

## Attachment 3

### *Strata Property Act Requirements and Strata Plan*

## **Strata Property Act**

Applications for the strata title conversion of previously occupied buildings are to be considered by Council in accordance with the requirements of section 242 of the Strata Property Act.

“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 residential building at 441 Fader 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.

## **Requirements**

The following steps would be required prior to the strata plan being signed by the Approving Officer:

- Submission of an Application for Subdivision – Strata Conversion, with supporting documentation.
- The existing building must be fully renovated and, subject to final building permit inspection, be substantially in compliance with applicable requirements of the current BC Building Code.
- All servicing requirements for the development must be completed including installation of new water, storm and sanitary service connections appropriately sized for the proposed development.
- All electrical and telecommunication servicing fronting the site has been converted to underground servicing.
- All life safety systems have been installed, and a fire safety plan has been completed and graphics posted as required, and subject to a final building permit/fire inspection.
- The heritage professional on the project must submit a Certificate of Compliance to the City to confirm that the project has been completed in accordance with the Heritage Conservation Plan.

SKETCH SHOWING EXISTING AND PROPOSED BUILDINGS ON LOT 28 BLOCK 4 OF LOTS 6 TO 9, 13 AND 14 SUBURBAN BLOCK 2 AND OF LOT 13 SUBURBAN BLOCK 1 GROUP 1 NWD PLAN 2620

Scale 1:150

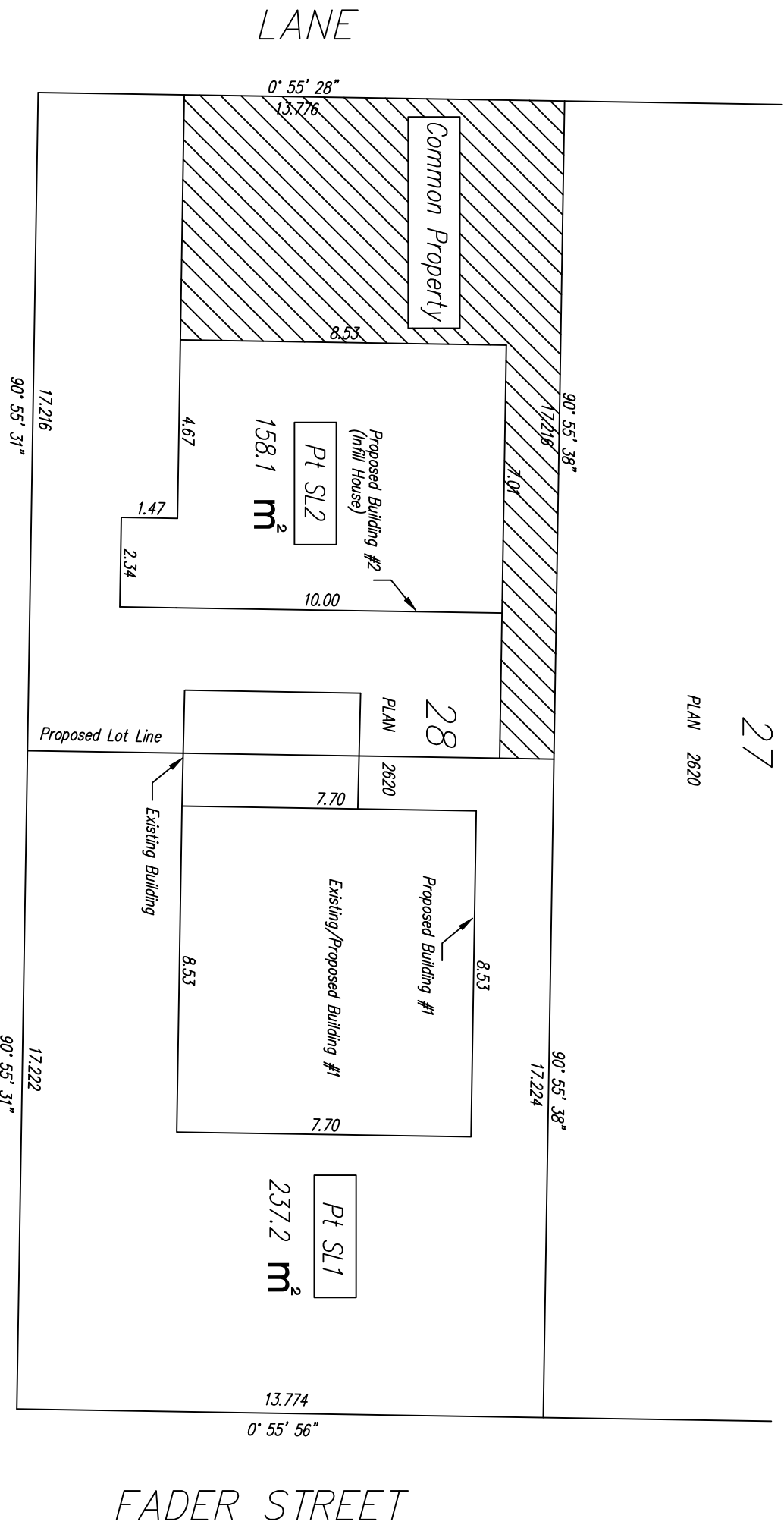


All distances are in metres and decimals thereof.  
The intended plot size of this plan is 432mm in width by 280mm in height (B size) when plotted at a scale of 1:150.



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PLAN 2620



MAJOR STREET

FADER STREET

Liming Yuan, B.C.L.S. #869  
The 13th day of January 2023.