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**REPORT TO ELECTORAL AREA SERVICES COMMITTEE**  
**MEETING OF WEDNESDAY, FEBRUARY 06, 2008**

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**SUBJECT**      **STRATA CONVERSION APPLICATION (ST-02-07) FOR LOT A, SECTION 10, OTTER DISTRICT, PLAN VIP52113 (2147 Otter Ridge Drive)**

**PURPOSE/ISSUE**

This application is being processed under the building conversion provisions of Section 242 (1) of the *Strata Title Act*. Capital Regional District (CRD) Board is the approving authority for building conversions. This section requires that the CRD consider whether the building complies with relevant and applicable bylaws and that the age of the buildings makes the conversion reasonable and any other matters considered to be of relevance by the CRD.

**HISTORY/BACKGROUND**

The 0.38ha (0.94 acre) property is located at 2147 Otter Ridge Drive and is zoned Rural Residential 2 (RR2) which permits the construction of a duplex. The applicant has applied to do a building strata conversion to allow for an existing duplex to become a strata duplex (Attachments 1 and 2). In order for this to occur, the *Strata Property Act* (Section 242) states that the building must substantially comply with the applicable bylaws of the CRD and with the British Columbia Building Code referred to in the Building Regulations of British Columbia.

The property has been used as two separate dwelling units. Proposed common property facilities include septic and driveway area and is serviced by a community water utility (Kemp Lake Water District). The dwelling unit meets required setbacks for RR2 zoning. The applicant will be removing an accessory building that is within the required side-yard setback of 1m (Attachment 1). An updated survey has been supplied showing the building removed for the purposes of this application ([Attachment 3](#)). A second accessory building will remain on the property as its location conforms to the bylaw.

On January 10, 2008, staff received a certified engineered report from Proctor Engineering Ltd. stating that the duplex substantially complies with the BC Building Code (Attachment 4). The report explains that the building was originally designed and constructed as two legally separate suites for residential occupancy; however, the duplex building configuration was not acknowledged by the Municipal Authority at the time of permit. The report confirms that appropriate fire separation between suites is in substantial compliance with the Building Code with respect to converting the existing co-joining units into a strata duplex.

**ALTERNATIVES**

1. To approve the building strata conversion for Lot A, Section 10, Otter District, Plan 52113.
2. To tentatively approve the building strata conversion provided that conditions as deemed appropriate by the Board are met.
3. To refuse the building strata conversion application.

**SUMMARY/CONCLUSIONS**

The proposed conversion is filed as a building conversion strata application in order to permit the side by side duplex residence on the property to be converted to recognize each side as separate title. Staff has reviewed the application and concludes that the applicable conditions have been met and that approval can be granted.

**RECOMMENDATION(S)**

That the Capital Regional District Board provide approval to Strata Conversion application ST-02-07 for Lot A, Section 10, Otter District, Plan VIP52113.



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Kris Nichols, MCIP  
Manager, Local Area Planning

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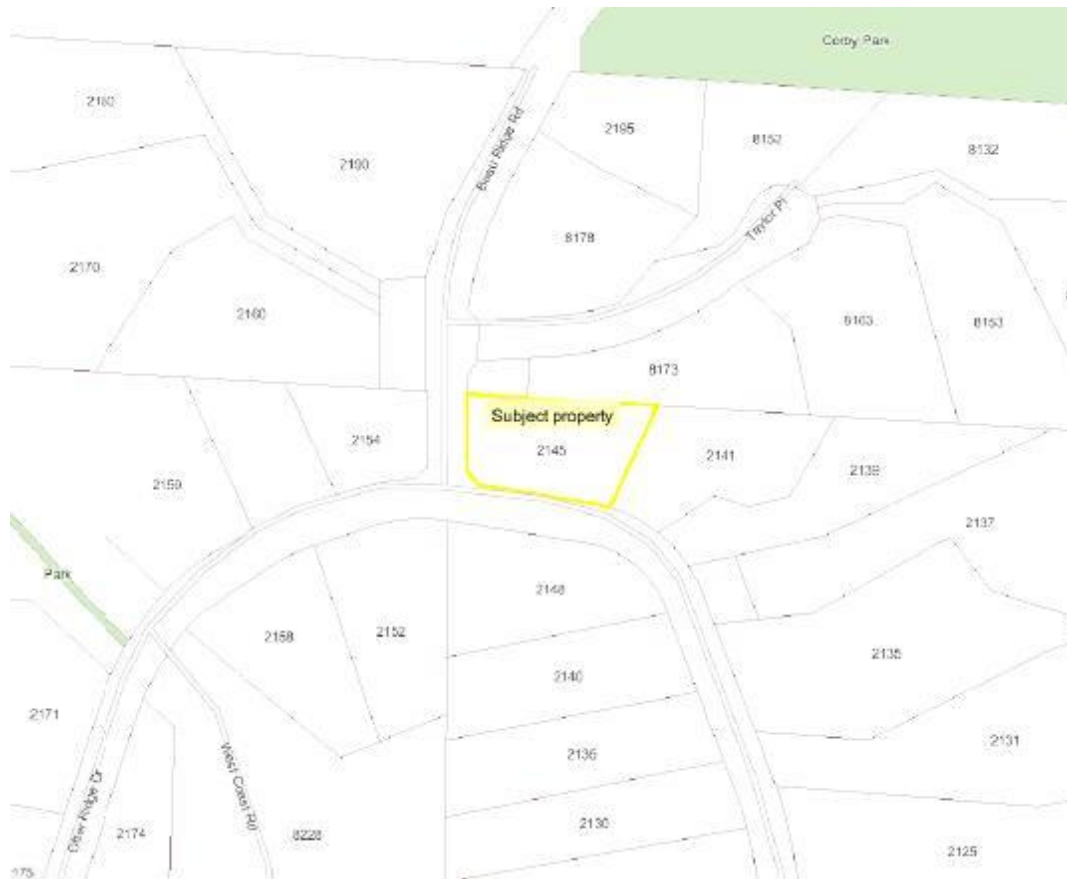
Robert Lapham, MCIP, General Manager  
Planning and Protective Services

