



STRATA TITLE POLICIES FOR RS, RT AND RM ZONES

Adopted by City Council on July 28, 2009

1 Application and Intent

These guidelines apply to the strata titling of previously occupied buildings or new construction in the RS, RT and RM zones.

Under Section 242 (1) of the **Strata Property Act** of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into strata lots. Pursuant to Section 242 (10) of the **Strata Property Act**, Council has delegated its approval authority to the Approving Officer for previously occupied buildings containing less than six dwelling units.

Newly constructed buildings, which are not occupied prior to registration of a strata plan at the Land Title Office, do not require the approval of City Council or the Approving Officer.

2 Secondary Suite

In the RS, RT and RM zones, one secondary suite is conditionally permitted. The suite can either be built at the same time a new one-family dwelling (i.e. house) is being constructed, or a suite can be incorporated into an existing one-family dwelling. The construction and safety requirements of the Vancouver Building By-law (VBBL) for a secondary suite within an existing one-family dwelling (which may not be strata titled) are less demanding than for new construction.

Terms regarding suites are not the same in the Vancouver Building By-law and the Zoning and Development By-law (Z&D). The VBBL terms include Secondary Suite and Group “C” Residential Occupancy Classification. The Z&D terms include Multiple Conversion Dwelling, Two-Family Dwelling and Infill. Contact Development Services staff (VBBL) or Planning staff (Z&D) for how these two by-laws apply in your specific situation.

3 Laneway House

In the RS-1 and RS-5 zones, a laneway house is conditionally permitted. A new laneway house can be built on a site which accommodates an existing one-family dwelling, or a new laneway house can be built in conjunction with a new one-family dwelling. In both cases, the one-family dwelling can also include a secondary suite.

The following outlines the policies for the conversion of previously occupied buildings or new construction to strata title ownership in applicable zoning districts.

3.1 In the RS-1 and RS-5 Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;
- (c) a unit is approved as a laneway house as defined in the Zoning and Development By-law; or
- (d) a unit is approved as a laneway house as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new One-Family Dwelling with a Secondary Suite;
- (b) a new One-Family Dwelling with a new laneway house; or
- (c) a new One-Family Dwelling with a Secondary Suite and a new laneway house

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

3.2 In the RS-1A, RS-2, RS-3, RS-3A, RS-4 and RS-6 Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for a new One-Family Dwelling with a Secondary Suite, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

3.3 In the RS-7 Zone

Conversions

Council, or the Approving Officer, will not entertain any application to convert a previously occupied building to strata title ownership where:

- (a) the site is less than 668 m²;
- (b) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (c) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new Two-Family Dwelling on a site less than 668 m²; or
- (b) a new One-Family Dwelling with a Secondary Suite

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

3.4 In the RS-1B, RT and RM Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

An exception may be made for an existing One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling. In these cases, Council, or the Approving Officer, may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).

All other applications to convert previously occupied buildings to strata title ownership will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.

New Construction

- (a) One-Family Dwelling with Secondary Suite

As a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

- (b) One-Family Dwelling with Secondary Suite and Additional On-site Development

As a condition of development permit approval for a new One-Family Dwelling with a Secondary Suite, with additional development such as a new Infill Dwelling, the registered owner shall execute a covenant which must be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. the Secondary Suite cannot be defined as a separate strata lot).