



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## COUNCIL POLICY

<b>TITLE:</b> Conversion of Single, Two-Family, Multi-Family and Heritage Dwellings to Strata Title	<b>NO. PLAN - 23</b>
<p><b><u>POLICY:</u></b></p> <p><b><u>Procedures</u></b></p> <p>Application to convert previously occupied single two-family, multi-family or heritage dwellings to strata-title ownership, pursuant to section 9 of the <i>Condominium Act</i> may be considered and approved by the Municipal Council in accordance with the following procedure:</p> <p><b>Step 1:</b> (a) Proponent submits strata conversion application, fees, and preliminary strata plan for review by staff and Council;</p> <p>(b) In the case of a conversion of a two-family dwelling, proponent submit an application for a Development Permit;</p> <p><b>Step 2:</b> (a) Council conditional approval/rejection;</p> <p>(b) In the case of a conversion of a two-family dwelling, Council issues/rejects the Development Permit;</p> <p><b>Step 3:</b> If either a conditional approval or a two-family conversion Development Permit is granted, the applicant may proceed to fulfil any requirements or complete building upgrades that are attached as conditions to the approval;</p> <p><b>Step 4:</b> Following the granting of an occupancy permit by the Municipal Building Inspector, the Mayor and Clerk will sign the strata plan.</p> <p>Should the applicant wish to expedite final approval during step 3, he/she may request signature of the strata plan by the Mayor and Clerk provided that the following conditions are met:</p> <ol style="list-style-type: none"><li>1) Submission of a satisfactory report from a Registered Professional Engineer attesting to the structural condition of the building;</li><li>2) Completion of satisfactory framing stage inspection by the Municipal Building Inspector, and</li></ol>	

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- 3) Deposit with the Municipality an amount equal to 10% of the estimated cost of upgrading and/or restoration works as listed on the building permit, or \$25,000, whichever is less. Such performance security shall be in the form of cash, irrevocable letter of credit or other security acceptable to the Municipal Treasurer.

**Terms and conditions that must be met prior to final strata plan approval**

1. The proposed use, density, parcel size, site coverage, F.A.R., siting and parking requirements of the building(s) must be in conformity with the relevant zoning bylaw, a development permit, development variance permit or Board of Variance ruling applicable to the subject lands;
2. Where an existing multi-family building is proposed to be converted to strata-title ownership and is not proposed to be increased in size or number of dwelling units, Council may approve a strata-conversion in accordance with all other requirements of this policy, provided that, in the opinion of Council, the building is in substantial compliance with the density, parcel size, site coverage, F.A.R., siting and parking requirements of the Zoning Bylaw.
3. That the structural condition of the building be attested to in writing by a Registered Professional Engineer;
4. That the following conform to the *B.C. Building and Plumbing Code* respecting the following sections:
  - a) Sound transmission
  - b) Fire separations
  - c) Heating system
  - d) Ventilation
  - e) Smoke alarms
  - f) Windows
  - g) Plumbing
5. In addition to the requirements of Section 3, the building must meet the following minimum construction standards:
  - a) Roof and exterior cladding must be in good repair and be water-tight;
  - b) Masonry chimneys and fireplaces must be clean and in good repair;
  - c) Crawl spaces and basements must be dry and free of any insect infestations;
  - d) Minimum insulation: walls R12; ceiling R28;
  - e) All mechanical equipment to be in good working condition with at least a five-year life expectancy.

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- 6) Additional Conditions required for Two-Family Dwellings and Townhouse Conversions:
  - a) Construction of fencing and/or landscape screening to separate the private space of each dwelling;
  - b) Registration of a restrictive covenant under section 219 of the *Land Title Act* that:
    - i) contains a priority agreement setting the Covenant ahead of all other charges registered against the land in the Land Title Office;
    - ii) incorporates the following basic restriction:

“Only one Principal Building consisting of (two Dwelling Units or “X” townhouse dwelling units as the case may be) shall be located on the land. ‘Dwelling Unit’ means one or more structurally separate rooms, used as a unit for the residential accommodation of one family and containing sleeping, cooking and toilet facilities. ‘Family’ means one or more persons related by blood, marriage or adoption or a group of not more than four unrelated persons, living together in a Dwelling Unit.”
- 7) Additional Conditions required for Apartment Strata Conversions:
  - a) That the CMHC computed Apartment Vacancy Survey, geographic area “Esquimalt Municipality (Zone 6)” figures be used for the apartment vacancy rate; and that the vacancy rate for which conversions will be considered to be 0.7% or greater;
  - b) That the “Open Site Space” surrounding a building be 35% and that 25% of the ‘Open Site Space’ be developed for recreational purposes.
- 8) Additional Conditions for Strata Conversion of Existing Two-Family Dwellings:
  - a) separate gas, electric and water connections for each dwelling unit;
  - b) separate sanitary sewer and storm drain connections for each dwelling unit.

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