

APPLICATION FOR APPROVAL TO
STRATIFY BUILDING(S)

Name of Applicant(s) _____ Telephone _____

Address of Applicant(s) _____

Name of Owner(s) _____ Telephone _____

Zoning: _____ Lot Size: _____ (Corner or Inside) _____

Documents Received: State of Title _____ Surveyors Certificate _____
Letter of Authorization if Applicant is not Owner. _____

Legal Description of Property to be Stratified: _____

Civic Address of Property to be Stratified: _____

Type of Building to be stratified:

Two Dwelling Housing:	Semi-detached (Side x Side)	<input type="checkbox"/>	Duplex (Upper/Lower)	<input type="checkbox"/>
Multiple Housing	<input type="checkbox"/>	Number of Units	_____	
Industrial	<input type="checkbox"/>	Number of Units	_____	
Commercial	<input type="checkbox"/>	Number of Units	_____	
Institutional	<input type="checkbox"/>	Number of Units	_____	

Number of units currently: Rented _____ Owner Occupied _____ Vacant _____

Addition Information: _____

Signature of Applicant(s) _____

DEPARTMENTAL USE ONLY

Date Application Received _____ Received By _____

Renewal Fee and Receipt Number \$ _____ R# _____

Examination Fee and Receipt Number \$ _____ R# _____ At time of Application

Additional Units(over 5 units) x \$ _____

CITY OF KELOWNA STRATIFICATION CONVERSION
(STRATIFICATION OF EXISTING OCCUPIED BUILDINGS)

Multiple Housing applications (3 Dwelling Units or greater) require the approval of City Council. All other applications require approval of the Subdivision Approving Officer/Chief Building Official.

Applications for stratification are made at the office of the Building Inspections Department. Documents must be submitted as follows:

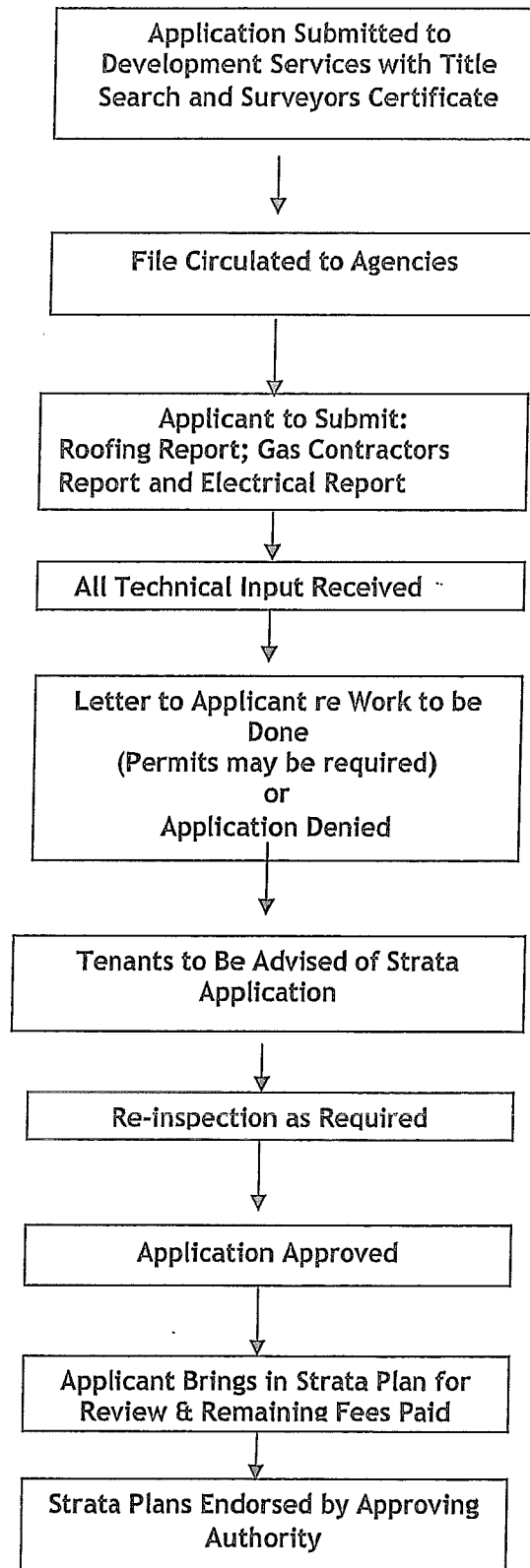
1. Application form showing the present zoning and full legal description (form enclosed).
2. If acting as an agent, a letter of authorization from the owner is required.
3. One copy of the Surveyors Certificate showing the location of the building(s) on the lots including distances between the building(s) and boundaries.
4. State of Title Certificate (may be obtained from the Land Title Office in Kamloops). The certificate must be current within three (3) months of the date of application.
5. Tenants must be given first right to purchase the strata units being converted. As well, all tenants must be provided with information from "A Guide for Landlords & Tenants". A Statutory Declaration from the owner in this regard is required in accordance with the attached copy of Council Policy 148. These will be provided to you during the application process.

