



610-05 – Certificate of Compliance Policy

Policy Statement

The purpose of this policy is to set guidelines and procedures for:

- 1) landowners requesting a Certificate of Compliance; and
- 2) administration when processing requests for Certificate of Compliance.

Guidelines

1. A Real Property Report or Surveyor's Certificate signed by an authorized Alberta Land Surveyor shall be required to obtain a Certificate of Compliance.
2. The Municipality may accept a Real Property Report or Surveyor's Certificate up to three (3) years old, and up to ten (10) years old if updated by the original surveyor.
3. All Real Property Reports older than one (1) year, from the date of certification, shall be accompanied by a Statutory Declaration by the landowner that indicates no changes to the property have taken place since that date.
4. If the information contained on the Real Property Report is illegible, or if the original copy has been manually altered in some manner, the Chief Administrative Officer or his/her designate, may refuse to issue the Certificate of Compliance.
5. A landowner requesting a Certificate of Compliance may be required to relocate or remove or relocate minor-non-compliances such as sheds, fences or outbuildings to within required setbacks, in order to bring the property into compliance with the Land Use Bylaw. When such a request is made the applicant shall submit a Statutory Declaration signed by the landowner confirming that the non-complaint building(s) or structure(s) has been removed or relocated in accordance with the Land Use Bylaw.
6. When the Municipality becomes aware of a major non-compliance issue, a remedy shall be sought through the Municipal Planning Commission.

7. A letter of Compliance shall be issued using one of the following standard forms which are attached and form part of this policy:
 - a) Schedule A - To be used when all structures shown on the Real Property Report comply with the requirements of the Land Use Bylaw;
 - b) Schedule B - To be used when there is a structure(s) shown on the Real Property Report that do not comply with the Land Use Bylaw however they are considered legal non-conforming and may remain;
 - c) Schedule C - To be used when there is a structure(s) shown on the Real Property Report that do not meet the requirements of the Land Use Bylaw;

Certificate of Compliance

PROPERTY DESCRIPTION: [legal land description] _____

A. Subject to the qualifications stated below, it is hereby certified:

1. That the property is located within the _____ district under the provisions of The Municipal District of Willow Creek No. 26 Land Use Bylaw No. _____.
2. The permitted, discretionary, and prohibited uses for the district include those listed in Schedule ___ of Municipal Land Use Bylaw No. _____ (copy attached).
3. The location of the [building(s)] within the property is in conformity with the provisions of The Municipal District of Willow Creek No. 26 Land Use Bylaw No. _____.

B. This Certificate is subject to the following qualifications:

1. The Municipality is relying entirely on the sketch (copy attached) supplied by or submitted, on behalf of the applicant with respect to the location of buildings within the property and the Municipality makes no representations as to the actual location of the buildings.
2. The Municipality has not conducted an inspection of the property.
3. The Municipality assumes no responsibility or liability for any inaccuracy, mistake, or error of law or fact set forth in this Certificate which arises from the information supplied by or on behalf of the applicant.
4. This Certificate of Compliance relates only to the requirements of The Municipal District of Willow Creek No. 26 Land Use Bylaw No. _____, and does not relate to the requirements of any federal, provincial, or other municipal legislation nor to the terms or conditions of any easement, covenant, building scheme, agreement, or other document affecting the building(s) or land.

Date: _____

Signed: _____
Development Officer

Certificate Respecting Compliance

PROPERTY DESCRIPTION: [legal land description]

C. Subject to the qualifications stated below, it is hereby certified:

1. That the property is located within the _____
district under the provisions of The Municipal District of Willow Creek No. 26
Land Use Bylaw No. _____.
4. The permitted, discretionary, and prohibited uses for the district include those
listed in Schedule ___ of Municipal Land Use Bylaw No. _____ (copy attached).
2. The location of the buildings within the property may not be in conformity
with the present provisions of The Municipal District of Willow Creek No. 26
Land Use Bylaw No. _____, given that _____.

However, the location of the [building/structure] within the property can be
continued indefinitely for the following reason:

It appears that the [building/structure] identified on the Real Property
Report as _____ was [constructed/erected]
prior to the land use bylaw coming into effect and has continuously
been maintained since it was originally undertaken. As such the
structures are deemed to be legal non-conforming.

D. This Certificate is subject to the following qualifications:

1. The Municipality is relying entirely on the sketch (copy attached) supplied by or
submitted, on behalf of the applicant with respect to the location of buildings
within the property and the Municipality makes no representations as to the
actual location of the buildings.
2. The Municipality has not conducted an inspection of the property.
3. The right to continue any nonconforming building will terminate in
accordance with the terms and provisions of the '*Municipal Government
Act R.S.A. 2000, c. M-26, as amended.*

4. The Municipality assumes no responsibility or liability for any inaccuracy, mistake, or error of law or fact set forth in this Certificate which arises from the information supplied by or on behalf of the applicant.

5. This Certificate of Compliance relates only to the requirements of The Municipal District of Willow Creek No. 26 Land Use Bylaw No. _____, and does not relate to the requirements of any federal, provincial, or other municipal legislation nor to the terms or conditions of any easement, covenant, building scheme, agreement, or other document affecting the building(s) or land.

Date: _____

Signed: _____
Development Officer

RE: REQUEST FOR CERTIFICATE OF COMPLIANCE

(LEGAL DESCRIPTION)

In reference to the above legal description, enclosed is the Surveyor's Real Property Report covering the above which I have initialed. I advise that the property is located within the _____ land use designation under the provisions of Municipal Land Use Bylaw No. _____. The permitted, discretionary, and prohibited uses for the district include those listed in Schedule _____ of Municipal Land Use Bylaw No. _____ (copy attached).

Subject to the qualifications below, I advise that a Certificate of Compliance cannot be issued for the above property insofar as the location of the [building(s)] appears to be non-conforming with the provisions of Municipal Land Use Bylaw No. _____ given that . . .

[insert aspects of non-compliance]

The above statements are subject to the following qualifications:

1. The Municipality is relying entirely on the Surveyor's Real Property Report (enclosed) supplied by or on behalf of the applicant with respect to the location of buildings within the property and the Municipality makes no representations as to the actual location of the structures.
2. The Municipality has not conducted an inspection of the property.
3. The Municipality assumes no responsibility or liability for any inaccuracy, mistake, or error of law or fact set forth in the above which arise from the information supplied by or on behalf of the applicant.
4. The contents herein relate only to the requirements of The Municipal District of Willow Creek No. 26 Land Use Bylaw, and do not relate to the requirements of any federal, provincial, or other municipal legislation nor to the terms or conditions of any easement, covenant, building scheme, agreement, or other document affecting the structures or land.

I advise that a request for _____ [granting an encroachment on the required setback, or whatever the non-compliance may be] in reference to a request for a Certificate of Compliance may be submitted in the form of a development permit application. Therefore, I have enclosed a Development Application Form, the fee for which is \$ _____ should you have need of it. The Municipal Planning Commission normally meets the _____ of each month. The next one at which the application could be considered is scheduled for _____.

If you have any questions, please call me at (403) 625-3351, extension 230.

Development Officer