



# A Guide to the Phased Strata Process in the District of Sooke

## Phased Strata

### The Phased Strata Process:

To streamline the final approval process for phased strata projects within the District of Sooke, the following information is required prior to the Approving Officer's approval of a Phased Strata Plan application:

1. A letter explaining the phased strata title proposal.
2. A draft Form P (see attached sample), including a sketch plan and a schedule indicating required encumbrances, as well as a construction cost estimate for any common facilities and a commitment to provide security (letter of credit) for common facilities. Encumbrances include:
  - a. reciprocal easements to cover common facilities such as driveways, walkways, major landscaped areas, recreational facilities, visitor parking, garbage areas, service networks, and special features.
  - b. Section 219 restrictive covenant over all the lands, substantially for the following:
    - upon completion of construction of the buildings in each phase after Phase 1, the building shall be stratified by way of phased strata plans and consolidated with the previous phase by registration of the pertinent phased strata plan;
    - no building on a phase after Phase 1 can be used or occupied unless the building is stratified and the phase in which it is located is consolidated with the previous phase by registration of the pertinent phased strata plan;
    - no phase or combination of phases after Phase 1 shall be sold or transferred separately from other phases.
3. Architectural plans showing phase boundaries, setbacks from phase lines, required reciprocal easement area for common facilities as noted above, and accompanying statistics for each individual phase (i.e., phase area, coverage, density, parking, visitor parking and loading). Preliminary Building Code analysis should also be provided. All information submitted must be consistent with the zoning of the site.
4. An explanation of basis for determining unit entitlement for each phase.

The District requires this information prior to issuance of a Building Permit so staff may have time to review your application for compliance with District Bylaws and other legislation.

## Once received, the Approving Officer will conduct the following:

- Review Draft Form P in comparison to approved Development Permit and drawings and any other department approvals;
- Ensure Form P is consistent with approved Development Permit;
- Review the number of units in each phase, location of common facilities, and location and implications of the proposed phase boundaries;
- Refer the proposal to other District departments to review for compliance to District bylaws;
- Legal agreements will likely need to be registered at the time of phased strata plan approval to address issues of access, servicing, and common facilities, if the District requires any agreements, the applicant will be advised, in writing;
- Section 223 of the Strata Property Act requires that if common facilities are to be constructed in a phase other than the first phase, security must be provided by posting a bond, irrevocable letter of credit, or other security in an amount sufficient to cover the full cost of constructing each facility, including the cost of the land, to ensure the completion of the common facility; or makes other arrangements, satisfactory to the Approving Officer, to ensure the completion of the common facility.
- Once review is complete, have Applicant's lawyer will finalize Form P for execution by Approving Officer.

## Important Considerations to be Aware of:

As a condition of Phase 1, the applicant will be required to provide reciprocal private easements covering all lands encompassing common property, necessary services (including vehicular access) and other common elements. The approval of Phase 1 will also be conditional upon the applicant providing an executed restrictive covenant, in which the applicant agrees:

- (a) to stratify all buildings constructed in phases subsequent to Phase 1 by way of registering a phased strata title plan;
- (b) not to facilitate the occupancy or seek a Certificate of Occupancy unless the building is stratified and the pertinent phase is consolidated with the previous phase; and
- (c) that no phase or combination of phases shall be sold or transferred separately.

As a condition of the approval of any phase, the applicant will also be required to provide a site or landscaping plan showing the interim use of the remainder of the site if there will be pauses in construction between the developments of individual phases.

Our goal is to work with you, the developer, to ensure you receive the necessary Phased Strata Plan approvals in a timely manner. The sooner we are aware of your intentions with your project, the more time the Approving Officer will have to review your application and Form P. Please do not wait until substantial completion of Phase 1 to seek the Approving Officer's approval as this may cause unnecessary delays.

For More Information:

District of Sooke Website:

[www.sooke.ca](http://www.sooke.ca)

Here you'll find:

*Bylaw No. 65, Subdivision and Development Standards Bylaw*

and

*Bylaw No. 270, Sooke Zoning Bylaw*

Other Legislation:

*Land Title Act*

*Local Government Act*

*Strata Title Act*



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2205 Otter Point Road  
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[www.sooke.ca](http://www.sooke.ca)  
250-642-1634

# SAMPLE FORM P

FORM P

(sample only)

## Declaration of Intention to Create a Strata Plan by Phased Development

We, FICTITIOUS DEVELOPMENTS LTD., (Incorporation No. 666) of 123 - 456 First Street, Vancouver, British Columbia, V0M 0M0,  
DECLARE:

1. That we intend to create a strata plan by way of phased development of the following lands which we own:

Municipality of \_\_\_\_\_  
Parcel Identifier: 123-456-789  
Lot 1  
District Lot 1234  
New Westminster District  
Plan 98765

