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Approved by Council: October 13, 2015

## CONDOMINIUM DEVELOPMENT POLICY

### Background

This policy provides direction and guidelines in regards to the condominium development process. It addresses the Town of Redcliff's procedures for conversion of an existing building and parking into a condominium, creation of bare land condominium project and the registration of condominium plan.

This policy is consistent with the Municipal Government Act, the Condominium Property Act, the Condominium Property Regulation Alta. Reg. 168/2000 and the Land Titles Act.

### Condominium Development

There are three possible condominium developments that the Town may entertain. The procedures for the three types are listed below.

#### **1. Condo Conversion of Existing Building**

*Purpose:* To provide guidance when conversion of an existing building into condominium development is requested.

*Principle:* The Condominium Property Act, RSA 2000, provides an opportunity for landowners to convert existing buildings into condominiums. The Act requires the Town's approval prior to registration of such conversion.

*Procedure:*

- a. In order to comply with Section 10 (1) (b) (ii) of the Condominium Property Act, the following documents must be submitted to the Manager of Legislative & Land Services
  - i. The application form, for condominium conversion titles.
  - ii. Two hard copies of the condominium plan.
  - iii. A copy of the Certificate of Title of the property issued within the last thirty (30) days
  - iv. A signed authorization by the landowner if the application is submitted by an agent.
  - v. One digital copy of the proposed condominium plan.
  - vi. \$40.00 application fee per unit excluding common property, payable to the Town of Redcliff.

- b. The Development Officer for the Town of Redcliff will review the plan to ensure that the condominium conforms to the development permit and the Land Use Bylaw as per section 10 of the Condominium Property Act:  
*"10(1) (b) (ii) a certificate of the local authority or of a person designated by the local authority stating that the proposed division of the building, as illustrated in the plan, has been approved by the local authority."*
- "10(2) If an application is made under subsection (1) (b) (ii), the local authority:*
- (a) may with respect to a building that was constructed prior to August 1, 1966 or for which the building permit was issued prior to August 1, 1966, prohibit the issue of the certificate if it considers it proper to do so, and*
  - (b) shall with respect to a building for which a building permit was issued on or after August 1, 1966, direct the issue of the certificate if it is satisfied that the building conforms to:*
    - (i) the development scheme, development control bylaw, zoning bylaw or land use bylaw as the case may be, and*
    - (ii) any permit issued under that scheme or bylaw."*
- c. If the plan meets the above criteria, a planning report is prepared and given to an Administrative Review Committee comprised of but not limited to the Municipal Manager, Manager of Legislative & Land Services, Manager of Engineering and the Planning Consultant for review. The Administrative Review Committee shall make a recommendation to the Subdivision Approving Authority.
- d. The Subdivision Approving Authority will review and make a decision regarding the application.
- e. If approved the plan is returned to the Alberta land surveyor for registration.

### Notes

- a. The Subdivision Approving Authority must render a decision within 60 days.
- b. Parking on the plan must be shown as common property. If the plan shows the conversion of the common property into bareland parking units, the conversion procedures outlined below must be followed.

## 2. Conversion of Surface Parking Stalls

**Purpose:** to provide guidance when common parking is converted into bare land parking units.

**Principle:** converting common parking into bare land parking units are treated as a bare land condominium and is deemed to be an application for subdivision.

Common parking is a parking space which is commonly owned, and used by all condominium owners. It is part of the common share of the building (like the hall way or the elevator).

Bare land parking units have separate titles for each stall. They are individually owned, and each parking unit has its own value which can be added to the actual value of the unit.

*Section 14 (1) of the Condominium Property Act:*

*(a) "Common Property" includes facilities and property that are intended for common use by the owners notwithstanding that the facilities or property may be located in or comprise a unit or any part of a unit.*

**Procedures:**

- a. To convert common parking into "bare land parking units", the following documents must be submitted to the Manager of Legislative & Land Services:
  - i. Subdivision application form;
  - ii. a copy of the parking plan;
  - iii. one digital copy of the proposed condominium plan;
  - iv. a copy of the Certificate of Title of the property issued within thirty (30) days of receipt of the application for condominium conversion;
  - v. a signed authorization by the landowner if the application is submitted by an agent;
  - vi. In the event that the building is older than ten (10) years or the approved parking plan is unavailable, the applicant is required to prepare and submit a parking plan identifying the number of parking stalls, the width and length of the parking stalls, and the width of the drive aisles in association with a list of the number of bedrooms per unit; and
  - vii. The visitor parking stalls shall be identified as common property.
  - viii. \$350.00 flat fee plus \$20 for each parking stall converted to condominium, paid to the Town of Redcliff;
- b. converting common parking into bare land parking units is deemed a subdivision. Regulations and procedures in accordance with subdivisions apply.

