

REQUEST FOR DECISION

TO: Council **MEETING DATE:** October 2, 2024
FROM: Ian Holl, Development Planning Manager
SUBJECT: **Strata Conversion of a Previously Occupied Dwelling – 5666 Osprey Street**
FILE NO: 3360-2024-03

RECOMMENDATIONS

1. That Council supports the strata conversion of the previously occupied dwelling at 5666 Osprey Street.
 2. That in accordance with s. 242(10) of the *Strata Property Act*, Council delegates to the Approving Officer the authority to approve the strata conversion of the previously occupied building at 5666 Osprey Street.
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PURPOSE

To present to Council with an application to authorize the conversion of a previously occupied dwelling into a strata title. While the strata plan is not yet ready for Council to approve directly, Council can delegate the authority to the Approving Officer to approve it for this property once it is prepared. This is necessary for them to complete their building permit application.

OPTIONS

1. Defer the application pending additional information as directed.
2. Reject the application.

DISCUSSION

Summary

The applicant is proposing to convert a dwelling into a duplex with one half of the duplex containing a secondary suite. Regulations require that a secondary suite is part of a single real estate entity so the conversion into a duplex is required for legal and building code compliance purposes.

The subject property was recently the beneficiary of the Small Scale Multi-Unit Housing (SSMUH) changes to the zoning bylaw that allow for the additional (third) dwelling unit. However, the building is currently occupied and cannot automatically be stratified, which would be the case when creating a strata title during construction of a unit.

Legislative Context

Strata title conversion is done in accordance with s. 242 of the *Strata Property Act*. Unlike the majority of subdivisions, strata title conversions require approval from the applicable local

government's council. Council must not approve the strata plan unless the building substantially complies with all municipal bylaws.

In making the decision of whether or not to approve the strata title conversion, Council must consider:

- The priority of rental accommodation over privately owned housing in the area;
- Any proposals for the relocation of persons occupying a residential building;
- The life expectancy of the building;
- Projected major increases in maintenance costs due to the condition of the building;
and
- Any other matters that, in its opinion, are relevant.

While the ability to convert (previously) occupied buildings into strata developments is available, the Province has required that local government have a role. Elected officials have a say in this process, and consider the potential effects of removing what may be long term rental accommodation and turning it into privately owned strata housing.

Background

Table 1 – Application Information

Applicant	Christine Kuck & Kirsten Wallace
Owner	Christine Kuck & Kirsten Wallace
Civic Address	5666 Osprey Street
Legal Address	Lot 18 District Lot 304 Plan VAP12056
Size of Properties	~718 m ²
OCP Designation	Special Infill Area No. 3
Zoning Designation	R4
DP Areas	DPA No. 3 (marine foreshore)



Figure 1 – Subject Property Location

POLICY AND BYLAW IMPLICATIONS

This is a request to permit three dwelling units within an existing dwelling . This initially presented both a zoning bylaw and building bylaw challenge, which have been worked through and the conversion to a strata entity is a suitable solution.

The owner is working on the buildings to conform to District bylaws. The recent SSMUH changes in the zoning bylaw were a positive development for this property that allowed the consideration of the three units. The zoning allows for either a triplex or a duplex with suite. In terms of building code requirements, a duplex with a secondary suite is far more achievable for the owners and status of the building than converting to a triplex.

A duplex with secondary suites is viewed as principal and accessory dwelling units (main half of duplex is a principal and the secondary suite is an accessory). A triplex would involve three primary dwelling units and the requirement for sprinklering the entire building.

The dwelling is an older house with a newer addition. The life expectancy of the building has many years left. Maintenance costs would be expected to increase over time as with any building as it moves through its useful life.

Staff are unaware of any other issues that would preclude the strata title conversion of these buildings. They will still provide long term accommodation. With SSMUH, it is likely to see more strata housing created both new and conversions of existing.

SUSTAINABILITY PLAN IMPLICATIONS

- 1. Social Sustainability and Community Well Being
- 6. Sustainable Community Growth and Development

STRATEGIC PLAN IMPLICATIONS

2. Housing

COMMUNICATIONS

N/A

Respectfully submitted,

Ian Holl, MCIP, RPP

Development Planning Manager