

**THE CORPORATION OF THE**

**TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 027-2011**

**AS AMENDED BY BY-LAW NO. 044-2019**

Being a by-law to authorize entry  
onto adjoining lands.

**WHEREAS** Section 132 (1) of the *Municipal Act 2001*, S.O. 2001 c.25 as amended authorizes Council to pass a By-law to permit an owner, agent, 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.

**AND WHEREAS** the Council of the Corporation of the Township of Wainfleet deems it expedient to pass such a by-law.

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet  
**HEREBY ENACTS AS FOLLOWS:**

1. Subject to Section 2, an owner or occupant of any building, fence or other structure in the Township of Wainfleet or the agent or employee of such owner or occupant shall be and is hereby authorized to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building, fence or other structure.
2. No person shall enter upon such adjoining land pursuant to the authority granted in Section 1 without first making reasonable effort to notify the occupier of such adjoining land, at least forty-eight (48) hours prior to such entry
3. Any person exercising the authority of entry are required to comply with the provisions of the Municipal Act 2001, Section 132 subsection 2.
4. Nothing in this by-law authorizes entry into a building
5. The right of entry granted in Section 1 shall only be exercised during daylight hours.
6. No person shall carry out repairs, alterations or improvements so as to create a hazard to the occupier of the adjoining land.
7. Such repairs, alterations or improvements shall be carried out within a reasonable period of time and as part of continuous process and not intermittently, so as to minimize the inconvenience caused to the occupier of the adjoining land.
8. Upon completion of the repairs, alterations or improvements the adjoining land shall, in so far as is practicable, restore the adjoining land to its original condition and shall

- provide compensation for any damages caused by the entry or by anything done on the adjoining land.
9. Nothing in this By-law affects a right to bring a civil action for damages or otherwise arising out of the entry upon any adjoining land.
  10. No person shall prohibit or prevent anyone from exercising the right of entry herein authorized or obstructed or interfere with the carrying out of such repairs, alterations or improvements.
  11. Nothing contained in this By-law shall be construed as authorizing or permitting the removal of fences or other structures from any lands without the permission of the owner thereof nor shall this By-law be construed as authorizing or permitting the excavation of any land without the permission of the owner thereof.
  - ~~12. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to the provisions of the Provincial Offences Act.~~
  12. a) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to provisions as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or  
b) An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property in accordance with the AMPS By-law for Non-Parking Offences By-law No. 027- 2019
  13. This By-law shall be administered by the Chief Building Official or authorized agent.
  14. The Chief Building Official has the authority with the concurrence of the Chief Administrative Officer and the Mayor to make minor modification and/or changes to any or all of this by-law.
  15. This By-law comes into force and effect on the day it is finally passed.

BY-LAW READ A FIRST TIME THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2011.

BY-LAW READ A SECOND TIME THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2011.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 11<sup>TH</sup> DAY OF OCTOBER, 2011.

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A. Jeffs, MAYOR

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T. Lamb, CLERK

## SCHEDULE "A" TO BY-LAW NO. 027-2011

### Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
2	Fail to notify the occupier of adjoining land at least forty-eight (48) hours prior to entry	\$100.00
3	Fail to comply with Municipal Act entry provisions	\$100.00
5	Enter onto adjoining lands outside of daylight hours	\$100.00
6	Create hazard to occupier of adjoining land	\$125.00
7	Fail to carry out repairs, alterations or improvements within a reasonable time.	\$100.00
8	Fail to restore adjoining land or provide compensation	\$100.00
10	Prohibit or prevent exercise of authorized right of entry	\$100.00
10	Obstruct or interfere with repairs, alterations or improvements	\$100.00