



LETTERS RESPECTING COMPLIANCE POLICY

Policy Number:	DEV 01
Administered By:	Director of Operations and Development Officer
Approved By:	Chief Administrative Officer
Resolution No.	R.323.2020
Effective Date:	October, 2020

Purpose:

The provision of Compliance Letters is a service that the real estate vendors, banks, lawyers and mortgage brokers require. The buyer wants reassurance that the property in question complies with the Town Bylaws for protection from future legal issues. The process for Compliance Letters should not be incorporated into the Land Use Bylaw but into a working procedural policy. Compliance letters are a service which should be standard and consistent.

Guidelines:

1. The fee for a compliance letter shall be \$75.00(10 working days) or a fee of Double for rush service (3 working days) payable prior to the compliance review or via an account setup and approved by the Town of Fort Macleod.
2. A minimum of two (2) ORIGINAL Real Property Reports (RPR's) and a Surveyor's Certificate with the signature and seal of the Alberta Land Surveyor clearly shown must accompany the request for a compliance letter. Each RPR shall depict a single titled property for a compliance review. Submittals depicting more than a single titled property will be not be accepted for review. The town shall retain one (1) original RPR for its files.
3. If the RPR or Surveyor's Certificate is older than one (1) year from the date submitted for Compliance review must be accompanied by an Affidavit, executed within 30 days of submission for Compliance, signed by the vendor that no additions or structures or changes to existing structures have occurred since the date of the survey.
4. An RPR or Surveyor's Certificate older than five (5) years from the date submitted for compliance review will not be accepted for the issuance of a compliance letter, an update to the RPR will be required. The Alberta Land Surveys Association www.alsa.ab.ca or call 1-800-665-2572
5. If the 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.
6. The Compliance review shall pertain to the Compliance of the use and setback requirements of principal and accessory buildings, larger than 100 sq. ft., as referenced in the current Land Use Bylaw and noted on the survey submitted. The position of the Town shall be solely based on the information contained in the survey document. The Town of Fort Macleod makes no representation as to buildings, improvements or measurements incorrectly shown or not shown on the survey document. The Town advises that it has not

in any way verified, checked or reviewed any documents, 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.

7. The basic format of the compliance letter is shown in Schedule A. Additional phrases or content may be added or deleted, as circumstances require.
8. The Development Officer is given a tolerance authorization level as stated in the current Land Use Bylaw to approve setback waivers on principal and accessory buildings larger than 100 sq. ft.
9. Fences which are indicated on the Real Property Report will not form part of the compliance letter.
10. An encroachment agreement approved by Council may be required for encroachments larger than 5 m. Encroachment Agreements less than 5 m. may be approved by the CAO, Mayor and/or Designate.
11. In the event of a conflict between the provisions set out in this policy and the provisions of the Current Land Use Bylaw or any other Bylaw, the provisions of those bylaws shall prevail over the provision of this policy to the extent of any conflict.

Further Information:



Sue Keenan
CAO – Town of Fort Macleod

Schedule "A"

Example of a Letter Respecting Compliance

April 5, 2016

Joe Smith
Box 000
Fort Macleod, Alberta
T0L 0Z0

Dear Mr. Smith;

RE: LETTER RESPECTING COMPLIANCE Roll # ????????
LOT ?, BLOCK ?, PLAN ????? (123 1st Street, FORT MACLEOD, AB)
Your File # 123456

The above-mentioned property is designated "RESIDENTIAL -R" in the Town of Fort Macleod Land Use Bylaw No.1825, and the present uses, a Single-detached dwelling with carport/garage and shed, are a permitted uses.

A review of an original Real Property Report dated March 15, 2016, signed by A Surveyor, A.L.S. of ??? Consultants Ltd., which is attached to and forms part of this letter, shows that the location of the dwelling with carport and shed **DOES COMPLY OR DOES NOT COMPLY** with the setback requirements (with tolerance) of Fort Macleod Land Use Bylaw No.1825. The front yard setback required is 5 m minimum to a 7.5 m maximum. The front yard setback exceeds the maximum allowable. The RPR shows that the setbacks are 15.15 m and 15.01 m at each corners of the building. The rear yard setback required is 5.0 m. The RPR shows that the setbacks are 3.58 m (1.46+2.12) and 3.69 m (1.46+2.23) from the dwelling to the lot line. A waiver was granted on Development Permit No. ??? for a variance of the setbacks on the south portion for the attached garage to allow for a 0.6 m Setback, which complies.

Please note(When Needed) that a building permit was applied for, and it was noted that the shed does not comply with the Safety Code Act building requirements and may be required to be removed/demolished. (A demolition permit will be required).

Insofar that the shed may have been constructed prior to the current Town of Fort Macleod municipal Land Use Bylaw coming into effect, it may be considered as **NON-CONFORMING BUILDING** as defined in section 616 of the Municipal Government Act, Statues of Alberta, 2000, Chapter M-26, as amended. As a non-conforming building, it is subject to Section 643 of the Municipal Government Act, Statues of Alberta, 2000, Chapter M-26 as amended, and may not be enlarged or altered except to bring it further into compliance.

The position of the Town is based solely on the information contained in the survey document referred to above. Only compliance of principal and accessory buildings larger than 100 ft² (9.2 m²) within the subject property shown on the survey document has been addressed in this letter. The Town of Fort Macleod makes no representation as to buildings, improvements or measurements incorrectly shown or not shown on the survey document.

The Town advises that it has not in any way verified, checked or reviewed any documents, 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.

Regards,

Keli Sandford
Development Officer
Town of Fort Macleod