

NO: R221

COUNCIL DATE: December 12, 2022

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **December 8, 2022**

FROM: **Acting General Manager, Planning & Development** FILE: **22-025080-00**
XC: **19288-03600**
19298-03600

SUBJECT: **Strata Title Conversion of the Light Industrial Building Located at 19288 – 36 Avenue**

RECOMMENDATION

The Planning & Development Department recommends that Council authorize the issuance of a Certificate of Approval for the strata conversion of the Light Industrial building at 19288 – 36 Avenue, in accordance with the *Strata Property Act, R.S.B.C. 1998, c.43*.

INTENT

The intent of this report is to provide Council with the information necessary to authorize the issuance of a Certificate of Approval for the strata conversion of the Light Industrial building at 19288 – 36 Avenue (the “Property”), as shown on the map attached as Appendix “I”, and to inform Council of a plan to stratify an under-construction industrial building on the same lot.

BACKGROUND

The Planning & Development Department has received an application from the owner of the Property to strata title the building. The Property is currently occupied, and in accordance with the *Strata Property Act, R.S.B.C. 1998, c.43* (the “*Strata Property Act*”), Council approval is required to allow the strata conversion of existing, occupied buildings.

DISCUSSION

19288 – 36 Avenue

The subject lot currently includes an occupied industrial building at 19288 – 36 Avenue. The Property achieved Provisional Final Building Approval in November 2021. This building is a two-storey building with seven units and a total floor area of approximately 8,500 sq m.

A number of Landlord and Tenant Improvement Permits were issued for the Property, and the building has been occupied for over 180 days. The Property is in the Business Park 2 (IB-2) Zone intended to accommodate and regulate Light Impact Industry uses such as wholesale and retail sale of products produced within the business premises, warehouse, distribution centre, office (with certain exclusions) and supportive accessory uses.

In accordance with Council's Policy No. M-10 for strata conversion applications for existing buildings, a copy of which is attached as Appendix "II", the property owner has had the building inspected and certified by a qualified consultant. The Registered Professional has submitted a supporting report certifying that the building meets the requirements of the BC Building Code and applicable bylaws. City staff have reviewed this report and have no concerns.

The Property owner advises the City that the current tenants of the Property are aware of this application and no concerns have been received concerning the strata title application.

The stratification of the Property will provide current and future business owners more certainty with respect to land tenure. This certainty will encourage further investment in these businesses with ensured property maintenance, tenant improvements, long-term business licenses, and enhanced potential for business loans. Although this will remove some space from the rental space inventory, the long-term benefits through certainty and continued investments will outweigh this draw back.

19298 – 36 Avenue

There is an under-construction industrial building on the same subject lot, addressed as 19298 – 36 Avenue, as also shown in map attached as Appendix "I". The owner has advised that they are arranging for stratification of this building through the filing of a strata plan prior to Final Building Approval and Occupancy. Strata plans filed before Final Building Approval and Occupancy are not subject to Council consideration as per the *Strata Property Act*.

SUSTAINABILITY CONSIDERATIONS

The work of this report supports the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to Sustainability Charter 2.0 theme of Built Environment and Neighbourhoods and Economic Prosperity and Livelihoods. Specifically, this report supports the following Desired Outcomes ("DO"):

- Neighbourhoods and Urban Design DO8: The built environment enhances quality of life, happiness and well-being.
- Economy DO6: Efficient land use and well-managed transportation infrastructure are in place to attract businesses and support a thriving economy.

CONCLUSION

It is recommended that Council authorize the issuance of a Certificate of Approval for the strata conversion of the occupied industrial building located at 19288 – 36 Avenue in accordance with the *Strata Property Act*.

Original Signed By

Jeff Arason, P.Eng.

