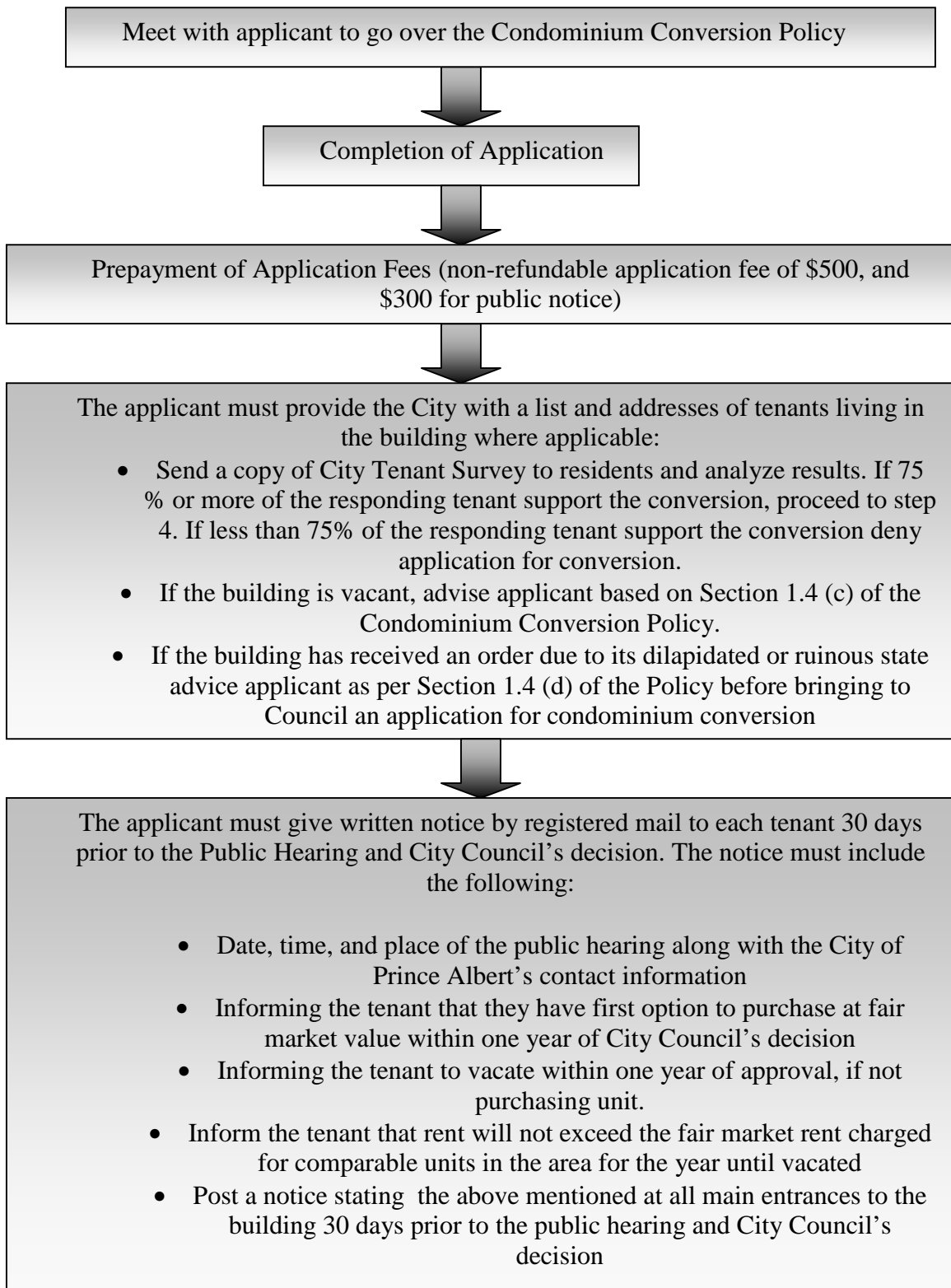
