

The Corporation of the District of Peachland Policy

Strata Title Conversion of Previously Occupied Dwelling Units

Effective Date:	Authorized By:	Replaces:
August 11, 2015	Council – Regular Meeting	New

PURPOSE

The District of Peachland (the District) will consider applications for the conversion of previously occupied duplexes and parcels with two dwellings as permitted under Section 242 of the *Strata Property Act*.

REASON FOR POLICY

Section 242 of the *Strata Property Act* requires that stratification of previously occupied dwellings be approved by a local government or delegated to staff subject to the provisions of this section and other criteria that may be stipulated by the local government. This policy has been developed to ensure that there is a consistent review of strata conversion applications against criteria that meet the requirements of the Planning and Development Services Department as well as community values.

AUTHORITY TO ACT

Section 242 of the *Strata Property Act* provides the authority for this policy to be applied by the District and that the authority to be delegated, by Council resolution, to the Subdivision Approving Officer.

PROCEDURE

- I. The District shall receive applications to allow the Subdivision Approving Officer, as delegated by Council, to consider the strata conversion of dwelling units on parcels with existing duplexes or two dwelling units as permitted under Section 242 of the *Strata Property Act*.
- II. Applications for the consideration of approval of a strata conversion under Section 242 (10) of the *Strata Property Act* shall include confirmation that:
 1. The dwelling units are in conformance with all applicable provisions of the current District of Peachland Zoning Bylaw or that the dwelling units are legal non-conforming with respect to use and siting as set out under Section 911 of the *Local Government Act* to the satisfaction of the District.
 2. The Building Inspector documents to the satisfaction of the Subdivision Approving Officer, that the dwelling units are in conformance with the applicable provisions of the British Columbia Building Code, including, but not limited to:
 - (a) Fire separations;
 - (b) Heating systems;
 - (c) Ventilation;
 - (d) Smoke alarms; and
 - (e) Plumbing systems.

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3. The District Building Inspector estimates to the satisfaction of the District, the life expectancy of the dwelling units and projected increases in maintenance costs for the dwelling units after meeting the applicable provisions of the British Columbia Building Code as set out in Section 2 above.
 4. The dwelling units are lawfully connected to the municipal water and sewer systems to the satisfaction of the District and meeting the District's servicing bylaw.
 5. Any tenant is provided with written notice of the proposed strata conversion at least 30 days prior to its consideration by the Subdivision Approving Officer, which notice must be received at least 60 days prior to any final written approval of the strata conversion that may be granted.
 6. Written confirmation is provided by the applicant that alternative accommodation for any tenant has been obtained, if found necessary by the District.
 7. The priority and needs of providing rental accommodation over owned accommodation within the community is considered.
- III. In considering applications of a strata conversion, the Subdivision Approving Officer may consider any other matter as permitted under Section 242 of the *Strata Property Act*.
- IV. Applications for strata conversions shall be accompanied by an application form and fee as set out under the current development procedures and fees bylaw.
- V. Municipal Council is the approving authority for Multiple Unit Housing consisting of three or more units, commercial, industrial and institutional buildings pursuant as regulated in section 242 of the *Strata Property Act*.