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Engineering and Public Works | Land Development

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Strata Conversion

Land Development Section - Strata Conversion Approval Matrix

<u>No. of units</u>	<u>Vacancy rate</u>	<u>Approval level</u> With tenants	<u>Approval level</u> If vacant
< / = 3	N/A	Council With tenant plan	Approving Officer
= 4	N/A	Council With tenant plan	Council
> 4	> 4%	Council With tenant plan	Council
> 4	< 4%	Not accepted by staff, but appealable to Council	Not accepted by staff, but appealable to Council

Approving Officer Authority

Council, on July 24, 2003, **delegated the powers** and performance of the duties of the approving authority under Section 242 of the Strata Property Act (conversion of previously occupied buildings) **to the duly appointed subdivision approving officer, with the following limits:**

- Residential buildings containing no more than 3 units, and industrial and commercial buildings.
- Residential buildings that are vacant or owner-occupied.
- Buildings in good condition, in substantial compliance with the BC Building Code.

Residential Strata Titling Engineering Policies

1. A preliminary approval obtained from City Council or the Approving Officer is valid for a period of one year from the date Council's resolution to approve is adopted.
2. When the rental apartment vacancy rate as provided by Canada Mortgage and Housing Corporation falls below 4% for Metro Victoria, no applications to convert existing residential rental buildings containing more than four rental dwelling units shall be accepted.
3. Any owner/developer denied the privilege to apply to convert existing residential buildings to strata lots for the reason outlined in Paragraph (2) has the right to appeal to City Council and a successful appeal is required before the City Engineer will accept a formal application to convert.
4. The vacancy rate applicable to an application shall be the rate that prevails in the rental statistics provided by C.M.H.C. on the date the preliminary application is received at City Hall.
5. Tenant Plan - Rental Residential Strata Conversions

Any preliminary application to convert a building containing active rental dwelling units shall be accompanied with a Tenant Plan which will set out:

- a. Certification that the owner/developer has notified the tenants of the building of the proposal to convert the building into strata units.
- b. A complete list of the tenants in the building.
- c. The type of choices such as a continued fixed-term tenancy, option to purchase rental unit, etc. offered to the tenants that would allow them to continue to occupy their units after the strata conversion has been completed.
- d. Any monetary assistance to be offered, such as rental-free period, moving expenses, etc.
- e. Formal notification that tenants have been advised of other agencies that may be of assistance, such as Pacifica Housing, the Capital Regional District, etc.

The Tenant Plan shall be submitted to Council for review at the preliminary application stage and the owner/developer shall certify that the Tenant Plan, as adopted by Council, has been carried out prior to final approval. The Tenant Plan shall be signed by all the tenants.



Permits and Inspections Policy

Code Requirements Strata Conversion of Existing Buildings

July 8, 2014

The intent of this bulletin is to provide general information regarding current building code requirements applicable to the conversion of existing buildings, including duplexes, for the purposes of strata ownership. There may be additional requirements on site specific cases.

Code Requirements:

Section 242 (5)(c), of the Strata Property Act, states that the approving authority must not approve the strata plan "unless the building substantially complies with... the British Columbia Building Code referred to in the Building Regulations of British Columbia."

Depending on when the building is constructed, the owner needs to be aware that there could potentially be substantial upgrade requirements for buildings constructed under previous building code standards to satisfy current code requirements.

Some common issues that may impact strata conversion approval with regards current code compliance include, but are not limited to, the following:

- code conforming exiting,
- fire and sound separation between suites,
- seismic and structural design,
- insulation and building envelope design, such as rainscreens,
- plumbing and electrical installations, and
- work that has been done without permits

The owner is advised to conduct a permit search on what was built or installed, and if needed, engage in professional assistance from Architects and/or Professional Engineers on the investigation of existing conditions, and possible upgrades.

Owners are also encouraged to review Section 242 of the Strata Property Act to become familiar with the general requirements for approval of the conversion of existing buildings, and to contact the Subdivision Technologist in the Land Development Section to confirm the approval process in the City of Victoria.

Endorsed by:

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