

TOWN OF VULCAN

Policy Manual

<u>POLICY NUMBER</u>			<u>TITLE OF POLICY</u>
PL-09			Certificate of Compliance/Certificates Regarding Compliance
Approval	D/M/Y	Resolution #	
Amended	24/01/2005	05.15	
Amended	26/11/2007	07.412	
Amended	10/12/2012	12.047	
Amended	14/04/2014	14.106	
Amended	26/06/2017	17.259	

STATEMENT:

The Town of Vulcan requires a policy to formalize a process for issuing Certificates of Compliance/Certificates Regarding Compliance

1. Policy

Certificates of Compliance/Certificates Regarding Compliance will be issued if they meet the following conditions:

- 1.1** A fee as established in the Rates and Fees Bylaw has been paid.
- 1.2** All safety codes final inspections have been received and complied with if the request is for a new development or improvement.
- 1.3** An occupancy permit has been issued if the development permit was issued after December 1, 2007.
- 1.4** The Development Officer is hereby authorized to issue Certificates of Compliance and Certificates Respecting Compliance.
- 1.5** All requests for certification of compliance must be accompanied by a minimum of (2) Real Property Reports (RPR's) prepared by an Alberta Land Surveyor or identifying the location of the improvements on the property including, but not limited to, buildings, decks, fences, additions and sheds. The Town shall retain one copy for its files.
- 1.6** An RPR must be current. If any additions, changes or alterations (i.e. decks, additions, accessory buildings, moveable and permanent sheds) have been made to the property, a new RPR is required.

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- 1.7** If an RPR is older than 3 (three) months, it must be accompanied by an affidavit, executed within 30 days of submission for compliance signed by the vendor stating that no additions or structures or changes to the property have occurred since the date of the survey.
- 1.8** All measurements shown on a RPR are deemed to be accurate within a tolerance of 0.1m (10cm or 3.94 inches).
- 1.9** The Town will accept legible quality RPR's signed and dated by a registered Alberta Land Surveyor (ALS).
- 1.10** The compliance review shall pertain to the compliance of the use and setback requirements of principle and accessory buildings with the current Land Use By-law.
- 1.11** In the event of non-compliant building locations, the property owner/applicant may make application for a variance through the development application process.
- 1.12** In the event any building or structure shown on the RPR encroach onto lands that are either under the direction, control and management of the Town, and the Town has authorized entering into an encroachment agreement with the property owner or encroaching onto a neighbouring property, the execution of the Encroachment Agreement must occur prior to the issuance of a Certificate Respecting Compliance.
- 1.13** In the event any building or structure shown on the RPR encroaches onto neighbouring land not under the direction, control and management of the Town, an Encroachment Agreement must occur prior to the issuance of a Certificate Respecting Compliance.
- 1.14** The position of the Town shall be based solely on the information contained in the survey document supplied and referred to in the Certificates of Compliance/Certificate Respecting Compliance. The Town will advise that it has not in any way verified, checked 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.
- 1.15** The certificates that can be issued in respect to compliance request are attached hereto as Schedules A, B & C. Additional phrases may be added, as circumstances require.

- END OF POLICY-

TOWN OF VULCAN CERTIFICATE OF COMPLIANCE

FORM "A" CERTIFICATE OF COMPLIANCE

LEGAL PROPERTY DESCRIPTION: LOT _____ BLOCK _____ PLAN _____

CIVIC ADDRESS: _____

A. Subject to the qualifications stated below, it is hereby certified:

1. Based on the Real Property Report dated _____, the land use is in compliance with the _____ classification of Bylaw No. 1437-15, the Land Use Bylaw.
2. The location of the buildings within the property is in conformity with the provisions of the Town of Vulcan Land Use By-Law 1437-15.

