



**REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE  
MEETING WEDNESDAY, 01 JUNE, 2011**

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**SUBJECT**      **BUILDING CONVERSION STRATA APPLICATIONS (ST-02-11) FOR LOT 1, SECTION 90, RENFREW DISTRICT, PLAN 13664, EXCEPT PART IN PLAN VIP53425 (9261 INVERMUIR ROAD)**

**ISSUE**

Applicant wants to obtain separate title for three existing single family homes on one property.

**BACKGROUND**

The Capital Regional District (CRD) Board is the approving authority for a building conversion strata pursuant to Section 242(1) of the *Strata Property Act*. 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 as well as any matters considered to be of relevance by the CRD.

The 3.84ha property is located at 9261 Invermuir Road in the Shirley/Jordan River Official Community Plan (OCP) area (Appendix No. 1). The parcel is zoned Rural A which permits construction of three one-family dwellings on lots more than 0.8ha and less than 4ha. The property has three one-family dwellings, and three accessory buildings – a shop, a garage, and a well house. The applicant has applied for a building conversion strata to create a parcel for each of the dwelling units, with a common property roadway (Appendix No. 2). Proposed Lot 1 and 3 will be 1.275ha and Proposed Lot 2 will be 1.274ha. Each dwelling will be serviced by a separate septic system and all three have reserve fields identified and approved by VIHA. At this time all three dwellings are serviced by a common well and the applicant has been advised that individual potable water sources must be confirmed as a condition of final approval of the strata conversions.

A Development Variance Permit (DVP-07-08) was issued to increase the height of the two storey garage from 4m to 6m in June 2008.

An application for a fee simple subdivision of the property received Preliminary Layout Not Approved in July 2010 from the Ministry of Transportation and Infrastructure (MoTI) as the property did not meet the minimum parcel size of the Rural A zone.

In order for a building conversion strata to take place, the *Strata Property Act* Section 242(5) states that the buildings 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. Occupancy permits were issued for one dwelling in 1994 (Permit 41615), and two in 2002 (permit JD02-041 and JD02-059). The property is subject to a Steep Slopes and Foreshore Development Permit Area established in the Shirley/Jordan River OCP. A covenant (EE136766) has been registered on the property which prohibits any habitable building or septic field within the area as shown on Appendix No. 1. A development permit is not necessary for building conversion strata applications.

**ALTERNATIVES**

1. To tentatively approve the building conversion strata provided that the conditions set in the recommendations, as deemed appropriate by the CRD Board, are met.
2. To refuse the building conversion strata application.

## **PLANNING ANALYSIS**

This building conversion strata application is being made under Section 242(1) of the *Strata Property Act*. Section 242(5) states that the approving authority must not consider an application unless the building substantially complies with the following:

- (a) *The applicable bylaws of the municipality or regional district;*
- (b) *The British Columbia Building Code referred to in the Building Regulations of British Columbia.*

Section 242(6) is relevant to this application and states that the approving authority must consider the following:

- (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 buildings, and*
- (e) *Any other matters that, in its opinion, are relevant.*

The agent has advised that all three dwellings are used by the family only and are not being rented; therefore, rental units will be removed from the rental stock in Shirley/Jordan River if this application is approved.

The recent issuance of the building permits for all structures on the property is seen to provide evidence of the life expectancy of the building and established the projected major increases in maintenance costs due to the condition of the buildings. As the appropriate permits were recently finalized for the buildings, the life expectancy of the buildings and the maintenance costs obligations could be considered to be satisfied if the committee supports approval of the application.

The neighbouring properties are zoned Rural Zone A as is the subject property. This property is located outside of the Settlement Containment Area of the Shirley/Jordan River OCP and Section 4.2.2 outlines settlement area policies. With respect to the provisions for fee simple or bare land strata subdivision, the applicable minimum parcel size is 4.0ha. OCP policies support a minimum parcel size for development outside of the settlement containment area of 2ha; however, there are no policy provisions for building strata conversions. While the plan encourages future residential growth in one of the designated settlement containment areas, the proposal is to convert existing dwelling units under the *Strata Property Act*. The residential density will not increase with this application as no further houses can be accommodated on the strata properties as part of the strata conversion, as the property remains to be considered one lot with respect to the requirements of the zoning bylaw. Therefore, only three single family dwellings are permitted on the parcel.

## **INTER-DEPARTMENTAL IMPLICATIONS**

Building permits have been issued for the existing structures; however, a geotechnical assessment was not required at the time of construction. Building inspection staff has conducted a site visit and has advised that a geotechnical report is not required as a condition of approval.

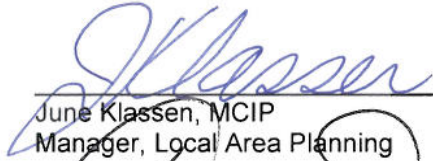
## **CONCLUSIONS**

The proposed subdivision is filed as a building conversion strata application in order to permit the three houses on the property to be converted to recognize each house as a separate title. Staff has reviewed the application and recommends approval subject to conditions outlined in the recommendations.

