



Policy Title: Compliance Certificate	Policy #: PD-2015-01
Authority Approval: Mayor & Council	Resolution #: 032-2015-02-23
	Effective Date: February 23, 2015
Distribution:	
<input checked="" type="checkbox"/> Master	<input type="checkbox"/> Fire Department
<input checked="" type="checkbox"/> Administration	<input type="checkbox"/> Library
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Public Works
<input type="checkbox"/> FCSS	<input type="checkbox"/> Recreation

The Town of Beaverlodge (hereinafter referred to as the "Town") is often requested to provide a Compliance Certificate to confirm whether or not the locations of building(s) comply with the Land Use Bylaw. While there is no obligation for the Town to issue Compliance Certificates, it has been the practice to do so for many years. The Development Officer should be granted the primary role in the administration of issuance of Compliance Certificates. Thus, this policy is established to detail a set of responsibilities and processes in that capacity.

**COMPLIANCE CERTIFICATE PARAMETERS**

Document Title

The title "Compliance Certificate" shall apply to all certificates issued, whether the subject lands and the improvements thereon are considered complying, non-complying, non-conforming or otherwise. The contents of the certificate shall indicate the status of the lands and improvements and shall not impact the title of the document.

Real Property Report ("RPR") Requirements

In order for the Town to issue a Compliance Certificate, the RPR must include the following:

- a. the legal description of the subject lands, as well as the corresponding municipal address;
- b. Dimensions and directions of all property boundaries;
- c. Designation of adjacent properties, roads, lanes, etc;
- d. Location and description of all relevant improvements situated on the property, together with dimensions and distances from the property boundaries;
- e. Other significant improvements, including:
  - eaves if they encroach into adjacent parcels, streets or lanes;
  - driveways if they encroach into adjacent parcels;

- eaves troughs, steps and landings if they encroach into adjacent parcels, streets or lanes or impact adjacent parcels;
  - all permanent shed(s) (with dimensions);
  - retaining walls that appear to define property lines or that encroach into adjacent parcels, rights-of-ways, streets or lanes;
  - utility poles and pedestals if they encroach into the subject property;
  - decks, with their dimensions and height above ground;
  - in-ground swimming pools;
  - fences which appear to define property lines or which appear to encroach into adjacent parcels, rights-of-ways, streets or lanes; and
  - adjacent municipal sidewalks and curbs, with distance from property line to the back of the sidewalk/curb.
- f. right-of-ways or easements as noted on the title to the property at the date of survey;
- g. location of dimension of any visible encroachments onto, or off of, the property;
- h. a duly signed certification and opinion by an Alberta Land Surveyor; and
- i. an Alberta Land Surveyor's permit stamp.

#### Age of Real Property Report

A Compliance Certificate may be issued for an RPR if:

- a. the RPR is less than six months old and has not been amended; or
- b. the RPR, which is between six months and ten years old, is accompanied by a Statutory Declaration signed by the registered landowner, which confirms what, if any, changes have occurred to the property since the date of the RPR.

A Compliance Certificate will not be issued for any RPR which is older than ten years.

#### CONTENTS OF THE COMPLIANCE CERTIFICATE

The contents of the Compliance Certificate shall include:

- a. acknowledgement of the location of all improvements in relation to setbacks as required by the Land Use Bylaw\*;
- b. the relevant land use district of the subject lands\*;
- c. the permitted and discretionary uses within the land use district\*;

- d. reference to the author and date of the RPR;
- e. statement that no independent inspection of the subject property has been undertaken (reliance on the RPR and any Statutory Declaration only);
- f. statement that the municipality is not responsible for any inaccuracy in the RPR;
- g. statement that compliance relates to the Land Use Bylaw only, and no other municipal regulations\*;
- h. limits of research done and the basis upon which the issuer has reached the conclusions set out; and
- i. statement that the Compliance Certificate is not a substitute for legal advice.

\*Reference to the Land Use Bylaw refers to that which is in place at the time of issuance of the Compliance Certificate, although notes may be made if the property is known (through evidence contained within the Town's records), to have been in compliance at the time of construction of a particular improvement.

A copy of a standard Compliance Certificate is attached hereto and forms Schedule "A" to this Policy. Alteration and amendment of the standard Compliance Certificate may be dealt with by the Development Officer on a case-by-case basis, and specifically in consideration of the following:

The contents of the Compliance Certificate may include:

- a. statement that any building location does not comply with the Land Use Bylaw requirements;
- b. statement that the building(s) may be non-confirming;
- c. statement that the compliance Certificate only relates to location of a non-confirming building(s), not land use;
- d. reference to the definition of "non-confirming", or referring to the Municipal Government Act definition;
- e. requirement that a movable structure be relocated to be in compliance with the Land use Bylaw; or
- f. requirement that "as-built" Development and Building Permit applications be made to the Town, along with the required fee for "as-built" Permits; or
- g. requirement that application for variance be submitted to Town Council.



**DUTIES OF THE DEVELOPMENT OFFICER**

The Development Officer shall accept all applications for Compliance Certificates; or

May reject at its discretion, applications for Compliance Certificate where:

- a. required fees have not been paid in full;
- b. a return address is not stated;
- c. an Alberta Land Surveyor's RPR is not submitted;
- d. and RPR does not meet the requirements noted above; or
- e. an RPR is unclear due to print quality.

