

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2025-110

A by-law to authorize entry on adjoining property for the purpose of making repairs or alterations and to repeal By-law 1970-101

WHEREAS in 1970 the Town of Oakville passed By-law 1970–101 to permit an owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to their own building but only to the extent necessary to affect such repairs, alterations or improvements;

WHEREAS Council desires that the said By-Law be updated and replaced;

WHEREAS subsection 11(1) of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Municipal Act”) provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

WHEREAS the Section 132 of the Municipal Act provides, subject to certain conditions, that a municipality may authorize the owner or occupant of land to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations;

WHEREAS subsection 425(1) of the Municipal Act provides that a municipality may pass by-laws providing that a person who contravenes any by-law of the municipality passed under the Municipal Act is guilty of an offence;

WHEREAS section 429 (1) of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

WHEREAS subsection 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

WHEREAS subsection 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

COUNCIL ENACTS AS FOLLOWS:

1. Definitions

- (1) In this Bylaw:

“Administrative Penalties for Non-Parking Violations and Orders By-law” means the Town’s By-law 2021-038;

“Officer” means any person authorized by the Town to enforce by-laws and includes Mobile Compliance Officers, Municipal Standards Investigators, police officers, and provincial offences officers;

“Town” means the Corporation of the Town of Oakville.

2. Administrative Penalties for Non-Parking Violations and Orders By-law

- (1) This By-law is a designated by-law under Administrative Penalties for Non-Parking Violations and Orders By-law.

3. Enter Upon Adjoining Land

- (1) Subject to subsections 4(1), 4(2), and 4(3) of this By-law, an owner or occupant of land, including any of their employees or agents, are hereby authorized to enter upon any adjoining land for the purpose of making repairs or alterations to any building, fence or other structures on the land of the said owner or occupant, but only to the extent necessary to carry out the repairs or alterations.

4. Conditions

- (1) The owner or occupant, including any of their employees or agents, proposing to exercise the power of entry pursuant to subsection 3(1) of this By-law:
- (a) shall provide reasonable notice of entry in writing, or orally in an emergency, to the owner or occupant of the adjoining land. Such notice shall include a description of the proposed repairs or alterations to be performed, a proposed date of entry and a duration period for such occupancy, which duration shall not exceed that period of time reasonably required to diligently and expeditiously complete the repairs or alterations described in the said notice;
 - (b) must display or, on request, produce proper identification;

- (c) shall, in so far as is practicable, restore the adjoining land to its original condition; and
 - (d) shall provide compensation for any damages caused by the entry or by anything done on the adjoining land.
- (2) For the purpose of clarity, this By-Law does not authorize entry into any building or structure on the adjoining land, nor does it permit the use of the adjoining land for construction staging, equipment storage, or the parking of motor vehicles and construction machinery.
- (3) Nothing in this By-law affects the right to bring a civil action for damages or otherwise arising out of the entry upon any adjoining land.

5. Prohibitions

- (1) No person shall refuse or prevent an owner or occupant of land, including any of their employees or agents, from entering onto any adjoining land for the purpose of making repairs or alterations to any building, fence or other structures on the land of the said owner or occupant.
- (2) Any owner or occupant of land, who, pursuant to subsection 3(1) of this By-law, whether as owner or occupant or by way of any of their employees or agents, enters onto any adjoining land for the purpose of making repairs or alterations to any building, fence or other structures on the land of the said owner or occupant and who fails to restore the adjoining land to its original condition, in so far as is practicable, is guilty of an offence or contravention under this By-Law.

6. Order

- (1) Where an Officer has reasonable grounds to believe that a violation of this By-law has occurred, the Officer may issue an Order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Any person who contravenes an Order under subsection 6(1) of this By-law is guilty of an offence.

7. Inspection

- (1) An Officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) this By-law; or,
 - (b) an Order made under section 6 of this By-law.
- (2) For the purposes of conducting an inspection pursuant to subsection 7(1) of this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

8. Remedial Action

- (1) The Town may take remedial action as set out in the Administrative Penalties for Non-Parking Violations and Orders By-law if a person fails to do a matter or thing as directed or required by this By-law, including complying with an Order issued under this By-law.

9. Fees and Charges

- (1) Council may, from time to time, impose fees and charges to recover costs in relation to the administration and enforcement of this By-law.

10. Administrative Penalties

- (1) An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law may issue a penalty notice to the person in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule.
- (3) If an Officer has issued a penalty notice under subsection 10(1) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this Bylaw, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- (4) Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule.
- (5) If an Officer has issued a penalty notice under subsection 10(3) of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this Bylaw, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.
- (6) Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule.
- (7) A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

11. Notices

- (1) Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law.

12. Penalties

- (1) Every person who contravenes or fails to comply with any of the provisions of this By-law is guilty of an offence, and pursuant to Section 429 of the Municipal Act, is liable to a maximum fine of \$10,000 (ten thousand dollars).
- (2) Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000 (five thousand dollars) as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

13. Title

- (1) This By-law may be known as the “Access to Adjoining Property By-law”.

14. Repeal

- (1) By-law 1970-101 is hereby repealed.

15. References

- (1) References in this By-law to any legislation means as may be amended or successor legislation, and includes any regulations thereunder.

16. Severability

- (1) In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

17. Effective Date

- (1) This By-law comes into force on the day it is passed.

PASSED this 23rd day of June, 2025

MAYOR

CLERK