
MEETING TYPE: Regular Council Meeting
MEETING DATE: September 10, 2024
AUTHOR: Steven Gubbels, Development Engineering Manager
DEPARTMENT: Infrastructure & Development Engineering
ITEM TITLE: Subdivision | S0000598 | 10474/10472 Taiji Crt
DESCRIPTION: Building Strata Conversion of Occupied Duplex Building

PURPOSE

To consider a strata conversion of a duplex into two separate strata lots. The building is not currently a rental property.

RECOMMENDATION

THAT Building Strata Conversion Subdivision application S0000598 for the property at 10474/10472 Taiji Court (Roll 10144000; PID 101-552-588) to convert a duplex into two separate strata lots, as shown on Attachment A-S0000598-Site Plan to the Report to Council dated September 10, 2024, be approved in accordance with Section 242 of the Strata Property Act.

EXECUTIVE SUMMARY

Section 242 of the Strata Property Act (SPA) gives municipalities the power to consider whether to approve the stratification of existing residential buildings that have been previously occupied. In the District of Lake Country, the approving authority for this type of application is the Council. The SPA also indicates that Council can delegate this authority to an Approving Officer or other person. District Staff are currently working on a policy which will be brought before Council to delegate this authority at a later date.

BACKGROUND/HISTORY

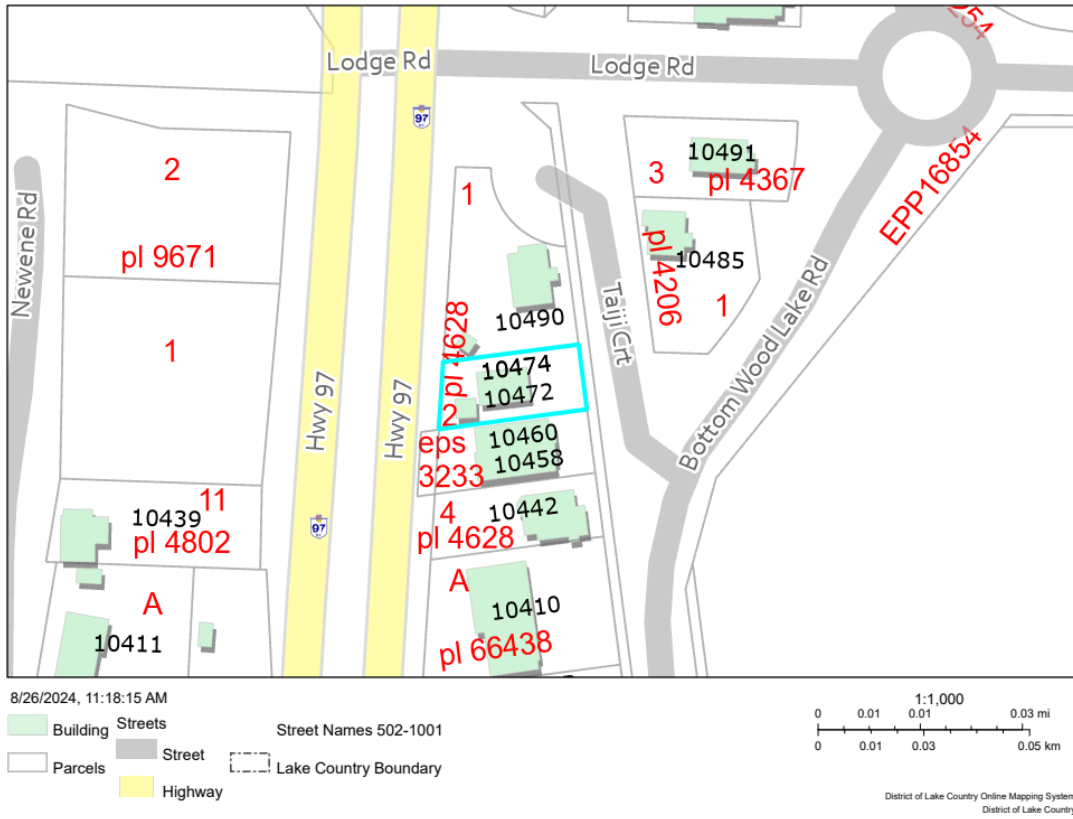
Council approved a Development Variance Permit for the subject property in November of 2019 which varied the RM2 zoning bylaw side yard setbacks from 4.5 meters to 2.0 meters. A building permit was then issued in 2020 for the construction of a Duplex dwelling which is now jointly owned and occupied by members of the same family.

