



HANDOUT: STRATA TITLE CONVERSION S.242 OF THE STRATA PROPERTY ACT (SPA)

Under Part 14 of the Strata Property Act (SPA), a previously occupied building may be converted into Strata Lots. This is often done with duplex properties and apartment buildings and can also be used for commercial and industrial buildings.

Under s. 242(3) SPA such a conversion requires the approval of an Approving Authority. The Approving Authority for such an application is the District of Central Saanich Council. Where less than three (3) units are in consideration then the Approving Authority is the Approving Officer.

The Approving Authority, when considering an application made under s.242 (6) SPA, must consider:

- The priority of rental accommodation over privately owned housing in the area.
- The proposals of the owner-developer for the relocation of residential occupants.
- The life expectancy of the building.
- Projected major increases in maintenance costs due to the condition of the building.
- Other matters it considers relevant.

A conversion cannot be approved unless the building *substantially complies* with all applicable District of Central Saanich bylaws and the B.C. Building Code. Applicable District bylaws would include the Land Use Bylaw. Any applicant owner-developer wishing to obtain Approving Authority approval under s. 242(3) SPA must submit an application to the District of Central Saanich Approving Officer and pay the fee imposed in the District's Fees and Charges Bylaw. The application should address the applicable mandatory approval criteria set out above (two of them are not applicable to non-residential buildings), as well as Building Code compliance.

Required information to be included with an application for a strata title conversion application:

- A BC Land Surveyor is to survey the location of the building and provide a plan to the District which shows the building and that building's set-back relative to any existing property boundaries and property boundaries created by phase strata boundaries (which are to be treated equally to property boundaries). This will be reviewed with the District's Land Use Bylaw (BL #2072).
- A Civil Engineer (and/or Architect) shall demonstrate servicing and parking. This will be reviewed with the District's Land Use Bylaw (BL #2072);
 - Servicing shall be through the Strata Plan service intent and is to be shown on a submission from your Civil Engineering consultant for the District's review and approval.
 - The lands are to be serviced with sanitary, drain, water and Hydro power.
- An Architect/Engineer/or Building Code Consultant shall provide the "Building Code Report" containing the minimum criteria to evaluate the legislative requirement for "substantial compliance". The architect shall confirm that the existing buildings will meet the regulations of the District Land Use Bylaw (BL #2072).

The following Explanatory Summary and Suggested Content of Report are offered to provide assistance to applicants in preparing a report on Building Code compliance for the Approving Authority.

EXPLANATORY SUMMARY (Substantial Compliance with the Building Code):

Full compliance with the current BCBC will be difficult (and may be impossible) in cases of older buildings. The legislative requirement for “substantial compliance” helps to ensure that real estate products meet a basic quality standard.

Strata titling of a building creates an entirely new scenario in regards to operation and maintenance of the building with the creation of a corporate entity (the strata corporation) with the responsibility for maintaining key elements of the building, and all that entails in relation to decision making and cost sharing, in place of a single management entity be it an individual or a corporate building owner. A strata corporation is created regardless of the size of the building subdivided under the Strata Property Act.

Allowing strata conversions of buildings that fall too far short of the current BCBC safety standards would not be best practice as building upgrades will likely be more difficult to achieve via the strata council than if the building remained a rental property with a single owner.

An applicant for strata conversion under s. 242 SPA must provide with their application a report by a qualified person (architect, engineer, or building code consultant) that addresses the question of compliance of the building with the BCBC, the life expectancy of the building, and any projected major increases in building maintenance costs that are attributable to the condition of the building. The report will be reviewed by the District’s Chief Building Inspector and referenced in the staff report to District of Central Saanich Council regarding the application for strata conversion.

SUGGESTED CONTENT OF BUILDING CODE REPORT:

The Professional is to, at a minimum:

1. Indicate the age of the building and estimate the life expectancy of the building, as it exists, and with any recommended upgrades (if significantly affecting building life expectancy).
2. Acknowledge in their report that the Approving Authority will be relying on the report in determining whether to approve a strata conversion of the building under S.242.
3. Inspect the building and identify in their report to the owner and the District any significant discrepancies between the building as originally constructed (or subsequently altered) and the current BCBC standards. This comparison may be in the form of a table and must identify any and all key health and safety aspects of construction that vary from the current BCBC. Further, the professional shall make recommendations as to any upgrades that in their professional opinion ought to be undertaken to ensure that the building will provide reasonably safe accommodation for the balance of its life expectancy, assuming conversion to strata lots.

The registered professional must indicate and substantiate how the building "substantially complies" in the following areas as listed and any other areas which they feel are important:

- Footing and foundation systems;
- Drainage and roof water collection;
- Slab, floor, wall and roof assemblies (integrity and performance of existing building envelope to be confirmed)
- Seismic and structural design
- Mechanical ventilation and heating systems
- Building servicing (water, sewer or septic, storm drains)
- Fire and sound separations between units, to underside of roof sheathing
- Type and components of any penetration of fire separations
- Smoke and CO alarm systems
- Conforming exiting and bedroom window egress
- Safety features of the building including stairs, guards, and handrails.

Professionals are referred to the Appendix of the current BCBC on the "Application of the Code to Existing Buildings", which provides guidance about the use of cost-benefit approach to evaluating particular upgrades in view of the increment in life safety that they produce.

NOTE:

- **THIS IS NOT INTENDED TO BE A COMPREHENSIVE LIST, BUT RATHER A MINIMUM OF THE MAJOR ELEMENTS OF THE BUILDING, WHICH REQUIRE SUBSTANTIAL COMPLIANCE WITH THE CURRENT BRITISH COLUMBIA BUILDING CODE.**
- **THE DISTRICT OF CENTRAL SAANICH RESERVES THE RIGHT TO CHANGE THE 11 GUIDELINES LISTED ABOVE AT ANY TIME.**