

MOTION

# A.3

3. Policy - Strata Title Policies for RS, RT and RM Zones

MOVER: Councillor \_\_\_\_\_

SECONDER: Councillor \_\_\_\_\_

THAT amendments to the document entitled "Strata Title Policies for RS, RT and RM Zones" be approved by Council for use by applicants and staff for development applications in all RS Districts.

\* \* \* \* \*

[All additions are shown in *bold italics*. Deletions are shown in ~~strikeout~~.]

# STRATA TITLE POLICIES FOR RS, RT AND RM ZONES

Adopted by City Council on July 28, 2009  
Amended (*Insert Date*)

## 1 Application and Intent

These guidelines apply to the strata titling of previously occupied buildings or new construction in the RS, RT and RM zones.

Under Section 242 (1) of the Strata Property Act of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into strata lots. Pursuant to Section 242 (10) of the Strata Property Act, Council has delegated its approval authority to the Approving Officer for previously occupied buildings containing less than six dwelling units.

Newly constructed buildings, which are not occupied prior to registration of a strata plan at the Land Title Office, do not require the approval of City Council or the Approving Officer.

## 2 Secondary Suite

In the RS, RT and RM zones, one secondary suite is conditionally permitted. The suite can either be built at the same time a new one-family dwelling (i.e. house) is being constructed, or a suite can be incorporated into an existing one-family dwelling. The construction and safety requirements of the Vancouver Building By-law (VBBL) for a secondary suite within an existing one-family dwelling (which may not be strata titled) are less demanding than for new construction.

Terms regarding suites are not the same in the Vancouver Building By-law and the Zoning and Development By-law (Z&D). The VBBL terms include Secondary Suite and Group "C" Residential Occupancy Classification. The Z&D terms include Multiple Conversion Dwelling, Two-Family Dwelling and Infill. Contact Development Services staff (VBBL) or Planning staff (Z&D) for how these two by-laws apply in your specific situation.

## 3 Laneway House

In the ~~RS-1 and RS-5~~ **RS** zones, a laneway house is conditionally permitted. A new laneway house can be built on a site which accommodates an existing one-family dwelling, or a new laneway house can be built in conjunction with a new one-family dwelling. In both cases, the one-family dwelling can also include a secondary suite.

The following outlines the policies for the conversion of previously occupied buildings or new construction to strata title ownership in applicable zoning districts.

### 3.1 In the **RS-1, RS-1A, RS-2, RS-3, RS-3A, RS-4, and RS-5, and RS-6** Zones

#### **Conversions**

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;
- (c) a unit is approved as a laneway house as defined in the Zoning and Development By-law; or
- (d) a unit is approved as a laneway house as defined in the Vancouver Building By-law.

### **New Construction**

As a condition of development permit approval for:

- (a) a new One-Family Dwelling with a Secondary Suite;
- (b) a new One-Family Dwelling with a new laneway house; or
- (c) a new One-Family Dwelling with a Secondary Suite and a new laneway house

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

## **~~3.2 In the RS-1A, RS-2, RS-3, RS-3A, RS-4 and RS-6 Zones~~**

### ~~Conversions~~

~~Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:~~

- ~~(a) a suite is approved as a One Family Dwelling with Secondary Suite as defined in the Zoning and Development By law; or~~
- ~~(b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By law.~~

### ~~New Construction~~

~~As a condition of development permit approval for a new One Family Dwelling with a Secondary Suite, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.~~

## **3.32 In the RS-7 Zone**

### **Conversions**

Council, or the Approving Officer, will not entertain any application to convert a previously occupied building to strata title ownership where:

- (a) the site is less than 668 m<sup>2</sup>;
- (b) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (c) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;

- (d) a unit is approved as a Laneway House as defined in the Zoning and Development By-law;*  
*or*  
*(e) a unit is approved as a Laneway House as defined in the Vancouver Building By-law.*

### **New Construction**

As a condition of development permit approval for:

- (a) a new Two-Family Dwelling on a site less than 668 m<sup>2</sup>; or  
(b) a new One-Family Dwelling with a Secondary Suite;  
*(c) a new One-Family Dwelling with a new Laneway House; or*  
*(d) a new One-Family Dwelling with a Secondary Suite and a new Laneway House*

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

### **3.43 In the RS-4B, RT and RM Zones**

#### **Conversions**

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or  
(b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

An exception may be made for an existing One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling. In these cases, Council, or the Approving Officer, may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. the secondary Suite cannot be defined as a separate strata lot).

All other applications to convert previously occupied buildings to strata title ownership will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.

#### **New Construction**

- (a) One-Family Dwelling with Secondary Suite

As a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

- (b) One-Family Dwelling with Secondary Suite and Additional On-site Development

As a condition of development permit approval for a new One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling, the registered

owner shall execute a covenant which must be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).

### **3.4 In the RS-1B Zone**

#### ***Conversions***

***Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:***

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;***
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;***
- (c) a unit is approved as a Laneway House as defined in the Zoning and Development By-law;***
- or***
- (d) a units is approved as a Laneway House as defined in the Vancouver Building By-law.***

***An exception may be made for an existing One-Family Dwelling with a Secondary Suite, with additional development, other than a Laneway House, such as a new Infill Dwelling. In these cases, Council, or the Approving Officer, may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).***

***All other applications to convert previously occupied buildings to strata title ownership will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.***

#### ***New Construction***

***As a condition of development permit approval for:***

- (a) a new One-Family Dwelling with Secondary Suite;***
- (b) a new One-Family Dwelling with a new Laneway House; or***
- (c) a new One-Family Dwelling with a Secondary Suite and a new Laneway House.***

***the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.***

***(b) One-Family Dwelling with Secondary Suite and Additional On-site Development, Other than a Laneway House***

***As a condition of development permit approval for a new One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling, the registered owner shall execute a covenant which must be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).***