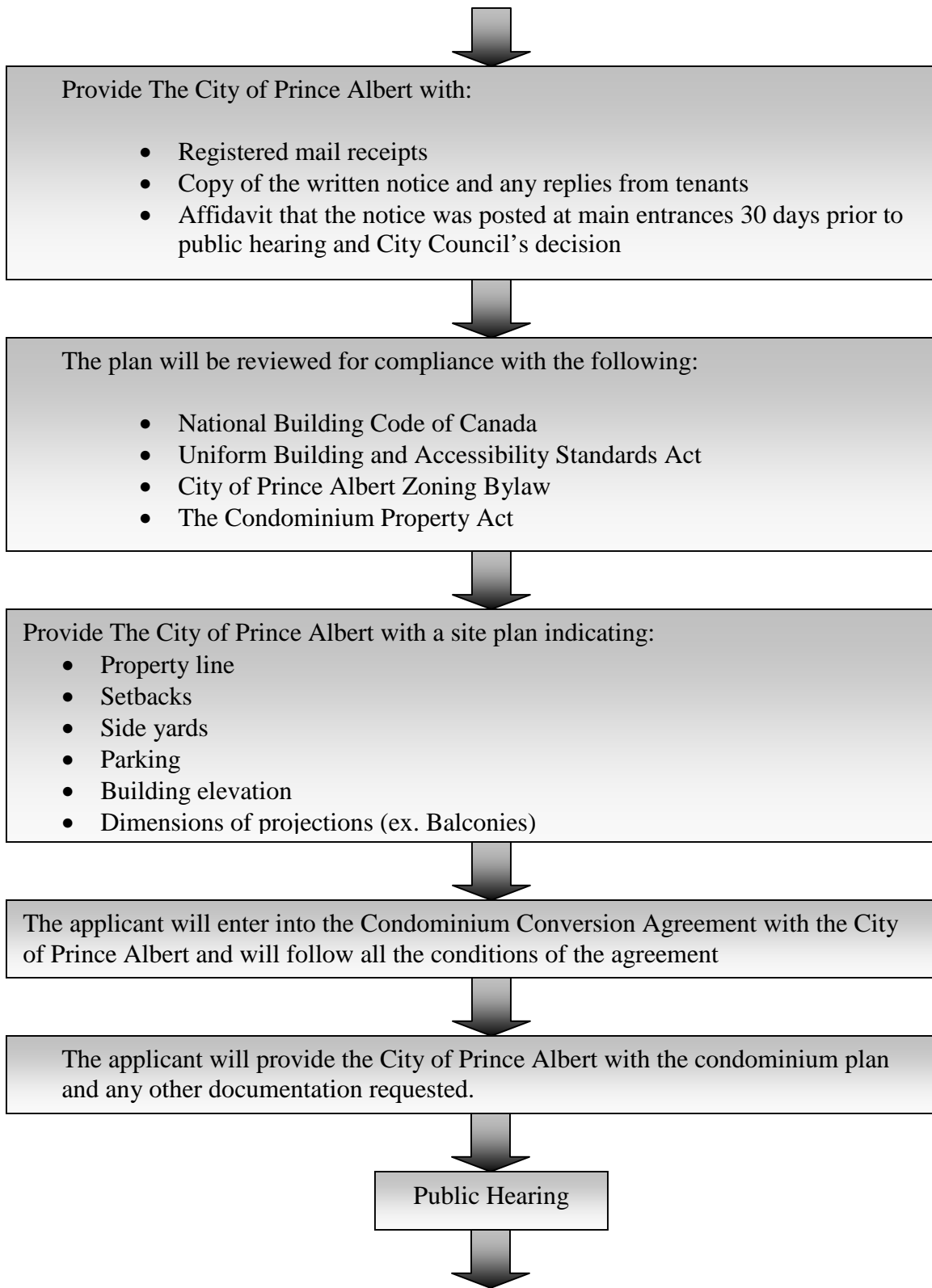



