

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NO. 2004-40

BEING A BY-LAW TO AUTHORIZE OWNERS OR OCCUPANTS OF LAND TO ENTER ADJOINING LAND TO MAKE REPAIRS OR ALTERATIONS.

WHEREAS Section 132 of Municipal Act, RSO 2001 allows Council to authorize the owner 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 repairs or alterations.

AND WHEREAS Council is desirous to allow land owners this option.

NOW THEREFORE Council of the Township of McGarry enacts as follows:

- 1) That Council authorizes the owner or occupant of land to enter adjoining land, at any reasonable time, for the purposes of making repairs or alterations to any building, fence or other structures.
- 2) That the following conditions apply to a power of entry.
 - a) the power of entry may be exercised by an employee or agent of the owner or occupant of land.
 - b) a person exercising the power of entry must display or, on request produce proper identification.
 - c) nothing in this By-Law under this section authorizes entry into any building.
 - d) the owner or occupant shall provide reasonable notice of the proposed entry to the occupier of the adjoining land.
 - e) The owner or occupant of 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 anything done on the adjoining lands.
- 3) That the Municipality is enacting this By-Law for the benefit of the residents but shall not become involved in any dealings between parties who exercise their rights under this By-Law.
- 4) This By-Law shall take effect on the date of its passing.

Read a first and second time this 5th day of October, 2004.


REEVE


CLERK-TREASURER

Read a third time this 26th day of October, 2004.


REEVE


CLERK-TREASURER