



**City of
Lloydminster**

Policy

Policy Title:	Letters of Compliance	Policy Number:	610-01
Date of Adoption:	April 12, 2021	Motion Number:	115-2021
Date of Amendment:		Motion Number:	
Sponsoring Department:	Planning and Development		

1. Purpose:

- 1.1. To confirm all existing buildings and structures within the property boundaries are compliant with the Land Use Bylaw and to notify applicants of the required action to bring them into compliance.
- 1.2. To ensure all Letters of Compliance applications are processed in an efficient and consistent manner.

2. Definitions:

Administration	An employee or Contract employee of the City of Lloydminster.
Affidavit	A written sworn statement of fact voluntarily made under oath or affirmation.
City	The corporation of the City of Lloydminster.
Land Use Bylaw	City of Lloydminster Land Use Bylaw as amended from time to time or any successor enactment used to regulate and control the use and development of land and buildings.
Land Use Compliance Certificate/Letter of Compliance	Also referred to as a Letter of Compliance, is a confirmation from the City of Lloydminster that the development of a parcel of land complies with the provisions of the current Land Use Bylaw as amended from time to time.
Land Surveyor	A person that determines property boundaries, prepares maps and survey plots.
Legal Non-Conforming	Is a use of land or structure which was legally established according to the applicable land use and building laws of the time (confirmed by permit approvals), but which does not meet the current land use and building regulations.

Real Property Report	A legal document that clearly illustrates the location of significant visible improvement(s) relative to property boundaries.
Subdivision and Development Appeal Board	A quasi-judicial board established in accordance with the <i>Municipal Government Act</i> to hear appeals from people who have been affected by a decision of the Development Authority under the Land Use Bylaw.
Variance	An approved deviation from the development standards in the Land Use Bylaw which pertains to a yard, lot coverage, minimum required distance of a building or structure to other buildings or structures on a lot, height of a building (measured in metres, rather than storeys) or the parking required for a development.

3. Scope:

3.1. This Policy applies to all members of Administration and all applicants requesting Letters of Compliance.

4. Letters of Compliance:

4.1. All applications for Letters of Compliance shall:

- 4.1.1. be received by Planning and Engineering and directed to a Development Officer or designate for consideration;
- 4.1.2. include a Real Property Report stamped by an Alberta or Saskatchewan Land Surveyor. The Real Property Report must include the location of all buildings and structures located on the property at the time the survey was completed. Buildings and structures include but are not limited to:
 - i. the principal dwelling;
 - ii. decks with stair location (including covered decks);
 - iii. garages;
 - iv. all accessory buildings and structures, including those which are temporary and/or moveable, such as gazebos and pergolas; and
 - v. any other additions and/or alterations to the property;
- 4.1.3. include an Affidavit from the applicant or owner of the property, commissioned by a Commissioner of Oaths, swearing or affirming that as of the date of the Affidavit there is no additional development on the property other than what is disclosed on the Real Property Report;

4.1.4. where the Real Property Report is dated within thirty (30) days of the date of the application, no Affidavit shall be required; and

4.1.5. include payment as per the City policies and bylaws. Any payment shall be non-refundable for non-compliant or withdrawn applications.

5. General Information:

5.1. The City has up to fifteen (15) calendar business days, after receiving a completed application, to issue a decision in writing.

5.2. Where development exists on the property, without a development permit, where a development permit is required, the City shall request that the applicant bring the property into compliance.

5.3. Where a letter of non-compliance is issued, and the required development permits or agreements are approved within ninety (90) calendar days from the date of the letter of non-compliance, the City shall issue a Letter of Compliance at no additional charge to the applicant upon request.

5.4. Where an applicant does not or cannot provide the City with a Real Property Report, the City may, for an additional charge as per City policies and bylaws, use the most recent Real Property report on file, should there be one. The City may generate a Letter of Compliance using the Real Property Report on file but shall not duplicate or release Real Property Reports without the written approval of the creator.

6. Validity of Letters of Compliance:

6.1. Letters of Compliance shall be valid as of the day of their approval.

6.2. Copies of previously issued Letters of Compliance may be obtained by the owner of the property, or their designate with owner authorization, provided that:

6.2.1. fees as per City policies and bylaws for file access, photocopying, and printing are paid at the time of request;

6.2.2. a previous Compliance Certificate exists; and

6.2.3. copies of Letters of Compliance shall contain a written disclaimer stating the Letter of Compliance is only valid as of the original day of issuance and the City cannot confirm compliance today.

7. Penalty:

7.1. Any member of Administration found to be in violation of this Policy may be subjected to a disciplinary action. Such action may be dependent upon the nature of the breach of this Policy; discipline may range from a written warning to dismissal with cause.

8. Responsibility:

- 8.1. City Council shall review and approve all policies.
- 8.2. City Administration shall administer this Policy through the use of a supporting procedure.
- 8.3. Sponsoring Department is responsible for creating and amending a supporting procedure.