



REPORT TO MAYOR AND COUNCIL

PRESENTED: SEPTEMBER 19, 2016 - REGULAR AFTERNOON MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: STRATA TITLE CONVERSION APPLICATION NO. 000006
 (SIMPSON / 23963 – 36A AVENUE)

REPORT: 16-93
FILE: 10-28-0030

PROPOSAL:

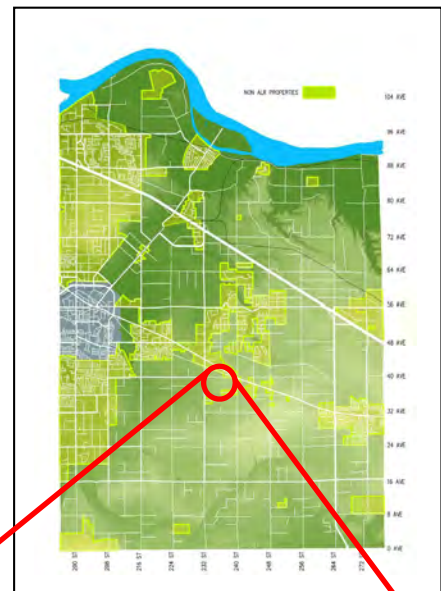
Strata Title Conversion application under Section 242 of the Strata Property Act to convert two (2) previously occupied single family dwellings located at 23963 – 36A Avenue into two (2) strata lots.

RECOMMENDATION SUMMARY:

That Council, pursuant to Section 242 of the Strata Property Act, approve the strata plan subject to five (5) conditions.

RATIONALE:

The proposed strata title conversion application complies with the requirements of the Strata Property Act.



RECOMMENDATION:

That Council consider approval of the strata plan, pursuant to Section 242 of the Strata Property Act, submitted by Nathan Simpson, on behalf of 1036707 BC Ltd. proposing to convert two (2) previously occupied single family dwellings located at 23963 – 36A Avenue into two (2) strata title lots, subject to the following conditions being met to the acceptance of the Township prior to Township execution of the strata plan:

