

ITEM 12
MANAGER'S REPORT NO. 13
COUNCIL MEETING 1982 03 01

RE: CONVERSION OF EXISTING OCCUPIED TWO-FAMILY DWELLINGS INTO STRATA TITLE

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the report of the Director Planning & Building Inspection be received for information purposes.

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TO: MUNICIPAL MANAGER 82 MARCH 01

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: CONVERSION OF EXISTING OCCUPIED TWO-FAMILY
DWELLINGS INTO STRATA TITLE

RECOMMENDATION

1. THAT Council receive this report for information.

REPORT

As a result of the moratorium being lifted on 1982 January 04 with respect to converting existing occupied two-family dwellings into strata title, the Planning Department has now received comments from the various departments concerning the 14 applications which were circulated.

The reports dealing with each application appear on this agenda. It should be noted, however, that only 12 reports are being advanced in view of two applicants not wishing to proceed at this time.

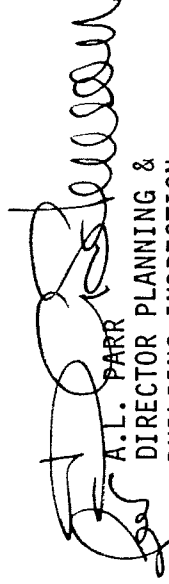
CONDITIONS GOVERNING FINAL STRATA TITLE APPROVAL

Prior to the moratorium being placed on converting two-family dwellings into strata title each applicant, upon Council approval of the proposal, was required to satisfy Sections 6.1 through 6.7 of the Guidelines for Duplex Condominiums and Conversions. A copy of these guidelines is attached for Council's information.

The Planning Department are again recommending that these guidelines be satisfied on those proposals which receive Council approval; together with the additional requirement instituted by Council as a condition of lifting the moratorium, namely that the owner enter into a Restrictive Covenant under Section 215 of the Land Title Act. The covenant is being provided in order to ensure that four-plexing problems which have been experienced in the past are avoided.

In some cases, favourable consideration of the strata titling is not being recommended at this time in view of illegal occupancies being evident at the time of inspection. However, it is felt that reconsideration of the request could be undertaken upon removal of the illegal suite(s) to the satisfaction of the Chief Building Inspector.

The foregoing is submitted for Council's information in dealing with the 12 strata title applications appearing on this agenda.


A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

CM/js
Att.
cc: Chief Building Inspector
Chief Health Inspector
Director Engineering

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The Corporation of the District of Burnaby

GUIDELINES FOR

DUPLEX

CONDOMINIUMS

AND CONVERSIONS



BURNABY PLANNING DEPARTMENT

PART I DUPLEX CONDOMINIUM GUIDELINES

REVISED SEPTEMBER 26, 1974

The following guidelines are abstracted from the general report on this topic, Guidelines for the Municipal Approval of Strata Plans for Residential Duplex Condominiums and Conversions, dated February 28, 1974. These guidelines are for duplexes only. Part II of this booklet is a Practical Guide to fulfilling the guidelines that have been established by Council for Duplexes. Guidelines 5.6 and 5.7 have been deleted as redundant in the light of the recent passage of the Revised Strata Titles Act. Guidelines 5.1 and 5.8 (now 5.6) have also been adjusted.

Please refer to the Guidelines for Residential Condominiums and Conversions for the specific requirements for condominium types other than duplexes.

5.0 NEW DUPLEX GUIDELINES

- 5.1 No septic tanks would be allowed for duplex condominiums or conversions.
- 5.2 All necessary utilities including electrical metering, gas, telephone and heating shall be on a separate service to each unit.
- 5.3 Particulars should be submitted by the applicant of all encumbrances both existing and proposed and the provisions made or to be made for their discharge.
- 5.4 The submission of any proposed amendments to the Strata Corporation Bylaws.
- 5.5 The requisite R4 and R5 Residential District Zoning regulations shall be met.
- 5.6 A simple straight-forward procedure for the resolution of deadlock situations should be provided in the Strata Corporation Bylaws.

6.0 DUPLEX CONVERSIONS GUIDELINES

- 6.1 Any developer wishing to convert an existing occupied residential duplex to condominium shall meet all applicable duplex condominium guidelines in force at the time of the conversion application.
- 6.2 Points 1, 2, 3, 4, 5, and 6 in the Duplex Condominium Guidelines outlined in Section 5.0 of this report should apply to condominium conversions.
- 6.3 An independent health consultant should be retained by the applicant and a certificate guaranteeing that the premises are free of any infestation is to be obtained by the developer.
- 6.4 Any revisions or improvements to the project should be detailed.
- 6.5 For every conversion, the certification by qualified engineer/architects (at the applicant's expense) that the building is structurally and mechanically sound is required. Such certification will include information as to the condition of the exterior and interior surfaces and details of the building. These certificates would, then, be processed by the Building Department. Level of compliance with the National Building Code in force shall be indicated.