### 3. Creation of a Bare land Condo

**Purpose:** to provide guidance when land is proposed to be divided into a bare land condo. Typically the condo units (lots) are created from under developed, or vacant land, and will likely create private roads and open space along with the condo units (lots).

**Principle:** new bare land condos are deemed to be applications for subdivision.

**Procedures:**

- a. The standard subdivision application, review and approval procedures are followed.
- b. Application fee for a bare land condominium is based on the fees charged upon the submission of a subdivision application as per each bare land unit to be created and its intended use.

## Registration of Condominium Plan (applies to all 3 scenarios)

**Purpose:** to provide guidance that allows the condominium plan owner to complete the registration process in a timely manner.

**Principles:** in order to comply with the purpose of part 17 of the Municipal Government Act, the Condominium Property Act and the Land Titles Act, the condominium plan must be registered. This registration has the effect of constituting a condominium corporation.

**Policies:**

- a. The Development Officer for the Town of Redcliff will review the plan to ensure that the condominium conforms to the Land Use Bylaw as per section 8(1) of the Condominium Property Act:
  - 8(1) every plan presented for registration as a condominium plan shall:*
    - (a) be described in the heading of the plan as a condominium plan;*
    - (b) bear a statement containing those particulars as may be necessary to identify the title to the parcel;*
    - (c) include a drawing illustrating the units and distinguishing the units by numbers or other symbols;*
    - (d) define the boundaries of each unit;*
    - (e) where a building is to be divided into units, show the approximate floor area of each unit;*
    - (f) where land is to be divided into bare land units, show the approximate area of each unit;*
    - (g) be signed by the owner of the property; and*
    - (i) contain any other features prescribed by the regulations.*
- b. The Town of Redcliff charges service fees for the above mentioned services. The service fees are charged in accordance with the Condominium Property Act and the Condominium Property Regulation (168/2000).
- c. In compliance with the Alberta Land Titles Act and the Condominium Property Act, the Alberta Land Surveyor must submit the plan for registration.

## Appeal Process

The Condominium Property Act and the Condominium Property Regulation Alta. Reg. 168/2000 have not established any provision for the appeal process. Therefore, the Town assumes/holds the right not to issue the condo certificate to an application if it is considered as not to the satisfaction of the Town, and or approves an application tentative to the applicant fulfilling the conditions which may be raised or requested by Subdivision Approving Authority.

# Town of Redcliff

#1 -3rd Street N.E  
Redcliff, AB T0J 2P0

Phone: (403) 548-9247  
Fax: (403) 548-6623

## Application For Condominium Conversion

This Form Is To Be Completed In Full Wherever Applicable By The Registered Owner Of The Land That Is The Subject Of The Application or By A person Authorized To Act On The Registered Owner's Behalf

Name of registered owner of land \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Contact person \_\_\_\_\_

### Types of Condominium Conversion

- Condominium conversion of existing building (\$40/unit)
- Conversion of surface parking stalls (\$350 + \$20/stall)
- Creation of bare land condominium units (same fees as subdivision application)

### Legal Description

\_\_\_\_\_

All/part of the      ¼ sec                      twp                      range                      west of                      meridian

Being all/ part of lot number \_\_\_\_\_ Block number \_\_\_\_\_

Registered plan # \_\_\_\_\_ Certificate of title # \_\_\_\_\_

Municipal address (if applicable):  
**Land use**

Existing use of land \_\_\_\_\_ Proposed type of development \_\_\_\_\_

Proposed number of units \_\_\_\_\_ Number of parking stalls on-site \_\_\_\_\_

### Registered owner or person acting on the registered owner's behalf

I \_\_\_\_\_ hereby certify that

- I am the Registered Owner
- I am the Authorized Agent to Act on Behalf of the Registered Owner

And that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for condominium conversion.