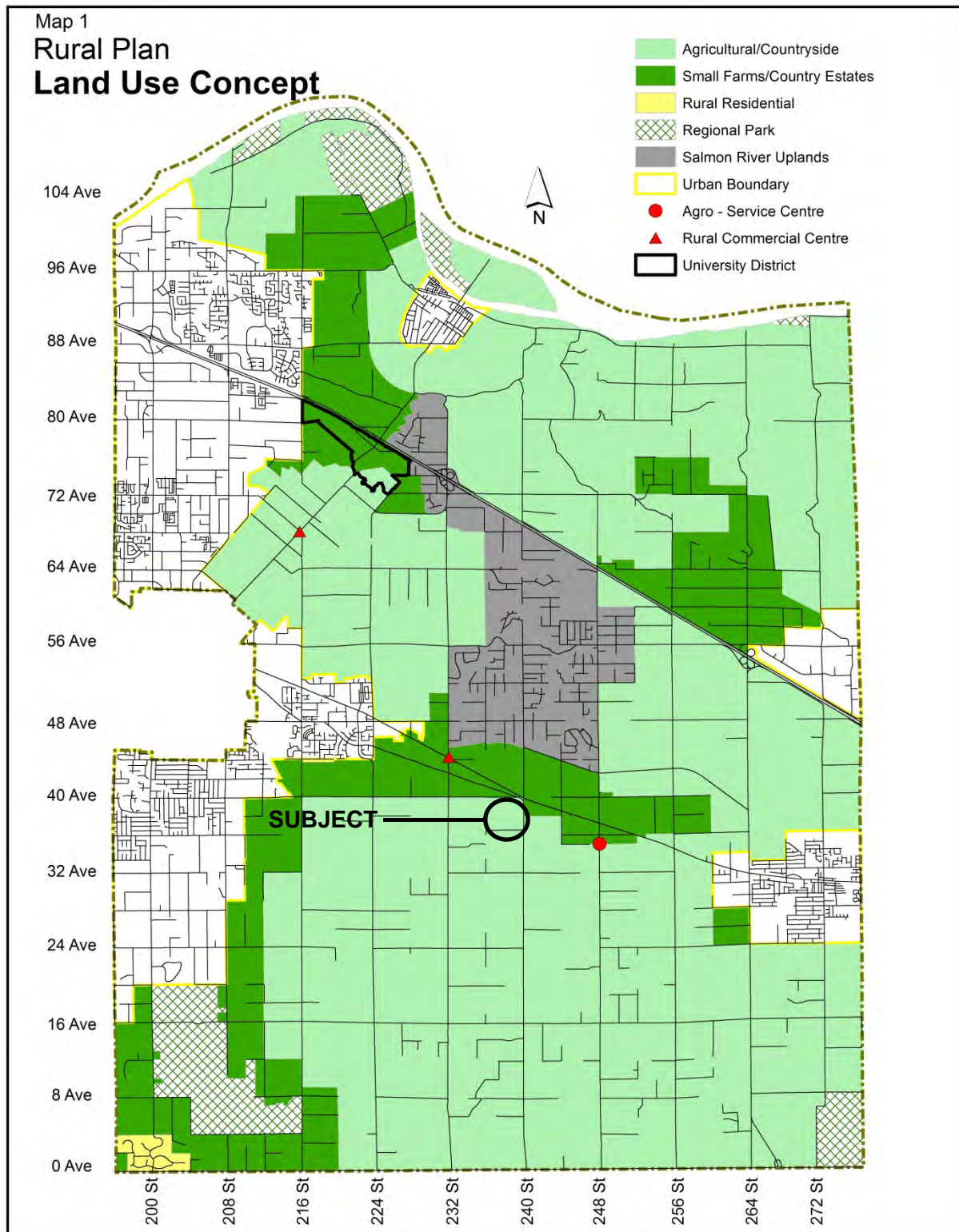
1. The two (2) single family dwellings being in substantial compliance with Township Bylaws and the British Columbia Building Code, to the acceptance of the Township;
2. Registration of a restrictive covenant allowing only one (1) single family dwelling on each strata lot;
3. Submission of certification that each strata lot is suitable for and capable of sustaining independent septic tank and field sewerage systems in accordance with the Ministry of Health's Sewerage System Regulations, to the acceptance of the Township;
4. Registration of a restrictive covenant securing the design, construction and maintenance of the septic system (including primary and reserve field locations) as may be required; and
5. Verification that the well on each strata lot is in accordance with the Subdivision and Development Servicing Bylaw to the acceptance of the Township.

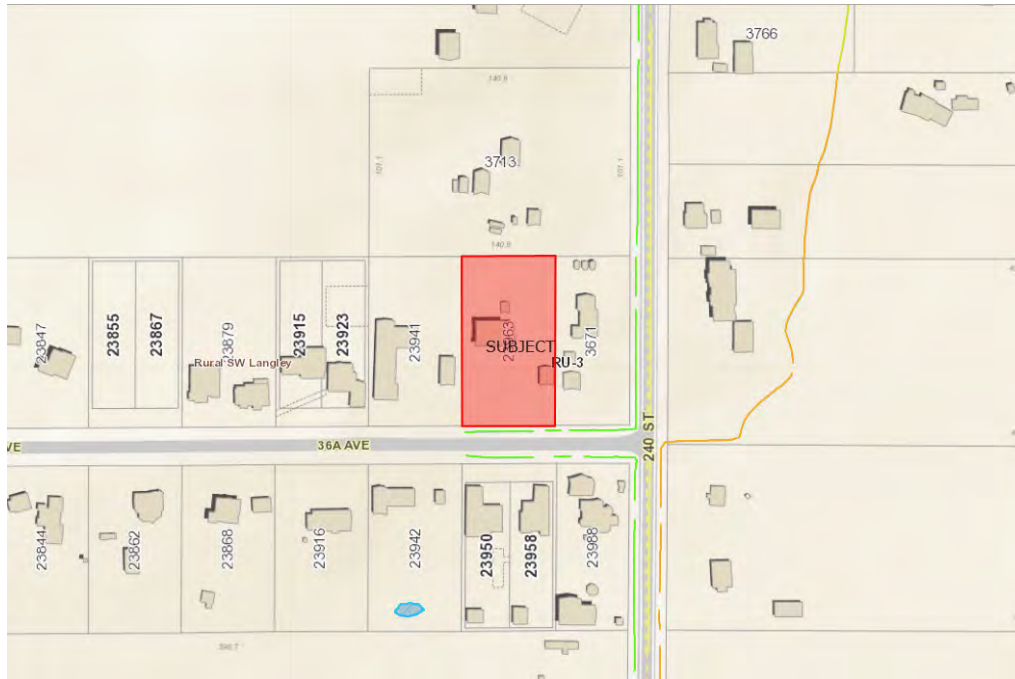
EXECUTIVE SUMMARY:

