

City of Prince Albert CONDOMINIUM CONVERSION POLICY			
Department:	Economic Development and Planning	Policy No.	12.1
Section:	Planning	Issued:	January 28, 2008
Subject:	CONDOMINIUM CONVERSION POLICY	Effective:	July 2, 2008
Council Resolution # and Date:	Council Resolution No. 0540 of July 2, 2008	Page:	1 of 5
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Issued by:	Rachel Cheke, Planner 1	Dated:	January 28, 2008
Approved by:	Joan Corneil, Director of Economic Development and Planning		

1 POLICY

1.1 Review of Application

Condominium conversion applications require City Council approval.

1.2 Public Hearing and Public Notice

- (i) Council shall hold a Public Hearing before considering a condominium conversion application.
- (ii) Council shall give notice of its intention to consider a condominium conversion application by publishing a notice once in a local newspaper circulating in the City, not less than seven days prior to the date of consideration of the application by Council.

1.3 Conversion Application

All condominium conversion applications will be reviewed for compliance with the National Building Code, The Uniform Building and Accessibility Standards Act, and The City of Prince Albert Building Bylaw, where applicable, so that the building is not deficient in life safety aspects (i.e. exit lights, fire extinguishers, ventilation). Applications will also be reviewed for compliance with The City of Prince Albert Zoning Bylaw, where applicable, and the Condominium Property Act.

Upon approval, the City Clerk and Mayor will sign on behalf of Council the condominium certificate submitted by the surveyor.

1.4 Criteria for Approval of Condominium Conversions

- (a) When the vacancy rate is 3% or more, City Council in addition to the other criteria set out in the policy, will evaluate applications based on the results of a City Tenant Survey to assess potential hardship of the conversion on tenants and that indicates 75% or more of the responding tenants support the condominium conversion. Even though the vacancy rate is above 3.0%, Council may still deny any application for condominium conversion.
- (b) When the vacancy rate is 3% or less, Administration will not forward any applications to City Council for condominium conversion, unless the City Survey indicates 75% or more of the responding tenants support the condominium conversion. Multiple responses from the same unit will be counted as a single response, however, even though 75% or more support the conversion, Council may still deny the applications for condominium conversions.
- (c) If the property is vacant and the vacancy rate is lower than 3%, the City cannot conduct a Tenant Survey and the restriction on conversion cannot be waived,

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therefore in order for the condominium conversion to proceed the building owner will need to either wait until the vacancy rate rises above 3%, or apply once the building is fully occupied with tenants.

- (d) If the vacancy rate is 3% or less, Administration will not bring forward any applications to City Council, unless the application for condominium conversion relates to a building that, at the time of application, is subject to an Order pursuant to The City of Prince Albert Maintenance and Occupancy Bylaw, Public Health or other official agency to repair or demolish the building and in the opinion of the Fire Chief, the Chief Building Official or their designate, and the Public Health Officer, that the building is in a ruinous or dilapidated state such that the building is dangerous to the public health or safety or substantially depreciates the value of other land or improvements in the neighbourhood, and;
- I. is submitted by a person, other than the person to whom the Order to repair or demolish the building was directed, or a person related to or affiliated with that person; and
 - II. contains the corrective measures to be taken to remedy the deficiencies in the building, as identified in the Order issued pursuant to The City of Prince Albert Maintenance and Occupancy Bylaw, to Public Health, or other official agency.
- (e) All condominium conversion applications must comply with the current parking requirements for multiple unit dwellings in accordance with the provision of The City of Prince Albert Zoning Bylaw No. 1 of 1987, as amended.

1.5 **Building and Fire Inspection**

With all conversion applications the City of Prince Albert's appropriate building and fire inspectors will inspect the building and any upgrades as he/she deems necessary will be required in order to ensure compliance.

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1.6. Application Fees

A non-refundable administrative application fee of \$500, plus \$300 for public notice, will be required at the time of application for a condominium conversion.