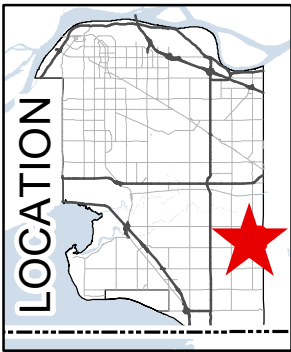
Acting General Manager, Planning & Development

RD/cc/ss

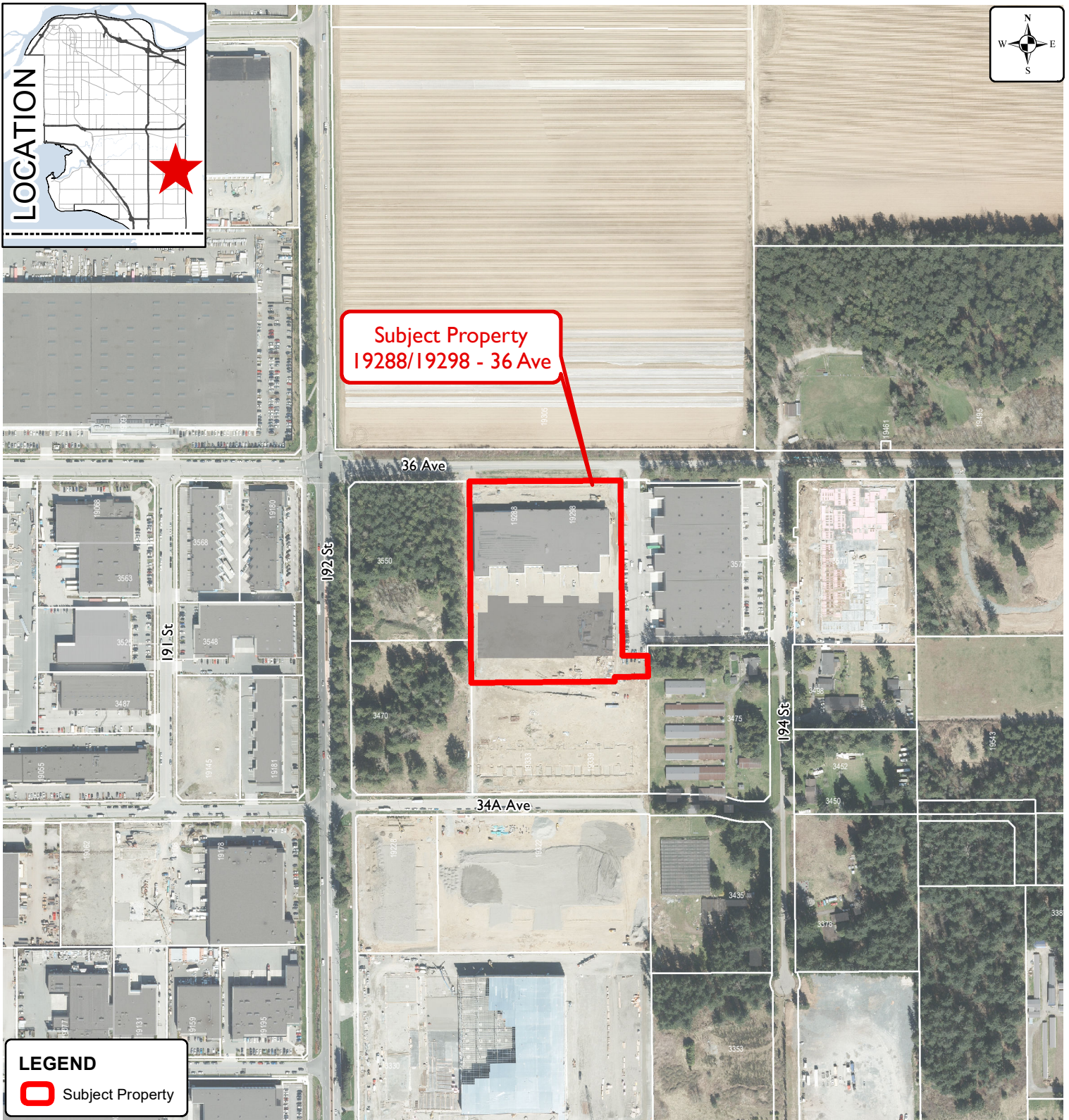
Appendix "I" Map of 19288 and 19298 – 36 Avenue

Appendix "II" City Policy No. M-10

AERIAL PHOTOGRAPH OF SITE



Subject Property
19288/19298 - 36 Ave




LEGEND

 Subject Property

Produced by GIS Section: 01-Dec-2022

Date of Aerial Photograph: 2021

Scale: 1:5,000 



Subject Property
19288 and 19298 - 36 Avenue

ENGINEERING
DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey.
This information is provided for information and convenience purposes only.
Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.



