

Title: Certificate of Compliance

Policy No: 6004

Effective Date: January 13, 2023

Motion Number: 23.01.21

Supersedes Policy No: 6004

Department: Planning & Development Services

Review Date: January, 2026



Legal References:

Land Surveyors Act, R.S.A. 2000, c. L-3

Municipal Government Act, R.S.A. 2000, c. M-26

Cross References:

Bylaw 18-800 "Land Use Bylaw"

Bylaw 799 "Land Use Bylaw" – Grande Cache

Policy 6002 "Development Enforcement"

Purpose: To establish a system for issuing a Certificate of Compliance respecting the location of buildings and structures meeting the requirements of the Land Use Bylaw of Greenview.

1. DEFINITIONS

- 1.1. **Alberta Land Surveyor (ALS)** means a person who holds a certificate of registration and an annual certificate to engage in the practice of surveying under the *Albert Land Surveyors Act*.
- 1.2. **Certificate of Compliance** means a document issued by Greenview that states whether or not the existing buildings and other visible improvements shown on the Real Property Report meet the requirements of Greenview's Land Use Bylaw.
- 1.3. **Greenview** means the Municipal District of Greenview No. 16.
- 1.4. **Land Use Bylaw** means Greenview's Land Use Bylaw.
- 1.5. **Parcel** means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land title's office.
- 1.6. **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 parcel boundaries. The Real Property Report also shows any registered easements or rights-of-way affecting the parcel and any encroachments from or onto the property. It is a representation of the property on the date of the survey.
- 1.7. **Schedule of Fees** means that bylaw which establishes the rates and fees Greenview may charge for the supply of information, goods, or services.

2. POLICY STATEMENT

- 2.1. Greenview issues letters of compliance when requested by landowners or their agents to provide assurance that buildings and structures are located on parcels within established bylaw guidelines.
- A) Any request for a Certificate of Compliance must be in writing and signed by the currently registered landowner(s) or an agent acting on their behalf.
 - B) A fee shall be charged for the Certificate of Compliance application per the Schedule of Fees Bylaw.
 - C) The RPR must have been issued within six (6) months prior to requesting a Certificate of Compliance. The landowner must provide a Statutory Declaration if the RPR has been issued more than six (6) months from the date of request. An RPR dated more than two (2) years from the date of the request for a Certificate of Compliance will not be accepted.
 - D) Any development constructed or located on a parcel before January 1, 1994, and for which no Development Permit was issued, will be considered as legally non-conforming, and a letter of compliance may be issued stating as such, provided it is otherwise in compliance with the Land Use Bylaw.
 - E) Any development constructed or located on the parcel on or after January 1, 1994, and for which no Development Permit has been issued, will be considered non-conforming, and a Certificate of Compliance will not be issued. The parcel can achieve compliance by obtaining a Development Permit approval from Greenview concerning the subject parcel.

3. PROCEDURE

- 3.1. The Certificate of Compliance shall contain the following statements:
- A) "The Municipal District of Greenview No. 16 issues this compliance letter based on the information provided in the Real Property Report and assumes no responsibility for errors or omissions provided therein."
 - B) "The issuance of a Certificate of Compliance for this parcel is not deemed to be an approval of any development on the parcel."
 - C) "The Municipal District of Greenview No. 16 makes no assumptions as to the actual use of the lands. This letter refers specifically to the buildings and structures on the lands identified on the Real Property Report attached to this Certificate of Compliance."