

POLICY-PROCEDURE MANUAL

TITLE: STRATA CONVERSION

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PREPARED BY:	AUTHORIZED BY:	DATE OF ISSUE OR REVISION:
D.Martin	Council	April, 2014

The purpose of this policy is to provide a consistent process for evaluating applications for the conversion of existing purpose-built rental buildings to strata title ownership.

The following guidelines will be considered by Council, under Section 242 of the *Strata Property Act*, when dealing with applications for the conversion to strata title of existing, previously occupied, rental buildings. The guidelines are without prejudice to Council's power as approving authority to approve, or not approve, strata conversion, subject to terms and conditions or to delegate its powers and duties, as set out in Section 242 of the *Strata Property Act*.

Once a completed application is submitted, [DOK] staff reviews application with all relevant legislation, bylaws, and Council policies to prepare a report for Council. The following applies to strata titling of existing residential buildings with two or more units. Council will judge each strata application on its own merits.

A preliminary application for strata conversion must be accompanied by:

1. Site plan showing access and parking;
2. Landscaping plan – proposed/existing;
3. Floor plans;
4. Elevation drawings;
5. Structural and construction drawings, or as-built drawings;
6. Proposed strata plan;
7. Names and contact information of all present tenants;

Applications should consider the following guidelines:

Compliance with Municipal Bylaw

1. Applicants shall demonstrate level of compliance with the Zoning regulations in the *Kitimat Municipal Code*. This includes, but is not limited to lot area, lot frontage, floor area ratio, setbacks, parking, landscaping, and vehicle access.
2. Applicants shall include a proposal to bring areas of non-compliance (if any) into compliance as a condition of strata conversion approval.

Compliance with BC Building Codes

3. Applicants shall provide a report prepared by a professional engineer, architect, or code compliance specialist, summarizing the physical condition of the building and identifying components in need of immediate or imminent repair.

Building Life Expectancy & Condition

4. The above report must verify the building(s) life expectancy is a minimum of thirty-five (35) years. In addition, the report must include projected maintenance costs due to the condition of the building and provide comment on expected cost increases [or decreases] assuming strata conversion.

Priority of Rental Accommodation

5. Council will only consider a strata conversion application when the rental vacancy rate, after the removal of the strata units, is greater than 5% as determined by the District of Kitimat, unless the applicant proposes an acceptable tenant relocation plan. The strata conversion of any two- or three-unit building is exempt from this requirement.

Protection & Relocation of Existing Tenants

6. Within two weeks of submitting the conversion application to the District, the applicant shall provide written evidence that all existing tenants have been notified of the owners' application to convert the building into strata lots as well as written evidence of all tenants who are support of the proposed conversion.
7. Within two weeks of submitting the conversion application to the District, the applicant shall develop a relocation plan that will, at a minimum, outline options available to tenants with respect to purchase options and relocation assistance. The applicant shall identify available market and non-market rental units within the Kitimat market and provide that information to tenants. The plan must be in accordance with the Residential Tenancy Act.
8. Applicants shall provide existing tenants with a 90-day right of first refusal to purchase before giving notice to tenants that they must vacate their unit. A right of first refusal means that a tenant would have the first opportunity to purchase a renovated unit at fair market value based on an independent third party appraisal, less customary commission payable by the developer at that time.