

Frequently Asked Compliance Declarations Questions

1. What is a “compliance declaration” in the context of regional planning?

The *Alberta Land Stewardship Act* sets out the legal basis for regional land use planning in Alberta. Sections 20 and 21 of this Act require decision-making bodies and local government bodies to review their regulatory instruments and make any necessary changes to ensure these instruments comply with the regional plan. These bodies are required to submit a compliance declaration – which is a statutory declaration – declaring that they have complied with the applicable regional plan before a set deadline.

2. Who has a duty to submit a compliance declaration?

Regional plans are akin to regulations and they are binding on everyone – including the Crown, decision-makers and individuals in Alberta. Everyone is expected to operate in a way that helps achieve regional planning outcomes. However, decision-making bodies and local government bodies affected by a regional plan have an additional responsibility to submit compliance declarations.

A “decision-making body” means an entity established by or under an enactment, all or a majority of whose members are appointed or designated

- i. By their personal names or by their names of office by an enactment,
- ii. By an order of the Lieutenant Governor in Council,
- iii. By an order of a Minister, or
- iv. By any combination of the methods described in sub-clauses (i) to (iii).

A “local government body” means

- i. The governing body of a municipal authority as defined in the *Municipal Government Act*;
- ii. The board of directors of a regional services commission under the *Municipal Government Act*;
- ii.1 A growth management board under the *Municipal Government Act*;
- i. The council of a Métis settlement and the General Council;
- ii. A board of directors established under the *Irrigation Districts Act*;
- iii. A board of trustees established under the *Drainage Districts Act*; and
- iv. A management body established under the *Alberta Housing Act*.

3. How do I comply with my duty to submit a compliance declaration?

To comply with sections 20 and 21 of the *Alberta Land Stewardship Act*, a decision-making body or local government body must:

- a) review the regional plan which affects them,
- b) review their own regulatory instruments. A “regulatory instrument” includes:
 - (i) a **bylaw** of a local government body;
 - (ii) a **rule, code of practice, guideline, directive or instrument** having binding, guiding or recommending effect that is enacted under or used for the purpose of administering an enactment;
 - (iii) any of the following instruments of a government department, local government body or decision-making body:

- (A) **policies, plans, objectives or procedures;**
- (B) **rules, directions or administrative regulations** to guide or direct administrative conduct;
- (C) **instruments used to administer, guide or direct the exercise** of regulatory, administrative or decision-making discretion or authority;
- (D) **instruments that manage, authorize, permit or allow an activity**, other than a statutory consent or a regulation made under an enactment;
- (iv) **any instrument designated as a regulatory instrument by any regulations**, but does not include a General Council Policy.

- c) decide what, if any, new regulatory instruments or changes to regulatory instruments are required to comply with the regional plan,
- d) make any necessary changes or implement new initiatives to comply with the regional plan; and
- e) once the review is completed, submit a fully executed statutory declaration to the Land Use Secretariat.

It is expected that everyone will conduct business in a way that complies with regional plans and contributes toward achievement of desired regional plan outcomes.

4. Who within our organization signs the compliance declaration?

The compliance declaration must be completed by a person authorized to sign on behalf of the decision-making body or local government body. In both cases, a Commissioner for Oaths must also sign the declaration before it is submitted to the Land Use Secretariat. Use the attached Compliance Declaration or submit a comparable declaration on behalf of the decision-making or local government body.

5. What are the timelines for submitting a compliance declaration?

Each regional plan will specify the timelines for submitting a compliance declaration.

Lower Athabasca Regional Plan (LARP) and South Saskatchewan Regional Plan (SSRP) are the first two approved plans in Alberta. Decision-making bodies affected by LARP must submit their compliance declarations by **September 15, 2014**; and local government bodies must submit their compliance declarations by **September 15, 2017**. Decision-making bodies affected by SSRP must submit their compliance declarations by **September 1, 2016**; and local government bodies must submit their compliance declarations by **September 1, 2019**.

Because a regional plan binds everyone, everyone is expected to comply with the regional plan as soon as the plan is in force. However, decision-making bodies and local government bodies are provided with time to review their regulatory instruments in order to align those instruments with the regional plan.

6. We just received a reminder letter from the Land Use Secretariat. What does this mean?

The Land Use Secretariat oversees regional planning in Alberta. The Secretariat will be sending reminder letters to certain decision-making bodies and local government bodies operating within the boundaries of an approved regional plan to remind these bodies of their statutory obligation to submit a compliance declaration.

7. We did not receive a reminder letter. Does this mean we do not need to submit a compliance declaration?

Not necessarily. All decision-making bodies and local government bodies must comply with the *Alberta Land Stewardship Act* and approved regional plans, whether they have received a reminder letter or not. It is up to the decision-making body or local government body to determine whether they are affected by a regional plan thus

triggering the requirement to review their regulatory instruments and submit a compliance declaration to the Land Use Secretariat.

8. Where should I send the signed compliance declaration?

Please submit an electronic, fax or paper copy of the completed compliance declaration to:

Land Use Secretariat
10035 – 108 ST Centre West Building
Edmonton, Alberta
T5J 3E1
Email: LUF@gov.ab.ca
Fax: (780) 644-1034

9. What happens if we do not sign a compliance declaration?

It is a legal requirement to submit a statutory declaration. Local government bodies should refer to section 570.01 of the *Municipal Government Act* which sets out steps that may be taken if a certain bodies have not complied with a regional plan.

The compliance declaration is a tool to ensure bodies are reviewing their regulatory instruments so that they make decisions that align with the regional plan. Bodies that do not comply with a regional plan may hinder achieving desired regional plan outcomes and ultimately, have a negative impact on the region's community, environment and economy.

10. Do we need to sign a compliance declaration every time a regional plan is approved?

Yes. Currently, the Lower Athabasca Regional Plan and South Saskatchewan Regional Plan are the first approved regional plans in Alberta. But as other regional plans come into force (i.e. are approved by Cabinet) there will be a requirement to submit additional compliance declarations.

11. Do we need to sign a Compliance Declaration every time a regional plan is amended?

Not necessarily. The regional plan will specify if a compliance declaration is required.

12. Who can answer my questions?

For more information, visit the Alberta Land Use website www.landuse.alberta.ca or contact the Land Use Secretariat at (780) 644-7972.

COMPLIANCE DECLARATION FOR LOCAL GOVERNMENT BODIES

CANADA)
PROVINCE OF ALBERTA) In the Matter of a Compliance Declaration under the
) *Alberta Land Stewardship Act (ALSA)*
TO WIT:)
)

I, _____ of _____
(Name) (Name of city, town or county)
in the Province of Alberta do solemnly declare as follows:

I am the _____ of _____
(Position authorized to sign on behalf of) (Local government body as defined in ALSA s.2(1)(q))
in the Province of Alberta.

The review required by section 20 or 22 of the *Alberta Land Stewardship Act* has been completed and
_____ is in compliance with the _____ Regional Plan.
(Local government body) (Name of region)

I have read section 20 and 22 of the *Alberta Land Stewardship Act* and understand that a local government body may be required to submit a further compliance declaration if the regional plan is amended and if required by the regional plan.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

DECLARED before me at the _____)
of _____, in the _____)
Province of Alberta this day _____)
of _____, A.D. 20_____.) _____
(Signature of the Declarant)

A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF ALBERTA

(Print or Stamp Name Here)

My Appointment Expires: _____