A copy of the Certificate of Electrical Inspection by a B.C. Safety Authority or a copy of the Electrical Contractor Authorization deeming that all work has been completed in accordance with the provisions of the Electrical Safety Regulations and the electrical system in the building is safe and functioning properly. ***Electrical Contractor reports are to include verification in the form of a general comment that the scope of the inspection included an electrical survey for stratification of the building and that the overall electrical systems is operating in a safe and proper manner.***

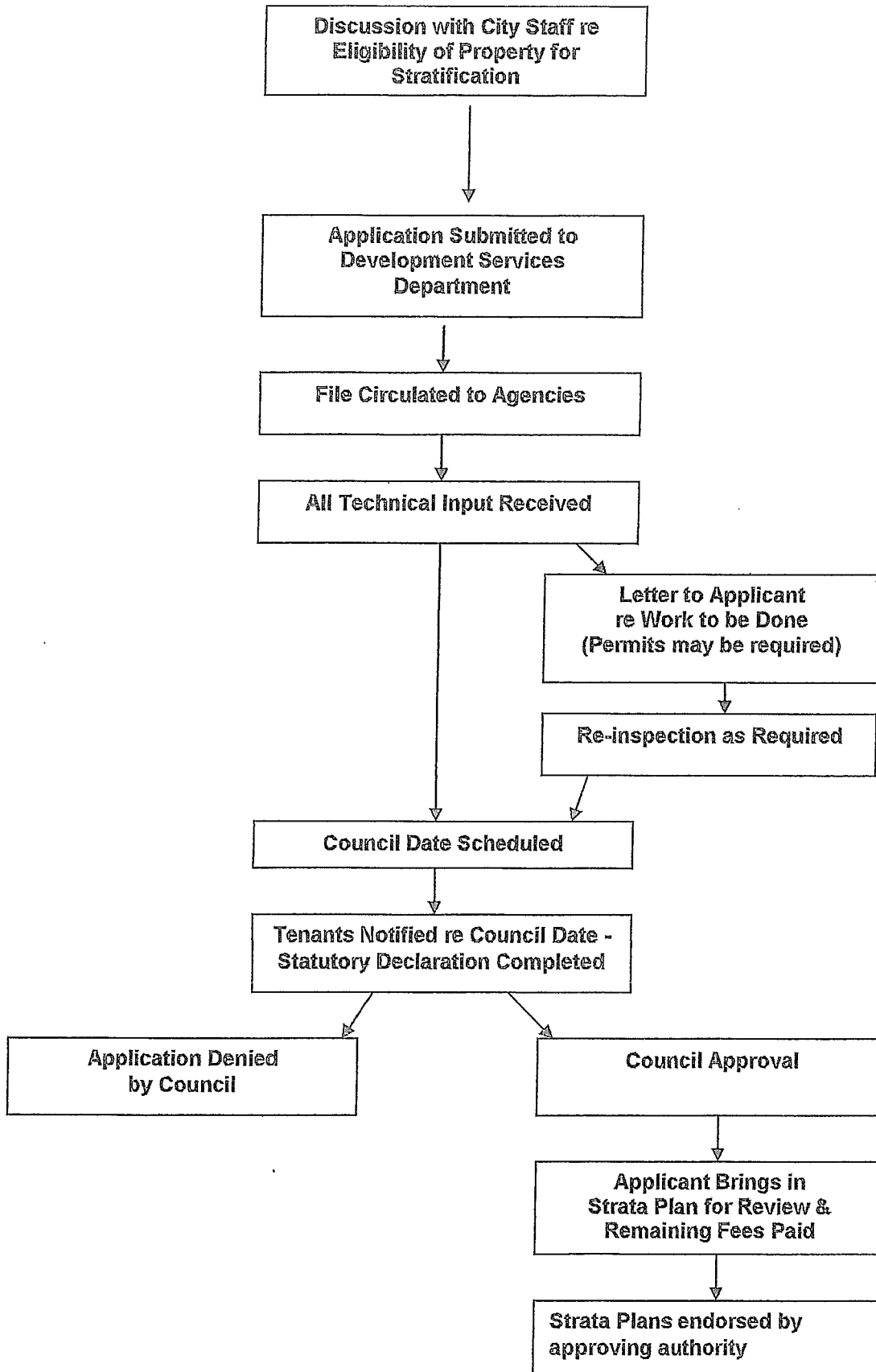
Please note that a two family residential dwelling may require two separate water services to be eligible for stratification. A Water Service Certificate may be required.