6.6 Each application for approval of a Strata Plan for duplex conversion be circulated to the Engineering, Building, Health and Fire Departments for comment.

Specified services shall be brought up to the requisite standard as required by the relevant Municipal Departments.

6.7 At the time of application for a duplex condominium conversion the developer shall note whether or not the subject duplex is vacant and shall submit a complete explanation of the provisions which have been established to protect the rights of tenants in the duplex and to relocate tenants who do not wish to buy.

7.0 SUMMARY COMMENTS

The duplex condominium guidelines outlined in this report apply to both new duplex condominiums and conversions of existing duplexes. These guidelines will provide direction for those interested in applying for Municipal approval of residential Strata Plans, enable the Planning and other Municipal Departments to measure proposals against some criteria in preparing reports for Council on future specific applications, and assist Council in its consideration of the merits of specific requests for approval of Strata Plans.

In conclusion, it is emphasized that this report does not have the force of a Municipal Bylaw but it is recommended that Council adopt this report as a guideline.

PART II DUPLEX CONDOMINIUM GUIDELINES - PRACTICAL GUIDE

Following is a short guide to fulfilling the requirements as put forward in the Duplex Condominium Guideline. Section "A" concerns new duplexes (encompassing guidelines 5.1 - 5.6) and Section "B" concerns duplex conversions (encompassing guidelines 6.1 - 6.7). Each Section is followed by a summary list of all documents required.

A 5.0 NEW DUPLEX GUIDELINES

5.1 NO SEPTIC TANKS WOULD BE ALLOWED FOR DUPLEX CONDOMINIUMS OR CONVERSIONS.

- This guideline can be fulfilled by submission of a letter of undertaking to the effect of the guideline.

5.2 ALL NECESSARY UTILITIES INCLUDING ELECTRICAL METERING, GAS, TELEPHONE AND HEATING SHALL BE ON A SEPARATE SERVICE TO EACH UNIT.

- This guideline can be fulfilled via a letter of undertaking to the effect of the guideline.

5.3 PARTICULARS SHOULD BE SUBMITTED BY THE APPLICANT OF ALL ENCUMBRANCES BOTH EXISTING AND PROPOSED AND THE PROVISIONS MADE OR TO BE MADE FOR THEIR DISCHARGE.

- This guideline can be fulfilled via a letter outlining any and all encumbrances and the provisions to be made for their discharge. The letter should specifically state that no other encumbrances exist other than those outlined.

5.4 THE SUBMISSION OF ANY PROPOSED AMENDMENTS TO THE STRATA CORPORATION BYLAWS.

- The main body of Strata Corporation Bylaws are those included as Schedules I and II of the Strata Titles Act. The Municipality requires the submission of any additional bylaws the applicant may wish to institute. These amendments must be acceptable to the Superintendent of Insurance. Point 5.6 is to be submitted as a required adjustment to the bylaws.

5.5 THE REQUISITE R4 AND R5 RESIDENTIAL DISTRICT ZONING REGULATIONS SHALL BE MET.

- This guideline is met by the submission of development plans for new duplexes, demonstrating that the development will comply in all respects.

5.6 A SIMPLE STRAIGHT-FORWARD PROCEDURE FOR THE RESOLUTION OF DEADLOCK SITUATIONS SHOULD BE PROVIDED IN THE STRATA CORPORATION BYLAWS.

- The prospective owners should be apprised of the terms for the resolution of deadlock situations as provided for relative to owners and the Strata Corporation in the recently enacted revised Strata Titles Act. The by-laws shall be amended to include the following:

"Where there is a dispute between the two owners of a duplex they shall, as closely as practicable, apply the arbitration provisions of the Strata Titles Act to resolve the dispute."

In summary, the applicant for Strata Title Approval of a new duplex must submit the following:

- a) A letter of undertaking encompassing guidelines 5.1 and 5.2.
- b) A letter of information encompassing guideline 5.3.
- c) A complete list of amendments and/or additions to the body of Bylaws presented in the Strata Titles Act that may be desired by the applicant.
- d) A plan of development that verifies the duplex will meet the requirements of the zoning district in which it is located (this encompasses guideline 5.5).

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6.0 DUPLEX CONVERSION GUIDELINES

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6.1 ANY DEVELOPER WISHING TO CONVERT AN EXISTING OCCUPIED RESIDENTIAL DUPLEX TO CONDOMINIUM SHALL MEET ALL APPLICABLE DUPLEX CONDOMINIUM GUIDELINES IN FORCE AT THE TIME OF THE CONVERSION APPLICATION.

