

Town of Happy Valley-Goose Bay
Policy Statement

Index: Engineering		Policy Number: E0001	
Approved Date: June 25, 2024	Effective Date: June 25, 2024	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 1 of 5	

TOPIC: COMPLIANCE LETTER POLICY

1. Policy Statement:

The Town of Happy Valley-Goose Bay's Engineering Department provides Compliance Letters as a public service to property owners or a person with a legal or equitable interest.

2. Purpose:

The Engineering Department wishes to:

- a. Establish consistent requirements and develop a Standard Operating Procedure for Processing Compliance Letter Requests
- b. Minimize the liability risk to the Town for any mistake, inaccuracy or error which may arise from the information supplied by or on behalf of the property owner.

3. Related Documents and Legislation:

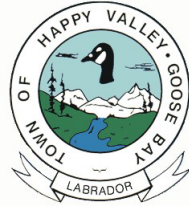
There is no legislative requirement for a municipality to issue a Compliance Letter nor does the Town of Happy Valley-Goose Bay require they be obtained. The Engineering Department provides Compliance Letters as a service to property owners because lawyers and financial institutions often require them as part of a real estate transaction or to secure a mortgage. A Compliance Letter must be signed by an authorized employee of the Engineering Department or another employee designated by the Director of Engineering.

4. Definitions

Professional Land Surveyor - a person who holds a certificate of registration and an annual certificate to engage in the practice of surveying under the NL Land Surveyors Act.

Compliance Letter – a written document issued by the Town of Happy Valley-Goose Bay that states whether the property and/or the property structures, as shown on a Real Property Report, comply with the siting and setback regulations of the Development Regulations in effect at the time of its construction.

Real Property Report (RPR) – a survey document prepared, signed, dated, and stamped by an NL Land Surveyor, illustrating the location of all structures and visible improvements situated on a parcel of land relative to the property boundaries. The Real Property Report also shows any



Town of Happy Valley-Goose Bay
Policy Statement

Index: Engineering		Policy Number: E0001	
Approved Date: June 25, 2024	Effective Date: June 25, 2024	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 2 of 5	

TOPIC: COMPLIANCE LETTER POLICY Continued

registered easements or rights-of-ways affecting the property as well as any encroachments from or onto the property. It is a representation of the property on the date of survey.

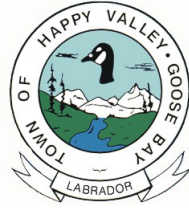
Updated Real Property Report – a previously prepared RPR that has been brought up to date (if required) and signed, dated, and stamped by an NL Land Surveyor.

Statutory Declaration – means a written certificate of facts solemnly declared to be true by the person(s) signing the declaration before a Commissioner for Oaths.

Encroachment – means a structure or improvement that projects beyond the boundaries of the property or is constructed within an easement or right-of-way.

5. Application Procedure

1. The applicant shall submit a Compliance Letter Request or a Compliance Letter Request Form, signed by the property owner or the property owner's representative, to the Engineering Technician (muntech@townhvgb.com).
2. The applicant shall submit the application fee for Compliance Letters as per the Town of Happy Valley-Goose Bay's Policy# F0005 – Miscellaneous Rates.
3. If applicants want a complete Compliance Letter, they shall submit a clear and legible RPR for the site that has been produced by an NL Land Surveyor. The RPR must show all structures. Illegible, partial, or spliced copies are unacceptable, and no Compliance Letter will be issued.
4. The RPR must be no older than two (2) years.
5. RPRs older than two (2) years, but not older than ten (10) years, will be accepted if accompanied by a Statutory Declaration signed by the landowner, indicating the RPR is an accurate and current representation of the property. A new or updated RPR is required if any changes to the property have been made.



Town of Happy Valley-Goose Bay
Policy Statement

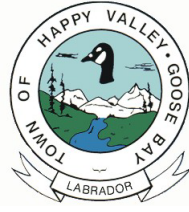
Index: Engineering		Policy Number: E0001	
Approved Date: June 25, 2024	Effective Date: June 25, 2024	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 3 of 5	

TOPIC: COMPLIANCE LETTER POLICY Continued

6. RPRs older than ten (10) years will not be accepted.
7. The Town of Happy Valley-Goose Bay will process a compliance request within seven (7) to ten (10) business days of receipt of payment.

