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|  CROWSNEST PASS <small>Municipality</small> | Municipality of Crowsnest Pass Policy |
| Policy No.: Policy Title: Approval Date: Revision Date: Supersedes Policy: Department: | 2002-01 Compliance Certificate Policy 2015-07-07 DV.002 Planning, Engineering and Operations |

1.0 Policy Statement

A Certificate of Compliance is a letter issued by the Crowsnest Pass Municipality confirming that the location of buildings on a property conforms to the requirements of the Land Use Bylaw. It does not regulate or enforce any building code requirements. Certificates of Compliance are often required by standard real-estate purchase contracts, lending agencies, and lawyers engaged in the sale of property or mortgage approval.

A certificate of Compliance is a VOLUNTARY service offered by the Municipality, as it is not required by provincial or federal legislation. The completion of statutory requirements and duties will be given priority for Municipal staff over issuing Certificates of Compliance.

2.0 Policy Purpose

The purpose of this Policy is to provide guidelines for the issuance of Compliance Certificates and the requirements of Real Property Reports (RPR).

3.0 Definitions

- a) *Municipality* – the municipal corporation of the Municipality of Crowsnest Pass, or the area contained within the Municipality boundaries, as the context requires.
- b) *Compliance Certificate* - written confirmation from a municipality that all improvements on a property meet the current regulations of the Land Use Bylaw
- c) *Encroachment* – anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (excluding sidewalks, fences, or any other municipal improvement required and owned by the Municipality), that extends on, over or under municipal lands and shall include but not limited to the following:
 - i. Buildings and all projections (including eaves, footings, foundations, weeping tiles, cantilevers, etc.) and siding;
 - ii. Sheds including those attached to a dwelling and/or a fence;
 - iii. Fences;
 - iv. Asphalt, concrete, or brick sidewalks, curbs, parking pads, aprons or driveways;
 - v. Structures (including decks, stairs, patios, balconies, etc.);
 - vi. Retaining walls;
 - vii. Swimming pools and hot tubs;
 - viii. Shrubs, trees, or other organic landscaping materials planted in Reserve or Municipality owned property;
 - ix. Hard landscaping (including asphalt, concrete paving stones, retaining walls, planters and structures);
 - x. Light standards;

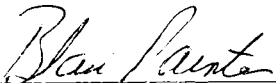
- xi. Permanent Signs.
- d) *Encroachment Agreement* – an agreement between the applicant and the Municipality authorising an encroachment and shall, among other things, include:
 - i. The location and identification of the encroachment;
 - ii. Fees;
 - iii. The owner's responsibilities to maintain the Encroachment;
 - iv. Terms or conditions under which the agreement is terminated;
 - v. Cost and liability for removal; and
 - vi. Indemnification of the Municipality, its agents and licensees.
- b) *Fence* – any enclosing barrier, wall, or structure such as a chain link fence, wooden fence, metal fence, or brick/stucco wall, usually located along the property line.
- e) *Land Use Bylaw* – the bylaw that has been adopted by the Municipality for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within the Municipality of Crowsnest Pass.
- f) *Real Property Report (RPR)* - a legal document prepared by an Alberta Land Surveyor clearly illustrating the location of all visible improvements relative to the property boundaries (sample attached as "Schedule C").
- g) *Statutory Declaration* - a written statement of facts signed and solemnly declared to be true by the person making it before a person with authority to take such statements (i.e. Commission for Oaths).

