



## COUNCIL POLICY 601 Compliance Certificates

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**References:**

Municipal Government Act  
Records Management Bylaw  
Land Use Bylaw  
Signing Authority Policy

**Effective Date:** August 16, 2023

**Council Resolution No:** 2023-152

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### **POLICY STATEMENT**

The issuance of Certificates of Compliance is a service provided by the Village of Warner to property owners within the Village's jurisdiction to assist with arrangements for the sale or transfer of properties. The Village of Warner will provide a standardized and consistent approach to the processing and issuance of Certificates of Compliance. This policy sets the guidelines for the submittal requirements, review of submission and review limitations when issuing a compliance letter.

### **PURPOSE**

To establish a system regarding requests for Certificates of Compliance and to eliminate any responsibility and/or liability for any mistake, inaccuracy, or error which may arise from the information supplied by or on behalf of the applicant. To clarify for property owners and those involved in real estate transactions the process used for Certificates of Compliance.

### **DEFINITIONS**

**Certificate of Compliance** or **Compliance Certificate** means a document issued by the municipality, certifying whether a development complies with the current Land Use Bylaw with respect to use and setback requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

**Council** means the elected officials of the Village of Warner, including the Mayor and Councillors.

**Development Officer** means a person appointed as a Development Officer (or their designate) pursuant to the Land Use Bylaw.

**Development Permit** means a permit issued with or without conditions pursuant to the Land Use Bylaw authorizing a development. A Development Permit does not constitute a building permit.

**Land Use Bylaw** means the bylaw that has been adopted by Council for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within the Village of Warner.

**Real Property Report (RPR)** means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.



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**Village** means the Municipal Corporation of the Village of Warner.

### **SCOPE**

This policy applies to Planning and Development staff dealing with the processing and issuing of Certificates of Compliance for property owners.

### **RESPONSIBILITIES**

The Chief Administrative Officer (CAO) or designate(s) is responsible for administering this policy within the standards established. Staff shall process requests for Certificates of Compliance, review Real Property Reports and issue Certificates of Compliance in a timely manner.

### **STANDARDS**

1. The fee for a compliance review shall be as prescribed by Council and is payable prior to the compliance review.
2. The Development Officer, the Village of Warner CAO, or a designate authorized by the CAO shall be responsible for the issuance of all compliance letters.
3. A Real Property Report with the signature of the Alberta Land Surveyor clearly shown must accompany the request for a compliance letter.
4. If the Real Property Report is older than one (1) year and no older than three (3) years from the date submitted for compliance review it must be accompanied by an affidavit, executed within 30 days of submission for compliance, signed by the vendor that no additions of structures or changes to existing structures have occurred since the date of the survey. A Real Property Report older than three (3) years will not be accepted for a compliance review.
5. If the Real Property Report submitted is not legible or is missing information required 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.
6. All measurements shown on a Real Property Report are deemed to be accurate within a tolerance of 0.1 m (10 cm or 3.94 inches).
7. The compliance review shall pertain to the compliance of the use and setback requirements of principal and accessory buildings with the Land Use Bylaw in effect. Fences shown on the Real Property Report will not form part of the compliance letter but will be noted in the letter if the fence encroaches upon public/municipal land or road right-of-way.
8. The position of the Village shall be based solely on the information contained in



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the Real Property Report supplied and referred to in the compliance letter. The Village will advise that it has not in any way verified any document, plan, affidavit, statutory declaration, or letter provided. The letter and compliance review is based exclusively upon the accuracy and legitimacy of the information provided by the applicant.

9. The basic format of the letter is shown in Schedule A. Additional phrases may be added and/or the format of the letter modified, as circumstances require.
10. A compliance letter does not constitute a Development Permit. A compliance letter cannot approve or grant variances to Land Use Bylaw standards. An applicant may be instructed or advised to apply to the Village for a relaxation or variance request, which is processed through the development approval process. Such advice does not bind the municipality or indicate that a variance application will be approved, and it is acknowledged that variances to bylaw standards may be appealable by any party deemed to be affected.



**SCHEDULE A: Compliance Letter Template**

Date

**RE: Compliance Letter**  
**Lot X – Block XX – Plan XXXXXX**  
**Property Address, Warner, AB**

To Whom It May Concern:

I hereby confirm the following with respect to the above-mentioned property:

- a) The above-mentioned property is designated as "XXXXX" in the Village of Warner No. 538-12, and the present use, [insert description of use] is a permitted use/discretionary use/prohibited use.
- b) A review of the Surveyor's Real Property Report dated XXXXXX, and signed by XXXXXX, Alberta Land Surveyor, which is attached and forms part of this letter, indicates that the location of the [insert principal building description] complies/does not comply with the setback requirements of Bylaw No. 538-12 and the location of the [insert accessory building descriptions] complies/does not comply with the setback requirements of Bylaw No. 538-12.
- c) As per the Real Property Report, setback requirements for the principal building and accessory buildings are as follows:

**Principal Building [Insert Description]**

<u>Location</u>	<u>Required</u>	<u>Actual</u>	
Front Yard	XX m	XX m	Setback met / not met
Side Yard (East)	XX m	XX m	Setback met / not met
Side Yard (West)	XX m	XX m	Setback met / not met
Rear Yard	XX m	XX m	Setback met / not met

**Accessory Building [Insert Description]**

<u>Location</u>	<u>Required</u>	<u>Actual</u>	
Front Yard	XX m	XX m	Setback met / not met
Side Yard (East)	XX m	XX m	Setback met / not met
Side Yard (West)	XX m	XX m	Setback met / not met
Rear Yard	XX m	XX m	Setback met / not met

If applicable: The [insert building description] **does not comply** with the setback requirements of Land Use Bylaw No. 538-12; however, the dwelling may be



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considered a non-confirming building in accordance with Section 643 of the Municipal Government Act, RSA 2000, Chapter M-26, as amended. Please be advised, a non-confirming building may continue to remain at its current location but may not be enlarged, added to, rebuilt, or structurally altered except to make it a conforming building.

The Village advises 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 in the real property report which was enclosed in your request. The Village makes no representations as to building, improvements or measurements incorrectly shown or not shown on the survey document.

Should you have any questions or concerns regarding the above compliance report, please contact the office.

Sincerely,

Kelly Lloyd  
CAO / Development Officer