

MOTION

1. **Strata Title and Cooperative Conversion Guidelines**

THAT the amendments to the document entitled “Strata Title and Cooperative Conversion Guidelines”, as considered by Council at the Public Hearing on April 1, 2021, be approved by Council for use by applicants and staff for development applications in the relevant districts.

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Guideline

Strata Title and Cooperative Conversion Guidelines

Approved by Council April 26, 1986

*Last amended **XX**, 2021*

Application and Intent

These guidelines outline various factors which the approving authority will take into consideration in reviewing an application for converting a previously occupied building to strata title or cooperative ownership, and note certain conditions which will be applicable to both types of applications. The guidelines are intended to protect tenants who may not wish, or who are unable, to purchase their proposed strata lot or cooperative unit and to ensure that the building proposed for conversion is in a reasonable state of repair.

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 the following types of strata title conversion applications:

- (a) Previously occupied residential buildings containing less than six dwelling units; and
- (b) All previously occupied commercial, retail, office, industrial, institutional, recreational or mixed use buildings which have never contained residential accommodation.

City Council is the approving authority for applications involving previously occupied residential buildings with six or more dwelling units. Council may also be requested to provide advice to the Approving Officer for any application where the Approving Officer (as delegated approving authority) is of the opinion the interests of residential tenants were not adequately respected in the change of occupancy, or there appears to be an attempt to circumvent these guidelines. Under section 6 of the **Real Estate Development Marketing Act** of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into cooperative units.

Statutory Provisions

With respect to strata title conversion applications, the **Strata Property Act** requires that the approving authority must consider, in making its decision, the following:

- (a) The priority of rental accommodation over privately owned housing in the area;
- (b) Any proposals for the relocation of persons occupying a residential building;
- (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.

Guidelines

1 City Guidelines

- (a) For the approving authority to give favourable consideration to an application for converting a previously occupied building to strata title or cooperative ownership
 - (i) At least two thirds (2/3) of the households occupying the building must have given their written consent to the conversion; and
 - (ii) The interests of all tenants must have been adequately respected in the conversion process.
- (b) The approving authority may refuse an application where in its 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.
- (c) The approving authority may refuse an application involving a building which is non-conforming as to use or regulation pursuant to the provisions of the City's Zoning and Development By-law.
- (d) The approving authority may refuse an application for conversion of a multiple dwelling, multiple conversion dwelling, or infill multiple dwelling consisting of three or more dwelling units, in the C-2, C-2B, C-2C, C-2C1, RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B and RM-5C, RM-6, FM-1, or CD-1 District or Districts Schedules, in which rental replacement is required under the Rental Housing Stock Official Development Plan. For more information, please refer to the following documents:
 - (i) Rental Housing Stock ODP
 - (ii) Administrative Bulletin: Rental Housing Stock ODP
- (e) The approving authority may approve an application, or approve it subject to terms and conditions, or refuse it, or refuse to approve the strata plan until terms and conditions imposed by the approving authority are met. Terms and conditions will ordinarily require that the building substantially comply with applicable City by-laws, and that the owner provide for the needs of disadvantaged tenants residing in the affected building.
- (f) Conditions imposed by the approving authority 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 Subdivision and Strata Title Group.
- (g) The approving authority's decision 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 approving authority's refusal.

2 Application Procedure

- (a) Prior to filing a conversion application, the applicant should contact the Enquiry Centre (604.873.7613) on the Second Floor, East Wing of City Hall, to discuss whether development and building permit applications are first required for change of use, alterations or additions to the building. An applicant must secure any required permits before submitting a conversion application.
- (b) The applicant should submit a conversion application to
Subdivision and Strata Title Group
City of Vancouver
Planning Department
453 West 12th Avenue
Vancouver, B.C.
V5Y 1V4

The applicant shall include the following:

- (i) 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 relocation of persons who may be affected by the proposed conversion;
- (ii) A site plan, drawn to a scale of at least 1/16-inch to one foot (1:200 in metric), including a northpoint and an indication of the scale, and showing:
 - (1) The location and dimensions of the site boundaries and the area of the site;
 - (2) Adjoining street names;
 - (3) The location, size, shape and siting (including setbacks) of all existing and proposed buildings or additions, including accessory buildings; and
 - (4) The location and dimensions of all off-street parking and loading spaces, manoeuvring aisles and access driveways from streets and lanes.
- (iii) Floor plans, drawn to a scale of at least 1/8-inch to one foot (1:100 in metric), including a northpoint and an indication of the scale, and showing:
 - (1) The dimensions of all rooms and halls, and all outside dimensions including balconies and decks; and
 - (2) The areas of the building designated as strata lots, common property and limited common property.
- (iv) A notarized declaration stating:
 - (1) That each person occupying the building has been given written notice of the intent to convert the building into strata lots under the **Strata Property Act** or cooperative units under the **Real Estate Development Marketing Act** together with the date of notice;
 - (2) The number of units occupied on the date of the notice;
 - (3) 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 cooperative units under the **Real Estate Development Marketing Act**; and
 - (4) That each person occupying a unit in the building has been provided with prospective sale prices, example management fees and a copy of the declaration of the building quality outlined in (v);
- (v) A written report from a registered architect, engineer, or any other person, in a form acceptable to the City Building Inspector, that the building is of a reasonable quality for

its age, including reference to the state of repair, general workmanship and measure of compliance with relevant City By-laws.

- (vi) A non-refundable processing fee payable to the City of Vancouver. *(See Fee Note on last page)*
- (c) Upon receipt of a conversion application, the Subdivision and Strata Title Group will send each tenant an information brochure on strata conversions, as well as a copy of these guidelines. Tenants will also be provided with a Tenant Response Form which is to be completed by every household in the building (a household being a person or group of persons occupying a unit). The forms are to be mailed back to the Subdivision and Strata Title Group in the stamped return envelopes provided. In order that the application can be processed, the forms should be returned as quickly as possible.
- (d) The Subdivision and Strata Title Group will forward the application to the City Building Inspector and Engineering Department and request comments based on an assessment of the application. The application will also be sent to the Manager of the Housing Centre for comment if the building previously contained six or more residential units.
- (e) If applicable, the Subdivision and Strata Title Coordinator will prepare a report to City Council, and the City Clerk will forward a copy to the applicant before the application is considered by Council.
- (f) For strata title conversion applications, if the approving authority grants approval in principle to the application, the applicant may then engage a British Columbia Land Surveyor to prepare strata plans in accordance with the provisions of the Strata Property Regulation. The strata plans are to be forwarded to the Subdivision and Strata Title Group for execution by the Approving Office.
- (g) Before the strata plans are signed, the applicant must comply with the conditions imposed by the approving authority. Once signed, the Subdivision and Strata Title Group will retain one set of paper prints for the record, and return all remaining copies to the applicant for deposit with the Registrar at the Land Title Office.
- (h) For cooperative conversion applications, if Council grants approval in principle to the application, the applicant must comply with the conditions imposed by Council before the Approving Officer can grant final approval to the application.

Applications take a minimum of eight to ten weeks to process. For further information regarding these guidelines, please contact the Subdivision and Strata Title Group at 604.873.7721 or 604.871.6627.

Note: The processing fee includes a Strata Application Fee, as required pursuant to Schedule F of the Subdivision By-law, plus all Special Inspection Application fees, required pursuant to the Building, Electrical and Plumbing By-laws. Special Inspection Fees include the 5% GST. See Table below for fee calculation. Please call to determine whether all inspection fees will apply.

Strata Fee	Inspections	Total
\$5,730.00	\$667.80	\$6,397.80