Nathan Simpson has applied on behalf of 1036707 BC Ltd. under Section 242 of the Strata Property Act to convert two (2) previously occupied single family dwellings located at 23963 - 36A Avenue into two (2) strata title lots. Council approval is required as the buildings have been previously occupied. Staff recommend that Council approve the strata plan as it complies with the requirements of the Strata Property Act.

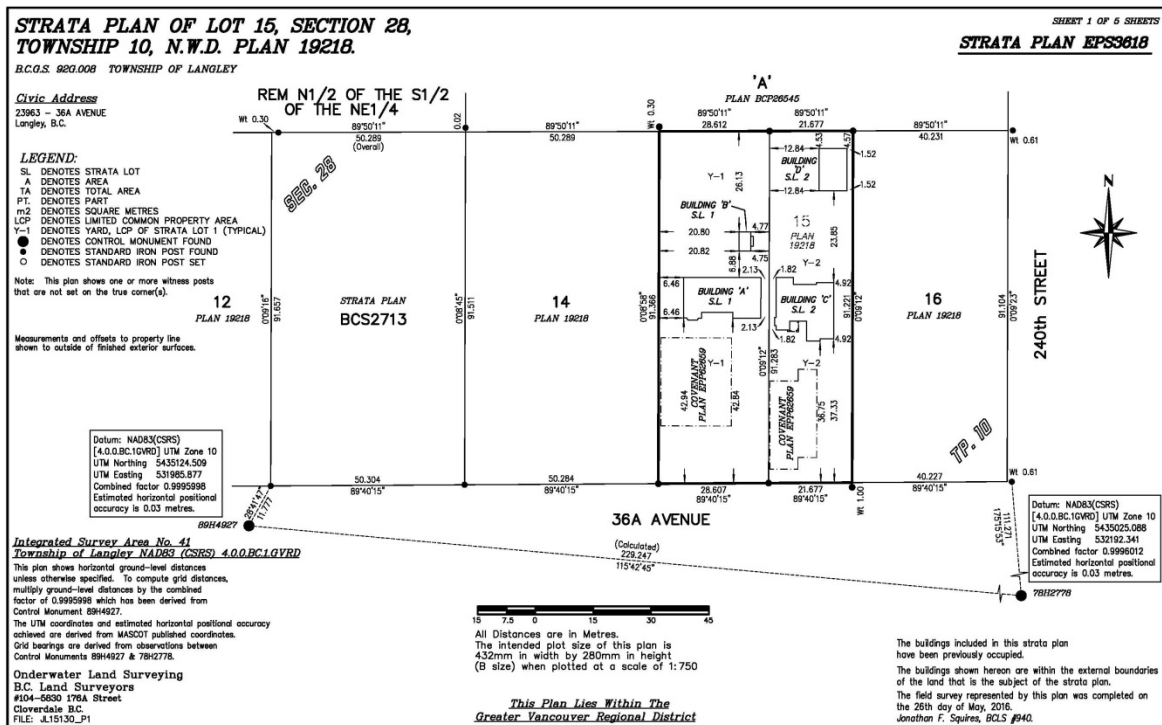
PURPOSE:

This report is to provide information and a recommendation concerning Strata Title Conversion Application No. 000006 for two (2) previously occupied single family dwellings located at 23963 – 36A Avenue.





