

# **REPORT**

## ***Engineering Services***

**To:** Mayor Johnstone and Members of Council  
**Date:** May 8, 2023

**From:** Lisa Leblanc  
Director of Engineering Services  
**File:** 05.1035.10  
(Doc#2264960v1)

**Item #:** 2023-303

**Subject:** **Application for Strata Conversion of the existing building at 716 Columbia Street.**

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### **RECOMMENDATION**

**THAT** Council approve the proposed strata conversion of the existing commercial building into 8 strata units (7 residential and 1 commercial) and authorize the City Clerk to endorse the strata plans on behalf of the City of New Westminister.

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### **PURPOSE**

The purpose of this report is to seek Council's approval of the strata title conversion of the existing building at 716 Columbia Street.

### **SUMMARY**

An application for Strata Conversion has been received for the property located at 716 Columbia Street. This application would allow the creation of eight strata units (7 residential and 1 commercial). The strata units are required to meet all City regulations, including zoning requirements. Attachment 2 contains the proposed strata conversion plan.

### **BACKGROUND**

The existing building at 716 Columbia Street is a four storey, 8,548 sq.ft. commercial building constructed in 1898. The site is currently zoned Columbia Street Historic Comprehensive Development District (C-8). The building has undergone a complete

internal retrofit down to the superstructure. The facade was retained as a part of a Special Development Permit (SDP) issued in 2010.

Section 242 (2) of the Strata Property Act requires that an application to deposit a strata plan involving a previously occupied building must be submitted to the Approving Authority (City Council) for approval.

## **EXISTING POLICY AND PRACTICE**

Applications for the strata title conversion of previously occupied buildings are to be considered by Council in accordance with the requirements of the Strata Property Act.

## **ANALYSIS**

“Previously occupied” for the purpose of Sections 241 and 242 of the Strata Act is defined under Section 14.1 of the Strata Property Regulation as follows:

14.1 For the purposes of sections 241 and 242 of the Act, "previously occupied" means occupied at any time in its past for any purpose, including residential, commercial, institutional, recreational or industrial use, but does not include the occupation of a proposed strata lot by the owner developer solely as a display lot for the sale of strata lots in the proposed strata plan.

The purpose-built building at 716 Columbia Street fits within the definition of a previously occupied building, and thus should be considered by Council under the conversion approval process in section 242.

Section 242 (5) and (6) of the Strata Title Act states:

- (5) The approving authority must not approve the strata plan unless the building substantially complies with the following:
  - (a) the applicable bylaws of the municipality or regional district;
  - (b) applicable Nisga'a Government laws;
  - (b.1) the applicable laws of the treaty first nation;
  - (c) the building regulations within the meaning of the Building Act, except, in relation to a treaty first nation that has entered into an agreement described in section 6 of that Act, to the extent that the agreement enables the treaty first nation to establish standards that are different from those established by the building regulations.
- (6) In making its decision, the approving authority must consider
  - (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 building, and
- (e) any other matters that, in its opinion, are relevant

The City of New Westminster Building Division conducted a site inspection of the premises on April 6, 2023 and the Architect has confirmed the building complies with the 2018 BC Building code in accordance with Section 242 of the Strata Property Act. Similarly, the Planning Division has confirmed that the building, site and existing uses are currently in conformance with the City’s zoning bylaw. Since the building has only been occupied for hotel use, Sec. 6 (a) and (b) do not apply in this case.

**FINANCIAL IMPLICATIONS**

There are no financial implications at this time. Staff resources are required to review and process this Strata title conversation. The stratification will change the assessment value of the property and the City will analyze any impacts at that time.

**INTERDEPARTMENTAL LIAISON**

This application has been reviewed by the City Solicitor, Engineering, Finance and Climate Action, Planning and Development Departments.

**OPTIONS**

- 1. That Council approve the proposed strata conversion of the existing purpose-built building into eight strata units and authorize the City Clerk to endorse the strata plans on behalf of the City of New Westminster;
- 2. That Council provide alternative direction;

Staff recommends Option #1.

**CONCLUSION**

Council’s approval is required under Section 242 (5) and 242 (6) of the Strata Title Act for the strata title conversion. As the building is considered to be substantially in compliance with applicable bylaws, this report recommends approval of the strata conversion.

**ATTACHMENTS**

- 1. Location Plan
- 2. Proposed Strata Plan

## **APPROVALS**

This report was prepared by:

Hardeep S. Maghera, Engineering Development Services Supervisor

This report was reviewed by:

Kwaku Agyare-Manu, Senior Manager, Engineering Services

This report was approved by:

Lisa Leblanc, Director of Engineering Services

Lisa Spitale, Chief Administrative Officer