



Policy No. 8.6  
Adopted by Council: October 25, 2010

## ***Residential Strata Title Conversion Policy, 2010***

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### **Policy Statement:**

The District of Sooke Strata Title Conversion Policy is designed to outline the various factors the Approving Authority will consider in reviewing an application for the conversion of a previously occupied residential building to strata title ownership. The policy is intended to provide guidance to the owner/developer and protect existing rental stock.

In order to protect the availability of existing rental stock, this Policy applies only to the strata title conversion of single family dwellings or two family dwellings. Townhouse and apartment strata title conversion applications will not be accepted.

Council is currently the Approving Authority for all strata title conversion applications. The *Strata Property Act* requires the Approving Authority to consider the following items when making a decision on a strata title conversion application:

- (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.

The *Strata Property Regulation* defines "previously occupied" as occupied at any time in its past for any purpose including residential, commercial, institutional, recreational or industrial use. It does not include occupation of a proposed strata lot by the owner or developer solely as a display lot for the sale of strata lots in the proposed strata plan.

### **I. Application Requirements**

1. The application will be reviewed as a subdivision application;
2. The application must be accompanied by:
  - a. the strata title conversion application fee;
  - b. A site sketch of the subject property showing:
    - i. the dimensions of the property;
    - ii. the proposed strata lots, common property and limited common property;
    - iii. the distance from all property lines to the location of all buildings;

- iv. the location of all statutory rights-of-way, easements, and covenant areas;
  - v. the location of all watercourses and wetlands, lakes and/or the sea on or adjacent to the land;
  - vi. the location of all existing drainage courses/infrastructure both off-site and on-site.
  - vii. the distance and elevation of all existing and proposed buildings from any watercourses, wetlands, lakes and/or the sea;
  - viii. the location of water connection or well;
  - ix. the location of septic tank and field or sewer connection;
  - x. the location of all public road rights-of-way adjacent to the site;
  - xi. the location and dimensions of parking and driveways.
3. A B.C. Building Code Compliance Report prepared by an architect or other qualified professional. The compliance report shall define all deficiencies relating to the current BC Building Code and measures proposed to upgrade the building, or portions thereof, in order to satisfy the building department that the building will meet current levels of fire and health safety, as well as a minimum 10 year construction life expectancy.
4. Septic System - a current (dated not more than 12 months prior to the date of application) compliance letter and septic report addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (if outside the Sewer Specified Area). A letter of support from VIHA will be requested by the District.
5. Servicing Requirements: any proposed development may need to address the following:
  - a. ground water;
  - b. on-site and off-site drainage;
  - c. flood proofing.
6. An Environmental Assessment may be required where the proposed development contains or is in close proximity to environmental hazards, environmentally sensitive habitats, groundwater recharge areas, and/or other areas of environmental significance.

## **II. Compliance with District Bylaws**

1. Applications for strata conversion of previously occupied buildings will be expected to comply with all legislative requirements.
2. Applications will be reviewed by the District Engineering, Planning, Building, and Fire Departments as well as any agencies having interest in the application.
3. Any upgrades required to comply with legislative requirements must be completed prior to the Approving Authority signing the final strata plan and any other necessary forms for approval.

### **III. Compliance with Servicing Standards and Requirements**

1. For any strata title conversion application, services on highways abutting the lands subject to such conversion application shall be upgraded to comply with the provisions of the Bylaw No. 65, *Subdivision and Development Standards Bylaw*, and all amendments. Any required upgrading shall be completed prior to final strata plan approval.
2. The provision of any road dedication required shall be completed prior to approval of the strata plan.
3. In the case of an application involving a common road system to provide vehicular and utility access to individual lots or buildings, the Approving Authority may require upgrading of certain elements of the road or utility works to standards equivalent to those in Bylaw No. 65 for safety, fire hazard or sanitation reasons. Any such upgrades shall be completed prior to strata plan approval.

### **IV. Approval by Approving Authority**

1. The Approving Authority will first evaluate any application for a strata conversion in principle. The Approving Authority will consider those matters noted in Section 242 of the *Strata Property Act* and in this policy.

The conditions for conversion will be clearly specified for the applicant having regard for matters the Approving Authority 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 Approving Authority's resolution or written approval.

2. The applicant shall provide written acceptance of the conditions which the Approving Authority has placed on their Approval In Principle.
3. The applicant, at his own expense, will submit a strata plan for final approval which shall meet all legislative requirements.



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## STRATA TITLE CONVERSION APPLICATION FORM

### DESCRIPTION OF PROPERTY

Civic Address: _____
Legal Description: Lot ___ Block ___ Section ___ Plan _____ Except _____
Property Size: _____
Existing Use: _____ Proposed Use (# of new lots) _____

### APPLICANT'S CONTACT INFORMATION - Please print clearly

<input type="checkbox"/> Check if APPLICANT is the sole OWNER, if not, complete <i>Owner's Authorization Form</i>			
Name			
Mailing Address	City	Province	Postal Code
Email	Tel	Cell	Fax

**WASTE MANAGEMENT ACT:** I, the applicant and/or owner, represent and warrant to the District of Sooke, knowing that the District of Sooke relies on this representation and warranty, that the property covered by this application has never, to the best of my knowledge having made due and diligent inquiry, been used for any purpose such that a site profile is required to be submitted under the British Columbia *Waste Management Act* and that the property is not contaminated or polluted in any way that would make it unlawful, unsafe or unsuited for the purpose for which it is to be used, including within the meaning of the British Columbia *Waste Management Act*.

