

POLICY TITLE: Certificates of Compliance  
POLICY #: D-002-002  
EFFECTIVE DATE: November 10, 2003  
ADOPTED BY COUNCIL ON: November 10, 2003  
RESOLUTION #: 343.11.03; 03.01.05; 91.03.06  
SUPERCEDES: N/A

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**POLICY STATEMENT:**

The issuance of Compliance Certificates is a service provided by the Town of Sylvan Lake to property owners within the municipality’s jurisdiction to assist with arrangements for the sale and transfer of ownership of properties. The Council of the Town of Sylvan Lake believes that this policy will promote a consistent approach to the issuance of Compliance Certificates.

**THE PURPOSE OF THIS POLICY IS TO:**

Establish a system regarding requests for Certificates of Compliance in accordance with the provisions of the Town of Sylvan Lake Land Use Bylaw 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.

**1) DEFINITIONS:**

In this Certificate of Compliance Policy:

- (A) “Accessory Residential Building” means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same parcel of land and includes such things as garages, garden sheds and greenhouses;
- (B) “Building” includes anything constructed or placed on, in, over or under land but does not include a highway or road or bridge forming part of a highway or road;
- (C) “Certificate of Compliance” or “Compliance Certificate” means a written statement from the Town of Sylvan Lake that development on a property conforms to the requirements set out in the Land Use Bylaw;

- (D) "Council" means the Council of the Town of Sylvan Lake;
- (E) "Development Officer" means a person appointed as a Development Officer (or his designate) pursuant to the Land Use Bylaw;
- (F) "Development permit" means a document authorizing a development issued pursuant to the Land Use Bylaw;
- (G) "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 Town of Sylvan Lake;
- (H) "Main Building" means a building in which is conducted the main or principal use of the parcel on which it is erected;
- (I) "Real Property Report" or "RPR" means a legal document that clearly illustrates the location of significant visible building(s) relative to property boundaries.

## **2) PROCEDURES:**

- A. Compliance Certificates issued by the Town of Sylvan Lake only relate to the placement of the principal building on a site relative to the Land Use Bylaw requirements for minimum yards and setbacks.
- B. All requests for a Certificate of Compliance submitted to the Town must be accompanied by:
  - i. A minimum of one original and one photocopy of the valid Real Property Report for the property.
    - (a) The RPR must be no older than ten (10) years;
    - (b) Where the date of the RPR is greater than one (1) year prior to the date of applying for a Compliance Certificate it must be accompanied with a Statutory Declaration indicating that no changes, alterations or additions to the principal building have been made since the Real Property Report was prepared;
  - ii. An application fee of \$50.00 paid for regular service (processed within 5 working days), \$100.00 for express service (processed within 2 working days);
  - iii. An application form (attached to this policy as 'Schedule A') filled out by the Applicant.
- C. The Development Officer shall not sign Real Property Reports submitted to the Town as part of the request for a Certificate of Compliance.
- D. To interpret the information on a RPR, The Development Officer shall round dimensions relating to minimum yard and setback requirements to the nearest full integer following the decimal point.

- E. The Development Officer, in considering the application may deem that an existing main building within the following tolerances complies with the yard standards of the applicable district in the Land Use Bylaw if it is:
- i. Not less than 90% of the minimum front yard;
  - ii. Not less than 90% of the minimum side yard;
  - iii. Not less than 70% of the minimum rear yard.
- F. The Development Officer, in considering the application may deem that an accessory residential building within the following tolerances complies with the yard standard of the applicable district in the Land Use Bylaw if it is:
- i. Not less than 0.9 metres and not more than 1.5 metres; or
  - ii. Not less than 5.0 metres.

**AND** issue one of the following:

- i. Form 'A' (attached to this policy as 'Schedule B'): Where the RPR indicates conformance with the Land Use Bylaw.
  - ii. Form 'B' (attached to this policy as 'Schedule C'): Where a clear record of the nature of approvals granted for a property is not available and there appears to be non-conformance with the Land Use Bylaw.
  - iii. Form 'C' (attached to this policy as 'Schedule D'): Where a clear record of the nature of approvals granted for a property is available and there is a breach of the approval.
- G. Where a Compliance Certificate is issued using 'Form B' or 'Form C', indicating a non conforming or breach situation, the Applicant may apply for a Development Permit approval to remedy the situation in accordance with the Land Use Bylaw.
- H. The Development Officer may then approve the application if the development is thought not to unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

The approval of such an application will be subject to the standard condition that it does not take effect until fourteen (14) days after the issuance of a Notice of Decision. If after the fourteen (14) days no appeal has been initiated, the Development Officer will issue Certificate of Compliance Form "B".

- I. If the use of the property does not conform, or if the use of the property is one which has been approved as a discretionary use and one or more buildings on the site do not conform to the yard and setback requirements, the Applicant may apply for a Development Permit which must be dealt with by the Municipal Planning Commission.
- J. Any approval by the Municipal Planning Commission is likewise subject to take effect fourteen (14) days after the Notice of Approval is issued and may be modified or

- K. If the Development Officer or Municipal Planning Commission, refuses to grant permission for a variance, the applicant can then apply in writing to the Subdivision and Development Appeal Board within fourteen (14) days of the Notice of Refusal.
- L. When a development permit approval is granted to remedy a non-conforming or breach situation, there will be no charge for the issuance of a new Certificate of Compliance if the development permit approval is granted within one (1) year from the date the original Compliance Certificate of Compliance was issued.