A set of Strata Plans must be submitted for examination prior to endorsement of strata plans.

City of Kelowna Development Process: Stratification of Existing Occupied Building Residential



**City of Kelowna Development Process:
Stratification of Existing Occupied Buildings
Multiple Housing**





Landlord and Tenant Fact Sheet

RTB-125

Selling a Tenanted Residential Property

When a rental property is being sold, both the landlord and tenant have rights and responsibilities under the *Residential Tenancy Act* (RTA).

Showing the property

s. 29 RTA

Before showing the rental unit, the landlord must have the tenant's agreement or give the tenant proper written notice that states the date, time and reason for entry. The tenant must receive the notice at least 24 hours, and not more than 30 days, before the time of entry.

Ideally, a tenant and landlord agree on a schedule of viewing times to include in a single notice. Otherwise, the landlord must give the tenant notice each time before showing the rental unit. When notice has been given, the landlord can show the rental unit even if the tenant is not home. A landlord may enter common areas of the property at any time without giving the tenant notice.

The landlord must keep in mind that a tenant is entitled to reasonable privacy and freedom from unreasonable disturbance. A notice indicating showings will take place daily from 9 a.m. to 9 p.m. for a three-week period would be unreasonable.

It is illegal to use a lockbox without the tenant's permission.

Purchaser wants to live in the unit

When the new owner, or a close family member of the new owner, intends to live in the rental unit, the Two-Month Notice to End Tenancy can be served before the purchaser takes possession of the property, but only after all the conditions of sale have been removed (service of the notice should not be a condition of sale). The new owner must make the request in writing to the

landlord before notice can be served. A "close family member" is defined in the RTA and includes the father, mother or child of the landlord or the landlord's spouse. If a family corporation owns the rental unit, then a close family member would include an individual who owns, or whose close family member owns, all the voting shares.

Purchaser wants to use the rental unit for another purpose

The tenant can be served a 2-Month Notice to End Tenancy after the title of the property has been transferred and all required government permits and approvals are in place when the purchaser intends to:

- Demolish the rental unit or do major repairs or renovations that require the building or rental unit be empty.
- Convert the rental unit to a strata property unit, a non-profit co-operative or society, or a not-for-profit housing co-operative under the *Cooperative Association Act*.
- Convert the rental unit to non-residential use, such as a shop.
- Convert the rental unit into a caretaker's premises.

