



Right of Entry By-law

By-law No. 2005-326

A by-law of the City of Ottawa authorizing entry upon adjoining lands for the purpose of making repairs or alterations to buildings, fences or other structures.

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Updated February 2016

Prepared by By-law & Regulatory Services

Amending By-laws:

2009-259

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1.

In this by-law,

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“City” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

“Council” means the Council of the City of Ottawa;

“Director” means the person occupying the position of Manager, By-law and Regulatory Services, in the Emergency and Protective Services Department of the City of Ottawa, or authorized representative. (By-law No. 2009-259)

“land” includes buildings;

“owner” when used in relation to the land where the work is to be done means the registered owner of the land or a person authorized in writing by the registered owner of the land to act on the owner’s behalf for the purpose of filing an application under this by-law;

“permit” means written permission or authorization to enter upon adjoining land; and

“reasonable notice” means written notice that is provided to the owner or occupant of adjoining land at least one (1) business day in advance of the entry and that specifies the reason for the entry and the day and time of the proposed entry.

INTERPRETATION

2.

- 1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts

shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

- 3) Nothing in this by-law shall authorize entry into a building.

APPLICATION FOR A PERMIT

3.

To obtain a permit, the owner of land shall file with the Director an application for a permit in writing on the prescribed form.

4.

The application shall:

- a) identify and describe in detail the work to be covered by the permit for which an application is made;
- b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot as well as the adjoining premises;
- c) state the names, addresses and telephone numbers of the owner and the contractor performing the work;
- d) state the address of the adjoining property upon which permission to enter is sought;
- e) be accompanied by the permit fee as prescribed by Section 6;
- f) be accompanied by the deposit in cash prescribed by Section 5, as deemed necessary by the Director; and,
- g) where the applicant is not the owner, be accompanied by written authorization of the owner.

5.

- 1) The Director shall establish the amount of the deposit, as deemed necessary by the Director, which, in his or her opinion, shall be sufficient to pay for the cost of restoring the adjoining land or adjacent building, fence or structure to the same condition it was prior to entry, but in no case shall the deposit be less than five hundred dollars (\$500.00).
- 2) The City shall retain the deposit made under subsection (1), until the applicant has restored the adjoining land or adjacent building, fence or other structure to the satisfaction of the Director.

- 3) If the applicant fails to do such restoration to the satisfaction of the Director, then within thirty (30) days of providing written notice of such failure to the applicant, the deposit shall be forfeited and paid by the City to the owner or authorized agent of the owner of the land entered.

6.

The fee for a right-of-entry permit shall be two hundred and fifty dollars (\$250.00), which is non-refundable.

CONDITIONS OF PERMIT ISSUANCE

7.

- 1) A right-of-entry permit shall be issued on the conditions that:
 - a) the repairs or alterations to a building, fence or other structure are made only to the extent necessary to effect such repairs or alterations;
 - b) the adjoining land is left in the same condition as it was prior to such entry;
 - c) the entry is only for the days and hours of work specified in the permit;
 - d) the power of entry is only exercised by the owner or his or her employees or agents;
 - e) the person exercising the power of entry displays or produces proper identification on request; and
 - f) the owner provides reasonable notice of the proposed entry to the owner or authorized agent of the owner of the adjoining land.
- 2) No permit holder shall fail to comply with the conditions set out in subsection (1).

8.

No permit shall be issued under this by-law, unless the Director has caused an inspection to be made of the fence, building or other structure to be repaired or altered, and of the land to be entered, and has been satisfied that entry upon the adjoining land is necessary for the purposes of making repairs or alterations.

9.

If adjoining land is damaged by the entry or by anything done on the land as a result of the entry, the owner or occupant shall restore the land as close to its original condition

insofar as is practicable, and shall provide compensation for any damage caused by the entry or anything done to the adjoining land.

10.

No person entering upon adjoining land pursuant to a permit issued under this by-law shall fail to leave the land in the same condition as it was in prior to the entry and to provide compensation for any damage caused by the entry or anything done to the adjoining land.

11.

No person shall fail to permit a right-of-entry permit holder to enter and repair or alter in accordance with the provisions of this permit.

12.

No person shall fail to permit the Director to enter upon the land for the purposes of carrying out an inspection to administer and enforce this by-law.

OFFENCES AND PENALTIES

13.

Every person who contravenes any provision of this by-law is guilty of an offence, and if convicted of an offence under this by-law, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33, as amended.

14.

If this by-law is contravened and a conviction is entered, the Ontario Court of Justice or any court of competent jurisdiction after, may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence by the person convicted.

BY-LAWS REPEALED

15.

By-law Number 138-99 of the old Corporation of the City of Ottawa entitled “A by-law of the Corporation of the City of Ottawa authorizing entry upon adjoining lands for the purpose of making repairs, alterations or improvements” is repealed.

TRANSITION

16.

Where a permit has been issued under By-law Number 138-99 of the old Corporation of the City of Ottawa, that permit continues in force and shall be deemed to be issued under this by-law for regulatory and enforcement purposes.

SHORT TITLE

17.

This by-law may be cited as the “Right of Entry By-law”.

EFFECTIVE DATE

18.

This by-law shall come into force on the 1st day of August, 2005.

ENACTED AND PASSED this 13th day of July, 2005.

CITY CLERK | MAYOR

BY-LAW NO. 2005-326

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Enacted by City Council at its meeting of
July 13, 2005.

LEGAL SERVICES

amp - File: G04-01-RIG

COUNCIL AUTHORITY:

City Council – June 22, 2005

EPS Report 13, Item 1