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|  | <b>Planning &amp; Design</b><br><b>PROCEDURES</b> | <b>Procedure Number</b><br><br>2021-04 |
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## Compliance Letters: PROCEDURE

### Purpose

The purpose of this procedure is to outline how The City of Lethbridge reviews & issues compliance letters.

### Background Research

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| Title of Document:                       | Compliance Letters: Procedure          |
| Title of Designated Responsible Manager: | Development Manager, Planning & Design |
| Original Date Approved:                  | -                                      |
| Approved By:                             | General Manager, Planning & Design     |
| Last Revision:                           | n/a                                    |
| Next Review Date:                        | n/a                                    |
| Governing Legislation:                   | Land Use Bylaw 6300                    |

A request to obtain a letter of compliance can come from any number of people (lawyers, surveyors, realtors or homeowners etc) for various reasons. A compliance letter is typically provided either to a surveyor, lawyer, homeowner or another person involved in a real estate transaction; and sometimes a request for a compliance letter may simply come from a homeowner wishing to ensure their property is compliant. The City of Lethbridge provides this service (for a fee) to anyone who requests it, and attempts to complete all requests within 3 business days (where possible). A compliance letter review involves ensuring the property as shown on a certified Real Property Report complies with the requirements of Land Use Bylaw 6300 (LUB 6300), and does not ensure compliance with other national and/or provincial building codes and requirements. The details of what is reviewed and the typical process are outlined in the 'Procedure Details/ Process Steps' section.

### Procedure Details / Process Steps

#### When a request for compliance is received:

- An applicant must submit (via in person, by mail, or email) a Real Property Report (RPR) that has been prepared by a licensed and certified land surveyor, and must pay the applicable fee (as outlined in the Bylaw 5197)
- When an application is received the person receiving the application (either Development Officer, Planner, or Development Technician) will obtain the necessary fee, scan the associated documents and create a folder in Tempest (if created by the Development Technician they will notify and forward the application to the Development Officer or Planner who is assigned to compliance).

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- The Planner or Development Officer will then begin review of the RPR based on the files in tempest. This review involves ensuring that what is shown on the RPR:
  - Complies with the rules of the applicable land use district (and any other rules & regulations in Land Use Bylaw 6300), such as:
    - Proper use of the property in line with the applicable Land Use District
    - Setbacks
    - Requirements for accessory buildings (ie setbacks, parcel coverage etc)
    - Parcel coverage requirements (for properties in a comprehensively planned residential district)
    - All other applicable rules & regulations in LUB 6300.
  - Has obtained all the necessary permits for the buildings & structures & other improvements as they appear on the RPR.
    - When a building or structure (such as a deck, or a shed over 10m<sup>2</sup>) that has been constructed without permits, the Development Officer or Planner will indicate in their letter that this will require development and/or building permits (unless otherwise instructed by Building & Inspection services).
    - PLEASE NOTE: this is only a review of the permits that the City of Lethbridge has on file.
  - Ensures that there are no outstanding encroachments of any development onto a City owned property or a right-of-way that would affect the City of Lethbridge.
    - If an encroachment is shown on an RPR ( that has not been previously allowed) and is encroaching more than 0.3m, the encroachment must be circulated to the City’s Right-of-way coordinators who will provide comments on the encroachment as shown. The right-of-way coordinator will provide their instructions on what is to be done with the encroachment, and the development officer will reflect this in the compliance letter when it is written, the options for encroachments may include:
      - Allowing the encroachment to remain as is until the time that it is rebuilt at which time the encroachment must be eliminated.
      - Requiring an encroachment agreement
      - Asking that the encroachment be eliminated
- Following the review the Development Officer or Planner will begin writing the letter of compliance. This letter will either be a letter of compliance or letter of non-compliance.
  - A compliance letter will simply indicate that everything on the property complies with Land Use Bylaw 6300
  - A non-compliance letter may indicate any number of the following things (based on the requirements as outlined above):
    - Developments that do comply as well as:
      - Any development waivers or permits that must be obtained.
      - How to bring any developments that do not comply with LUB 6300 into compliance. For example:
        - All sheds that do not meet the setback requirements must be either removed or relocated in order to meet the requirements as outlined in LUB 6300.

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- Any outstanding building, electrical, HVAC, plumbing, or gas permits that must be obtained.
- Instructions on how to apply for an encroachment agreement (if required).
- Compliance letters also include text that notifies applicants that the letter does not certify compliance with all national and/or provincial building codes, and that The City does not verify the accuracy of the information shown on the RPR.
- The letter is then sent out to the applicant via mail, email, or in person pickup.
  - The applicant is then responsible to apply for any required permits, waivers, encroachment agreements etc as required in the letter.
- The folder is then closed.
  - A subsequent updated compliance letter may be applied for (following the same procedure) after any outstanding issues (permits, encroachment agreements etc) have been resolved.

#### Supporting Information (attached)

- Land Use Bylaw 6300

#### Related Documents

- Land Use Bylaw 6300
- Development Fees and Charges Bylaw 5197
- National Building Code 2019 - Alberta Edition

#### Responsibility

- The Development Officer and Planner is responsible for reviewing and providing compliance letters
- The Development Manager, Planning & Design is responsible for overseeing the implementation of this procedure.

#### Definitions

- All definitions are included in the Land Use Bylaw 6300.

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## Procedure Status

### Current Status:

In effect

### Date Effective:

### Approval Details:

Approved by: General Manager, Planning & Design

### Endorsement Details

General Manager, Planning & Design

### Next Review Date

n/a

### Procedure Author

Planner 1

### Authored date

Jan 17, 2020

### Contacts

Development Manager, Planning & Design

General Manager, Planning & Design