Giving notice on a periodic tenancy

For a month-to-month tenancy, or a periodic tenancy with a different period, the landlord must give the tenant a Two-Month Notice to End Tenancy. The tenant is also entitled to financial compensation equal to one-month's rent (s. 51, RTA).

A tenant can end the tenancy earlier by giving the landlord at least 10-days written notice and paying the rent up to, and including, the planned move-out date.

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-125(2009/09)

If the tenant has already paid a full month's rent, the landlord must rebate a pro-rated portion of the rent. The tenant is also still entitled to the full compensation (s.50, 51 RTA).

The property seller (or landlord) must pay the tenant compensation equal to one month's rent on or before the last day of the tenancy. This requirement applies whether the tenant vacates before or after transfer of the property title. RTA s. 51 gives the tenant the option to withhold the last month's rent. If the tenant has already paid the last month's rent and chooses to give 10-days written notice and vacate the premises early, the landlord must pay the tenant a pro-rated amount and ensure the tenant receives compensation equal to one-month's rent.

Fixed term tenancies

If the tenancy agreement requires the tenant to move out at the end of a fixed term, the landlord does not need to give the tenant any notice to end the tenancy. The tenant must vacate the premises on the end date and is not entitled to any financial compensation. The landlord cannot require the tenant to move before the end date.

Where the tenancy is for a fixed length of time, the Notice to End Tenancy cannot take effect before the end date specified in the tenancy agreement. The tenant also cannot end the tenancy earlier than the end date. However, the landlord and tenant can come to an agreement to end the tenancy earlier.

If the tenant is not required to vacate at the end of the fixed-term, the landlord must give a full two-month's notice. The tenant is also entitled to financial compensation equal to one-month's rent.

If the two-month notice takes effect after the end of the fixed term and the tenancy converts to a month-to-month tenancy, the tenant can give a 10-day notice that is effective after the fixed term's end date. The tenant is also entitled to financial compensation once the tenancy is month-to-month.

Additional compensation

If the purchaser does not use the rental unit within a reasonable period or for the reasons

given in the Notice to End Tenancy, the tenant may apply for dispute resolution asking for additional compensation equal to two months' rent. At the hearing, the purchaser may have a valid defence if they can demonstrate there was an honest intent to occupy, renovate, convert or demolish at the time the notice was issued. The purchaser, rather than the seller, must pay the tenant this additional compensation if the two-month's notice was given at the purchaser's written request, even if the tenancy ended before title was transferred.

Security & Pet Damage Deposits

The purchaser becomes responsible for a tenant's security deposit or pet damage deposit, even though the deposits were being held in trust by the seller. The purchaser and seller may wish to address the transfer of deposit monies in the contract of sale or the closing settlement.

Debts associated with residential property are important. Parties should ensure that their lawyer consider such matters carefully and address them fully in the contract of sale and purchase, or deal with them fully at closing.

For more information ...

Visit the RTB's Web site at www.rto.gov.bc.ca.

Call an Information Officer or listen to our 24 Hour Recorded Information Line:

Lower Mainland: 604-660-1020
Victoria: 250-387-1602
Elsewhere in BC: 1-800-665-8779

Visit the RTB nearest you:

Burnaby: 400-5021 Kingsway
Victoria: 1st Floor, 1019 Wharf Street
Kelowna: 305-478 Bernard Avenue

RTB Burnaby, Victoria and Kelowna are open 8:30 a.m. to 4:30 p.m., Monday to Friday.

All RTB offices are closed on statutory holidays.

If there is no RTB in your area, you can get residential tenancy guides, fact sheets and forms online at www.rto.gov.bc.ca or at any Service BC—Government Agents Office.