

Being a by-law providing powers of entry for the purpose of inspection.

NOW THEREFORE the Council of The Corporation of the City of Oshawa enacts as follows:

1. In this By-law:

- (a) "Building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport;
- (b) "By-law" means a by-law passed by Council pursuant to the Municipal Act;
- (c) "City" means The Corporation of the City of Oshawa;
- (d) "Council" means the City's Council;
- (e) "Director" means the City's Director, Municipal Law Enforcement and Licensing Services;
- (f) "Dwelling" means any room, place or part of a Building actually being used as a dwelling by an individual;
- (g) "Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as from time to time amended; and
- (h) "Officer" means each of
 - i) the Director;
 - ii) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce a By-law or a direction or order of the City made under the Municipal Act or made under a By-law; and
 - iii) a police officer employed by a municipal police force or by the Ontario Provincial Police.

2. Subject to section 3, an Officer may enter on land and into a Building at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with:

- (a) A By-law;
- (b) A direction or order of the City made under the Municipal Act or made under a By-law;
- (c) A condition of a licence issued under a By-law; or
- (d) An order made under section 431 of the Municipal Act.

3. An Officer exercising a power of entry shall not enter or remain in a Dwelling except pursuant to section 437 of the Municipal Act.

4. An Officer exercising a power of entry 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 who, in the Officer's opinion, possesses special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
5. A person is guilty of an offence in each of the following circumstances:
- (a) The person refuses or neglects to produce for inspection any document or thing required by an Officer pursuant to paragraph 4(a); or
- (b) The person refuses or neglects to provide information required by an Officer pursuant to paragraph 4(c).
6. Subject to section 7, this By-law prevails to the extent of any conflict between this By-law and any other by-law of the City.
7. This By-law does not restrict the City's or an Officer's rights conferred by the Municipal Act or any other Act or regulation respecting entry to Buildings, Dwellings or Lots.

By-law passed this twelfth day of May, 2008.

Original Signed By

Mayor

Original Signed By

Acting City Clerk