	COUNCIL POLICY	
	COMPLIANCE CERTIFICATES	
	Policy #	BD1-24

PURPOSE:

There is no legislative requirement for a municipality to issue Compliance Certificates nor does the Town of Gibbons require that they be obtained. The Planning and Development Department provides Compliance Certificates as a service to property owners because lawyers and financial institutions often require them as part of a real estate transaction or to secure a mortgage.

POLICY CERTIFICATE:

The Planning and Development Department wishes to:

1. Establish consistent requirements and develop a standard procedure for processing Compliance Certificates requests. 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 Certificate(s) contained within the Compliance Certificate are solely based on the information contained in the RPR (submitted by the applicant), is limited to whether the improvements on the legal lot conform with, and/or meet the setbacks of the current Land Use Bylaw in effect. The Certificate(s) may also specify whether or not the necessary permits for the development have been obtained.
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.


DEFINITIONS:

Alberta Land Surveyor – means a person who holds a certificate of registration and an annual certificate to engage in the practice of surveying under the Alberta Land Surveyors Act. It is commonly referred to as A.L.S.

Building Permit – means a document issued by the contracted Safety Code Provider authorizing construction of a development.

Compliance Certificate – means a letter or stamp verifying compliance or non-compliance with the current Town of Gibbons Land Use Bylaw based on a Real Property Report.

Development Authority – means the Town department and employees authorized to make development decisions.

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Development Permit – means a document issued by the Town authorizing a development.

Encroachment means a structure or improvement that projects beyond the boundaries of the property or is constructed within an easement or utility right-of-way.

Land Use Bylaw means the Town of Gibbon's Land Use Bylaw

MGA means the *Municipal Government Act, Chapter M-1*, revised Statutes of Alberta.


Real Property Report means a survey plan, which is dated stamped within 6 months of the request for a compliance certificate, locating improvements in relation to the boundaries of a legal lot. It is commonly referenced as RPR.

Statutory Declaration means a written Certificate of facts solemnly declared to be true by the person(s) signing the declaration before a Commissioner for Oaths.

Town – means the Town of Gibbons.

PROCEDURES:

1. The registered owner or their representative (submitted by a lawyer acting on behalf of the property owner) may apply to the Town for a Compliance Certificate.
2. A request for a Compliance Certificate must include the following:
 - a. A completed Compliance Certificate request form.
 - b. Two (2) original copies of a Real Property Report. Such Real Property Report shall be dated — stamped within one (1) year of a request for a compliance certificate, if more than one year old the Development Authority may accept a Real Property up to five (5) years old when accompanied by a Statutory Declaration regarding the accuracy of the Real Property Report.
 - c. A copy of the Certificate of Title for the subject property, which is no more than three (3) months old, shall be submitted.
 - d. The appropriate fee for Compliance Certificates as per the current Municipal Master Rates Bylaw.
3. The Development Authority will review the Real Property Report against the current Land Use Bylaw and any information in the Land File.

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4. 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.
5. A Rush service may be provided for an extra fee, as specified in the Municipal Master Rates Bylaw.
6. The Town of Gibbons will not conduct an on-site inspection of the subject property, pursuant to this request for a Compliance Certificate.
7. The Development Authority may refuse to issue a Compliance Certificate when in its opinion there is insufficient information to determine if the buildings or structures are shown on the Real Property Report are in accordance with the Land Use Bylaw or any other applicable regulation in force at the time.
8. The Development Authority may refuse to issue a Compliance Certificate when there are outstanding issues, orders or any other regulative infraction deemed appropriate.
9. Any outstanding issues associated with the property may be noted in the Compliance Certificate as it relates to the current Land Use Bylaw, and any applicable regulations, as required. A method for remedy will be included.

SUPERCEDES:


Policy BD 1-07

[ORIGINAL COPY IS SIGNED]

Dan Deck
Mayor

[ORIGINAL COPY IS SIGNED]

Farrell O'Malley
CAO

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DOCUMENT HISTORY

NATURE OF CHANGE	ADOPTED DATE	ADOPTED/APPROVED BY	NEXT REVIEW DATE
New Policy	March 13, 2024	Council	2029