2. That the plan of development is as follows:

- (a) the development will be constructed in three phases (Phases 1 to 3 inclusive) and each phase will contain the following as common facilities:

Phase 1 - 2 outdoor tennis courts  
- 1 whirlpool  
- 1 sauna  
- 1 exercise room;

Phase 2 - 1 whirlpool  
- 1 sauna  
- 1 exercise room  
- 1 meeting room; and

Phase 3 - 1 outdoor swimming pool  
- 1 whirlpool  
- 1 sauna  
- 1 exercise room;

- (b) attached as Schedule "A" is a sketch showing the following:

- (i) all the land to be included in the phased strata plan;  
(ii) the present parcel boundaries;  
(iii) the approximate boundaries of each phase; and  
(iv) the approximate location of the common facilities.

The approximate phase boundaries illustrate that Phase 1 will consist of all the lands except for the two air space parcels comprising Phases 2 and 3. As the Towers are completed in each of Phases 2 and 3, that Phase will be consolidated with the earlier Phase(s) and the air space parcel for that Phase will be extinguished



such that on completion of the three Towers, the development will constitute one strata development with one Strata Corporation. A condition of the development is that the encumbrances described in Schedule "B" hereto are registered in the Land Title Office at the time of registration of the Phase 1 strata plan. (We reserve the right to have one air space parcel which includes both Phases 2 and 3 and from which Phase 2 will be subdivided on registration of the Phase 2 strata plan, if the Land Title Office will permit this. The encumbrances described in Schedule "B" hereto would be amended to reflect one air space parcel as opposed to two in this event);

(c) the estimated date of commencement of construction and substantial completion of construction for each phase is as follows:

Phase	Estimated Commencement Date	Estimated Completion Date
Phase 1	January 15, 1992	August 31, 1993
Phase 2	April 1, 1993	April 30, 1995
Phase 3	May 1, 1995	October 31, 1997

We reserve the right to commence construction of any of the phases earlier than the dates set forth above. In addition, we reserve the right at our sole option to extend the date for substantial completion of any of the phases by up to 9 months, and to extend the date for commencement of Phases 2 and 3 by no later than 90 days, or 180 days at the discretion of the Building Inspector, following completion of the previous phase.

(d) the unit entitlement of each phase and the total unit entitlement of the completed development is estimated as follows:

Phase	Unit Entitlement
Phase 1	77,919
Phase 2	94,728
Phase 3	<u>125,842</u>
	<u>298,489</u>

The actual unit entitlements may ultimately vary from the above, although not materially, as a result of construction requirements.

(e) the maximum number of units to be built in each phase is as follows:

Phase	Maximum Number of Units
Phase 1	97
Phase 2	118
Phase 3	<u>122</u>
	<u>337</u> and

(f) the general type of residence or other structure to be built in each phase is as follows:

Phase	Structure
Phase 1	This phase will include all the underground parking for Phases 1 to 3, Tower 2 (as shown on the attached sketch) (full height), Tower 3 up to grade (ground level), completion of the plaza between Towers 1 to 3 and the tennis courts in Phase 1. Tower 2 will be a 15 storey building.

Phase 2	This phase includes Tower 3 above grade. Tower 3 will be an 18 storey building.
Phase 3	This phase includes Tower 1 (parking cores and floors above grade), completion of the landscaping and the swimming pool. Tower 1 will be a 26 storey building.

3. That we shall elect whether our not to proceed with each phase on or before the following dates:

Phase	Date
Phase 1	We elect to proceed with this phase.
Phase 2	January 1, 1994.
Phase 3	February 1, 1996.

4. That prior to the execution of the Phase 1 strata plan by the Municipality of \_\_\_\_\_ and registration of the plan, we will post with the municipality an irrevocable letter of credit in the amount of at least \$131,000 to secure the cost of construction of the swimming pool in Phase 3.

5. That this Form P shall benefit and be binding upon us and our successors in title from time to time of any of the phases herein described.

	Execution Date	
Officer Signature(s)	Y M D	Party(ies) Signature(s)
<hr style="width: 100%;"/> Name		FICTITIOUS DEVELOPMENTS LTD. by its authorized signatories:
		<hr style="width: 50%;"/> Name
		<hr style="width: 50%;"/> Name

APPROVED AS TO PHASING BY THE  
 APPROVING OFFICER OF THE  
 MUNICIPALITY OF \_\_\_\_\_, THIS \_\_ DAY  
 OF \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
 Name

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 323, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

*This brochure is not a legal document. Any contradiction, dispute or difference between the contents of it and applicable District bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents. You should always refer to the official copies of the bylaws and other formal municipal/provincial documents if you are unsure of any procedure or requirement.*