

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**

**BY-LAW NO. 2010-32**

**BEING A BY-LAW TO REGULATE THE ERECTION  
AND USE OF TEMPORARY STRUCTURES**

**WHEREAS** Section 10(2)(10) of the Municipal Act, 2001, as amended by the Municipal Statute Law 2006 authorizes Council to enact By-Laws respecting structures.

**AND WHEREAS** Council is desirous to control the use of Temporary Structures which are constructed for seasonal use and for which no building permit is required.

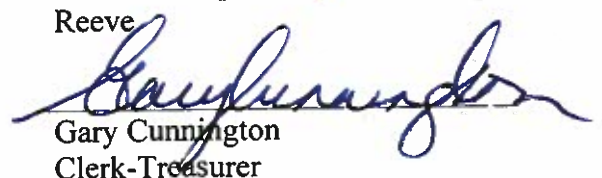
**NOW THEREFORE**, Council of the Corporation of the Township of McGarry enacts as follows:

1. That for the purposes of this By-Law a temporary structure shall be defined as a structure with no foundation, generally constructed with a cloth or plastic covering which are used to cover cars, boats or such items.
2. No person shall place a temporary structure in side or rear yards, year round, unless their location complies with any setback requirements in effect.
3. No person shall place a temporary structure in the front yard except during the months of October to April, only, and shall be set at least one metre back from the road allowance. Every person shall dismantle any temporary structure located in the front yard, including the frame during the period of May 1<sup>st</sup> to September 30<sup>th</sup>.
4. The provisions of this By-Law may be enforced pursuant to the provisions of the Provincial Offences Act, RSO 1990, Chapter 33 as amended, and where any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any other penalty may also be prohibited from continuing or repeating the offence in accordance with the provisions of s 444 of the Municipal Act SO 2001, c.25 as amended.
5. Every person who is guilty of an offence under this By-Law may, if permitted under the Provincial Offences Act, RSO 1990, C.P. 33 as amended, pay a set fine, and the Chief Judge of the Ontario Court, Provincial Division, shall be requested to establish set fines as set out in Section 'A' to this By-Law.
6. In accordance with the provisions of the Municipal Act, S.O. 201, c25, as amended, Section 426 (1), no person shall hinder, interfere with, or, otherwise obstruct either directly or indirectly an officer, an employee of the Township of McGarry and/or agent in the lawful exercise of power or duty under this By-Law.
7. The Township assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject to this By-Law.
8. For the purpose of this By-Law each day of a continued offence shall be deemed to be a separate offence.
9. The short title of this By-Law is the Temporary Structure By-Law.
10. That By-Law 2007-46 and By-Law 2010-15 be and are hereby repealed.

Read a first, second and third time this 9<sup>th</sup> day of November, 2010.

  
Clermont Lapointe

Reeve

  
Gary Cunningham  
Clerk-Treasurer

**Township of McGarry**

**Part 1 - Provincial Offences Act  
Schedule "A" By-Law 2010-32**

**Temporary Structures By-Law**

<b><u>Item #</u></b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provisions Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
<b>1</b>	Fail to construct in accordance with setbacks.	<b>2</b>	<b>\$110 .00</b>
<b>2</b>	Fail to meet front yard setbacks.	<b>3</b>	<b>\$110.00</b>
<b>3</b>	Fail to remove Structure as required.	<b>3</b>	<b>\$110.00</b>
<b>4</b>	Obstructing Officer or Agent in the Lawful exercise of Power or Duty.	<b>6</b>	<b>\$110.00</b>

***Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended***

The General provision for offences listed above is Section 5 of By-Law 2010-32, a certified copy of which has been filed and S.61 of the Provincial Offences Act, RSO. 1990 c. P.33

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION  
159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST

159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5  
TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

April 22, 2021

Ms. Karine Pelletier, Clerk-Treasurer  
Township of McGarry  
27 Webster Street  
P.O. Box 99  
Virginiatown, ON P0K 1X0

Dear Ms. Pelletier:

**Re: Set Fines – Provincial Offences Act – Part I**  
**Township of McGarry, Temiskaming District**

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law No. 2010-32 the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Temiskaming District.

The setting of the fines does not constitute my approval of the short form of wording used to describe the Offences.

I have forwarded a copy of the Order and the schedule of the set fines to the Ontario Court of Justice in Haileybury.

Yours truly,

  
MARTIN LAMBERT  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

ML/hrd  
Encl.

c.c.: His Worship Gary McMahon - Regional Senior Justice of the Peace  
His Worship Theodore Hodgins

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April 22, 2021

Ms. Devyani Anandjit  
Crown Law Office, Criminal  
720 Bay Street, 10th floor  
Toronto, Ontario  
M7A 2S9

Dear Ms. Anandjit:

**Re: Set Fines - Provincial Offences Act - Part I**  
**Township of McGarry, Temiskaming District**

Please find enclosed a copy of an Order dated April 22, 2021, and a copy of a letter to Ms. Karine Pelletier on behalf of the Township of McGarry.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

  
MARTIN LAMBERT  
A/REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

ML/hrd

Enclosures

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ONTARIO COURT OF JUSTICE  
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## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2010-32 of the Township of McGarry, Temiskaming District, attached hereto is the set fine, for those Offences. This Order is to take effect May 7<sup>th</sup>, 2021.

Dated at the City of Greater Sudbury, this 22<sup>nd</sup> day of April, 2021.

  
\_\_\_\_\_  
MARTIN LAMBERT  
A/REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

**Township of McGarry**

**Part 1 - Provincial Offences Act  
Schedule "A" By-Law 2010-32**

**Temporary Structures By-Law**

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Note: The general penalty provision for offences listed above is Section 5 of By-Law 2010-32, a certified copy of which has been filed and s.61 of the Provincial Offences Act, R.S.O. 1990 c. P.33, as amended