

COMPLIANCE CERTIFICATE

Date Issued: March 23, 2018

Mandated by: City Manager

Current Revision: July 22, 2020

Cross Reference:

- Compliance Certificate Policy GEN-028-A
- Land Use Bylaw

Next Review: January 1, 2023

Responsibility: Director, Planning & Development

1. PURPOSE

The Development Authority requires a coordinated and consistent approach for the processing of Compliance Certificates.

2. POLICY

The City provides the service of a Compliance Certificate to property owners or their representatives which indicates whether the property and the improvements meet the City's Land Use Bylaw requirements.

3. DEFINITIONS

- 3.1 *Building Permit* – means a document issued by the City authorizing construction of a development.
- 3.2 *City* – means the City of Fort Saskatchewan.
- 3.3 *Compliance Certificate* – means a letter or stamp verifying compliance or non-compliance with the current City of Fort Saskatchewan Land Use Bylaw based on a Real Property Report.
- 3.4 *Development Authority* – means the City department and employees authorized to make development decisions.
- 3.5 *Development Permit* – means a document issued by the City authorizing a development.
- 3.6 *Land Use Bylaw* – means the bylaw which regulates orderly, economical and beneficial development of the use of land and buildings within the City.
- 3.7 *Real Property Report (RPR)* – means a survey plan locating improvements in relation to the boundaries of a legal lot.

4. GUIDING PRINCIPLES

- 4.1 The City has no statutory requirement to provide a Compliance Certificate, but provides this service for the convenience of property owners and their representatives.
- 4.2 A Compliance Certificate is not a Development Permit or a Building Permit.
- 4.3 The statement(s) contained within the Compliance Certificate are solely based on the information contained in the RPR (submitted by the applicant), and is limited to whether the improvements on the legal lot conform with and/or meet the setbacks of the current Land Use Bylaw in effect. The statement(s) may also specify whether or not the necessary permits for the improvements noted on the RPR have been obtained.
- 4.4 The City is not liable for any inaccuracy in the RPR or inaccuracies in other information submitted in support of a request for a Compliance Certificate.
- 4.5 No refund of service fees will occur.

5. AUTHORITY / RESPONSIBILITY TO IMPLEMENT

The Director, Planning & Development is authorized to develop Procedures to enact this Policy.



Acting City Manager

COMPLIANCE CERTIFICATE

Date Issued: December 11, 2008

Responsibility: Director, Planning &
Development

Current Revision: July 22, 2020

Cross Reference:

- Compliance Certificate Policy GEN-028- A
 - Encroachment Agreement Procedure
GEN-025-A
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1. PURPOSE

Planning & Development requires a coordinated and consistent approach for the processing of Compliance Certificates.

2. DEFINITIONS

- 2.1 *City* – means the City of Fort Saskatchewan.
- 2.2 *Building* – means anything constructed or placed on, in, over or under land, but does not include a highway, road or bridge.
- 2.3 *Improvement* – means a physical structure built on a legal lot.
- 2.4 *Real Property Report* – means a survey plan locating improvements in relation to the boundaries of a legal lot.
- 2.5 *Setback* – means the distance that an improvement shall be set back from the lot line or any other features on a site as specified in the current Land Use Bylaw.

3. PROCEDURE

- 3.1 The registered owner or their representative (with the owner's written authorization, unless submitted by a lawyer acting on behalf of the property owner) may apply to the City for a Compliance Certificate.
- 3.2 One (1) copy of the Real Property Report shall be submitted. The Real Property Report must:
- 3.2.1 be deemed acceptable to the purchaser's financial institution (to be verified by the applicant); and
 - 3.2.2 be less than five (5) years old. Documents (5) years old or older may be considered if accompanied by an affidavit signed by the property owner verifying that nothing has changed on site. The signed affidavit must be commissioned by a Commissioner for Oaths.

- 3.3 A registered Alberta Land Surveyor may submit a digital Real Property Report for submission.
- 3.4 A copy of the Certificate of Title for the subject property, which is no more than three (3) months old, shall be submitted.
- 3.5 Payment according to the City's current Fees & Charges Bylaw is required at time of submission.
- 3.6 The Development Authority reviews the Real Property Report against the current Land Use Bylaw.
- 3.7 Given on-site conditions and accuracy of the Real Property Report, the Development Authority may grant a 0.05m tolerance for buildings and improvements on the subject property.
- 3.8 A "rush service" may be provided for an extra fee, as specified in the Fees & Charges Bylaw.
- 3.9 The City of Fort Saskatchewan will not conduct an on-site inspection of the subject property, pursuant to this request for a Compliance Certificate.
- 3.10 Any encroachments will be addressed through the Encroachment Agreement Procedure GEN- 025-A.
- 3.11 The Development Authority may refuse to issue a Compliance Certificate when in its opinion there is insufficient information to determine if the buildings or structures shown on the Real Property Report are in accordance with the Land Use Bylaw or any other applicable regulation in force at the time.
- 3.12 The Development Authority may refuse to issue a Compliance Certificate when there are outstanding issues, orders or any other regulative infraction deemed appropriate.
- 3.13 Any outstanding issues associated with the property may be noted on the Compliance Certificate as it relates to the current Land Use Bylaw, and any applicable regulations, as required. A method for remedy will be included.
- 3.14 Once the property owner or their representative has remedied the outstanding issues, they are to notify the City with a signed affidavit or updated Real Property Report illustrating that the deficiencies have been brought into compliance. The applicant may then request an update to the Compliance Certificate, at no charge, if the request is made (by the original applicant only) within sixty (60) days of the original date of the Compliance Certificate. After sixty (60) days, or for any subsequent applicant, a new application is required with the appropriate fees.
- 3.15 The Development Authority is not obligated to process an application for Compliance Certificate and may refuse to do so if, in its opinion, processing the application may be detrimental to the City. Notwithstanding 4.5 of Administrative Policy GEN-028-A, should the Development Authority choose not to process an application once an application has been accepted, all fees will be returned to the applicant.