ZONING BYLAW NO. 2500



Strata Plan – SUBMITTED BY APPLICANT

REFERENCE:

Owner:	1036707 B.C. Ltd. 23963 – 36A Avenue Langley, BC V2Z 2J6
Legal Description:	Lot 15 Section 28 Township 10 New Westminster District Plan 19218
Location:	23963 – 36A Avenue
Area:	0.5 ha (1.2 ac)
Existing Zoning:	Rural Zone RU-3
Rural Plan:	Agricultural/Countryside
Agricultural Land Reserve	Not in Agricultural Land Reserve

BACKGROUND / HISTORY

The subject site is located at 23963 – 36A Avenue, and is not in the Agricultural Land Reserve (ALR). The property is designated as Agricultural/Countryside in the Rural Plan and is zoned Rural Zone RU-3, permitting up to two (2) single family dwellings on one lot.

DISCUSSION / ANALYSIS:

Nathan Simpson has submitted a strata plan (Attachment A) that proposes to convert two previously occupied single family homes located at 23963 – 36A Avenue into two (2) strata title lots. Proposed Strata Lot 1 contains a single family dwelling constructed in 1981 and one (1) accessory building. Proposed Strata Lot 2 contains a single family dwelling constructed in 2016 and one (1) accessory building. The applicant is now applying to stratify these two (2) single family dwellings and two (2) accessory buildings into two (2) strata lots. The Rural Plan does not provide guidance in relation to the approval of strata applications.

Adjacent Uses and Property Sizes:

North:	A property zoned Rural Zone RU-3, in the ALR, 1.4 ha (3.5 ac) in size, designated Agricultural/Countryside in the Rural Plan;
East:	A property zoned Rural Zone RU-3, not in the ALR, 0.4 ha (0.9 ac) in size, designated Agricultural/Countryside in the Rural Plan;
South:	36A Avenue, beyond which is a property zoned RU-3, not in the ALR, 0.5 ha (1.2 ac) in size, designated Agricultural/Countryside in the Rural Plan; and
West:	A property zoned Rural Zone RU-3, not in the ALR, 0.5 ha (1.2 ac) in size, designated Agricultural/Countryside in the Rural Plan.

Strata Property Act:

The Strata Property Act requires approval by Council (as the approving authority) of strata plans involving previously occupied buildings. Council may approve the strata plan, approve the strata plan subject to terms and conditions, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed by the approving authority are met. Council approval of the strata plan is required prior to it being registered at the Land Title Office.

In accordance with the Strata Property Act, Council must not approve the strata plan unless the buildings substantially comply with the applicable bylaws of the municipality and the British Columbia Building Code. Both dwellings are in compliance with the Rural Zone RU-3 provisions concerning use, site coverage, building height and building setbacks. With regards to compliance with the British Columbia Building Code, both dwellings will be required to undergo a building inspection by the Township's Permit, Licence and Inspection Services Department, which may result in the owners having to upgrade or repair the dwellings. A condition of the approval of the strata plan is that both single family dwellings be in substantial compliance with Township Bylaws and the British Columbia Building Code, to the acceptance of the Township.

Section 242 of the Strata Property Act also outlines five (5) items that Council must consider in making its decision:

- 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.

Staff note that items (a) and (b) above are primarily related to strata title conversion applications involving residential rental buildings (typically apartments or townhouses) and are not applicable to the subject application. In regards to items (c) and (d) above, staff note that the second dwelling was constructed in 2016. The first dwelling was built in 1981.

Servicing:

Staff has reviewed the proposed strata title conversion application and have identified the following conditions that must be satisfied prior to the strata plan being approved by the Township. As this application is proposing the use of an onsite septic sewerage system, the applicant is required to submit certification from a Qualified Professional stating that the land proposed is suitable for the proposed use. Furthermore, as the subject property is located in an area where the aquifer is vulnerable, new conventional septic systems will require an upgrade to include nitrate removal. Further, a restrictive covenant is required to secure the design, construction and maintenance of this septic system. An adequate well must also be provided on each strata lot and must be in accordance with the Subdivision and Development Servicing Bylaw to the acceptance to the Township.

POLICY CONSIDERATIONS:

The Strata Property Act requires approval by Council (as the approving authority) of strata plans that include previously occupied buildings. Staff recommend that Council approve the proposed strata title conversion application as it complies with the requirements of the Strata Property Act.

Respectfully submitted,

Ruby Sandher
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

