

1. PURPOSE

- 1.1. To establish requirements for processing applications on building strata lots in the Regional District of Nanaimo (RDN), and to ensure compliance with the *Strata Property Act*, applicable RDN bylaws, and other enactments.

2. DEFINITIONS

"3/4 vote" means a vote in favour of a resolution by at least 3/4 of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting pursuant to the *Strata Property Act*.

"Board" means the Regional District of Nanaimo Board of Directors.

"building strata" means a type of strata development in which each strata lot is defined by the physical boundaries of a building or part of a building, rather than by surveyed land boundaries. In a building strata, individual ownership typically includes interior space within the building, while the building's structure, exterior, and land are designated as common property or limited common property.

"common property" means

- a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and
- b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located
 - a. within a floor, wall or ceiling that forms a boundary
 - i. between a strata lot and another strata lot,
 - ii. between a strata lot and the common property, or
 - iii. between a strata lot or common property and another parcel of land, or
 - b. wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property;

"limited common property" means common property designated for the exclusive use of the

owners of one or more strata lots;

"RDN" means the Regional District of Nanaimo.

"Standard Bylaws" means the bylaws set out in the Schedule of Standard Bylaws in the *Strata Property Act*.

"strata corporation" means a strata corporation established under section 2 of the *Strata Property Act*.

"strata lot" means a lot shown on a strata plan.

3. SCOPE

- 3.1. This policy applies to all building permit applications involving building strata plans registered under the *Strata Property Act* where the proposal may impact strata lot boundaries, common property, or limited common property.

4. RESPONSIBILITY

- 4.1. The Development and Emergency Services Department, as renamed from time to time, is responsible for ensuring that the requirements of this policy are satisfied through the permitting process.

5. POLICY

5.1. Applicant Responsibility for Strata Compliance

- 5.1.1. The applicant is responsible for ensuring compliance with the *Strata Property Act*, including obtaining all necessary approvals from the strata corporation prior to submitting a building permit application.
- 5.1.2. The RDN does not verify compliance with strata bylaws or enforce the provisions of the *Strata Property Act*; however, evidence of compliance is required to support permit issuance.

5.2. Required Documentation for Development Applications

- 5.2.1. A letter of authorization signed by the strata corporation or both strata lot owners (if two-unit strata) approving the proposed work.

5.2.2. A copy of the registered building strata plan, and any amendments.

5.2.3. Where the proposed work alters or adds to common property or limited common property a resolution passed by a $\frac{3}{4}$ vote at a general meeting of the strata corporation approving the proposed change is required; or

5.2.4. Where a $\frac{3}{4}$ resolution passed at the strata corporations annual or special general meeting is not available, the applicant may submit a RDN Building Strata Declaration Form signed by the registered owners of all strata lots within the building strata.

5.3. Permit Review and Issuance

5.3.1. RDN staff will review building permit applications in accordance with Building Regulation Bylaw No. 1250, 2010, the BC Building Code, the *Local Government Act*, and applicable zoning bylaws.

5.3.2. Staff will not issue a permit where:

5.3.2.1. The application proposes work that affects common property or common assets without documented strata approval; or

5.3.2.2. The proposal does not meet the requirements of Bylaw No. 1250, the zoning bylaw, or other applicable enactments.

5.4. Amendments to Strata Plans

5.4.1. If a proposed building, addition, or accessory structure results in changes to common property, or limited common property as depicted by the registered strata plan, the applicant must amend the strata plan which has been registered with the Land Title and Survey Authority.

5.4.2. The RDN requires confirmation in the form of a registered amendment to the original strata plan has been registered with the Land Title Office as required by the *Strata Property Act* prior to booking final inspection or occupancy.

5.4.3. Final Inspection or Occupancy will be withheld until such a time that the RDN receives confirmation that the amended strata plan has been registered with the Land Title Office as required by the *Strata Property Act*.

6. COMPLIANCE

- 6.1. The issuance of a permit, Final Inspection, or Occupancy will be withheld until the requirements of this policy have been satisfied.

Department	Current Planning	Approval Date	
Resolution No.		Amendment Date(s)	
		Next Scheduled Review Date	