

Title: Compliance Certificates	
Resolution: 2023-0019 (Jan 23, 2023)	Revised:
Special Notes/Cross Reference: Land Use Bylaw	Next Review Date:

POLICY STATEMENT: The Town of Westlock provides the service of a Compliance Certificate to property owners, or their representatives, which indicates whether the property and the improvements meet the Town’s Land Use Bylaw requirements.

PURPOSE: The Town of Westlock’s Development Authority requires a coordinated and consistent approach for the processing of Compliance Certificates.

DEFINITIONS

1. *Building* – means anything constructed or placed on, in, over, or under land, but does not include a highway, road, or bridge.
2. *Building Permit* – means a document issued by a Safety Codes Officer authorizing construction of a development.
3. *Compliance Certificate* – means a letter verifying compliance or non-compliance with the current Town of Westlock Land Use Bylaw based on a Real Property Report.
4. *Development Authority* – means the Development Officer or Director of Development Services for the Town.
5. *Development Permit* – means a document issued by the Town authorizing a development.
6. *Improvement* – means a physical structure built on a legal lot.
7. *Land Use Bylaw* – means the bylaw which regulates orderly, economical, and beneficial development of the use of land and buildings within the Town.
8. *Real Property Report (RPR)* – means a survey plan locating improvements in relation to the boundaries of a legal lot.
9. *Setback* – means the distance that an improvement shall be from the lot line or any other features on a site as specified in the current Land Use Bylaw.

10. *Town* – means the Town of Westlock

GUIDING PRINCIPLES

1. The Town has no statutory requirement to provide a Compliance Certificate but provides this service for the convenience of property owners and their representatives.
2. A Compliance Certificate is not a Development Permit or a Building Permit.
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 conform with the current Land Use Bylaw.
4. The Town is not liable for any inaccuracy in the RPR or inaccuracies in other information submitted in support of a request for a Compliance Certificate.
5. No refund of service fees will occur.

PROCEDURE

1. The registered owner or a person with legal or equitable interest in a lot may apply for a Compliance Certificate. The owner's written authorization must be provided unless the request is submitted by a lawyer acting on behalf of the property owner.
2. A completed application must be submitted on the prescribed form. A letter requesting a Compliance Certificate will be accepted if it includes the applicant's name, address, email, municipal address, legal land description of the property, and the preferred mode of delivery of the Compliance Certificate.

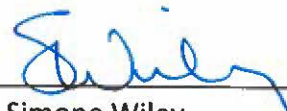
The application fee as prescribed in the Town of Westlock Fees and Rates Bylaw must accompany the application.

3. Two (2) copies of the Real Property Report shall be submitted. The Real Property Report must:
 - a. Be prepared by an Alberta Land Surveyor; and
 - b. Be less than five (5) years old. Real Property Reports older than 5 years may be considered if accompanied by an affidavit, signed by the property owner, verifying that the provided Real Property Report is accurate and additions, relocations, or demolitions did not take place. The signed affidavit must be commissioned by a Commissioner of Oaths.

4. An Alberta Land Surveyor may submit a digital Real Property Report for consideration.
5. The Development Authority reviews the Real Property Report for compliance with the Land Use Bylaw.
6. 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.
7. Notwithstanding Procedure 6, no tolerance shall be granted for a side yard setback for a principal Dwelling.
8. A “rush service” may be provided for an increased fee, as specified in the Fees and Rates Bylaw.
9. The Town will not conduct an on-site inspection of the subject property, pursuant to a request for a Compliance Certificate.
10. Any encroachments will be referred to the Director of any affected Town department for their consideration. Encroachments may be allowed to remain as sited if the property owner enters into an encroachment agreement with the Town or may need to be removed to attain compliance.
11. The Development Authority may refuse to issue a Compliance Certificate when in its opinion there is insufficient information to determine if the improvements shown on the Real Property Report are in accordance with the Land Use Bylaw.
12. Should the property not comply, the property owner, or their representative, may remedy the contraventions. Once remedied, notification must be given to the Town. The Town will request a signed affidavit or updated Real Property Report illustrating that the deficiencies have been brought into compliance. The applicant may request an update to the Compliance Certificate. A fee for update of the Compliance Certificate will not be charged if the request is made by the original applicant within 6 months of the date of issuance.



Mayor Ralph Leriger



CAO Simone Wiley