



Village of Stirling

Policy #DV04-21



Section:	ADMINISTRATIVE	Subject:	Compliance Policy
Approval Date:	2021		

Compliance Policy

Policy Statement:

The Village of Stirling is committed to providing a clearly defined, standardized and consistent process for dealing with compliance letter requests to the municipality. This policy will set the guidelines for the submittal requirements, review of submission and review limitations, when issuing a compliance letter.

Procedure and Rules:

1. The fee for a compliance review shall be as prescribed in the Village of Stirling Fees and Charges Schedule and is payable prior to the compliance review.
2. The Development Officer, the Village of Stirling CAO, or a designate authorized by the CAO shall be responsible for the issuance of all compliance letters.
3. A Real Property Report with the signature of the Alberta Land Surveyor clearly shown must accompany the request for a compliance letter.
4. If the Real Property Report is older than one (1) year and no older than three (3) years from the date submitted for compliance review it must be accompanied by an affidavit, executed within 30 days of submission for compliance, signed by the vendor that no additions of structures or changes to existing structures have occurred since the date of the survey. A Real Property Report older than three (3) years will not be accepted for a compliance review.
5. If the Real Property Report 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. All measurements shown on a Real Property Report are deemed to be accurate within a tolerance of 0.1 m (10 cm or 3.94 inches).
7. The compliance review shall pertain to the compliance of the use and setback requirements of principal and accessory buildings with the land use bylaw in effect. Fences shown on the Real Property Report will not form part of the compliance letter but will be noted in the letter if the fence encroaches upon public/municipal land or road right-of-way.
8. The position of the Village shall be based solely on the information contained in the survey document supplied and referred to in the compliance letter. The Village will advise that it has not in any way verified any document, 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.



Village of Stirling

Policy #DV04-21




Section:	ADMINISTRATIVE	Subject:	Compliance Policy
Approval Date:	2021		

9. The basic format of the letter is shown in Schedule A, items (a) – (e) would be inserted into the letter as applicable. Additional phrases may be added and/or the format of the letter modified, as circumstances require.
10. A compliance letter does not constitute a development permit. A compliance letter cannot approve or grant variances to land use bylaw standards. An applicant may be instructed or advised to apply to the Village for a relaxation or variance request, which is processed through the development approval process. Such advice does not bind the municipality or indicate that a variance application will be approved, and it is acknowledged that variances to bylaw standards may be appealable by any party deemed to be affected.

Approved by Resolution of Council: #2021-297



Mayor – Trevor Lewington



CAO – Scott Donselaar



VILLAGE of
STIRLING
National Historic Site

Schedule A

Date

«FirstName»
«Address1»
«City», «Province»
«PostalCode»

Dear Sir or Madam:

Re: Compliance Request
Lot X, Block X, Plan number
Address, Stirling

Your File: 111-01

Please be advised that the above mentioned property is designated _____ in the Village of Stirling Land Use Bylaw No. 415-08. Within this land use district a _____ (is / is **NOT**) a permitted use.

- a. A review of the (Real Property Report) dated _____ and signed by _____, Alberta Land Surveyor, which is attached hereto and forms part of this letter indicates that the location of the _____ (complies / does not comply) with the setback requirements of Land Use Bylaw No. 415-08.
- b. However, the _____ (e.g. shed, detached garage) as shown on the above noted Real Property Report does not comply with the setback requirements of Land Use Bylaw No. 415-08.
- c. The _____ is located _____m from the (front / rear / side) property line whereas a minimum (front / rear / side) yard of _____m is required.
- d. However, as the _____ was built prior to the current and previous Land Use Bylaws coming into force, the _____ is a non-conforming (building / use) as defined in Section 616 of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended. As a non-conforming (building / use), it is subject to section 643 of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended.
- e. However, development permit _____ granted a waiver of the (front / rear / side) yard setback requirement.

The position of the Village is based solely on the information contained in the attached Real Property Report. Only compliance or non-compliance of principal and accessory buildings within the subject property shown on the survey document has been addressed in this letter. It is noted that the location of fences has not been verified or addressed in this compliance review. The Village of Stirling makes no representation as to buildings, improvements or measurements incorrectly shown or not shown on the survey document.

The Village advises that it has not in any way verified any document, 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. Additionally, this letter does not relate to requirements of any federal, provincial or other municipal legislation, including Safety Codes, nor to terms or conditions of easement, covenant, agreement or other document affecting the building(s) or land.

Yours truly,

Chief Administrative Officer / Development Officer
Village of Stirling