- This guideline can be fulfilled by those actions listed above in Section "A".

6.2 POINTS 1, 2, 3, 4, 5, AND 6 IN THE DUPLEX CONDOMINIUM GUIDELINES OUTLINED IN SECTION 5.0 OF THIS REPORT SHOULD APPLY TO CONDOMINIUM CONVERSIONS.

- This guideline can be fulfilled by those actions listed above in Section "A".

6.3 AN INDEPENDENT HEALTH CONSULTANT SHOULD BE RETAINED BY THE APPLICANT AND A CERTIFICATE GUARANTEEING THAT THE PREMISES ARE FREE OF ANY INFESTATION IS TO BE OBTAINED BY THE DEVELOPER.

- This guideline can be fulfilled by obtaining a letter of certification as outlined in the guideline and submitting one copy of that letter to the Municipal Planning Department and one copy to the Chief Public Health Inspector.

6.4 ANY REVISIONS OR IMPROVEMENTS TO THE PROJECT SHOULD BE DETAILED.

- If no revisions or improvements are proposed, this should be stated by letter to the Planning Department. If revisions or improvements are proposed or required, these should be shown on development drawings such that it is easily discernible what are the revisions or improvements. These drawings should be submitted to the Municipal Planning Department.

6.5 FOR EVERY CONVERSION, THE CERTIFICATION BY QUALIFIED ENGINEER/ARCHITECTS (AT THE APPLICANT'S EXPENSE) THAT THE BUILDING IS STRUCTURALLY AND MECHANICALLY SOUND IS REQUIRED. SUCH CERTIFICATION WILL INCLUDE INFORMATION AS TO THE CONDITION OF THE EXTERIOR AND INTERIOR SURFACES AND DETAILS OF THE BUILDING. THESE CERTIFICATES WOULD, THEN, BE PROCESSED BY THE BUILDING DEPARTMENT.

- This guideline can be fulfilled by obtaining a letter of certification signed and sealed by a qualified engineer/architect, as outlined in the guideline and submitting one copy of that letter to the Municipal Planning Department and one copy to the Municipal Building Department.

6.6 EACH APPLICATION FOR APPROVAL OF A STRATA PLAN FOR A DUPLEX CONVERSION BE CIRCULATED TO THE ENGINEERING, BUILDING, HEALTH AND FIRE DEPARTMENTS FOR COMMENT.

SPECIFIED SERVICES SHALL BE BROUGHT UP TO THE REQUISITE STANDARD AS REQUIRED BY THE RELEVANT MUNICIPAL DEPARTMENTS.

- This guideline will be undertaken by Municipal staff and if additional requirements result from the circulation these will be forwarded to the applicant.

6.7 AT THE TIME OF APPLICATION FOR A DUPLEX CONDOMINIUM CONVERSION THE DEVELOPER SHALL NOTE WHETHER OR NOT THE SUBJECT DUPLEX IS VACANT AND SHALL SUBMIT A COMPLETE EXPLANATION OF THE PROVISIONS WHICH HAVE BEEN ESTABLISHED TO PROTECT THE RIGHTS OF TENANTS IN THE DUPLEX AND TO RELOCATE TENANTS WHO DO NOT WISH TO BUY.

- This guideline will be satisfied by the submission of the following information:

- 6.7.1 A listing of the existing tenants in the development certified to be accurate by a Notary Public.
- 6.7.2 A letter agreeing to terminate residence signed by each tenant who wishes to utilize the pre-established tenant relocation provisions or, in lieu of this, proof of termination of residence.
- 6.7.3 A binding legal agreement, acceptable to and signed by both the tenant and developer, for each tenant who does not wish or cannot relocate, that the subject unit will be provided to the tenant under a rental situation by the developer until that tenant relocates at his own will (all legal expenses to be borne by the developer).
- 6.7.4 Acceptable proof that a tenant wishes to abstain from signing either an affirmation that he will relocate or an agreement to remain (such to be confirmed by the Municipality).

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In summary, the applicant for Strata Title Approval of an existing duplex (a conversion) must submit the following:

- a) All those documents delineated in the summary of "A" above (this encompasses guidelines 6.1 and 6.2).
- b) Letter of Health Certification (this encompasses guideline 6.3). (One copy to Planning Department and one copy to Chief Public Health Inspector.)
- c) Letter of Building Quality Certification (this encompasses guideline 6.5). (One copy to Planning Department and one copy to Building Department.)
- d) Letter verifying that no revisions or improvements to project are proposed
or
Development Plans delineating all proposed revisions and improvements
(this encompasses guideline 6.4)
- e) Material outlining fully the information required in guideline 6.7. At the time of application a letter of undertaking should be submitted agreeing to abide by the terms of the required information outlined in guideline 6.7.