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Kelly Daniels  
CAO Concurrence

Attachments: 4

1. Site Plan
2. Proposed Strata Plan
3. [Revised Site Plan](#)
- 3.4. [Engineer's Report](#)



**STRATA PLAN OF LOT A, SECTION**

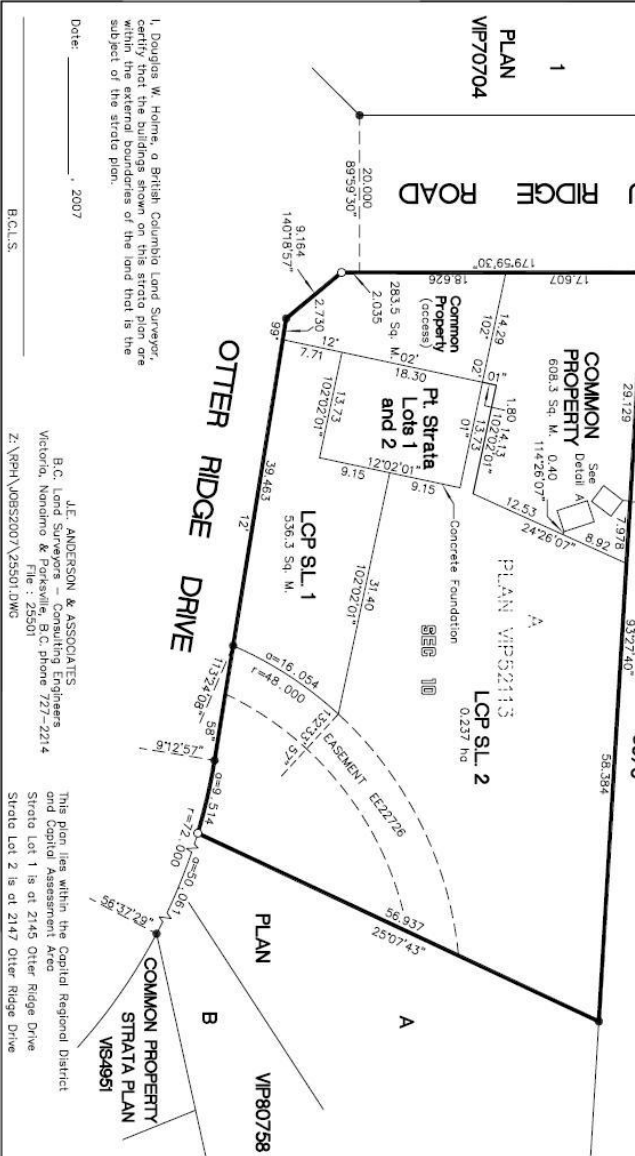
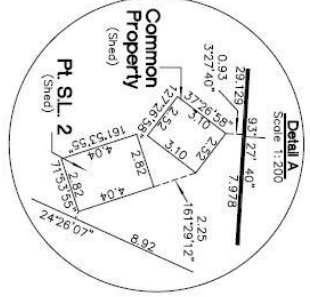
B.C.S. 928 044

Scale 1:500



Accessory building to be removed

**ER DISTRICT, PLAN VIP52113**



Sheet 1 of 3 Sheets  
**STRATA PLAN VIS**

Deposited in the Land Title Office at Victoria, B.C., this

day of \_\_\_\_\_, 2007.

Registrar

Legend

- All distances shown are in metres
- Standard Iron Post set
- Standard Iron Post found
- Bearings are astronomic, derived from Plan V52113
- Sq. M. denotes square metres
- S.L. denotes Strata Lot
- LCP denotes limited Common Property for the exclusive use of the designated Strata Lot
- Pt. denotes Part

Objects shown are to the exterior face of the concrete foundation unless otherwise noted, all building corners defined by multiples of 90° from the given reference bearing

I, Douglas W. Holme, a British Columbia Land Surveyor, of Victoria, in British Columbia, certify that I was present at and personally supervised the survey as represented by this plan and that the survey and plan are correct. The field survey was completed on the

\_\_\_\_\_ day of \_\_\_\_\_, 2007.  
The plan was completed and checked, and the checklist filed under # \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Date: \_\_\_\_\_, 2007  
B.C.L.S.