## Condominium Conversion Policy Procedure







Upon approval the City Clerk and Mayor will sign documents on behalf of City Council. The condominium certificate will be submitted by the surveyor before the City Clerk will complete Form GG of the Condominium Property Regulations.



The applicant will be responsible for contacting the City of Prince Albert for the necessary building inspections once the conversion has begun

<b>City of Prince Albert CONDOMINIUM CONVERSION POLICY</b>			
Department:	Economic Development and Planning	Policy No.	<b>12.1</b>
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:	4 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.

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- (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, 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.



# Condominium Conversion Application

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**Applicant Information:****CC No.**

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Unit # Street Name City Province Postal Code

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

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**Registered Owner (If different from above):**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Unit # Street Name City Province Postal Code

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**Description of Proposed Building:**Subject Property: \_\_\_\_\_  
Unit # Street Name Lot Block Plan

Number of Units in the Proposed Building: \_\_\_\_\_

Signature of Owner or Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_

---

**Please ensure the following has been completed and submitted with application:**

1. Application Fee: \$500 + \$300 for advertising
2. Provide the City of Prince Albert with required results throughout the conversion as stated in the Condominium Conversion Policy.

Conversions can take 4 to 8 weeks for the approval process if all required information is submitted.

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**Conditions of Approval**

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This Condominium Conversion has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Development Officer: \_\_\_\_\_ Council Resolution: \_\_\_\_\_

Amount Paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Date

«Name»  
«Address1»  
«Address2»  
«City»

**Dear Sir or Madam:**

**CITY OF PRINCE ALBERT TENANT SURVEY REGARDING PROPOSED  
CONDOMINIUM CONVERSION**

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An application to convert the building located at: \_\_\_\_\_ to condominium has been submitted to The City of Prince Albert. In compliance with section 1.4 of *The City of Prince Albert Condominium Conversion Policy, 2008*, each tenant is being surveyed:

The purpose of this survey is to determine your position on the proposed condominium conversion proposal. Please note that your response to this survey will be taken into consideration before a recommendation is made to City Council.

1. Are you in favour of the conversion of this building into condominium units?

- Yes
- No
- No opinion

Yes, with certain conditions (please specify)

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2. If you answered **NO to Question 1**, please explain in detail, your reasons for opposing the conversion:

Hardship: difficulty caused by condominium conversion due to:

- Affordability (please explain) \_\_\_\_\_
- ability to acquire other accommodation (please explain)  
\_\_\_\_\_

- q access to services (e.g. shopping, medical, social, recreational) (please explain)\_\_\_\_\_
- q neighbourhood displacement (please explain)  
\_\_\_\_\_
- q other (please explain)  
\_\_\_\_\_

Thank you for completing this survey. Please return to:

**Planning & Development Services  
City Hall, 1084 Central Avenue  
Prince Albert, SK S6V 7P3  
Phone: 306.953.4370  
Fax: 306.953.4380**

Applicant's Name, Address & Contact Info  
(May be printed on Company Letterhead)

Date

Address of Rental Unit

**NOTICE: Application for Condominium Conversion**

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An application to convert the building located at: \_\_\_\_\_ to condominium has been submitted to The City of Prince Albert. In compliance with section 7 of *The City of Prince Albert Condominium Conversion Policy, 2008*, each tenant is being notified of the following:

**FIRST OPTION TO PURCHASE** – The tenants of the building have 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.

**VACATING THE BUILDING** – The tenants of the building have 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. During this time, the rent will not exceed the fair market rent charged for comparable units in the area.

**PUBLIC HEARING** – City Council will hear all submissions on the proposed condominium conversion application and all persons who are present and wish to speak on:

Day of the week, Month, Date, Year at Time pm in City Hall Council Chambers, 1084 Central Avenue, Prince Albert, SK

All submissions received by the City Clerk in Prince Albert prior to Day of the week, Month, Date, Year will be forwarded to City Council. City Council will also hear all persons who are present at the meeting and wish to speak to the proposed application.

Questions or submissions regarding the proposed application may be directed to the following:

**Planning & Development Services**  
**City Hall, 1084 Central Avenue**  
**Prince Albert, SK S6V 7P3**  
**8:00 am to 4:45 pm – Monday to Friday (except holidays)**  
**Phone: 306.953.4370**

Date

## NOTICE:

### **Application for Condominium Conversion**

---

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City Hall, 1084 Central Avenue  
Prince Albert, SK S6V 7P3  
8:00 am to 4:45 pm – Monday to Friday (except holidays)**

Phone: 306.953.4370

**AFFIDAVIT OF NOTICE**

CANADA )  
PROVINCE OF SASKATCHEWAN )  
TO WIT: )

**I, *Name, of Company Name*, in the Province of Saskatchewan, make oath and say:**

1. That I did on the *date* day of *Month*, 2008, post a written notice as per section 7 of *The City of Prince Albert Condominium Conversion Policy, 2008* at all main entrances to the building located at *address* 30 days prior to the Public Hearing and Council decision, hereto attached and marked as Exhibit "A" to this my Affidavit.

SWORN before me at the City of  
Prince Albert, in the Province  
of Saskatchewan, this        day  
of                                , A.D., 2008.

