



POLICY NO. 12.05

JANUARY 26, 2016

TITLE: CERTIFICATES OF COMPLIANCE

POLICY STATEMENT:

A Certificate of Compliance is a confirmation from Westlock County that the location of the improvements on a property comply with the requirements of the County's Land Use Bylaw.

A Certificate of Compliance does not regulate or enforce any building code requirements. A Certificate of Compliance is usually required by lending agencies and/or lawyers in the sale of property and/or mortgage approval in order to protect the interests of the parties involved.

Standard real estate purchase contracts often require the vendor to obtain a Certificate of Compliance. Issuing Certificates of Compliance is not a legislative requirement of municipalities but rather a service provided by Westlock County. The County does not require you to get a Certificate of Compliance.

PURPOSE:

To state Westlock County's policy stance on the issuance of Certificates of Compliance, the process for obtaining them, and the associated fees applicants must pay.

DEFINITIONS:

Alberta Land Surveyor means, as defined in the *Land Surveyor's Act*, an individual who holds a certificate of registration and an annual certificate to engage in the practice of surveying under [the *Land Surveyor's Act*].

County means the municipal corporation, Westlock County.

1. APPLICATION:

1.1. Applicants are required to submit:

- (a)** A completed Request Form (Schedule “A”),
- (b)** A minimum of two certified copies of an Alberta Land Surveyor’s Real Property Report,
- (c)** A copy of the Registered Encroachment Agreement (if applicable),
- (d)** A copy of the Registered Private Encroachment Agreement (if applicable),
- (e)** The applicable fee.

1.2. The Real Property Report should be an accurate reflection of the current situation of the property, showing all improvements on the property. This includes, but is not limited to, decks, sheds, fences, and retaining walls located on the property.

1.3. The Real Property Report that the applicant submits must have been prepared within 30 days prior to the applicant submitting their written request for a Certificate of Compliance.

1.4. If an applicant’s Real Property Report for the property was prepared more than 30 days before the applicant submitted their request, but no more than 5 years prior to the request for a Certificate of Compliance, the applicant must also submit an affidavit signed by the owner of the property in question stating that the Real Property Report accurately portrays the property and any improvements on it, and that there has been no changes to the property or its improvements by way of addition, deletion, expansion, reduction or relocation.

1.5. A Real Property Report can only be prepared/updated by an Alberta Land Surveyor and must be signed and dated by an Alberta Land Surveyor.

1.6. An Alberta Land Surveyor’s Real Property Report which states “Under Construction” or “Foundation Only” can only be accepted if it is submitted within 12 months of the date of the survey.

- 1.7. The County does not accept altered Real Property Reports, illegible or unclear plans, or plot plans, nor does it accept illegible or unclear documentation of any kind that is submitted by an applicant as part of their request for a Certificate of Compliance.
- 1.8. Applicants are responsible for providing proper documentation with each application. We do not provide information on previous submissions. Due to copyright laws, we cannot provide copies of surveys.
- 1.9. A Certificate of Compliance will not be granted if there is a private encroachment unless a copy of the registered private encroachment is submitted.

2. APPLICATION PROCEDURE:

- 2.1. If the application is mailed in or if further review is required, such as when a development permit needs to be retrieved from storage or information is required from the surveyor, owner or lawyer, the processing time may exceed the applicable processing time posted on Schedule "B". If this is the case, the County will contact the applicant to inform them of this and, if able, inform the applicant of the revised, estimated processing time.
- 2.2. If the property in question contains an apartment building, a commercial building or an industrial building the application can be expedited. See Schedule "B" for the reduced processing time.
- 2.3. Applications regarding low density residential properties cannot be expedited; however, if the applicant has the approved, stamped development permit plans, the applicant may bring in the plans, along with the other documentation listed in section 1.1, that may reduce the processing time.
- 2.4. If the existing development complies with the requirements of the Land Use Bylaw, the County will grant the applicant a Certificate of Compliance and notify the applicant when the Certificate is ready.
- 2.5. If the applicant does not pick up their Certificate of Compliance within ten days after it has been made available for pickup, the County will mail the Certificate to the applicant.

2.6. Certificates of Compliance may be picked up at:

Westlock County
10336 – 106 Street
Westlock, Alberta
1-877-349-5880

2.7. If you do not have a Real Property Report or Survey Plan, or need one updated, employ an Alberta Land Surveyor. You can contact the Alberta Land Surveyor's Association for listings of Surveyors that operate in your area. Surveyors charge for their services. Applicants are advised to shop around as rates and quality vary.

3. NON-COMPLYING AND NON-CONFORMING PROPERTIES:

3.1. If the County finds that one or more improvements on the property do not comply with the current Land Use Bylaw but

- (a)** complied with the Land Use Bylaw in effect at the time of the improvements' construction, or
- (b)** the County had granted variances for the improvements by way of development permits,

the County will issue the Certificate of Compliance for that property with a note stating which improvements are "non-conforming" as per section 643 of the *Municipal Government Act*. The County will allow such non-conforming improvements to remain "as is" subject to the conditions outlined in that Act for non-conforming improvements.

3.2. If the County finds any improvement on the property that does not comply with the current Land Use Bylaw nor the Land Use Bylaw that was in effect at the time of the improvement's construction, and for which no variance has been granted by the County, the County

- (a)** will deem the property to be non-compliant,
- (b)** will notify the applicant in writing of its determination and state what the owner of the property needs to do to bring the property into conformance with the current Land Use Bylaw, and
- (c)** will not issue a Certificate of Compliance for that property until the non-compliance has been fully addressed to the satisfaction of the County.

MOTION: _____

DATE: _____

Peter Kelly
Chief Administrative Officer

Schedule "A"
Certificate of Compliance Request Form

Schedule "B"

Fees Schedule for Certificates of Compliance

Residential Properties	
Regular Service (7 to 14 day review)	\$100.00
Non-Residential Properties	
Regular Service (14 day review)	\$100.00
Express Service (7 day review)	\$200.00