



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Strata Conversion of Previously Occupied Buildings/ Strata Property Act

ESTABLISHED: September 12, 2005

Contact Department: Development Planning Department

Guiding Principle

The *Strata Property Act* gives municipalities the power to consider whether to approve the stratification of existing residential rental buildings that have been previously occupied.

Purpose

To outline the delegation of strata conversion applications for previously occupied buildings under Section 242 of the *Strata Property Act*, the criteria for delegates to consider, and additional requirements for applicants.

Application

This policy applies to all applications for strata conversions of previously occupied buildings under Section 242 of the *Strata Property Act*.

Definitions

"Approving Officer" means the person appointed by the City as the Approving Officer under the *Land Title Act* and includes their lawful deputy.

Policy Statements

1. Delegation

- a. Pursuant to Section 242(10) of the *Strata Property Act*, Council delegates to the Approving Officer the exercise of powers and performance of the duties of the approving authority under Section 242 of the *Strata Property Act*, as amended.
- b. The Approving Officer may approve an application which meets the criteria outlined in Section 2.
- c. This delegation is restricted to the strata conversion of previously occupied buildings that are:
 - i. Residential buildings that contain four or less dwelling units; or
 - ii. Commercial buildings; or
 - iii. Industrial buildings; or
 - iv. Institutional buildings.
- d. Applications for the strata conversion of residential buildings with greater than four dwelling units shall be considered by Council.

2. Criteria

- a. The strata conversion may be approved if it complies with the following criteria:
 - i. The building shall substantially comply with City Bylaws and the British Columbia Building Code, as amended.
 - ii. The legislated criteria in Section 242(6) of the *Strata Property Act*, as amended.
 - iii. Relevant policy in the Official Community Plan, as amended.

3. Requirements

If there are current tenants, applications must adhere to the following requirements:

- a. The applicant shall advise, in writing, all tenants affected by any proposed strata conversion that an application for a strata conversion has been made to the City of Kelowna.
- b. The applicant shall advise all tenants of their rights under the *Residential Tenancy Act*, as amended, with respect to the termination of their tenancy in the event that they are not given the opportunity or do not wish to purchase the unit which they occupy.
- c. The applicant of any application which requires the approval of Council shall provide all tenants with a letter, at least 10 days prior to the matter being presented to Council, advising the tenants of the date and time of the Council meeting at which the application is to be considered and that any tenants who deem their interest to be affected by such strata conversion may appear before Council and express their views regarding such conversion.

Amendments

Resolution: 2023/06/05

Replacing: R375/10/04/26; R1039/08/11/24; R922/00/11/20; R/892/1999/11/01; R-1981/04/14; R-1980/08/05; R856/05/09/12