



Department Planning and Development	Policy No. AD(19)	Page 1 of 2
Policy Title COMPLIANCE REPORTS		

Council Resolution No. C/375/05	Date: July 5, 2005	Cross Reference	Effective July 5, 2005
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Background

The County is often asked to review Real Property Reports for compliance with the Land Use Bylaw. These survey documents are usually prepared in connection with real estate transactions, and are requested by lenders or buyers to confirm whether the existing buildings and other structures on the property are located in accordance with the setback requirements of the Land Use Bylaw. A Compliance Report is issued by the County describing that everything is in order, or that a compliance or other encroachment problem exists.

Although the issue of Compliance Reports is a well established service provided by the County, it is not something that is founded on any statutorily imposed duty. Rather, the service has arisen as a result of custom derived from both long practice and the increased importance of Compliance Reports to the financing of property transactions. While strictly speaking the County is not obligated to issue Compliance Reports, most lenders will not lend without one.

In providing the service, there is always a fear that the County may be held liable for erroneous information provided in the Compliance Report. The County could simply decide not to issue any more Compliance Reports as a way to avoid such liability concerns but such a move would likely not be very well received by the public. By obtaining a Real Property Report as part of seeking a Compliance Report, buyers are made aware of any problems of non-compliance with the Land Use Bylaw. It is safe to say that most buyers would probably rather know up front whether a problem exists so that they either avoid purchasing the property altogether, or arrange for the problem to be resolved before title to the property is transferred. The County therefore intends to continue the practice of issuing Compliance Reports. This policy is designed to reduce the risks to the County of doing so by developing sound Compliance Report issuing practices.

Objective

To establish policies and processes that protects the County from potential liability arising from errors in the issue of a Compliance Report.

Policy Statements

1. A Compliance Report shall be issued solely on the basis of the Real Property Report provided and the current Land Use Bylaw. There will be no inspections of the property on the part of the County.
2. The County has not imposed limits on how old of a survey or Real Property Report the County will consider. However, the survey or Real Property Report must be legible.

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3. The Compliance Report issued by the County will address only the compliance of buildings and structures with respect to their location on the property, and does not address any other issue of land use. The County may, however, comment on the existence or non-existence of a development permit.
4. Where the subject property borders a highway, Department staff shall advise that the setback distance requirements from the highway are established by Alberta Infrastructure and Transportation. The Compliance Report shall direct that the Department be contacted for further information.
5. A statement shall be included that the Compliance Report does not relate to any other municipal, provincial or federal statute, regulation or bylaw and in particular, makes no representation about compliance with the requirements of building permits or other applicable *Safety Codes Act* requirements.
6. It shall be expressly stated on the Compliance Report that the County does not warrant the accuracy of the information provided by the person requesting the Compliance Report, and that if the information is found not to be accurate, the Compliance Report will likewise be inaccurate.
7. If there is a non-conformance, regardless of how minor, the County shall only describe the nature of the non-conformance. Department staff may separately advise how the non-conformance may be addressed. The County will not provide for any non-conforming building or structure to "remain as is" through the issue of a Compliance Report. Such permission must be considered through the development permitting process, as is the case for any requests for the relaxation of building setback requirements in the Land Use Bylaw.