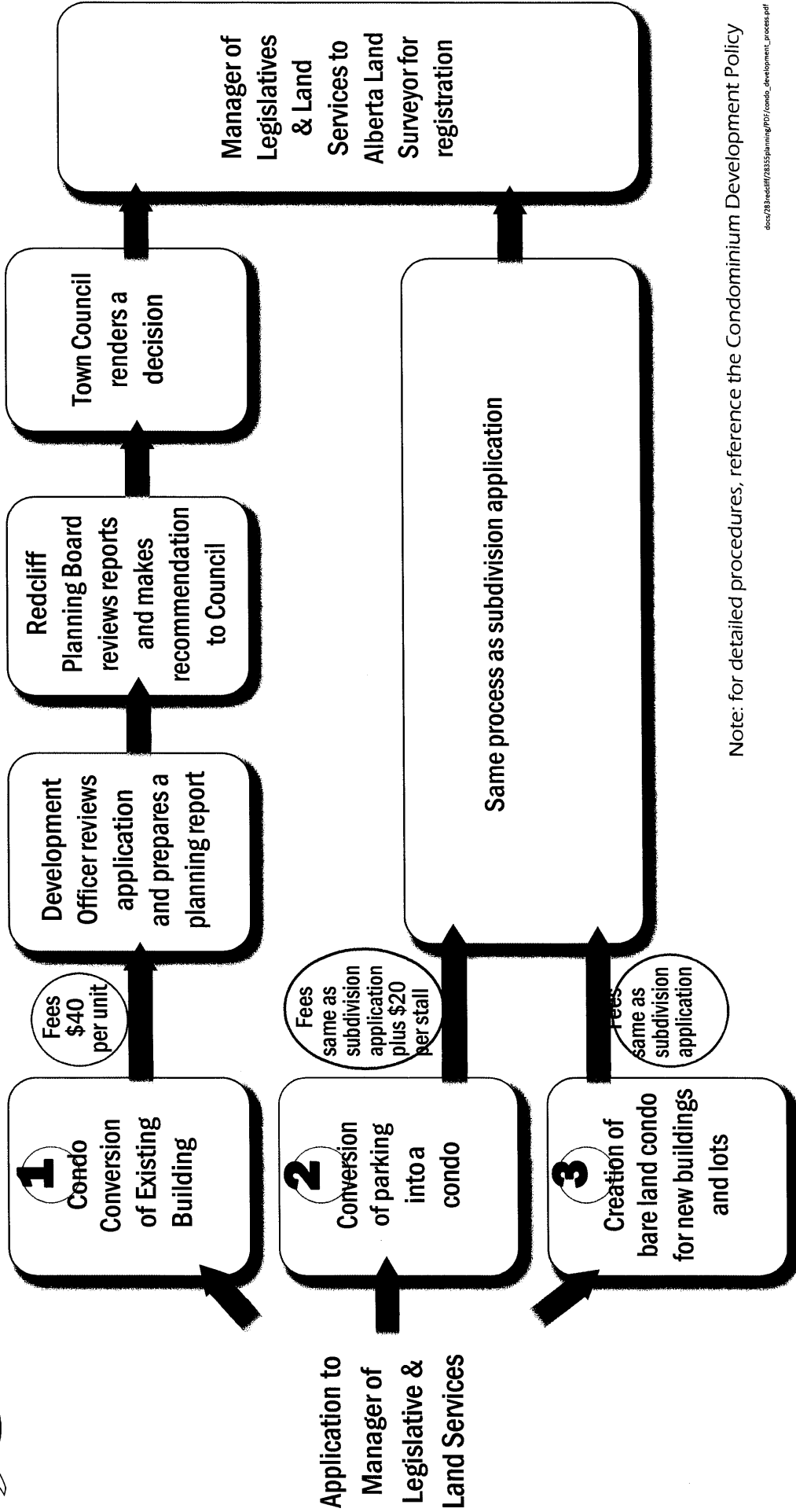
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This personal information is being collected under the authority of section 8 of the condominium property act and will be used to determine whether the building complies with the Town of Redcliff zoning by law. The personal information may be included in reports that are available to the public. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collections, and use of this information, contact this office at # 1-3<sup>rd</sup> Street NE. (403) 548- 3618.



# Condominium Development Process



Note: for detailed procedures, reference the Condominium Development Policy