



TOWN OF DRAYTON VALLEY

Department:	Planning & Development	Policy #:	PD-01-08
Subject:	Issuing Compliance Certificates		
Approval Date:	March 12, 2008	Review Date:	August 31, 2011

POLICY

The Town of Drayton Valley (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 Planning & Development Department should be granted the primary role in the administration and 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;
 - driveways if they encroach into adjacent parcels;
 - eavestroughs, steps and landings if they encroach into adjacent parcels, streets or lanes;
 - all permanent sheds (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 and 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; 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 not 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 Planning & Development Department 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-conforming building(s), not land use;
- d. reference to the definition of "non-conforming", or referring to the *Municipal Government Act* definition;
- e. requirement that a moveable 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 PLANNING & DEVELOPMENT DEPARTMENT

The Planning & Development Department 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. an RPR does not meet the requirements noted above; or
- e. an RPR is unclear due to print quality.

DECISIONS OF THE PLANNING & DEVELOPMENT DEPARTMENT

The Planning & Development Department shall:

- a. issue all Compliance Certificates of the Town of Drayton Valley where applications meet all required criteria of the Town of Drayton Valley Land Use;
- b. issue all Compliance Certificates where applications fall within the "Builder's Error" rule, as outlined in the Town of Drayton Valley Policy PD-01-99;
- c. issue all letters stating that a Compliance Certificate is NOT being granted where applications do not comply with the Town of Drayton Valley Land Use Bylaw; and
- d. issue all requests for "As-Built" Development Permit Applications in relation to non-conforming structures or uses, where the same have been determined to exist through the application process.

Notwithstanding the above, nothing in this policy shall prevent the Planning & Development Department 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 Planning & Development Department.

Mayor/Manager

SCHEDULE "A"



TOWN OF DRAYTON VALLEY

**Box 6837, Drayton Valley, Alberta T7A 1A1 Phone: 780-514-2200, Fax: 780-542-5753, or
E-mail: planning@town.draytonvalley.ab.ca**

Certificate No. **CP08-0****

"COMPLIANCE CERTIFICATE"

Legal Description of Property: LOT **##** BLOCK **##** PLAN **#####**

Civic Address: **#### - ## Street/Avenue**, Drayton Valley, Alberta

Registered Owner: **Registered Landowner**

Existing Land Use District: **Zoning (Abbr. & Extended Form: ie. R1A – Low Density Residential)**

Permitted Land Uses: new site-built detached houses
 home offices
 minor day care operations
 public parks and recreation areas
 buildings and uses accessory to the above.

Discretionary Land Uses: modular home
 secondary suites
 home businesses
 bed and breakfast establishments
 day care facilities
 group homes
 utility installations
 buildings and uses accessory to the above.

Based solely upon the information about the development on the above mentioned property, as shown on the Alberta Land Surveyor's Real Property Report prepared by **Alberta Land Surveyor of Survey Company** dated the **Date** day of **Month, Year** (**File No. Surveyor's File**) the development complies with all setback requirements set forth in the Town of Drayton Valley's Land Use Bylaw No. 2007/24/D.

This certification is issued based solely upon the attached Real Property Report; no independent inspection or research was undertaken by the Town of Drayton Valley. 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 as otherwise indicated above.

This certification relates to the Town of Drayton Valley Land Use Bylaw No. 2007/24/D 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.

The Town assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in the Real Property Report from the information supplied by or on behalf of the Applicant. If you have any questions, please contact the Town of Drayton Valley planning department at (780) 514-2200 or e-mail at planning@town.draytonvalley.ab.ca.

This certification is not a substitute for legal advice. It is the Town of Drayton Valley's Recommendation that the applicant have the question of compliance reviewed by a lawyer with relevant expertise.

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.

Development Officer
Town of Drayton Valley
Date: