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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 16, 2019

SUBJECT New Juan de Fuca Building Conversion to Strata Application Policy

ISSUE

To introduce a new building conversion to strata application policy that will supplement the Juan de Fuca Development Fees and Procedures Bylaw by outlining required application information and the review process for requests to convert previously occupied buildings to a strata in accordance with the *Strata Property Act*.

BACKGROUND

Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw, was adopted in January 2019. At that time, policies outlining the application process for provincial cannabis retail and liquor licence referrals, as well as for radio communication antenna systems were also approved. Staff advised that additional policies for other application types would follow later in 2019.

The conversion of previously occupied buildings to strata is authorized under Section 242 of the *Strata Property Act*. The *Act* specifies those things that the approving authority, in this case the CRD Board, must consider in making its decision, and allows that the approving authority may also consider other matters it believes to be relevant. The *Act* does not specify the step-wise process by which applications are evaluated and approved.

The conversion of previously occupied buildings to a strata is among the types of applications regulated by Bylaw No. 3885. The bylaw includes application fees and the general application requirements for all applications. Information required for each type of application and the process by which they are evaluated and approved will be included in the specific application policies.

Staff have drafted the Juan de Fuca Building Conversion to Strata Application Policy (Appendix 1) to outline the information that will be required of applicants, and to provide a process by which applications are evaluated and approved.

ALTERNATIVES

Alternative 1:

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District (CRD) Board that the Juan de Fuca Building Conversion to Strata Application Policy be approved.

Alternative 2:

That the proposed policy not be approved.

Alternative 3:

That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Section 242 of the *Strata Property Act* specifies that if a person applying to deposit a strata plan wishes to include a previously occupied building in the strata plan, the person must submit the proposed plan to the approving authority. Where land is located outside a municipality, the approving authority is the regional board.

PUBLIC CONSULTATION

This policy is supplementary to an administrative bylaw and deals with the review of applications pursuant to the *Strata Property Act*. There is no requirement for direct public consultation; however, notice of the Land Use Committee meeting and agenda at which this item will be discussed will be posted on the CRD website and in the Sooke News Mirror prior to consideration of this item by the committee.

FINANCIAL IMPLICATIONS

Bylaw No. 3885 includes development application fees to offset the costs associated with development application review. Building Conversion to Strata applications are included in the fee schedule.

LAND USE IMPLICATIONS

There are two processes by which buildings may be registered as a strata. Newly constructed buildings may be registered directly with the Land Title and Survey Authority office, without the involvement of local government. Previously occupied buildings, on the other hand, must be approved for conversion to strata by the local approving authority prior to registration. In the unincorporated areas of a regional district, the regional board, or designate, is the approving authority.

In the Juan de Fuca Electoral Area, the Juan de Fuca Community Planning Division of the CRD receives requests for the conversion of previously occupied buildings to a strata. Historically, these requests have been reviewed by staff, considered by the Electoral Areas Committee and then forwarded to the CRD Board for approval. Any conditions that formed part of the Board's approval were to be met before the General Manager of Planning and Protective Services endorsed the proposed strata plan.

The *Strata Property Act* requires that the building that is the subject of the application substantially complies with applicable local government bylaws, and that the approving authority consider the following matters in making its decision to approve a strata conversion:

- The priority of rental accommodation over privately owned housing in the area;
- Any proposals for the relocation of persons occupying a residential building;
- The life expectancy of the building;
- Projected major increases in maintenance costs due to the condition of the building; and
- Any other matters that, in the opinion of the approving authority, are relevant.

Applicable bylaw requirements and other matters that should be considered include compliance with zoning regulations and building code requirements, and confirmation that the lots are adequately serviced. Relevant zoning regulations include those that specify maximum density, such as the number of dwellings, and siting, such as setbacks. Where land will be disturbed or where a new building is proposed as part of the conversion, a development permit may also be required as a condition of final approval.

Staff have drafted the Juan de Fuca Building Conversion to Strata Application Policy to supplement the JdF Development Fees and Procedures Bylaw. The policy outlines the information applicants must provide in order to demonstrate how the proposal meets the above criteria, as well as the process by which applications will be evaluated. The policy has largely been drafted to reflect current review procedures; however, it now directs staff to forward applications to the Juan de Fuca Land Use Committee, rather than to the Electoral Areas Committee, since these applications have no impact or bearing on the Salt Spring Island and Southern Gulf Islands Electoral Areas.

CONCLUSION

Staff have drafted Juan de Fuca Building Conversion to Strata Application Policy (Appendix 1) to provide direction to applicants and staff regarding the approval process for the conversion of previously occupied buildings to a strata form of tenure. Staff recommend that the Juan de Fuca Building Conversion to Strata Application Policy be approved.

RECOMMENDATIONS

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District (CRD) Board that the Juan de Fuca Building Conversion to Strata Application Policy be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

IL:wm

Attachments:

Appendix 1: Juan de Fuca Building Conversion to Strata Application Policy