

	<h2 style="text-align: center;">Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Supersedes Policy: Department:</p>	<p>2002-02 Compliance Certificate Policy August 23, 2022 2002-01 Development, Engineering and Operations</p>

### 1.0 POLICY PURPOSE

The Municipality requires a policy to formalize a process for the fair and consistent review of Real Property Reports and the issuing of Compliance Certificates to meet the expectations of the public, real estate agents, lending agencies and lawyers engaged in the sale of property or mortgage approval.

### 2.0 DEFINITIONS

**“Municipality”** – the municipal corporation of the Municipality of Crowsnest Pass, or the area contained within the Municipal boundaries, as the context requires.

**“Municipal Lands”** - collectively or individually, a road, lane, Municipal easement and other Municipal property [excluding Reserves – pursuant to ss. 651.2, 671(2), 674 and 676 of the Municipal Government Act, an encroachment agreement appears to be limited to a road, a Reserve parcel can only be used for specified purposes, a Municipal Reserve parcel can only be disposed of by way of a sale, a lease or other disposition after holding a public hearing and an Environmental Reserve parcel cannot be sold and can only be leased or disposed of for a term not exceeding three years and only by a bylaw adopted by Council].

**“Owner”** – the person or persons registered under the Land Titles Act as the owner of the fee simple estate in the land that is the subject of a Real Property Report and Compliance Certificate.

**“Compliance Certificate”** - written confirmation from a municipality that the improvements on a property identified in a Real Property Report either meet the current regulations of the Land Use Bylaw and/or that certain improvements on a property do not meet the current regulations of the Land Use Bylaw.

**“Land Use Bylaw”** – the bylaw that has been adopted by the Municipality for the purpose of regulating and controlling the use and development of land and buildings within the Municipality of Crowsnest Pass.

**“Real Property Report (RPR)”** - a legal document prepared by an Alberta Land Surveyor illustrating the location of all visible improvements relative to the property boundaries.

**“Reserves”** – municipal reserves, environmental reserves, and other reserves as defined in the Municipal Government Act.

“**Responsible Department**” means the office or department that develops and administers a particular policy and procedures and is accountable for the accuracy of its subject matter, issuance and timely updating.

### 3.0 POLICY STATEMENT

#### 3.1 Related Information

Compliance Certificates are often required by standard real-estate purchase contracts, lending agencies, and lawyers engaged in the sale of property or mortgage approval. A Compliance Certificate is a VOLUNTARY service offered by the Municipality, and it is not required by provincial or federal legislation. The completion of duties related to statutory requirements will be given priority for Municipal staff over issuing Compliance Certificates. Applications will be accommodated within staff resources and workload as may be practical. An application fee is charged pursuant to the Fees, Rates and Charges Bylaw.

A Compliance Certificate is a letter issued by the Municipality confirming that the location of buildings on a property conforms to the yard setback standards of the Land Use Bylaw, and/or identifying those yard setback standards with which the location of buildings on a property does not comply. The Compliance Certificate does not enforce the Land Use Bylaw standards, nor does it regulate or enforce any requirements under other Municipal bylaws or the Safety Codes Act or any other federal or provincial legislation.

In reviewing a Real Property Report (RPR) and issuing a Compliance Certificate the Municipality:

- does not review the property for compliance with any land use or standards of the Land Use Bylaw that do not relate to setbacks from the property boundaries;
- does not review the property for compliance with the Safety Codes Act;
- makes no representation as to the actual location of the buildings on the property;
- will not conduct an inspection of the property; and
- assumes no responsibility or liability for any inaccuracy, mistake or error of law which arises from the information supplied by or on behalf of the Owner.

#### 3.2 Responsibilities

- a) Municipal Council to:
  - i. Approve by resolution this policy and any amendments.
  - ii. Consider the allocation of resources for successful implementation of this policy in the annual budget process.
- b) Chief Administrative Officer to:
  - i. Implement this policy and approve procedures.
  - ii. Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.
- c) Development Engineering and Operations is the Responsible Department, and shall:
  - i. Ensure implementation of this policy and procedure.
  - ii. Ensure that this policy and procedure is reviewed every three years.

- iii. Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

**MUNICIPALITY OF CROWSNEST PASS**

  
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Mayor

August 23, 2022.  
Date

  
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Chief Administrative Officer

August 24, 2022  
Date