

Policy

Strata Title Policies for R1-1, R3, R4, R5, RT and RM
Zones

Approved by Council July 28, 2009
Last amended October 21, 2025



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1 APPLICATION AND INTENT

These guidelines apply to the strata titling of previously occupied buildings or new construction in the R1-1, R3, R4, R5, RT and RM zones.

Under Section 242 (1) of the **Strata Property Act** of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into strata lots. Pursuant to Section 242 (10) of the **Strata Property Act**, Council has delegated its approval authority to the Approving Officer for previously occupied buildings containing less than six dwelling units.

Newly constructed buildings, which are not occupied prior to registration of a strata plan at the Land Title Office, do not require the approval of City Council or the Approving Officer.

2 SECONDARY SUITE

In R zones, where one secondary suite is conditionally permitted in a single detached house, the suite can either be built at the same time a new single detached house (i.e. house) is being constructed, or a suite can be incorporated into an existing single detached house. The construction and safety requirements of the Vancouver Building By-law (VBBL) for a secondary suite within an existing single detached house (which may not be strata titled) are less demanding than for new construction.

In R zones where one secondary suite is conditionally permitted in each principal dwelling unit of a duplex, the suites can either be built at the same time a new duplex is being constructed or incorporated into an existing duplex. In the latter case, construction and safety requirements of the VBBL need to be confirmed.

Terms regarding suites are not the same in the Vancouver Building By-law and the Zoning and Development By-law (Z&D). The VBBL terms include Secondary Suite and Group “C” Residential Occupancy Classification. The Z&D terms include single detached house with secondary suite and duplex with secondary suite. Contact Development Services staff (VBBL) or Planning staff (Z&D) for how these two by-laws apply in your specific situation.

Developments with secondary suites may be strata titled in some instances, however a secondary suite cannot be defined as a separate strata lot under any circumstances.

3 LANEWAY HOUSE

In the R zones where a laneway house is conditionally permitted, a new laneway house can be built on a site which accommodates an existing single detached house, or a new laneway house can be built in conjunction with a new single detached house. In both cases, the single detached house can also include a secondary suite.

4 LOCK-OFF UNIT

In certain R zones, a *lock-off unit* or lock-off unit may be conditionally permitted.

For new construction, as a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property prior to issuance of the Development Permit. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the number of approved principal dwelling units (i.e. the lock-off unit cannot be defined as a separate strata lot).

5 CHARACTER HOUSES IN R1-1 AND RT ZONES

In certain R zones, Multiple Conversion Dwelling and Infill are conditionally permitted in conjunction with retention of a character house.

In these cases, Council or the Approving Officer may consider an application to convert a previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. a Secondary Suite or a Lock-off Unit cannot be defined as a separate strata lot).

6 POLICIES

The following outlines the policies for the conversion of previously occupied buildings or new construction to strata title ownership in applicable zoning districts.

6.1 Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership for single detached house with secondary suite, single detached house with laneway house, or single detached house with secondary suite and laneway house as defined in the Zoning and Development By-law.

An exception may be made for existing developments containing two or more principal dwelling units (single detached house with infill, two single detached houses, duplex or multiple conversion dwelling), in combination with secondary suites or lock-off units. In these cases, Council or the Approving Officer may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units. A secondary suite or a lock-off unit cannot be defined as a separate strata lot.

All other applications to convert previously occupied buildings to strata title ownership, including a single detached house with new infill, duplex or multiple conversion dwelling will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.

6.2 New Construction

- (a) Single detached house with secondary suite, single detached house with laneway house, or single detached house with secondary suite and laneway house:

As a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

- (b) New developments containing two or more principal dwelling units, in combination with secondary suite(s) or lock-off units:

As a condition of development permit approval for a new development containing two or more principal dwelling units (single detached house with infill, two single detached houses, duplex or multiple dwelling), in combination with secondary suites or lock-off units, the registered owner must execute a covenant to be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. a secondary suite or a lock-off unit cannot be defined as a separate strata lot).