

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 17-2007

A by-law to allow for the entry onto
adjoining property for maintenance purposes.

File: 190-01

WHEREAS Section 132 of the *Municipal Act*, S.O., 2001 provides for the enacting of by-laws to allow for the entering of an adjoining property for repair or alteration purposes at any reasonable time; and

WHEREAS it is desirable to allow for access over adjoining lands where said access is needed to repair, maintain or alter buildings, fences or structures of the owner of property.

NOW THEREFORE THE COUNCIL OF THE CITY OF BURLINGTON ENACTS AS FOLLOWS:

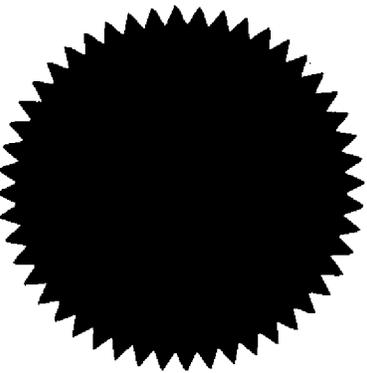
1. Within the City of Burlington, an owner or occupant of land is hereby authorized to enter adjoining lands at any reasonable time for the making of repairs or alterations to a building, fence or other structure on the land of the said owner or occupant, provided said access is only to the extent necessary to carry out the repairs or alterations.
2. The authority to enter adjoining land provided for in paragraph 1 of this by law is subject to strict compliance with the following terms and conditions:
 - (a) The power of entry conferred herein shall only be exercised by the owner or occupant of adjoining land or the duly authorized agent thereof;
 - (b) A person exercising the power of entry must display or, on request, produce proper identification;
 - (c) The person proposing to exercise the power of entry pursuant to paragraph 1 above shall provide prior written notice of the proposed entry to the occupier of the adjoining lands, in which said notice shall include a description of the proposed work to be performed and a proposed date of entry and duration of occupancy, which duration shall not exceed that period of time reasonably required to diligently and expeditiously complete the works described in the said notice. Written notice shall be provided ten (10) days in advance of date work is to commence;
 - (d) The right of entry conferred herein shall only apply to the implementation of the works described in the above written notice;

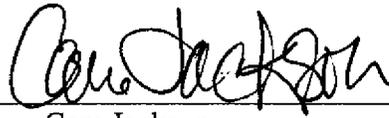
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- (e) The owner or occupant must restore the property in so far as is practical to its original condition and shall provide compensation for any damages caused by the entry; and
 - (f) When access to the building, fence or structure requiring repair or alteration is not otherwise feasible from the lands of the owner or occupant thereof or from a public street.
3. Nothing in this by-law authorizes entry into a building.
 4. Nothing in this by-law in any way relieves the person purporting to exercise the right of entry conferred herein in accordance with the above terms and conditions from any liability for any damage or injury to any person or property caused by, or arising in any way out of, the exercise of the said right of entry or any activity in relation thereto or from the requirement to obtain any permit or approval or comply with any applicable law, by-law or regulation with respect to the proposed works.
 5. Where an owner or adjoining owner is in default of his obligations pursuant to this by-law, a person desiring to enforce the provisions of this by-law shall, within ninety days after first notifying the adjacent owner of their intentions to enter onto adjoining lands for repairs, serve or cause to be served on the defaulting person, a notice by registered mail requiring compliance with this by-law. The notice shall specify that if the default is not rectified within thirty (30) days after service of the notice, the person purporting to exercise the right of entry may rectify the default by making an application to the Ontario Court of Justice and may take appropriate proceedings under Part IX of the *Provincial Offences Act* for an order to enforce the provisions of the by-law.

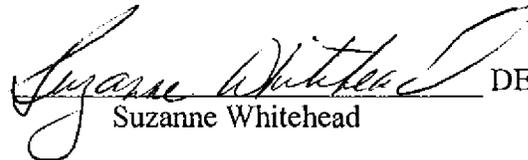
ENACTED AND PASSED this 26th day of February, 2007.





Cam Jackson

MAYOR



Suzanne Whitehead

DEPUTY CITY CLERK