

Consolidated By-law 46-1996 of The Corporation of the City of Oshawa

This consolidated by-law is made available for information and convenience purposes only. For accuracy, By-law 46-1996 along with amending By-law 82-2018 should be reviewed.

Being a by-law to authorize entry to property pursuant to Paragraph 210(64) of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended.

Be it enacted and it is hereby enacted as a By-law of The Corporation of the City of Oshawa by the Council thereof as follows:

1. Definitions: Within this by-law, the terms listed in this section have the meanings ascribed in this section when they are spelled with capital letters. When any word listed here appears in regular case, its ordinary dictionary meaning shall apply.
 - (a) “property” includes land, buildings, structures and fences. (82-2018)
 - (b) “owner” means a lawful owner or occupant of property, and includes his or her authorized agents or employees.
 - (c) “maintenance” includes regular maintenance, repairs, or alterations. (82-2018)
2. Right of Entry: Upon notice as set out in Section 3, the owner of any property is permitted to enter upon any lands which are immediately adjacent to his or her property, but only to the extent necessary to effect maintenance of the building, structures and fences on the land of his or her property. (82-2018)
3. “Notice Requirement: Except with the consent of the owner of the adjacent land, any owner wishing to exercise his or her rights under Section 2 of this By-law shall provide the owner of the adjacent land with a minimum of seventy-two (72) hours’ written notice of his or her intention to enter. The notice shall specify when entry will be effected and the length of time that it will be necessary to enter upon the land. Notice is sufficiently given at the address of the adjacent lands by hand delivery to a person ordinarily resident there with a signature of receipt or by registered mail to the owner of the lands as recorded in the City’s assessment rolls, allowing five (5) days for mail delivery. (82-2018)
4. Condition of Lands: Every owner who exercises his or her rights pursuant to Section 2 of this By-law has a legal obligation to leave the entered land in the condition that it was in at the time of entry.
5. Civil Rights Preserved: Nothing in this By-law affects the right to bring a civil action for damages (or otherwise) arising out of the entry by an owner on adjacent land.
6. Effective Date: This By-law shall come into effect on the date of its passage.

By-law read a first, second and third time and finally passed this seventeenth day of June, 1996.

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