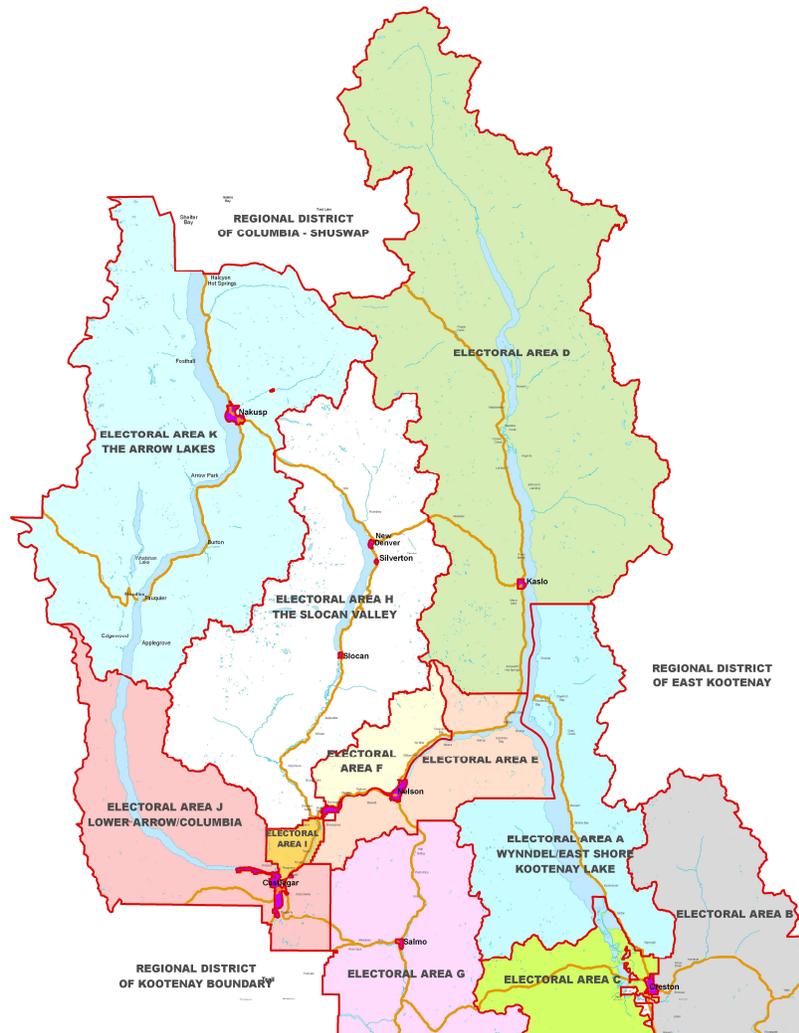




STRATA TITLE CONVERSION GUIDELINES



This brochure summarizes the process involved in considering an application for a Strata Conversion in Electoral Areas A- K of the Regional District of Central Kootenay.

NOTE: This document is provided only to clarify some of the requirements and should not be considered a substitute for applicable policies, bylaws and legislation. If you have any questions contact the RDCK Planning Services at 250-352-8165 or toll free 1-800-268-7325 (B.C.)

Background . . .



From time to time the Regional District of Central Kootenay 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 Regional District of Central Kootenay reviews:

- 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 community

Guideline Goals

The following guidelines have been established in order:

1. To provide direction for those interested in applying for local government approval of strata plans
2. To provide a responsible and reasonable assurance to the 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 conversion

The Requirements

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

1. The Regional District of Central Kootenay 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
 - b. The building complies with the British Columbia Building Code
2. The Regional District of Central Kootenay shall consider:
 - a. The proposal for the relocation of persons occupying a residential building
The applicant must supply the Regional District of Central Kootenay with a written statement indicating that they will comply with the Residential Tenancy Act with regard to the existing tenants in of the building. If the applicant is prepared to go beyond the minimum requirements of this Act, they may wish to identify other measures they are prepared to undertake relating to tenant relocation.
 - b. The life expectancy of the building
 - c. Projected major increases in maintenance cost due to the condition of the building, and
 - d. Any other matters that, in its opinion are relevant

An Approval in Principle is valid for a period of one year from the date of the Board's decision.

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

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 as identified on the application form and is required in order that Regional District staff can conduct their review.
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.** Four units or less is \$100 plus \$25/unit and more than four 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 locations, recreational vehicle storage (if applicable), existing landscaping and any exterior amenity spaces.

Four units or less—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.

More than four units—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 Board 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.

The Process

The formal submission of an application for strata title conversion starts the process. However, the 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.

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

Phase One—Approval in Principle

Review

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

1. Review of the property to ensure substantial compliance with Regional District Bylaws shall be undertaken by Regional District Staff.
2. Review of the Building Report by Regional District Staff that may include the Building Inspector, Planning Staff, Engineering and/or Fire Department Staff.