\_\_\_\_\_  
**NAME OF APPLICANT**

\_\_\_\_\_  
**A COMMISSIONER FOR OATHS in and  
for the Province of Saskatchewan.**

**My Commission expires \_\_\_\_\_.**

## **CONDOMINIUM CONVERSION AGREEMENT**

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THIS AGREEMENT made in duplicate this \_\_\_\_ day of \_\_\_\_\_, A.D. 20 .

BETWEEN:

**THE CITY OF PRINCE ALBERT**, a municipal corporation in the Province of Saskatchewan (hereafter referred to as “the City”)

- and -

\_\_\_\_\_, of the City of Prince Albert, in the Province of Saskatchewan (hereafter referred to as “the Developer”)

**WHEREAS** the Developer as defined by Section 2(1)(n) of the Condominium Property Act, 1993 has a legal interest in certain real property situated within the limits of the City of Prince Albert, in the Province of Saskatchewan, legally described as follows:

**AND WHEREAS** the Applicant is desirous of converting the property to a condominium, in accordance with the condominium plan, a copy of which is attached hereto and marked as Schedule “A.”

**AND WHEREAS** the Applicant has agreed to comply with all the conditions of this Agreement with respect to the conversion of the property to a condominium in pursuance of the requirements of the City imposed under the City of Prince Albert Condominium Conversion Policy, 2008;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the City of Prince Albert agreeing to the condominium plan submitted to it by the Applicant, and in consideration of the City’s agreeing to

permit the condominium conversion of property in compliance with the terms of this Agreement, the Applicant hereby covenants, agrees, undertakes and obligates itself, its successors and assigns, at its own expense and at no cost to the City, to the following:

1. The Developer covenants and agrees to comply with all requirements of the City's Condominium Conversion Policy 2008 as may apply to the subject property and to satisfy the requirements of all applicable legislation and bylaws, specifically including without limitation the Condominium Property Act, 1993, the Development and Planning Act, 2007, The National Building Code of Canada, 1995, The Uniform Building and Accessibility Standards Act, 1984, the City's Zoning Bylaw and the Building Bylaw, in particular the Developer agrees to accommodate the existing tenants in the building as hereinafter provided.
2. The Developer agrees to give the tenants a first option to purchase their respective dwelling units at fair market value, exercisable at any time within one (1) year from date of City Council's resolution allowing the building to be converted into a condominium; and
3. The Developer agrees to give the tenants one (1) year from date of City Council's resolution allowing the building to be converted into a condominium to vacate the building if the tenant does not wish to purchase the unit. During this time, the Developer agrees to ensure that the rent does not exceed the fair market rent charged for comparable units in the area.
4. It is agreed that all inspections as required by The Condominium Conversion Policy shall be arranged by the Developer/Applicant and that the same shall complete all actions as indicated as a result of the said inspections to achieve compliance with The Policy and any other City Bylaws and or Provincial and Federal Legislation as required.

The Building and/or Fire Inspector having requested action shall verify compliance. Compliance shall be completed prior to the occupation of any portion of the building or building(s) recognized as relevant to the conversion process.

Failure to receive meet and verify all requirements as mandated by inspection prior to occupancy shall be deemed a violation of The Condominium Conversion Policy and enforcement will be undertaken relevant to any or all bylaws, acts or regulations that may apply.

5. This Agreement shall ensure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators and assigns.





**WITNESS AFFIDAVIT OF ATTESTATION**

C A N A D A )  
PROVINCE OF SASKATCHEWAN )  
TO WIT: )

I, \_\_\_\_\_, of the City of Prince Albert, in the Province of Saskatchewan, make oath and say as follows:

1. That I was personally present and did see \_\_\_\_\_, named in the within or annexed instrument who is (are) personally known to me to be the person(s) named therein duly sign and execute the same for the purposes named therein.

2. That the same was executed at the City of Prince Albert, in the Province of Saskatchewan, and that I am the subscribing witness thereof.

3. That I know the said \_\_\_\_\_ and he (she/they) is (are) in my belief of the full age of eighteen years.

Sworn before me at the City of Prince Albert, in the Province of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, A.D.

\_\_\_\_\_

\_\_\_\_\_  
A Commissioner for Oaths in and for Saskatchewan.

My appointment expires \_\_\_\_\_