**DECISIONS OF THE DEVELOPMENT OFFICER**

The Development Officer shall:

- a. issue all Compliance Certificates of the Town of Beaverlodge where applications meet all required criteria of the Town of Beaverlodge Land Use;
- b. issue all letters stating that a Compliance Certificate is NOT being granted where applications do not comply with the Town of Beaverlodge Land Use Bylaw; and

Notwithstanding the above, nothing in this policy shall prevent the Development Officer from referring any application to the Town Engineer, the Director of Protective Services, the Fire Chief, the Town Manager, or Town council. Those persons may further sign all related documents in place of the Development Officer.

Reviewed/Amended	Date: <i>March 11 2015</i>
<i>Hettanson</i>	<i>Chappak</i>
Mayor	CAO



**SCHEDULE "A"**

**Attention: APPLICANT**  
**Address of Applicant**

**Date: Month/Day/Year**

**CERTIFICATE OF COMPLIANCE**

**PART A:**

***Property Description***

Legal Description: Plan (-----) Block (-) Lot (-) Civic Address: ----- Avenue if the building(s) shown on the Real Property Report dated **Date of RPR** and completed by **Alberta Land Surveyor's Company** are used in accordance with that report, and no additions or changes have taken place since that time, and subject to the qualifications stated in Part B, it is hereby certified:

***Land Use District***

That the property is located in the Land Use District designated **GENERAL RESIDENTIAL DISTRICT (R2)** under the provisions of the Town of Beaverlodge Land Use Bylaw.

The permitted / discretionary uses for the district include:

- Permitted Uses:                      Accessory buildings and uses..... (See Section 9.1)
- Parks and playgrounds                      (Bylaw 867)
- Satellite dish antennas..... (See Section 9.9)
- Single Detached dwellings..... (See Section 9.13)

- Discretionary Uses:                      Apartment buildings of less than 5 units
- Bed and breakfast establishments
- Child care facilities
- Curb cuts
- Duplex dwellings
- Home occupations
- Manufactured homes
- Public uses

**Compliance - Location**

\_\_\_\_\_ The **location** of the building(s) within the property complies with the present provisions of the Town of Beaverlodge Land Use Bylaw.

\_\_\_\_\_ The **location** of the building(s) within the property do(es) not comply with the present provisions of the Town of Beaverlodge Land Use Bylaw, but the location of the building(s) within the property can be continued indefinitely because the noncompliance:

\_\_\_\_\_ Has been approved by Council

\_\_\_\_\_ Is a nonconforming use which may be continued under the provisions of Section 643 of the Municipal Government Act.

**PART B:**

This certificate is subject to the following qualifications:

1. The Town is relying entirely on information supplied by or on behalf of the applicant in respect to the use of the property and the Town makes no representations as to the actual use of the property.
2. The Town is relying entirely on the Real Property Report supplied by or on behalf of the application in respect to the location of building(s) within the property and the Town makes no representations as to the actual location of the buildings.
3. The Town has not conducted an inspection of the property.
4. The right to continue any nonconforming use as described in Part A of this certificate will terminate in accordance with the terms and provisions of the Municipal Government Act, Section 643 and the Town of Beaverlodge Land Use Bylaw. Those provisions include termination in the event that the nonconforming use is discontinued for a period of six consecutive months or more.
5. Enlargement, alteration, or replacement of a nonconforming building must be addressed as per the terms and provisions of the Municipal Government Act, Section 643(5) and 643(6).
6. The Town may issue an order under the provisions of Section 645 of the Municipal Government Act requiring the removal of any development which has not been issued a development permit or is not otherwise lawfully constructed.
7. The Development Officer/Municipal Planning Commission is authorized to issue orders under Section 645 of the Municipal Government Act and in such order establish a time for compliance with such order, acting reasonably.

8. Compliance with the requirements of this Land Use By-law does not exempt any person from the requirements of any federal, provincial or municipal legislation; and, complying with any easement, covenant, agreement or contract affecting the development.
9. The Town assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in Part A of this Certificate which arises from the information supplied by or on behalf of the applicant. If you have any questions, please contact the Town of Beaverlodge Development Officer at (780)354-2201 or e-mail at [development@beaverlodge.ca](mailto:development@beaverlodge.ca)
10. This certification relates to the Town of Beaverlodge Land Use Bylaw No. 860 only, and is in no way a confirmation respecting the use of the lands. No other municipal regulations have been addressed in this Compliance Certificate.
11. This certification does not apply to the location of any fences, concrete or decks less than two (2) feet above grade, located on private property that may be shown on the attached real property report unless otherwise indicated.

THE ATTACHED REAL PROPERTY REPORT, WITH AN ALBERTA LAND SURVEYOR'S SIGNATURE (ORIGINAL OR COPY), FORMS AN INTEGRAL PART OF THIS COMPLIANCE CERTIFICATE, AND MUST REMAIN ATTACHED TO IT, OR THIS CERTIFICATE IS NULL AND VOID.

Dated at Beaverlodge, Alberta this -- day of Month, Year .

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Development Officer, Town of Beaverlodge