4.0 Procedure

1. All requests for Compliance shall be in writing and must include an original or otherwise acceptable Real Property Report, at the discretion of the CAO or his/her designate, signed, dated and stamped by an Alberta Land Surveyor.
2. All Real Property Reports older than two (2) years must include a Statutory Declaration that indicates that no changes have been made to the property since the Real Property Report was prepared. If there have been any changes, however slight, a new and updated Real Property Report is Required.
3. The Municipality of Crowsnest Pass will accept valid Real Property Reports up to and including 15 years old, providing that a Statutory Declaration is included. After 15 years a valid Real Property Report is required..
4. The Compliance Certificate relates only to the Municipality of Crowsnest Pass Land Use Bylaw and not to any Federal, Provincial or other municipal regulations and is based entirely on the information supplied on the Real Property Report. A Site inspection is not conducted by the Municipality of Crowsnest Pass.
5. If all visible improvements on the RPR comply with the regulations of the current Land Use Bylaw and the applicable land use district for the property, a letter of compliance will be issued to the applicant. Examples of Compliance Certificates are attached as Schedule 'A'.
6. If any improvements on a property do not comply to the guidelines of the current Land Use Bylaw, however were legally constructed previous to the adoption of the current LUB and had all the relevant permits issued at that time, a letter will be issued stating the improvements do not comply, however are considered lawfully non-conforming. An example of a letter stating non-conformity is attached as 'Schedule B'.
7. If any improvements on a property do not comply to the guidelines of the current Land Use Bylaw, and were constructed on or after the date of its adoption, and for which no variance has been granted, a letter will be issued stating the improvements do not comply and either must

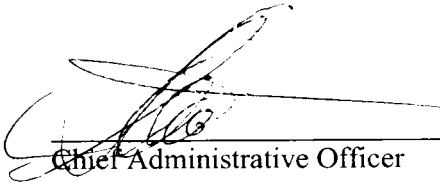
- be removed or an application for a development permit submitted requesting a variance to leave "as-built".
8. If any improvements on a property do not comply with the regulations of the current Land Use Bylaw by less than a measurement of 10cm, the Municipality will apply a tolerance to the assessment and consider the improvements to be compliant.
 9. The following improvements on a property will not be assessed by the Municipality when issuing a Compliance Certificate:
 - 9.1 Fences;
 - 9.2 Moveable sheds less than 100 sq. ft. in area.
 10. Prior to the issuance of a compliance certificate, if the improvements encroach onto Municipal lands, the applicant shall:
 - 10.1 Remove the offending structure to make it conform to the current Land Use Bylaw, or
 - 10.2 Enter into an Encroachment Agreement with the Municipality of Crowsnest Pass, or
 - 10.3 Where possible, rectify the non-conformity by initiating a Boundary Adjustment Scheme, or
 - 10.4 Secure a determination from the Development Authority that the non-conformity may continue pursuant to the provisions of Section 643 of the Municipal Government Act.
 11. Prior to the issuance of a compliance certificate, if the improvements encroach onto adjacent private lands, the applicant shall:
 - 11.1 Remove the offending structure to make it conform to the current Land Use Bylaw, or
 - 11.2 Enter into an Encroachment Agreement with the adjacent property owner and provide fully executed copies to the Municipal Development Officer or;
 - 11.3 Where possible, rectify the non-conformity by initiating a Boundary Adjustment Scheme, or
 - 11.4 Secure a determination from the Development Authority that the non-conformity may continue pursuant to the provisions of Section 643 of the Municipal Government Act.
 12. The term of the encroachment agreement shall be for a period no longer than 89 years or the effective life of the structure whichever is shorter. Further, the Encroachment agreement shall stipulate:
 - 12.1 That the non-conformity may not be enlarged, structurally altered, added to, rebuilt or extended beyond the bounds of the current use except as follows:
 - 12.1.1 to make the structure a conforming building
 - 12.1.2 for routine maintenance of the building
 - 12.1.3 such alterations as may be authorized by the Municipal development authority
 - 12.2 That the non-conformity may not be transferred to any other portion of the building
 - 12.3 If the non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building is not to be repaired or rebuilt except in accordance with the Municipal Land Use Bylaw.
 - 12.4 That if the use of the building is discontinued for a period of 6 consecutive months or more any future use of the land or building must thereafter be in conformity with the land use bylaw then in effect.
 13. Regular Fee - \$50.00
 14. Priority Services (within three (3) working days) - \$100.00