6. Compliance Letter

1. The Compliance Letter process can result in one or several of the following possible property classifications:
 - a) Compliant – If the town can confirm all buildings on the property comply with all the requirements of the current Development Regulations.
 - b) Non-Compliant – If the town can confirm one or more buildings on the property do not comply with the requirements of the current or past Development Regulations.
 - c) Legally Non-Compliant – If one or more buildings on the property do not comply with the requirements of the current Development Regulations, however, did comply with the Development Regulations in place at the time of construction.
 - d) Unable to Confirm – If an insufficient RPR is supplied, some, or all, of the reviewed items may not be able to be commented on.
2. If the review process identifies an encroachment within or beyond the property boundary, potential remedies are as follows:
 - a) Town Land/Municipal Owned Easement - The property owner is required to either move/remove the encroachment or enter into an Encroachment Agreement with the Town. The Town is under no obligation to issue an Encroachment Agreement. Each situation will be assessed individually to determine if the existing encroachment creates a hazard, obstacle, or other impediment to the Town at the Town's sole discretion.
 - b) Another Privately Owned Parcel - The property owner is required to either move/remove the encroachment or enter into an Encroachment Agreement with the owner of that property.



Town of Happy Valley-Goose Bay
Policy Statement

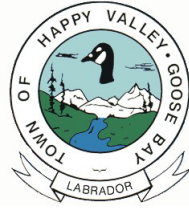
Index: Engineering		Policy Number: E0001	
Approved Date: June 25, 2024	Effective Date: June 25, 2024	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 4 of 5	

TOPIC: COMPLIANCE LETTER POLICY continued

- c) Right-of-Way Agreement not registered on the Certificate of Title - The property owner is required to either move/remove the encroachment or enter into a Right-of-Way Agreement with the Town that identifies and allows for the encroachment.
- d) Right-of Way Agreement registered on the Certificate of Title - The property owner will have to move/remove the encroachment or enter into an Encroachment Agreement with the holder of the Right-of-Way Agreement to identify and allow for the encroachment. The Encroachment Agreement must be registered on title.
- e) Non-Municipal Utility Easement – The property owner is required to either move/remove the encroachment or enter into an Encroachment Agreement with the Utility using the easement (NL Hydro, Bell Aliant, Eastlink, or others). The Utility is under no obligation to issue an Encroachment Agreement.
- f) Crown Lands - The property owner is required to either move/remove the encroachment or contact Crown Lands.

The Town will not negotiate with neighbouring property owners, utilities, or Crown Lands, this is a private agreement between the parties. If agreed to by all parties, the encroachment agreement must be registered on the titles of both properties and then sent into the Town. If the Town agrees to allow the encroachment to remain subject to the appropriate required agreement (Encroachment Agreement, Right-of-Way Agreement or Amending Agreement), the agreement must be registered against the certificate of title for the property prior to issuance of the Compliance Letter.

If the landowner chooses to relocate or remove the encroaching structure, an updated RPR must be prepared and submitted, showing the change, prior to issuance of the Compliance Letter.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Engineering		Policy Number: E0001	
Approved Date: June 25, 2024	Effective Date: June 25, 2024	Revision Date:	
Authority: 13 th Council of the Town of Happy Valley-Goose Bay		Page 5 of 5	

TOPIC: COMPLIANCE LETTER POLICY Continued

3. The Compliance Letter shall clearly state all the following:
- The Town of Happy Valley-Goose Bay makes no guarantee as to the accuracy of the Real Property Report or the information provided on behalf of the landowner.
 - The Compliance Letter set back review is based solely on the information presented in the Real Property Report.
 - The Town of Happy Valley-Goose Bay will not inspect the property and will rely solely on the information provided in the Real Property Report.
 - The Compliance Letter evaluates compliance *only* in terms of siting and setback regulations of the Development Regulations.
 - The zoning and permitted uses in said zone.
 - The owner has full responsibility to ensure compliance with the Development Regulations.
 - Whether there are any Stop Work Orders in effect related to the property.

IN WITNESS WHEREOF, this policy is sealed under the Common Seal of the Town of Happy Valley-Goose Bay.

Mayor, George Andrews

CAO, Nadine MacAulay