Schedule A  
Town of Sylvan Lake  
Application for Compliance Certificate

Requested By: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Payment Fee Received:       Yes       No

- \$50.00 Regular Service (approximately 5 working days)**
- \$100.00 Express Service (within 2 working days)**

**Date Received:** \_\_\_\_\_ **Applicant Signature:** \_\_\_\_\_

———— **FOR OFFICE USE ONLY** ————

**Zoning District:** \_\_\_\_\_

Year Built: \_\_\_\_\_

**Roll Number:** \_\_\_\_\_

Previous Compliance Issued:       Yes  No

Record of Development Permits:       Yes  No

- Certificate Issued:     Form A – Conformance  
                                  Form B – Non-conforming  
                                  Form C – Breach Situation

Reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The information on this form will be used to process requests for a certificate of compliance. The information will be protected under provisions of the Freedom of Information and Privacy Protection Act of Alberta.

Schedule B

(Town Letterhead)

FORM "A"

CERTIFICATE RESPECTING COMPLIANCE  
**Conformance**

A. PROPERTY DESCRIPTION: LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_

Subject to the qualifications stated below, it is hereby certified:

1. That the property described above and covered in the Real Property Report/Survey Certificate dated \_\_\_\_\_ is located within the \_\_\_\_\_ land use district of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003.
2. The location of the principal building(s) within the property is in conformity with the yard and setback requirements of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003.

B. This Certificate Respecting Compliance is subject to the following qualifications:

1. The Town of Sylvan Lake is relying entirely on the Real Property Report/Survey Certificate (copy attached) supplied by or on behalf of the applicant in respect to the location of the buildings within the property and the Town makes no representations as to the actual location of the buildings.
2. The Town of Sylvan Lake may not have conducted an inspection of the property.
3. The Town of Sylvan Lake assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in Part A of this Certificate which arises from the information supplied by or on behalf of the applicant.
4. This Certificate relates only to the yard and setback requirements of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003, and does not relate to the requirements of any federal, provincial or other municipal legislation nor to the terms or condition of any easement, covenant, building scheme, agreement or other document affecting the building(s) or land.

DATED at the Town of Sylvan Lake, Alberta,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEVELOPMENT OFFICER  
TOWN OF SYLVAN LAKE

Schedule C

(Town Letterhead)  
FORM "B"  
CERTIFICATE RESPECTING COMPLIANCE  
**Nonconforming Building**

A. PROPERTY DESCRIPTION: LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_

Subject to the qualifications stated below, it is hereby certified:

1. That the property described above and covered in the Real Property Report/Survey Certificate dated \_\_\_\_\_ is located within the \_\_\_\_\_ land use district of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003.
2. The location of the principal building(s) within the property may not be in conformity with the yard and setback requirements of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003 given:

(insert aspects of non-compliance)

However, the location of the building within the property can be continued indefinitely because:

- It appears to be a nonconforming building which may be continued under the provisions of Section 643 of the Municipal Government Act; or
- It appears that when the building was originally constructed it did not require a development permit and such building has continuously been maintained since it was originally undertaken.

B. This Certificate Respecting Compliance is subject to the following qualifications:

1. The Town of Sylvan Lake is relying entirely on the Real Property Report/Survey Certificate (copy attached) supplied by or on behalf of the applicant in respect to the location of the buildings within the property and the Town makes no representations as to the actual location of the buildings.
2. The Town of Sylvan Lake may not have conducted an inspection of the property.
3. The right to continue any nonconforming building will terminate in accordance with the terms and provisions of the Municipal Government Act, Section 643.
4. The Town of Sylvan Lake assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in Part A of this Certificate which arises from the information supplied by or on behalf of the applicant.
5. This Certificate relates only to the yard and setback requirements of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003, and does not relate to the requirements of any federal, provincial or other municipal legislation nor to the terms or condition of any easement, covenant, building scheme, agreement or other document affecting the building(s) or land.

DATED at the Town of Sylvan Lake, Alberta,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEVELOPMENT OFFICER  
TOWN OF SYLVAN LAKE

Schedule D

(Town Letterhead)

FORM "C"

CERTIFICATE RESPECTING COMPLIANCE  
**Breach Situation**

A. PROPERTY DESCRIPTION: LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_

Subject to the qualifications stated below, it is hereby certified:

1. That the property described above and covered in the Real Property Report/Survey Certificate dated \_\_\_\_\_ is located within the \_\_\_\_\_ land use district of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003.
2. The location of the principal building(s) within the property is not in conformity with the yard and setback requirements of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003 given:

(insert aspects of non-compliance)

B. This Certificate Respecting Compliance is subject to the following qualifications:

1. The Town of Sylvan Lake is relying entirely on the Real Property Report/Survey Certificate (copy attached) supplied by or on behalf of the applicant in respect to the location of the buildings within the property and the Town makes no representations as to the actual location of the buildings.
2. The Town of Sylvan Lake may not have conducted an inspection of the property.
3. The Town of Sylvan Lake assumes no responsibility or liability for any inaccuracy, mistake or error of law or fact set forth in Part A of this Certificate which arises from the information supplied by or on behalf of the applicant.
4. This Certificate relates only to the yard and setback requirements of the Town of Sylvan Lake Land Use Bylaw No. 1307/2003, and does not relate to the requirements of any federal, provincial or other municipal legislation nor to the terms or condition of any easement, covenant, building scheme, agreement or other document affecting the building(s) or land.

DATED at the Town of Sylvan Lake, Alberta,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEVELOPMENT OFFICER