

	<b>Compliance Policy</b>		<b>Policy #5.6.02</b>
Department Owner:	Planning & Development		
Policy Applies To:	Compliance Requests		
Date Created:	Feb. 15, 2019	Date Approved By Council:	February 25, 2019
Version #:	1.0	Resolution #:	19-021
Last Review Date:	Feb. 15, 2019	Policy(ies) Replaced/Rescinded:	PLDE 01-12

### Intent:

A Compliance Certificate is confirmation from the Town of Claresholm that development (the positioning and use of buildings) on a property meets the regulations of the Land Use Bylaw. Lawyers and lending institutions often request compliance to protect their clients' investments in real estate transactions.

The purpose of the compliance policy is to layout a set of guidelines for the submission and processing of compliance request letters.

### Definitions:

**Real Property Report (RPR)** is a legal document prepared by a registered Alberta Land Surveyor determining the location, form or boundaries of a tract of land and buildings by measuring the lines and angles in accordance with the principles of the Land Surveyors Act.

**Compliance request letter:** A letter returned for the compliance request indicating the positioning of the buildings and use of the land. This may or may not accompany a stamp of compliance on the RPR.

### Guidelines:

- The compliance request must be submitted in written form (email requests are permitted). The request is to include the following information:
  - Applicant's name, address, phone, fax, email
  - Municipal address of the property
  - Mode of delivery of the compliance request letter (mail, email, courier or pick-up)
- The compliance request fee is to be paid prior to the compliance review process unless other arrangements have been authorized in advance by the Town of Claresholm. The corresponding fees have been laid out in the **Planning & Development Fees Policy**.
- A Real Property Report (RPR) or a Surveyor's Certificate with the signature of the Alberta Land Surveyor clearly shown must be submitted with the request. Email requests or copies may be accepted granted the stamp (signature) of the Surveyor is clear and present.
- If the Real Property Report (RPR) or Surveyor's Certificate is older than one (1) year from the date submitted for compliance review it must be accompanied by an affidavit. The affidavit must be executed within 30 days of submission for compliance and be signed by the vendor to verify that no additions of structures or changes to existing structures have occurred since the date of the survey.

- If the Real Property Report (RPR) or Surveyor's Certificate submitted is not legible or is missing a measurement needed to determine compliance, a letter stating that the compliance could not be conducted due to the applicable reason will be sent to the person that submitted the compliance request. It will be the applicant's responsibility to deal with the surveyor; the Town of Claresholm will not correspond directly with the surveyor.
- If a property is determined to be non-compliant, the applicant has forty (40) days to correct the discrepancy and resubmit their request for an updated compliance request letter without being charged a resubmission fee. If the applicant allows forty (40) days to elapse without correcting the discrepancy and resubmitting their request, they will be charged the full fee for a new compliance request letter, unless other arrangements have been authorized in advance by the Town of Claresholm.
- The compliance review shall pertain to the compliance of the use and setback requirements of principal and accessory buildings as referenced in the current land use bylaw and noted on the survey submitted. Fences which are indicated on the real property report will not form part of the compliance letter unless they encroach onto municipal property. Any encroachments of fences onto neighboring properties is a civil matter between those property owners.
- All measurements shown on a Real Property Report (RPR) or Surveyor's Certificate are deemed to be accurate within a tolerance of 0.1 m. (10 cm or 3.94 inches)
- In the event of a conflict between the provisions of this policy and the provisions of the Town of Claresholm Land Use Bylaw or any other Bylaw, the provisions of those Bylaws shall prevail over the provisions of this policy to the extent of any conflict.
- The position of the Town shall be based solely on the information contained in the survey document supplied and referred to in the compliance request letter. The Town advises that it has not in any way verified or reviewed any document, plan, affidavit, statutory declaration or letter provided and exclusively and strictly relies upon the author or signatory for accuracy and veracity of all statements and details provided (in original, copy, or digital copy).