5. End of Policy



Mayor

13/07/15
Date



Chief Administrative Officer

13/07/15
Date

SCHEDULE A



P.O. BOX 600
CROWSNEST PASS, ALBERTA
T0K 0E0

PHONE (403) 562-8836
FAX (403) 563-5474

FILE:

DATE

NAME

ADDRESS

TOWN, PROVINCE

POSTAL CODE

Attention:

Re: Lot , Block , Plan

Further to your request for a Compliance Certificate on the above noted lands, please be advised as follows:

1. The property is located within a Residential (R-1) District under the provisions of the Municipality of Crowsnest Pass Land-Use By-Law.
2. The existing improvements and uses on the property are a permitted use in the Land Use Bylaw. For a complete list of permitted and discretionary uses refer to the Land Use Bylaw.
3. The property appears to comply or meet the tolerances allowed by the Municipality of Crowsnest Pass Land Use Bylaw.

The comments regarding the mentioned property are subject to the following qualifications:

1. The Municipality is relying entirely on information supplied by or on behalf of the applicant in respect to the use of the property and the Municipality makes no representations as to the actual use of the property.
2. The Municipality is relying entirely on the Alberta Land Surveyor's Real Property Report, dated <DATE> (copy attached), and the Municipality makes no representations as to the actual location of the buildings.
3. The Municipality has not conducted an inspection of the property.
4. The Municipality assumes no responsibility or liability for any inaccuracy, mistake or error of law which arises from the information supplied by or on behalf of the Applicant.
5. This certificate does not make any representations as to compliance or non-compliance with the Alberta Building Code or any other Federal or Provincial legislation or enactment. For comment further to compliance with other legislation or enactment's you should refer to the appropriate authority.

Yours truly

Encl.

SCHEDULE B



P.O. BOX 600
CROWSNEST PASS, ALBERTA
T0K 0E0

PHONE (403) 562-8836
FAX (403) 563-5474

FILE:

DATE

NAME

ADDRESS

TOWN, PROVINCE

POSTAL CODE

Attention:

Re: Lot , Block , Plan

Further to your request for a Compliance Certificate on the above noted lands, please be advised as follows:

1. The property is located within a Residential (R-1) District under the provisions of the Municipality of Crowsnest Pass Land-Use By-Law.
2. The existing improvements and uses on the property are a permitted use in the Land Use Bylaw. For a complete list of permitted and discretionary uses refer to the Land Use Bylaw.
3. The improvement on the property do not comply or meet the tolerances allowed by the Municipality of Crowsnest Pass as outlined in the Land Use Bylaw #868-2013. Specifically:
 - a. The _____ should be _____ meters, not _____ meters.
4. Pursuant to Section 643 of the Municipal Government Act, the improvements on the property are considered legally non-conforming building(s) within the Municipality of Crowsnest Pass Land Use Bylaw.
5. Even though the property does not comply or meet the tolerances, no action to remedy will be enforced at this time.

The comments regarding the mentioned property are subject to the following qualifications:

1. The Municipality is relying entirely on information supplied by or on behalf of the applicant in respect to the use of the property and the Municipality makes no representations as to the actual use of the property.
2. The Municipality is relying entirely on the Alberta Land Surveyor's Real Property Report, dated <DATE> (copy attached), and the Municipality makes no representations as to the actual location of the buildings.
3. The Municipality has not conducted an inspection of the property.
4. The Municipality assumes no responsibility or liability for any inaccuracy, mistake or error of law which arises from the information supplied by or on behalf of the Applicant.

5. This certificate does not make any representations as to compliance or non-compliance with the Alberta Building Code or any other Federal or Provincial legislation or enactment. For comment further to compliance with other legislation or enactment's you should refer to the appropriate authority.

Yours truly
Encl.