

## Strata Conversion of Existing Buildings

Building Code requirements for existing duplex, multi-family and commercial buildings.

### Purpose

The intent of this bulletin is to provide general information regarding current building code requirements applicable to the conversion of existing buildings for the purposes of strata ownership. There may be additional requirements for site specific cases.

Owners are advised to arrange a pre-application review with City staff to conduct a zoning review and permit file search for the existing building(s), and if needed, engage professional assistance from an Architect and/or Engineer on the investigation of existing conditions and possible improvements.

Owners are also encouraged to review Section 242 of the Strata Property Act to become familiar with the general requirements for approval of the conversion of existing buildings, and to contact the Planning department at 250-490-2523 for further questions regarding the City's stratification process.

### References and Background

Section 242 (5)(c), of the Strata Property Act, states that the approving authority must not approve the strata plan "unless the building substantially complies with the British Columbia Building Code referred to in the Building Regulations of British Columbia." This would require substantial compliance to the current 2012 BC Building and Plumbing codes.

Depending on when the building was constructed, property owners need to be aware that there could be substantial upgrade requirements for buildings constructed under previous building code standards to satisfy current code regulations.

Some common issues that may impact strata conversion approval with regards to current 2012 BC Code compliance include, but are not limited to, the following:

- code conforming exiting (stairs, doors, and windows),
- fire and sound separation between suites,
- smoke and fire alarms systems,
- control of fire spread from building to neighbouring properties,
- structural design (i.e. previous structural work without permits or damage from weather),
- window, door, and skylight compliancy (North American Fenestration Standard- NAFS),
- ventilation (whole house exhaust and makeup air systems) as prescribed in 9.32,
- insulation and building envelope assembly design as outlined in 9.36,
- plumbing, gas, and electrical installations (including metering), and
- work that has been done without the benefit of permits

For more information please see Attachment 1

## Site Services

Please be aware that electrical and water services and metering may require improvements to conform to current City regulations and the BC Building/Plumbing Codes. These requirements will be outlined during the strata application process.

## Implementation (effective immediately)

Upon conditional support by the Planning department, Building department staff will conduct the following reviews as outlined below:

### Residential – duplexes (side by side or up/down)

Once a preliminary file and zoning review has been completed by City staff with the applicant, the Building department will arrange for a preliminary site investigation for substantial code compliance. Please refer to Attachment 1 for a reference list of items that could be reviewed. This may also require on-site review by appropriate plumbing, electrical and gas trades persons. The Building department review does not comment on the state of repair or workmanship unless noted as a potential deficiency to substantial code compliance (i.e. guards and handrails requiring repair or replacement).

A list will be prepared of potential deficiencies requiring remedial work under permits. If the applicant wishes to continue the stratification process, then the applicant will be required to retain the services of a designer and/or general contractor who are proficient in code and zoning regulations for permit application. Note that work found that has been completed without the benefit of permits (i.e. Basement finishes, plumbing, etc.) will require permits, regardless, if stratification is pursued or not.

### Residential – Multi-family or commercial properties

Once a preliminary file and zoning review has been completed, the Applicant shall submit a written report by a Professional Engineer or Architect that provides a BC Code review that specifically addresses: fire separation, soundproofing, exiting, spatial separations, fenestration, structural integrity, smoke/fire alarms, plumbing and mechanical review. The report will also need to take into consideration the energy performance provisions of the code. If the building does not comply with the current BC Building Code, the professional shall identify the work that is required to bring the structure up to code. This report will be retained as public record.

## Building Permits & Remedial Work

### Moving forward with stratification

Prior to final approval of the Strata conversion application, identified deficiencies will be required to be fully completed under permits. This would include works previously done without the benefit of permits. Projects requiring Registered Professionals will be required to provide Letters of Assurance.

### No stratification but work previously completed without permits

A building permit and remedial work may still be required even if you do not wish to continue the stratification process. Works that have been completed without the necessary permits may pose a health and fire safety risk for occupants and future owners. Therefore, remedial works will be required to meet minimum life safety requirements. This may also require on-site reviews by registered professionals, plumbing, electrical, and gas, trades persons.