SITE CONTEXT

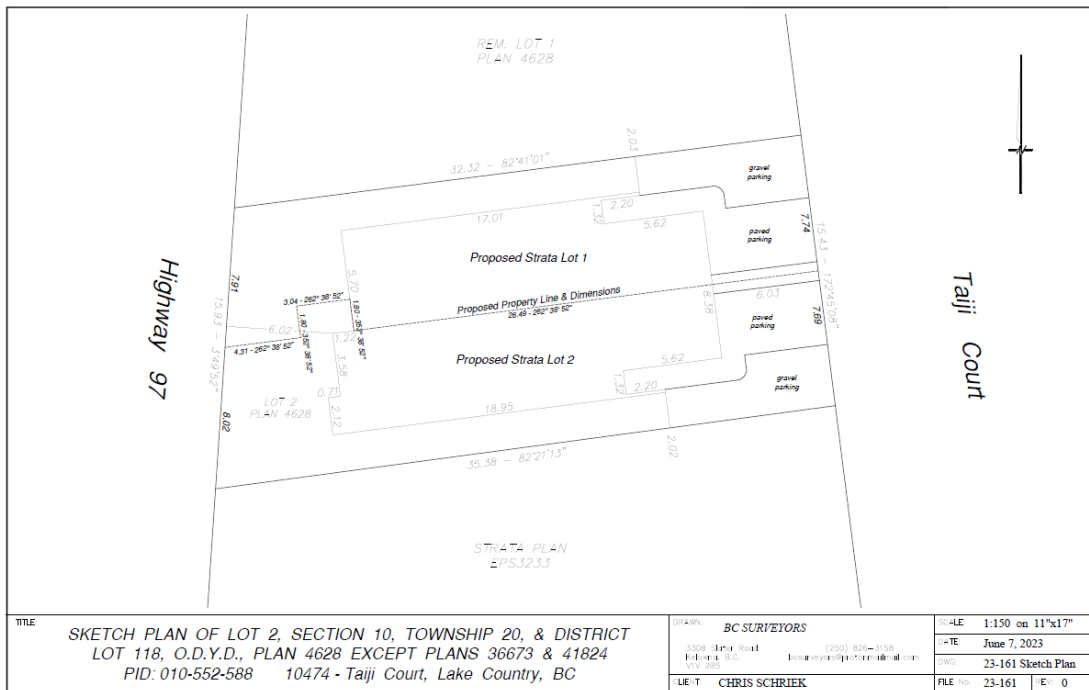
The subject property is located at 10474/10472 Taiji Crt within the Winfield Ward of the District of Lake Country. The subject property consists of a Duplex dwelling which was granted occupancy in March of 2021. The subject property fronts Taiji Court and backs onto Highway 97, neighboring the property are Duplex and Single-family dwellings.



LOCATION MAP



PROPOSED STRATA PLAN



DISCUSSION/ANALYSIS

The proposal is for the stratification of an existing Duplex at 10474 and 10472 Taiji Court. The property is currently jointly owned by two members of the same family. Stratification of the existing Duplex will allow for each owner to have legal title for their half of the property. This would allow each owner to retain their ownership of the property if the other were to sell their portion, or if one of the joint owners were to pass away.

Section 242 of the SPA says that for this type of stratification the subject building must comply substantially with all District bylaws and the Building Act. In addition, under section 242 the Approving Authority must consider:

- Priority of rental in the area
- Proposals for relocation of residents
- Life expectancy of the building
- Projected increases in maintenance costs
- Any other relevant matters

Additionally, the OCP has guidelines for preserving rental properties:

- OCP objective 7.1.4 protect rental.
- OCP objective 7.1.5 discourage stratification of rental

In this case there are two joint owners occupying the property. This property is not currently being rented, so stratification will not result in the loss of rental accommodation.

A Building Stratification Assessment Report was submitted and reviewed by the DLC Building Department, and no concerns were identified. The report states that the property is in good condition and complies with the standards of the BC Building Code 2016 which was current at the time.

NEXT STEPS

If the Council approves the strata conversion without terms and conditions, the Approving officer must endorse the plan in accordance with the regulations. The Council can also apply conditions to approval, and in this case the Approving Officer would endorse the plan once the terms and conditions have been met.

Conditions will ordinarily require that the building substantially comply with applicable District by-laws, and that the owner provide for the needs of displaced tenants residing in the affected building. The subject property is currently in compliance with all District bylaws and is not currently being rented, therefore the stratification of this property will not result in any displaced tenants.

APPLICABLE LEGISLATION, BYLAWS AND POLICY

Strata Property Act

Official Community Plan

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY (if applicable)

None

FINANCIAL IMPLICATIONS

None

CONSULTATION (Internal referrals, External Agencies, Committees, Stakeholders)

Internal and External referrals were completed as part of the Subdivision review process. External agencies provided general comments and had no objections to the stratification of the subject property.

OPTIONS

- A. THAT a Building Strata Conversion Subdivision S0000598 at 10474/10472 TAIJI CRT (Roll 10144000; PID 101-552-588) in accordance with Section 242 of the Strata Property Act as shown on (Attachment A-S0000598-Site Plan) to the Report to Council from the Infrastructure and Development Engineering, dated September 10, 2024, be approved.

- B. THAT a Building Strata Conversion Subdivision S0000598 at 10474/10472 TAIJI CRT (Roll 10144000; PID 101-552-588) in accordance with Section 242 of the Strata Property Act as shown on (Attachment A-S0000598-Site Plan) to the Report to Council from the Infrastructure and Development Engineering, dated September 10, 2024, be approved with conditions.

- C. THAT a Building Strata Conversion Subdivision S0000598 at 10474/10472 TAIJI CRT (Roll 10144000; PID 101-552-588) in accordance with Section 242 of the Strata Property Act as shown on (Attachment A-S0000598-Site Plan) to the Report to Council from the Infrastructure and Development Engineering, dated September 10, 2024, not be approved.

Respectfully Submitted,
Steven Gubbels, Development Engineering Manager

Report Approval Details

Document Title:	Strata Conversion 10474 and 10472 TAIJI CRT .docx
Attachments:	- Attachment A - S0000598 - Site Plan .pdf
Final Approval Date:	Sep 4, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Brian Zurek, Manager of Planning - Sep 4, 2024 - 8:25 AM

No Signature found

Matthew Salmon, Infrastructure & Development Engineering Director - Sep 4, 2024 - 9:51 AM

Reyna Seabrook, Director of Corporate Services - Sep 4, 2024 - 10:07 AM

Paul Gipps, Chief Administrative Officer - Sep 4, 2024 - 12:37 PM