2 PURPOSE

2.1 To ensure orderly approval of applications for conversion of residential rental units to condominium ownership without causing undue hardship to existing tenants or significantly reducing the availability of rental accommodation.

3 SCOPE

3.1 The Condominium Conversion Policy applies to all condominium conversion applications.

4 RESPONSIBILITY

4.1 Applicant

The applicant is responsible for all necessary documents and information needed to complete the application as per Section 7 of this Policy (ie: proposed condominium plan and/or condominium plan, registered mail receipts, written notice and copies of any replies such notice, and any other documentation requested by the City of Prince Albert)

4.2 City Council

City Council is responsible for the approval or denial of condominium conversion applications.

4.3 Mayor and City Clerk

The Mayor and City Clerk are responsible for signing condominium certificates and plans of survey following approval by City Council.

5 DEFINITIONS

5.1 **Condominium Conversion:** Conversion of existing residential rental units to condominium ownership. This includes demolition and renovation that would result in any tenant receiving a notice to vacate pursuant to *The Residential Tenancies Act*.

5.2 **Hardship:** Difficulty caused by condominium conversion which relates to:

- i) affordability
- ii) ability to acquire other accommodation;
- iii) access to services; and/or
- iv) neighbourhood displacement.

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6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

- 6.1 The City of Prince Albert Zoning Bylaw No. 1 of 1987
- 6.2 The Condominium Property Act, 1993
- 6.3 The Condominium Property Regulations, 2001
- 6.4 The National Building Code of Canada, 1995
- 6.5 The Uniform Building and Accessibility Standards Act, 1984
- 6.6 The City of Prince Albert Building Bylaw – Bylaw No. 11 of 2003
- 6.7 The Planning and Development Act, 2007

7 PROCEDURE

- 7.1 The applicant for a conversion of a building containing rented residential units that are occupied by tenants shall give written notice by registered mail to each tenant 30 days prior to the Public Hearing and Council decision stating the following:
- (i) An application to convert the building into condominiums has been submitted to the City of Prince Albert. The applicant will provide the date, time and place of the public hearing meeting with City of Prince Albert contact information.
 - (ii) That the tenant has first option to purchase at fair market value, exercisable at any time within one (1) year from the date of City Council's resolution allowing the building to be converted into condominium.
 - (iii) That the tenant has been given one (1) year from the date of City Council's resolution allowing the building to be converted into condominium to vacate the building if the tenant does not wish to purchase the unit. The applicant will indicate that during this time, the rent will not exceed the fair market rent charged for comparable units in the area.

The applicant shall provide the City of Prince Albert with the registered mail receipts from the above-mentioned written notice as well as a copy of all replies to such written notice, if any. The applicant shall also provide the City with a copy of the notice. *The applicant shall provide the City of Prince Albert with a list of all tenants living in the building and their address for mailing of City's Tenant Survey.*

- 7.2. The applicant shall post a notice stating the information described in section 7.1 at all main entrances to the building 30 days prior to the Public Hearing and Council decision. The City of Prince Albert shall obtain an affidavit that such notice has been posted.
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- 7.3 The applicant shall provide the City with the proposed condominium plan and/or condominium plan and any other documentation requested by the City of Prince Albert. The applicant shall enter into a Condominium Conversion Agreement with the City of Prince Albert regarding the conditions set out in Sections 7.1(ii) and (iii).
- 7.4 Upon approval, the City Clerk and Mayor will sign on behalf of Council the condominium certificate submitted by the surveyor. The City Clerk will complete Form GG of The Condominium Property Regulations.
- 7.5 Attachments:
- (i) Sample of written notice to be provided to the tenant;
 - (ii) Sample of notice to be posted within the building;
 - (iii) Sample of affidavit;
 - (iv) Condominium Conversion Agreement;
 - (v) City of Prince Albert Tenant Survey.
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