I have read and agree to the above paragraph \_\_\_\_\_ (initial)

**WAIVER AND INDEMNITY:** I, the applicant and/or owner, assume all risks incidental to this application and agree to release, save harmless and indemnify the District of Sooke and its officials, agents, servants and representatives, from and against all claims, actions, costs, expenses and demands with respect to the death, injury, loss or damage to persons or property arising out of or in connection with this application. I agree to conform to all applicable bylaws. I understand that no warranty is implied for the approval of this application and that this waiver and indemnity is binding on me, my heirs, executors and assigns.

I have read and agree to the above paragraph \_\_\_\_\_ (initial)

## PROPERTY DETAILS

Current Zoning: \_\_\_\_\_ Current OCP Designation: \_\_\_\_\_

Adjacent Land Uses: N \_\_\_\_\_ S \_\_\_\_\_ E \_\_\_\_\_ W \_\_\_\_\_

Within 30m of watercourse (stream, lake, wetland, etc.) or top of ravine bank? \_\_\_\_\_

Within 15m of the high water mark of Sooke Harbour or Basin? \_\_\_\_\_

Proposed Road Access: \_\_\_\_\_

Proposed Water Supply Method: \_\_\_\_\_

Proposed Sewage Disposal Method: \_\_\_\_\_

Proposed Storm Drainage Method: \_\_\_\_\_

Approximate Commencement Date of Proposed Project: \_\_\_\_\_

## FEES

<b>Strata Title Conversion</b>	<b>\$700</b>
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## APPLICATION CHECKLIST

### LIST OF REQUIRED ITEMS

**1. Title Search**

- Provision of current (within 30 days) Certificate of Title as well as copies of all non-financial charges.

## 2. Copies of Proposed Layout

An application for strata title conversion shall be accompanied by three (3) paper and one PDF copy of a sketch plan, drawn to a scale of 1:500, showing the following information as applicable:

- Legal description of the property;
- The dimensions of the property;
- The proposed strata lots, common property and limited common property;
- The distance from all property lines to the location of all buildings;
- The location, dimensions and plan numbers of any registered rights-of-way, easements and covenant areas existing on or adjacent to the lands under application;
- The location and names of any bodies of water;
- The location and names of any water courses within or adjacent to the lands;
- The location of all existing drainage courses/infrastructure both off-site and on-site;
- The distance and elevation of all existing and proposed buildings from any watercourses, wetlands, lakes and/or the sea
- The location and dimensions of any highway, public access, road, lane, walkway, trail or park reasonably adjacent to the parcels included in the application;
- Existing street and road names;
- The location of water connection or well;
- The location of septic tank and field or District of Sooke sewer connection;
- The location and dimensions of all parking and driveways.

## 3. Additional Requirements:

1. A B.C. Building Code Compliance Report prepared by an architect or other qualified professional. The compliance report shall define all deficiencies relating to the current BC Building Code and measures proposed to upgrade the building, or portions thereof, in order to satisfy the building department that the building will meet current levels of fire and health safety, as well as a minimum 10 year construction life expectancy.
2. For properties serviced by, or proposed to be serviced by an on-site septic system, a current (dated not more than 12 months prior to the date of application) compliance letter and septic report addressing the state of the septic system from a Registered Onsite Wastewater Practitioner. The District will request a letter of approval from the Vancouver Island Health Authority.

## OTHER ITEMS THAT MAY BE REQUIRED THROUGH THE STRATA CONVERSION PROCESS

Please note that you may be required to provide additional information as identified through the review of your application:

- Drainage study;
- Geotechnical report;
- Environmental impact assessment report;
- Riparian Area Assessment report.

## SIGNATURE FOR STRATA TITLE CONVERSION APPLICATION

I/WE hereby declare that all of the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge, true and correct in all respects.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT'S SIGNATURE

**THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REGISTERED OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REGISTERED OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REGISTERED OWNER

*Where the applicant is not the REGISTERED OWNER, the application must be signed by the REGISTERED OWNER.  
Please note that ALL registered owners must sign the application form.*

## Owner's Authorization Form

All property owners registered on the Certificate of Title must provide written approval to allow the APPLICANT to act on their behalf.

\_\_\_\_\_, is hereby authorized to act as my agent for the purpose of \_\_\_\_\_, located at:

Street Address: \_\_\_\_\_

Legal Description: Lot \_\_\_ Block \_\_\_ Section \_\_\_ Plan \_\_\_\_\_ Except

\_\_\_\_\_

### REGISTERED OWNER 1

Name of Registered Owner: \_\_\_\_\_

Signature of Registered Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

### REGISTERED OWNER 2

Name of Registered Owner: \_\_\_\_\_

Signature of Registered Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

### REGISTERED OWNER 3

Name of Registered Owner: \_\_\_\_\_

Signature of Registered Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_