

Request for Decision



To: Regular Meeting
From: **Development & Planning**
Date: May 8, 2023
Subject: Strata Plan for 2680 75th Avenue
Recommendation: **THAT Council approve Strata Plan EPS6565 for strata conversion of 2680 75th Avenue, for land legally described as Lot 2 District Lot 520 Similkameen Division Yale District Plan EPP99198;**

AND THAT as per Policy 1502 Strata Title Conversion Policy, Council delegate the authority to sign the “Endorsement by Approving Authority” and the final signing approval of the strata plans to the Approving Officer provided the applicant meets the required terms and conditions as detailed in this report, within one year of approval.

Purpose

For Council to consider approving a strata conversion to facilitate individual sale of units of a duplex located at 2680 75th Avenue.

Background

The subject of this application is a duplex unit that was moved from Alberta in 2020. The unit was placed onto a new basement foundation and the interior and exterior were renovated. The units were partially completed by the developer and then sold. Although the units have not been occupied to date at the current site, the surveyor determined that because they had been previously occupied, the duplex is subject to strata conversion legislation.

Under section 242 of the Strata Property Act, a previously occupied building may be converted into strata lots. This is most often done with residential apartment buildings, but the procedure can also be used for commercial and industrial buildings. The approving authority for such applications is the local government, which may pass a resolution delegating this authority to the approving officer or another local government official in relation to any specific type of previously occupied building.

Below is a list of the factors the approving authority must consider when deciding whether to approve the conversion, including staff comments in *italics*:

1. The priority of rental accommodation over privately-owned housing in the area.
 - *Although a detailed study has not been completed to determine housing needs regarding rental vs. ownership within the City, anecdotal evidence suggests that there is a shortage of both types of housing in the community.*
2. The proposals of the owner-developer for the relocation of residential occupants.
 - *This is not applicable as these units have not been occupied since they were moved to the City and renovated on the current site.*

3. The life expectancy of the building.
 - *The building inspection department has inspected the building and has no concerns.*
4. Projected major increases in maintenance costs due to the condition of the building.
 - *The building inspection department has inspected the building and has no concerns.*
5. Other matters considered relevant.
 - *None identified.*

Policy 1502 Strata Title Conversion Policy requires the following terms and conditions be fulfilled by the applicant within one year of approval:

- A) A report from a structural engineer, registered in the Province of B.C. stating that the building is of a reasonable quality for its age, including reference to the state of repair, general workmanship and measure of compliance with relevant bylaws; and
- B) That the building meets all the current building code requirements for strata conversion.

Sections of the Strata Property Act and Policy 1502 are meant to ensure the property has been managed and maintained appropriately and the owner(s) wishing to strata and sell units are not downloading those costs to future owners.

This building was moved onto a new foundation and completely renovated and updated on the current site as per the City's Building Bylaw. Staff recommend that Council limit the above terms and conditions to "B", the requirement that the building meets all current building code requirements for strata conversion and waive the requirement for a "A", report from a structural engineer, as it is essentially a new building which will meet the code and bylaw requirements for occupancy.

Below are pictures of the front of the building facing 75th Avenue and the back of the building facing the alley:





Point of Decision

Council's point of decision is whether to approve the strata conversion of 2680 75th Avenue to allow for the individual ownership of the duplex units. Council must also decide whether to waive the requirement of Policy 1502 regarding a report from a structural engineer, as per Staff's recommendation.

Tentative Timeline

Activity	Date
Formal application and payment received	April 19, 2023
RFD to Council for decision	May 8, 2023
Implementation	May 2023

Benefits or Impacts

General

Strata conversion will allow for two compact, single-family residential units to be available for home ownership.

Finances

There are no financial implications expected for the City.

Strategic Impact

N/A

Risk Assessment

Compliance: Strata Property Act

Risk Impact: Low.

Internal Control Process: Policy 1502 Strata Title Conversion Policy

Next Steps / Communication

If Council approves the strata conversion, staff will confirm that the applicant meets the required terms and conditions as per Policy 1502 and the documents will be signed by the Approving Authority as delegated by Council and returned to the applicant for filing with the relevant agencies.

Attachments

1. Property maps package
 2. Strata plan survey
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Recommendation

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Options

1. Council could choose to not support the recommendation.

Report Approval Details

Document Title:	230508 ST2301 RFD Strata Conversion of 2680 75th Avenue.docx
Attachments:	- 1. Property Maps.pdf - 2. Strata plan survey.pdf
Final Approval Date:	May 2, 2023

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Daniel Drexler was completed by assistant Kevin McKinnon

Daniel Drexler

No Signature - Task assigned to Duncan Redfearn was completed by assistant Daniel Drexler

Duncan Redfearn