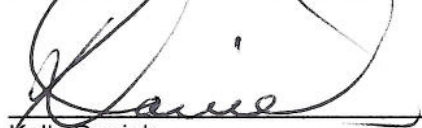
**RECOMMENDATION(S)**

That the Electoral Area Services Committee recommends to the CRD Board:

1. That Building Conversion Strata application ST-02-11 for Lot 1, Section 90, Renfrew District, Plan 13664 except part in Plan VIP53425 be approved, subject to the following condition:
  - (a) Proof of supply and quantity of potable water for each strata building is provided.

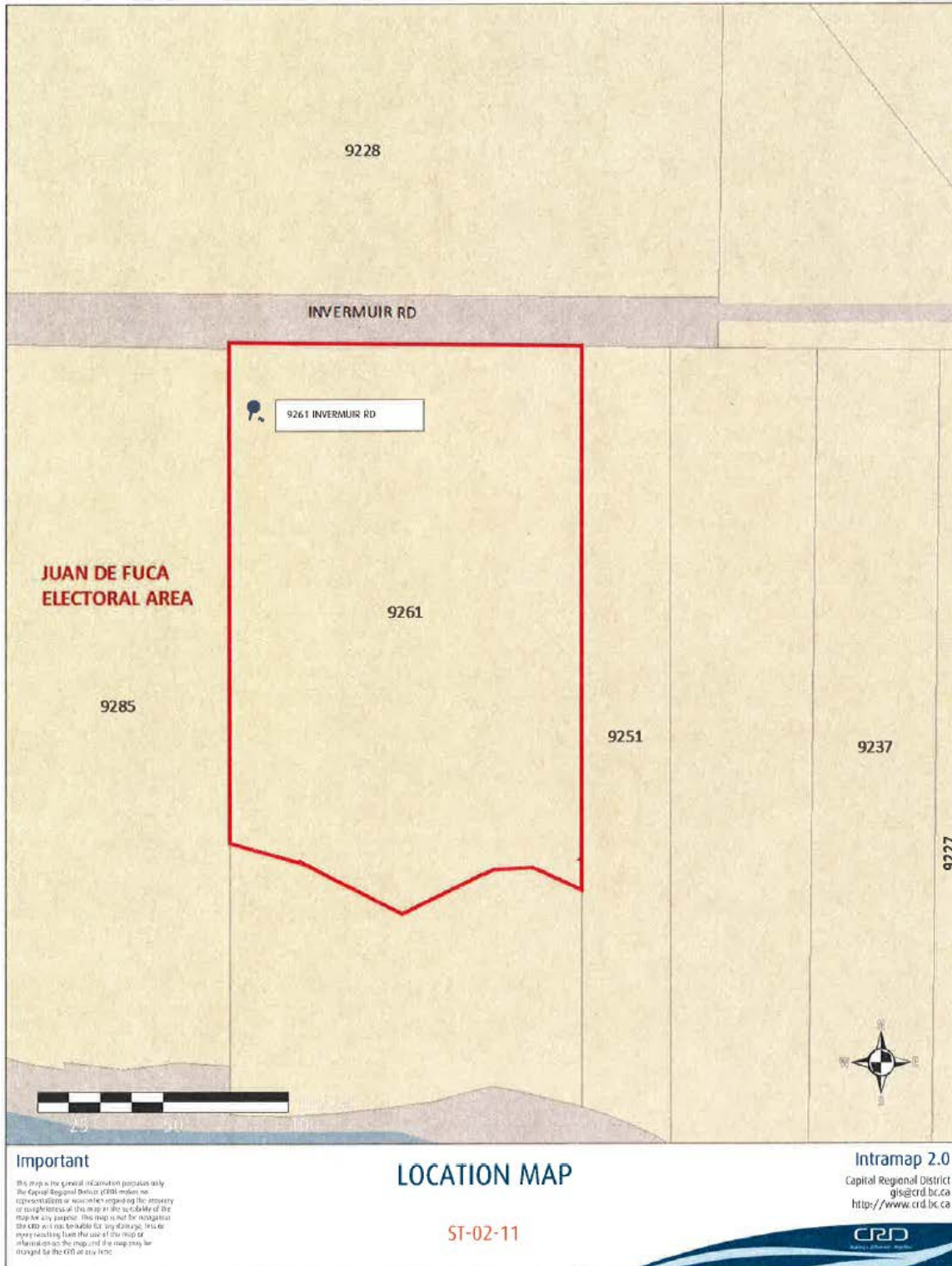
  
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June Klassen, MCIP  
Manager, Local Area Planning

  
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Robert Lapham, MCIP  
General Manager, Planning and Protective Services

  
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Kelly Daniels  
CAO Concurrence

- Appendix 1: Location  
Appendix 2: Proposed Lot Configuration

Appendix 1: Location



**Important**

This map is for general information purposes only. The Capital Regional District (CRD) makes no representation or warranties regarding the accuracy or reliability of the map or the suitability of the map for any purpose. This map is not for navigation. The CRD is not liable for any damage, injury or expense resulting from the use of this map or information on the map, and if any may be changed by the CRD at any time.