CITY POLICY

No. M-10

REFERENCE:	APPROVED BY:	CITY COUNCIL
REGULAR COUNCIL MINUTES 9 JANUARY 1978 PAGE 34	DATE:	11 MARCH 1991
	HISTORY:	28 JANUARY 1991, 23 OCTOBER 1989, 9 JANUARY 1978

TITLE: PROCEDURES FOR PROCESSING STRATA TITLE APPLICATIONS**(a) General Provisions**

- (1) Application for Strata Title conversion should be made to the Permits and License Department of the Municipal Hall, which will refer the application to the Planning Department and Engineering Department as necessary.
- (2) A non-refundable fee is required to be paid at the time of making application, the amount of such fee to be \$1.00 per thousand square feet of the site area, with a minimum fee of \$50.00.
- (3) Where the Building or Planning Department have on hand adequate drawings of the premises, as determined by the Chief Inspector, the Planner or the Engineer, or where an adequate determination can be made by a field inspection of the premises, no drawings of the building or grounds are required.

Where there are no drawings on hand, or the drawings on hand are inadequate, and an adequate determination cannot be made by a field inspection, then the applicant is required to submit such drawings and other information that may be necessary.

- (4) The Strata Corporation is required to designate one or more persons authorized to grant access, when necessary, to any area of the premises, to inspectors and regulatory forces and to receive from them any instructions or other communications as may be necessary; the name, unit number, and telephone numbers (home and business) at which these persons may be contacted are to be furnished to the Chief Inspector of the Permits and License Department, and updated immediately if there is any change.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

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- (5) A Strata Title conversion will not be approved which would create a situation which might allow a Municipal By-law which would otherwise apply to the premises to be circumvented or negated.
 - (6) Tenants of a proposed Strata Title conversion are to be advised in advance of such proposed change.
 - (7) Where dedication for road widening and upgrading of deficient services are necessary to bring the premises into line with current development policies, such dedication and upgrading will be made a condition of Strata Title approval.
 - (8) All on-site electrical wiring is required to be located underground except that this requirement does not apply to duplexes where the remainder of the electrical services on the street are above ground.

(b) Conversions

- (1) Strata Title conversions on premises, the use of which is non-conforming, will require approval through a Land Use Contract prior to approval of the strata plan.
- (2) Council will not approve conversions of rental to strata title units other than properly zoned duplex units.

Amended March 11, 1991

- (3) On Strata Title conversions of buildings more than five years old the buildings are required to be certified by a qualified consultant acceptable to the Chief Inspector such as a Professional Engineer, or an Architect, to the effect that the building is of reasonable quality for the age of the building and if not, what remedial measures will be required, final approval for Strata Title conversion will be withheld until these measures have been satisfactorily attended to. The Consultant shall also indicate the life expectancy of the buildings and project major increases in maintenance costs due to the condition of the buildings.
- (4) On Strata Title conversions the controls and service panels for common services are required to be located in common areas, and wherever possible common services are required to be accessible for maintenance from common areas.
- (5) On Strata Title conversion of an existing premises the buildings are required to be upgraded to meet current fire, health and other requirements with regard to safety and public welfare, and final approval of Strata Title conversion will be withheld until all potential hazards have been eliminated.
- (6) Surrey Municipal Council will not approve conversions from rental to strata title units, unless Surrey's vacancy rate reaches or exceeds 4%, as determined by the Canada Mortgage and Housing Corporation.

Amended April 5, 1993

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

(c) New Buildings

- (1) On new Strata Title buildings:
 - (i) The control and service panels for common services are required to be located in common areas.
 - (ii) Common services are required to be accessible for maintenance from common areas.

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