



POLICY 2023-08

TOWN OF CROSSFIELD COMPLIANCE CERTIFICATION POLICY

Purpose

The purpose of this policy is to establish consistent requirements for handling compliance requests and develop standard procedures for processing Compliance Letter requests and minimize the liability risk to the Town for any mistake, inaccuracy or error which may arise from the information supplied by or on behalf of the property owner.

Policy

The Town of Crossfield's Planning and Development department provides Compliance Certificate of properties in accordance with the Town of Crossfield's Land Use Bylaw regulations as a public service to property owners, or a person with a legal or equitable interest.

As attached and titled Policy 2023-08 Compliance Certification Policy.

This Policy supersedes all previous annual Compliance Certification Policies, including Letter of Compliance Policy 2009-03.

Adopted this 17 day of October, 2023



Mayor Harris

Russ Nash Interim CAO
Director of Community & Protective Services

1.0 Definitions

- 1.1 **Alberta Land Surveyor:** means a person who holds a certificate of registration and an annual certificate to engage in the practice of surveying under the Alberta Land Surveyors Act. It is commonly referenced as A.L.S.
- 1.2 **Compliance Certificate:** means a written document issued by the Town that states whether or not the property and the property improvements, as shown on the Real Property Report, comply with the siting and setback regulations of the Land Use Bylaw.
- 1.3 **Land Use Bylaw:** means the Town of Crossfield's current Land Use Bylaw.
- 1.4 **Real Property Report (RPR):** means a survey document prepared, signed, dated and stamped by an Alberta Land Surveyor, illustrating the location of all structures and visible improvements situated on a parcel of land relative to the property boundaries. The Real Property Report also shows any registered easements or right-of-ways affecting the property as well as any encroachments from or onto the property. It is a representation of the property on the date of survey.
- 1.5 **Statutory Declaration:** means a written Certificate of facts solemnly declared to be true by the person(s) signing the declaration before a Commissioner for Oaths.
- 1.6 **Town:** means the municipality of the Town of Crossfield.
- 1.6 **Updated Real Property Report:** means a previously prepared Real Property Report that has been brought up to date (if required) and signed, dated and stamped by an Alberta Land Surveyor.

2.0 Related Documentation and Legislation

- 2.1 There is no legislative requirement for a municipality to issue Compliance Letters nor does the Town require they be obtained. The Planning and Development Department provides Compliance Letters as a service to property owners as lawyers and financial institutions often require them as part of a real estate transaction or to secure a mortgage. A Compliance Letter must be signed by a Development Officer or such other employee as the Development Officer delegates for the Town of Crossfield.

3.0 Responsibilities

- 3.1 The applicant will submit a complete application for compliance with all the required documents, including a Real Property Report signed, dated and stamped by an Alberta Land Surveyor showing all of the improvements made on the property.
- 3.2 The Development Officer or designate will review request for compliance and issue certificates or letters to the applicant within the specified time period.

4.0 Application Process

- 4.1 The applicant shall submit a completed Compliance Certification Request application form signed by the property owner of property owner's representative.
- 4.2 The applicant shall submit the application fee for Compliance Letters as outlined within the Town's Fees & Rates Bylaw.
- 4.3 The applicant shall submit two (2) original Real Property Reports. The Real Property Report shall be less than five (5) years old. Documents between five (5) and ten (10) years old will be accepted provided that it is accompanied by a statutory declaration stating that no additional development or improvements exists on the property. Real Property Reports over ten (10) years old will not be accepted.
- 4.4 The Town will process a compliance request within 14 days of receipt of the application and payment.

5.0 Review Process

- 5.1 The Compliance Certification process can result in one or several of the following possible outcomes:
 - a. Compliance Stamp: if all buildings on the property comply with the provisions of the Land Use Bylaw.
 - b. Advisory Comments Stamp: If one or more of the buildings or an improvement on the property does not comply with the provisions of the Land Use Bylaw or does not currently comply with the provisions of the Land Use Bylaw but did comply with the provisions of municipal regulations at the time of construction.

- 5.2 The Development Officer or delegate shall not conduct a site inspection as part of the Compliance Certification review process. The Compliance Certification will be based solely on information contained within the tax roll property files and any development shown on the Real Property Report.
- 5.3 The Development Officer or delegate may issue a Compliance Stamp for a site when the development shown on the Real Property Report complies with the Land Use Bylaw regulations in force at the time of the compliance request.
- 5.4 If there are issues relating to the location of any development or improvements, a compliance advisory letter shall be sent to the applicant informing them of the issues.
- 5.5 If the applicant has addressed outstanding issues that required corrective action, the applicant may request an update to the compliance review. Proof of corrective action must be submitted prior to the updated compliance review. A compliance update may be issued to the original applicant only and must be made within six (6) months of the issuance of the original application.
- 5.6 The advisory letter shall clearly state the following:
- a. That the Town of Crossfield makes no guarantee as to the accuracy of the Real Property Report or the information provided on behalf of the landowner.
 - b. The Town of Crossfield assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in this letter, which arises from the information supplied by or on behalf of the applicant. Any future development to the property must have to comply and the necessary permits must be taken out (development, building, gas, plumbing, and electrical) for future development.
 - c. This letter relates only to parcel zoning and the building setback requirements of the current Town of Crossfield Land Use Bylaw. This letter 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.



TOWN OF CROSSFIELD COMPLIANCE CERTIFICATION APPLICATION

PLEASE PRINT

ADDRESS OF PROPERTY

Civic Address: _____

APPLICANT INFORMATION

Name of Applicant: _____

Telephone: _____

Email Address: _____

Mailing Address: _____

REGISTERED OWNER SAME: OTHER:

Name: _____

Telephone: _____

Email Address: _____

Mailing Address: _____

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

Applicant Signature

Date

Submission Requirements

<input type="checkbox"/> A completed Application Form	<input type="checkbox"/> A copy of the Encroachment Agreement if there is one registered on the land title.
<input type="checkbox"/> A Real Property Report (RPR) or a Surveyor's Certificate (SC). The RPR or SC must be legible; accurately showing all dimensions and all structures located on the property and must be signed by an Alberta Land Surveyor.	<input type="checkbox"/> Fee (see schedule). Please note that fees change annually.