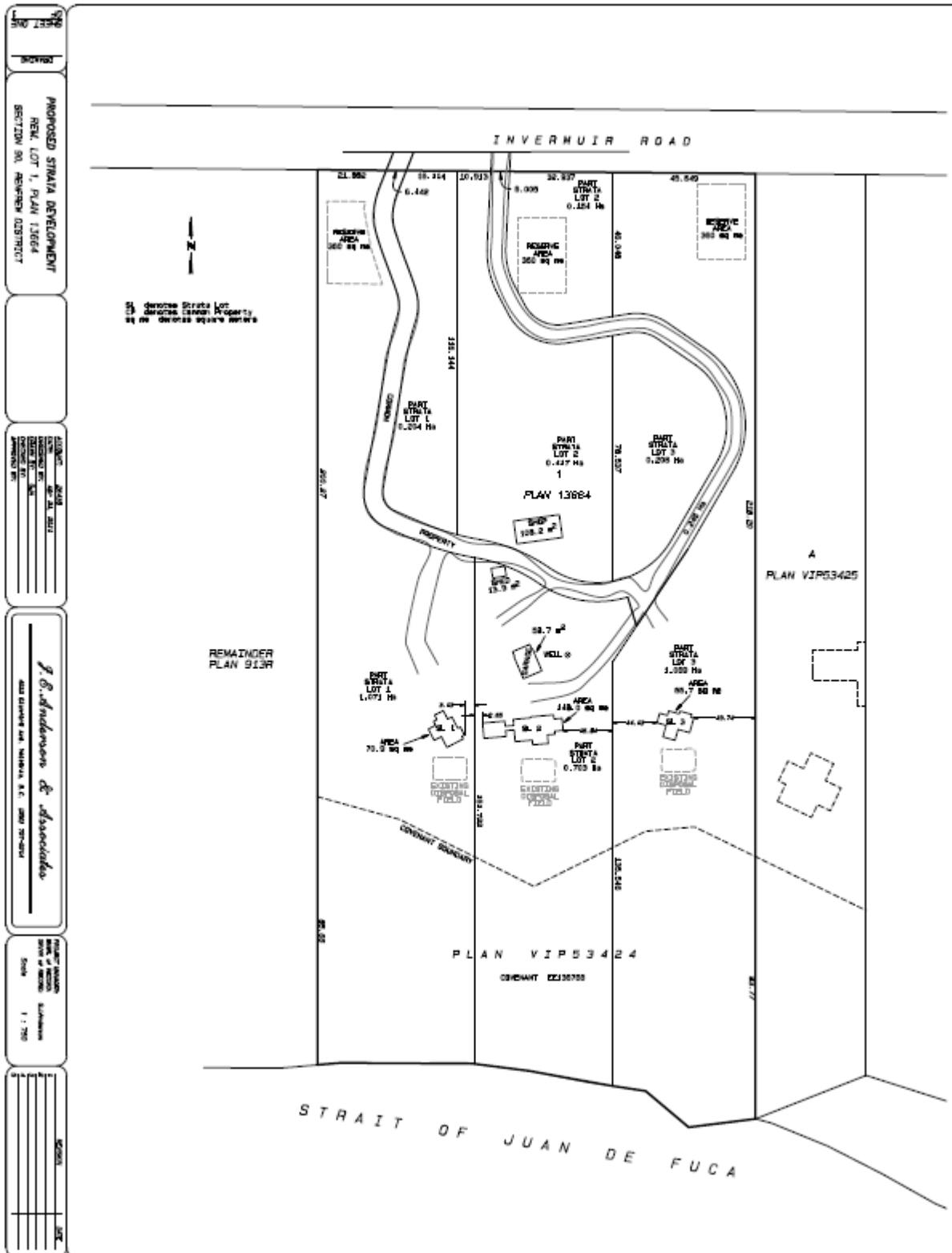
**LOCATION MAP**

ST-02-11

Intramap 2.0  
Capital Regional District  
gis@crd.bc.ca  
<http://www.crd.bc.ca>



Appendix 2: Proposed Lot Configuration



PROPOSED STRATA DEVELOPMENT  
 REM. LOT 1, PLAN 13684  
 SECTION 04, REVENUE DISTRICT

DATE: 2011-06-01  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

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SCALE: 1:1000