B. This Certificate is subject to the following qualifications:

1. The Town is relying entirely on the survey certificate dated _____ (copy attached) and supplied by or on behalf of the applicant with respect to the location of buildings within the property and the Town makes no representations as to the actual location of the buildings.
2. The Town has not conducted an inspection of the property.
3. The Town assumes no responsibility or liability for any inaccuracy, mistake or error of law of fact set forth in Part A of this Certificate which arises from the information supplied by or on behalf of the applicant.
4. This certificate of compliance relates only to the requirements of the Town of Vulcan Land Use Bylaw, and does not relate to requirements of any federal, provincial or other municipal legislation nor to the terms or condition of any easement, covenant, building scheme, agreement or other document affect the building(s) or land.

DATED at the Town of Vulcan, this _____ day of _____, 20_____.

DEVELOPMENT OFFICER
TOWN OF VULCAN

TOWN OF VULCAN CERTIFICATE RESPECTING COMPLIANCE

FORM "B"
CERTIFICATE RESPECTING COMPLIANCE
NONCONFORMING BUILDING

A. LEGAL PROPERTY DESCRIPTION: LOT _____ BLOCK _____ PLAN _____
CIVIC ADDRESS: _____

Subject to the qualifications stated below, it is hereby certified:

1. That the property is located within a _____ district under the provisions of the Town of Vulcan Land Use By-Law 1437-15.
2. The permitted and discretionary uses for the district include:
3. The location of the buildings within the property may not be in conformity with the present provisions of the Town of Vulcan Land Use Bylaw 1437-15 given:

(insert aspects of non-compliance)

However, the location of the buildings within the property can be continued indefinitely because:

- It appears to be a non-conforming building which may be contained under the provisions of Section 643 of the Municipal Government Act; or
- It appears that when the building was originally constructed it did not require a development permit and such building has continuously been maintained since it was originally undertaken.

B. The Certificate Respecting Compliance is subject to the following qualifications:

1. The Town is relying entirely on the survey certificate dated _____ (copy attached) supplied by or on behalf of the applicant in respect to the location of buildings within the property and the Town makes no representation as to the actual location of the buildings.
2. The Town has not conducted an inspection of the property.
3. The right to continue any nonconforming building will terminate in accordance with the terms and provisions of the Municipal Government Act, Section 643.
4. The Town assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in Part A or this Certificate which arises from the information supplied by or on behalf of the applicant.
5. This Certificate relates only to the requirements of the Town of Vulcan Land Use Bylaw 1437-15 and does not relate to the requirements of any federal, provincial or other municipal legislation nor to the terms or condition of any easement, covenant, building scheme, agreement or other document affecting the building(s) or land.

DATED at the Town of Vulcan, this _____ day of _____, 20_____.

DEVELOPMENT OFFICER
TOWN OF VULCAN

TOWN OF VULCAN CERTIFICATE RESPECTING COMPLIANCE

FORM "C"
CERTIFICATE RESPECTING COMPLIANCE
BREACH SITUATION

C. LEGAL PROPERTY DESCRIPTION: LOT _____ BLOCK _____ PLAN _____
CIVIC ADDRESS: _____

A. Subject to the qualifications stated below, it is hereby certified:

1. Based on the Real Property Report dated _____, the land use is in compliance with the _____ classification of Bylaw No. 1437-15, the Land Use Bylaw.
2. The location of the buildings within the property is not in conformity with the provisions of the Town of Vulcan Land Use Bylaw 1437-15 given:
 - (insert aspects of non-compliance)

B. This Certificate Respecting Compliance is subject to the following qualifications:

1. The Town is relying entirely on the survey certificate dated _____ (copy attached) supplied by or on behalf of the applicant with respect to the location of the buildings within the property and the Town makes no representations as to the actual location of the buildings.
2. The Town has not conducted an inspection of the property.
3. The Town assumes no responsibility or liability for any inaccuracy, mistake or error of law of fact set forth in Part A of this Certificate which arises from the information supplied by or on behalf of the client.
4. This Certificate relates only to the requirements of the Town of Vulcan Land Use By-Law 1437-15, and 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.

DATED at the Town of Vulcan, this _____ day of _____, 20_____.

DEVELOPMENT OFFICER
TOWN OF VULCAN