J.E. ANDERSON & ASSOCIATES  
B.C. Land Surveyors - Consulting Engineers  
Victoria, Nanaimo & Parksville, B.C. phone 727-2214  
File #: 25501  
2: \RPH\J0852007\25501.DWG

This plan lies within the Capital Regional District and Capital Assessors Area  
Strata Lot 1 is at 2145 Otter Ridge Drive  
Strata Lot 2 is at 2147 Otter Ridge Drive  
B.C.L.S.

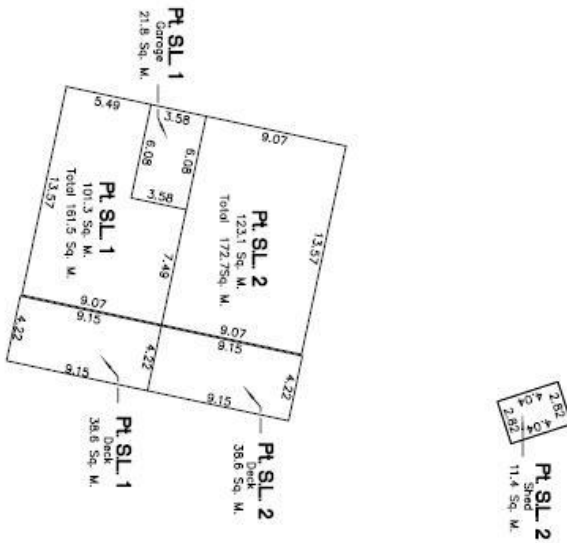
PART OF STRATA LOTS 1 AND 2 GROUND FLOOR LEVEL



Sheet 3 of 3 Sheets  
STRATA PLAN VIS

Legend

- Sq. M. denotes square metres
  - All distances shown are in metres
  - S.L. denotes Strata Lot
  - P.L. denotes Part
- All dimensions and areas are measured to the centreline of walls, except for the shed and decks, which are measured to the exterior of walls.
- The height of the strata unit is defined by the centreline of the floor above, or in the case of strata units with height is defined by the centreline of the roof.
- Decks are defined as to height by the centreline of the floor above, or where there is no floor above, by the average height of the strata lot within



J.E. ANDERSON & ASSOCIATES  
B.C. Land Surveyors - Consulting Engineers  
Victoria, Northern & File : 25501  
Z:\YFH\JOB82007\25501.DWG

\_\_\_\_\_, 2007 Douglas W. Holme, B.C.L.S.

cc: PLANNING ✓

**Proctor Engineering Ltd.**

932 Aral Road, Victoria, B. C. V9A 6S1  
250.595.5318 e-mail: [proctoreng@shaw.ca](mailto:proctoreng@shaw.ca) fax: 250.595.5317

2147/2145  
OTTER RIDGE

Our File: 3701

Jan. 9, 2008

**LETTER OF ASSURANCE**

Capital Regional District  
Building Inspections  
6868 West Coast Road  
Sooke, B. C. V9Z 0S9

ST-02-07

RECEIVED  
JAN -10 2008  
E.A. LAND USE PLANNING

Attention: Roger Allen, Chief Building Inspector

Re: 2145-2147 Otter Ridge Rd.  
Duplex Conversion to Strata Duplex  
Due Diligence Inspection

Dear Mr. Allen:

This is to confirm inspection January 5, 2008 of the above existing duplex to determine compliance with the requirements of the B.C. Building Code with respect to converting the existing co-joined addresses into a strata lot duplex.

Construction History

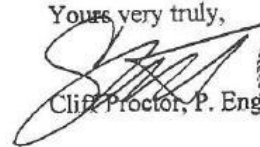

Review of the building design and construction documentation together with an anecdotal history from the present owner determines that the building was originally designed and constructed as two legally separate suites for residential occupancy. Apparently, after the building was complete in compliance with the building permit the duplex nature of the project was not acknowledged by the Municipal Authority which has not subsequently changed, requiring confirmation of the building configuration.

The building consists of a conventional wood frame bungalow with strip footings and concrete slab on fill with conventional engineered truss roof, shingle membrane and vinyl siding. Fire separation between suites is provided by a strata wall with 5/8" GWB and sound insulation in substantial compliance with the requirements of the B.C. Building Code. Fire separation extends to the underside of the roof assembly with GWB on both faces of the separating truss assembly. Plumbing is distributed under the slab.

Conclusion

The building is in substantial compliance with requirements of the B.C. Building Code respecting wood-frame strata multi-family buildings.

Yours very truly,

  
Cliff Proctor, P. Eng. 

cc: Lorna Hay