

**THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER**

**BY-LAW 2009-12**

BEING A BY-LAW TO ALLOW FOR THE ENTRY OF ADJOINING PROPERTY FOR MAINTENANCE PURPOSES

**WHEREAS**, Section 132 of the Municipal Act, 2001, S.O. 2001, c.25 provides for the enacting of by-laws to allow for the entering of an adjoining property for maintenance purposes;

**AND WHEREAS**, the Council of the Corporation of the Municipality of French River deems it desirable to allow for access over adjoining lands where said access is needed to repair, maintain or alter buildings, fences, or structures of the owner of property.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:**

- 1) An owner or occupant of land is hereby authorized to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence, or other structure on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations.
- 2) The authority to enter adjoining land provided for in paragraph 1) of this by-law is subject to strict compliance with the following terms and conditions:
  - a. Access to the building, fence or structure requiring repair or alteration is not otherwise feasible from the lands of the owner or occupant thereof or from a public street.
  - b. The power of entry may be exercised by an employee or agent of the owner or occupant of the land.
  - c. A person exercising the power of entry must display or, on request, provide proper identification.
  - d. Nothing in this by-law authorizes entry into a building.
  - e. The person proposing to exercise the power of entry pursuant to this by-law shall provide reasonable prior written notice of the proposed entry to the occupier of the adjoining lands, which notice shall include a description of the proposed work to be performed and a proposed date of entry and duration of occupancy, which duration shall not exceed that period of time reasonably required to diligently and expeditiously complete the works described in the notice.
  - f. The owner or occupant of land exercising the right of entry under this by-law shall, in so far as is practical, 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.

- 3) Nothing in this by-law in any way relieves the person or occupant or their agent purporting to exercise the right of entry conferred herein in accordance with the above terms and conditions from any liability for any damage or injury to any person or property caused by, or arising in any way out of, the exercise of the said right of entry or any activity in relation thereto or from the requirement to obtain any permit or approval or comply with any applicable law, by-law or regulation with respect to the proposed works.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 18<sup>th</sup> DAY OF FEBRUARY 2009.**