

What if I am not compliant?

Many properties generally comply with the Land Use Bylaw (LUB), but have one or more items that do not meet its regulations. The review provided by the City of Airdrie will explain the items which are non-compliant and your options to resolve them.

Options include:

- Relocating the non-compliant development where possible;
- Applying for a variance where the non-compliant development cannot be relocated;
- Registering an encroachment agreement on the property title when the development extends too far into public land or a right-of-way.

The City works with landowners to reach compliance options wherever possible. Most applications take a few days to review, but more complex cases can take a couple weeks. You will be advised of this as part of your Compliance Certificate review.

On request, the City can provide information on the status of the compliance application and the length of time to complete these options.

A Letter of Non-Compliance will only be issued if any development upon improvement:

- Does not comply with the LUB;
- Does not have legal, non-conforming status; or
- Does not have an approved variance and non-compliance cannot be rectified.

If a Letter of Non-Compliance is issued, the City will retain one copy of the RPR and the letter in your property file. The property can still be sold, but may require other means to satisfy the purchaser or lender. Speak to a real estate and/or legal professional for more advice on your options.

Compliance Certificates

As part of any real estate transaction, you may be asked to provide a Compliance Certificate from the City to acknowledge that the property meets the requirements of Airdrie's Land Use Bylaw.

To obtain a Compliance Certificate, send or bring your completed application, signed and dated Real Property Report (RPR), and fee to the Planning and Development Department at Airdrie City Hall.

Get it quick!

- An RPR submitted for compliance can often be reviewed the same business day.
- If you give us your e-mail address with your application, you will be notified when to pick it up!



Compliance Certificate Policy

The City of Airdrie has created this document to help you navigate obtaining a Compliance Certificate.



Who to contact

Planning and Development

400 Main Street SE
Airdrie, AB T4B 3C3
403.948.8848
planning@airdrie.ca



What is a Real Property Report (RPR)?

- A **Real Property Report** is a legal document prepared by an Alberta Land Surveyor.
- An RPR illustrates the location of all visible improvements on your property required by the *Alberta Land Surveyors Act*.

What is a Compliance Certificate?

- A **Compliance Certificate** is a stamp on an RPR, or a letter (provided by the City for a fee), which confirms that the improvements on your property shown on your RPR meet the requirements of the Land Use Bylaw.
- The Compliance Certificate is not required by the City and is most often requested for a real estate transaction or refinancing.
- A Compliance Certificate only reviews developments (houses, decks, sheds) required to meet the regulations of the LUB. It does not review the location of fences or any other items listed as exclusions on the compliance stamp or letter.

How do I obtain a Compliance Certificate?

The City of Airdrie will issue a Compliance Certificate when:

- All of the developments on a property meet the current regulations of the LUB (or are within 5cm of the LUB requirements);
- The developments on a property previously received compliance and there have been no changes to the property or the Land Use Bylaw.

Why did I get an “Advisory Letter” with my stamped Compliance Certificate?

An RPR will receive a Compliance Certificate with an Advisory Letter when:

- Typically when one or more minor developments on a property encroach less than 15 cm onto public land or a right-of-way for utilities, access, etc.

The City of Airdrie and the utility operators have reached an agreement that these minor encroachments do not require a formal arrangement or removal. However, buyers and sellers should both be aware that in the unlikely event that the City or utility company need to access the area, the encroaching item will be removed and may not be replaced or compensated.

The property is still deemed compliant under the Land Use Bylaw.

What does “legal, non-conforming” mean?

Some properties have developments that received approval under the rules of a previous version of the Land Use Bylaw that no longer comply with the current Land Use Bylaw. This is often referred to as “grandfathering”. In these cases, the City will issue a Compliance Certificate along with a letter that explains what does not conform to the current Land Use Bylaw. The letter only identifies what is legal, non-conforming. If a development on a property is not included in the letter, then it is compliant.

A legal, non-conforming development does not have to be removed or altered. It can remain exactly as it is. Only a legal, non-conforming development that has had more than 75% structure damage needs to be rebuilt to meet the standards of the current LUB.

I’m told I will get a Compliance Certificate if I enter into an Encroachment Agreement. What does that mean?

You will be asked to enter an Encroachment Agreement when:

- Typically when one or more major developments on your property extend beyond 15 cm into public land or a right-of-way and cannot be automatically accepted by the City and/or utility company.
- The City will coordinate with utility companies and others that have an interest in the right-of-way to determine potential conflicts. If there is none, then the City will prepare the agreement for a fee and you will be required to register it on your land title (a separate fee is charged by the Province).
- Once you have registered the agreement, you will receive a Compliance Certificate with a letter explaining the encroachment.
- The encroachment will not have to be removed until it causes a problem for access. Once again, removal or relocation may not be replaced or compensated.

Did you know

- An RPR must be prepared and signed by an Alberta Land Surveyor.
- The City of Airdrie will accept an RPR from any date. However, an RPR signed by the surveyor more than two years before submission to the City needs a “statutory declaration” signed by a property owner.
- A “Statutory Declaration” is a statement made by the property owner indicating that there have been no further changes to the property than last shown on the RPR. A Statutory Declaration form can be obtained from the City of Airdrie.