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

3. 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. Regional District Staff will prepare a Committee Report based upon the review of the above mentioned items.

First Consideration by the Board—Approval in Principle

The Board will first evaluate any application for a strata conversion in principle. The Board 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. Life expectancy of the building(s).
- d. Projected major increases in maintenance costs due to the condition of the building, and
- e. The general suitability of the units for conversion. The Board shall consider the following items:
 - The number and type of units to be converted; a high proportion of bachelor/studio units without suitable communal facilities 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 1.2 spaces per unit.

- Amount of space reserved for secure storage of recreational vehicles is considered relevant in larger projects
- Any revisions or improvements planned for the development.
- Any other matter that the Board considers relevant. The applicant may be required to provide special services or facilities as directed by the Board, depending on the circumstances centered on the individual application.

The Conditions for conversion will be clearly specified for the applicant having regard for matters that the Board 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 of the Board's resolution.

Phase Two—Consideration for Final Approval

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

If the Building Report or Regional District Staff have identified any requirements necessary to bring the subject property into compliance with the BC Building Code or Regional District bylaws, the work shall be undertaken and certified complete. Under limited circumstances the Regional District may consider the acceptance of security for 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 Regional District shall contact the local Medical Health Officer to obtain their review of the general health and sanitation conditions of the building(s) as well as an assessment for adequate water and septic provision.

The applicant shall 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 use entitlement
- Indicate the location of well and septic fields if applicable.
- Indicate the location of all common areas
- If the conversion is to be phased, indicate what the boundaries of the phases are and expected completion dates.

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

Questions?

If you have questions regarding information presented in this brochure, please contact or visit the Regional District of Central Kootenay Planning Services.



Telephone Number: (250) 352-8165 or 1-800-268-7325



Fax Number: (250) 352-9300



Web Site: www.rdck.bc.ca



E-Mail: plandept@rdck.bc.ca (Planning) or rdck@rdck.bc.ca



Address: Planning Services
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
NELSON BC V1L 5R4



Office Hours: 8:30 a.m. to 4:30 p.m., Monday to Friday
Except Statutory Holidays

Offices to Contact:

MINISTRY OF TRANSPORTATION

Web: http://www.th.gov.bc.ca/da/Subdivision_Home.asp

WEST KOOTENAY DISTRICT OFFICE

4th Floor, 310 Ward Street
NELSON BC V1L 5S4
Phone: General Inquiries: 250-354-6400
Development Approvals Inquiries: 250-354-6521
1-800-665-2515
Fax: 250-354-6547

GRAND FORKS AREA OFFICE

Box 850, 7290 2nd Street
GRAND FORKS BC V0H 1H0
Phone: 250-442-4384
1-800-665-2699
Fax: 250-442-4317

ROCKY MOUNTAIN DISTRICT

129 - 10th Avenue South
CRANBROOK BC V1C 2N1
Phone: 250-426-1500 Fax: 250-426-1523
(Yahk, Kingsgate)

INTEGRATED LAND MANAGEMENT BUREAU For Crown Land & Water Resource Enquiries:

1902 Theatre Road
CRANBROOK BC V1C 7G1
Ph: Water - 250-426-1776 Crown: 250-426-1766
Fax: 250-426-1767 1-888-613-9993
Web: <http://ilmbwww.gov.bc.ca/>

INTERIOR HEALTH AUTHORITY

KOOTENAY-BOUNDARY HEALTH

813 - 10th Street
CASTLEGAR BC V1N 2H7
Phone: 250-365-4300 Fax: 250-365-4303
(Krestova, Pass Creek, Brilliant, Ootischenia, Thrums, Playmor, Raspberry, Robson, Deer Park, Blueberry Creek, Glade, Tarrys, Salmo to Nelway, Erie, Meadows, Ross Spur)

2nd Floor - 333 Victoria Street
NELSON BC V1L 4K3
Phone: 250-505-7200 Fax: 250-505-7211
(Halcyon to Edgewood, Lardeau River valley, Duncan Lake to Balfour, Proctor/Harrop, West Arm of Kootenay Lake, Slocan Valley, Rosebery, Hills, and Brouse)

INTERIOR HEALTH - CRESTON HEALTH UNIT

Bag 3000, 312—15th Avenue, North
CRESTON BC V0B 1G0
Phone: 250-428-3873 Fax: 250-428-3880
(Creston Valley, Erickson, Kitchener, Yahk, Kingsgate, Wynndel to Riondel)

GOVERNMENT AGENT - NELSON

310 Ward Street
NELSON BC V1L 5S4
Phone: 250-354-6104 Fax: 250-354-6102

LAND TITLE OFFICE

114 - 455 Columbia Street
KAMLOOPS BC V2C 6K4

 Please note that Title Searches can be obtained through your local Government Agent's Office