



**City Of Kingston**

Ontario

**By-Law Number 2020-22**

**A By-Law to Permit an Owner or Occupant of any Building to Enter Upon  
Adjoining Land for the Purpose of Making Repairs or Alterations to Such  
Building, and to Repeal By-Law Number 99-167**

**Passed:** January 21, 2020

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**Whereas** by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998, to form The Corporation of the City of Kingston as the successor municipal corporation;

**Whereas** section 132 of the *Municipal Act*, 2001, S.O. 2001, c. 25, states that a municipality may, by by-law, authorize the owner or occupant of land to enter adjoining land for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant; and

**Whereas** the Council of The Corporation of the City of Kingston now deems it advisable to repeal By-Law Number 99-167, "A By-Law to Permit an Owner or Occupant of any Building to Enter Upon Adjoining Land for the Purpose of Making Repairs or Improvements to Such Building (A By-Law to Repeal By-Law Number 361, and to Re-Enact it as By-Law Number 99-167 of the New City of Kingston", and to re-enact it as By-Law Number 2020-22; and

**Now therefore be it resolved that** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That the owner or occupant of any building, or the agent or employee of such owner or occupant, is hereby permitted to enter upon adjoining land for the purpose of making repairs or alterations to any building, fence or other structure on the owner or occupant's lands, but only to the extent necessary to carry out such repairs or alterations.
2. The following conditions apply in respect of any proposed entry pursuant to this By-Law:
  - (a) Access to the building, fence or other structure requiring repair or alteration must not otherwise be feasible from the lands of the owner or occupant, or from a public street;
  - (b) The owner or occupant shall give the occupier of the adjoining land at least five (5) business days prior written notice of any such entry. The notice shall either be delivered personally, or sent by registered mail. A notice shall be deemed to have been validly and effectively given and received on the date of delivery;

- (c) The permission to enter upon adjoining land shall not be for a period in excess of ten (10) consecutive days without the prior written consent of the occupier of the adjoining land;
  - (d) The owner or occupant shall 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; and
  - (e) A person exercising the power of entry must display or, on request, produce proper identification.
3. The notice requirement set out in subsection 2(b) above does not apply where the occupier of the adjoining land has given prior consent for the proposed entry, or in the event of a real or perceived emergency, when the owner or occupant shall give such notice, if any, as is reasonably possible.
  4. This By-Law does not permit entry into any building or structure on the adjoining lands, nor does it permit the use of the adjoining lands for construction staging, equipment storage, or the parking of motor vehicles and construction machinery.
  5. Nothing in this By-Law affects a right to bring a civil action for damages or other relief arising out of the entry upon any adjoining property.
  6. That By-Law Number 99-167, “A By-Law to Permit an Owner or Occupant of any Building to Enter Upon Adjoining Land for the Purpose of Making Repairs or Improvements to Such Building (A By-Law to Repeal By-Law Number 361, and to Re-Enact it as By-Law Number 99-167 of the New City of Kingston)”, is hereby repealed in its entirety.
  7. This By-Law shall come into force and take effect upon the date of its passing.

This By-Law was given Third Reading and Passed January 21, 2020

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