – with building footprint shown, dimensions provided from the closest building face to all property lines, location of sidewalks, on site parking stalls (including dimensions), driveways, dumpster location, recreational vehicle storage (if applicable) existing landscaping and any exterior amenity spaces.

Small-scale development – the initial plan submission may be hand drawn if the plan is legible, drawn with a straight edge and drawn to scale. The second submission will be a survey certificate produced by a registered surveyor.

Large-scale development – site plans shall be drafted by a professional surveyor or engineering firm.
- .5 **Proposal for Tenant Relocation** The applicant will submit a written statement of how

they intend to comply with the Residential Tenancy Act and any other information that they feel is relevant on this matter for Council's consideration at the initial application stage.

- .6 **Building Report** The Applicant shall submit a written report by a Professional Engineer or Architect that provides a BC Code review that specifically addresses: fire separation, soundproofing, structural integrity, and mechanical review. This report should also include information on the building's state of repair, general workmanship, life expectancy of the building(s), projected major increases in maintenance costs due to the condition of the building(s) and assessments of the condition of the roof and the exterior and interior surfaces and details of the building. If the building does not comply with the current BC Building Code the professional shall identify the work that is required to bring the structure up to code. This report will be retained as public record.

5. The Process

The formal submission of an application for strata title conversion starts the process. However, applicants are encouraged to discuss the proposal with staff prior to making an application in order to determine whether there are any known concerns with the property.

City Staff will not proceed with the application unless it is complete and all information that is identified on form has been submitted and fees paid.

Phase One – Approval in Principle -

Once the application is complete, the applicant will be notified and the review of the application will commence. Specific review steps include:

1. Review of the property by City staff to ensure substantial compliance with the applicable City Bylaws.
2. Review of the Building Report by City Staff that may include the Building Inspector, Corporate Services, Engineering, and/or Fire Department staff.

Inspection Staff from the Building and Fire Departments may inspect the building(s) with a view of determining conformance with current bylaws, buildings and safety codes.

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3. Review of the property to ensure substantial compliance with the applicable City Bylaw shall be undertaken by City Staff.

4. Review of the Building Report by City Staff that may include the Building Inspector, Corporate Services, Engineering and/or Fire Department staff.

Inspection Staff from the Building and Fire Departments may inspect the building(s) with a view of determining conformance with current bylaws, building, and safety codes.

5. City Staff shall undertake review of the local vacancy rate for rental accommodation. The vacancy rate shall be considered relative to the type of rental unit; for example apartment units vs. semi-detached townhouse units as well as the overall rate. Staff will refer to information released by CMHC in this regard.

4. Review of the tenant relocation proposal and the general suitability of the property for conversion. Compliance with the provisions of the *Residential Tenancy Act* is required.

The applicant may be contacted during the review process, should there be a requirement for additional information. City Staff will prepare a Report to Council based upon the review of the above-mentioned items.

First Consideration by Council - Approval In Principle

Council will first evaluate any application for a strata conversion in principle. Council will consider those matters noted in Sections 242(5) and (6) of the *Strata Property Act*, including:

- a) compliance with the applicable Bylaws,
- b) compliance with the BC Building Code,
- c) review of the local vacancy rate for rental accommodation,
- d) the owner/developer's proposal to relocate the present tenants,
- e) life expectancy of the building,

f) projected major increases in maintenance costs due to the condition of the building, and

g) the general suitability of the units for conversion. Council shall consider the following items.

- The number of type of units to be converted; a high proportion of bachelor/studio type units without suitable communal facilities and open space may be considered questionable.
- The amount and type of common area and facilities. Apartment type development shall be closely evaluated for outside green space, inside storage, laundry, and common recreational areas.
- The number of parking spaces to be provided. The requirements are 1.5 spaces per unit for apartment units and 2 spaces per unit for townhouse units.
- Amount of space reserved for secure storage of recreational vehicles is considered relevant in larger projects.
- Any revisions of improvement planned for the development.
- Any other matters that Council considers relevant. The applicant may be required to provide special services or facilities as directed by Council, depending on the circumstances centred on the individual application.

The Conditions for conversion will be clearly specified for the applicant having regard for matters that the Council considers relevant, and the applicant will signify their acceptance of these conditions.

An Approval in Principle is valid for a period of one year from the date City Council's resolution.

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Phase Two – Consideration for Final Approval

The applicant shall provide their written acceptance of the conditions, which Council has placed on their approval in principle.

If the Building Report or City Staff have identified any requirements necessary to bring the subject property into compliance with the BC Building Code or Municipal bylaws, the work shall be undertaken and certified complete. Under limited circumstances the City may consider the acceptance of security for outstanding work yet to be completed.

The applicant, at their own expense, will be required to file a report by a Qualified Exterminator certifying that the building(s) are free of vermin and infestation.

The City shall contact the local Medical Health Officer to obtain their review of the general health and sanitation conditions of the building(s).

The applicant, at his or her own expense, will submit a strata plan, which shall:

- Show the specific location of all buildings on the site,
- Identify the proposed strata boundaries
- Indicate the area of each unit
- Include a schedule of unit entitlement
- If the conversion is to be phased, indicate what the boundaries of the phases are and the expected completion dates.

Once the information noted above has been received, a report to Council shall be prepared for Final Approval.

Council shall consider the report and either:

- Grant approval of the Propose Strata Title Conversion.
- Grant approval with additional conditions as a result of information received in phase two.
- Not grant approval (note there is no appeal of this decision).

Upon completion of all terms and conditions as specified by Council, the Applicant may submit a formal strata plan, pursuant to Part 14 of the *Strata Property Act* and all BC Regulations thereto, for final approval by the City.

City Staff shall certify that all work and requirement have been met. The Mayor and City Administrator or Approving Officer shall then endorse the Strata Title Conversion Plans.

Applications forms are available from the Planning Division of Corporate Services, City of Cranbrook.

Personal Information contained on the "Application for Strata Title Conversion" is collected under the *Local Government Act* and in accordance with the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of processing the application. For questions or additional information pertaining to your personal information, contact City Hall at 250.426.4211.