Please note that “secondary suites” as outlined within 9.37 of the BC Building Code are not permitted within duplexes or multi-family buildings.

Failure to complete the permit process may lead to enforcement action including registration of Section 57 Notice on Title as regulated within the Community Charter.

**Have questions? We're here to help.** Please contact the Building Department at 250-490-2571 or [buildinginfo@penticton.ca](mailto:buildinginfo@penticton.ca) for more information.

## Attachment 1

### Strata conversion review – duplex buildings

The following items are to be reviewed for substantial compliance with the 2012 BC Building and Plumbing codes. Additional remedial work may be required once initial site inspection completed.

The following items to be reviewed on site:

#### BC Building Code (2012):

- Site work completed without the benefit of a permit (refer to C.O.P Building Bylaw)
  - Interior or Exterior renovations or additions
  - Accessory buildings, swimming pools, retaining walls
  - Creation of a "secondary suite"
- Windows, doors, and skylights – 9.7 (NAFS)
- Unit Entrance doors – viewer/sidelight – 9.7.2
- Resistance to forced entry (doors) – 9.7.5.2
- Stairs, Ramps, Handrails, and Guard – 9.8
- Egress from dwelling units – 9.9.9 – bedroom minimum egress
- Fire separations/Firewalls – 9.10.9/9.10.11/9.10.13 - 1 Hour Fire Separation between units. Note basement laundry/mechanical room to complete as ceiling unfinished.
- Fire Stops/Blocking – 9.10.9.6/9.10.16 – review for penetrations in fire separation.
- Spatial Separation – 9.10.14/9.10.15 – opening exposure to side property lines
- Smoke Alarms/Carbon Monoxide detectors – 9.10.19
- Sound Transmission Control – 9.11
- Radon – Soil Gas Control – 9.13.4
- Structural – Foundation & Framing 9.15/9.23 – note Engineer maybe required
- Heating – 9.31– occupied rooms to be supplied with heat
- Ventilation - 9.32
  - Kitchen – exhaust to exterior – minimum 47 L/s (100cfm)
  - Bathrooms – exhaust to exterior – minimum 23 L/s (50 cfm) intermittent
  - Whole house ventilation.
    - Principal Exhaust and Make up air provisions. See attached ventilation checklist information.
    - Naturally aspirating appliance present? (Hot Water Tank, Furnace, Open wood fireplace)
- Energy Efficiency – 9.36 (Energy Audit may be required for energy performance compliance 9.36.5)
  - Design and construction of:
    - building envelope,
    - heating, ventilating or air-conditioning, and
    - service water heating

#### Plumbing – 9.31 & 2012 BC Plumbing Code:

- Water supply and metering to City of Penticton regulations

- Plumbing works added or altered without required permits
- Hot Water Supply – 9.31.6.1.
- Drainage Systems – 2.4
- Venting – 2.5
  - Fixtures vented
  - Island venting – 2.5.9
  - Sump Pumps
- Potable Water – 2.6 (where applicable)
  - Shut Offs – Service Entry - 2.6
  - Water Closets – 2.6.(4)
  - Unit isolation – 2.6.(5) (note water shut offs and metering)
  - Hot Water Tank shut off 2.6.(7)
  - Protection for Exterior Water Supply – 2.6.1.4.
  - Water Hammer – 2.6.1.9.
  - Protection against Thermal Expansion – 2.6.1.11.
  - Service Water Heater – (Electric) – (60° C minimum) 2.6.1.12.
  - Premise Isolation – 2.6.2.6
  - Hose Bibb protection – 2.2.7.
  - Low flow fixtures – Faucets, shower heads, toilets (Part 10 Energy & Water Efficiency)

Existing Electrical and Gas must be reviewed by certified trades contractors.

Please note that additional remedial work may be required for roofing, siding, and interior finishes that may be in a state of disrepair.