

# **PUBLIC INFORMATION MEETING**

**City-Initiated By-Law: Right of Entry for Maintenance**

**Proposed to be applied City-wide**

**Meeting: February 12, 2024**

# Background

Development  
Application End-to-End  
Review Begins (January  
2022)

Development  
Application End-to-End  
Report Received  
(December 2022)

Report includes a “Voice  
of Customer”  
recommendation to  
adopt changes to  
development application  
processes

Staff conduct  
preliminary cross  
jurisdictional scan of  
municipalities that  
enacted “right of entry”  
by-laws



# Background

## **Voice of Customer (VOC) recommendation from Development Application End to End Study:**

- Recommendation to remove “non-value add” tasks/applications – specifically the creation of Maintenance Easements.

## **Prominent application types for creating maintenance easements:**

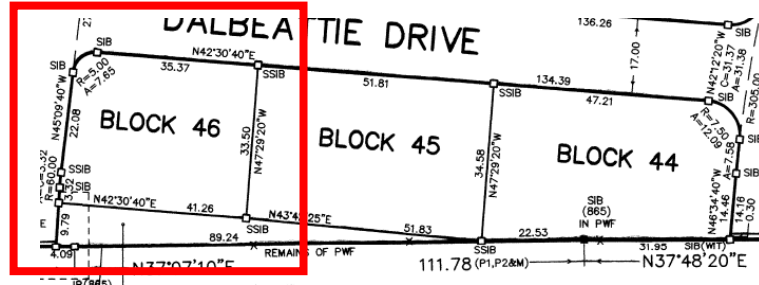
- Exemption from Part-Lot Control, Consent to Sever, and Plans of Subdivision.

## **Definition of a Maintenance Easement:**

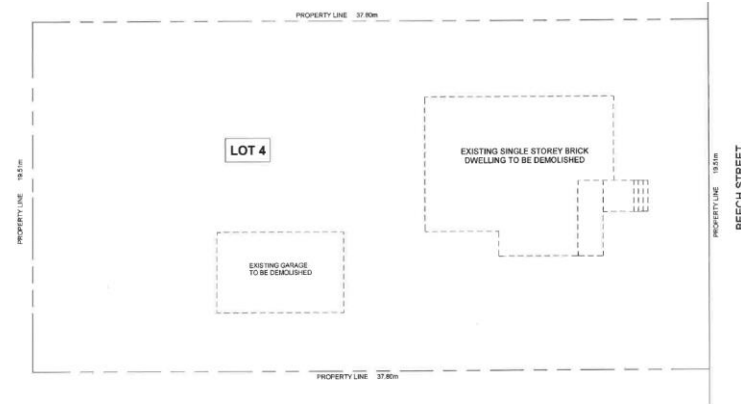
- An easement for the right to travel onto and use another person’s land for a specified purpose – in this case for general maintenance/alterations to a structure.

# Background

## Exemption from Part-Lot Control

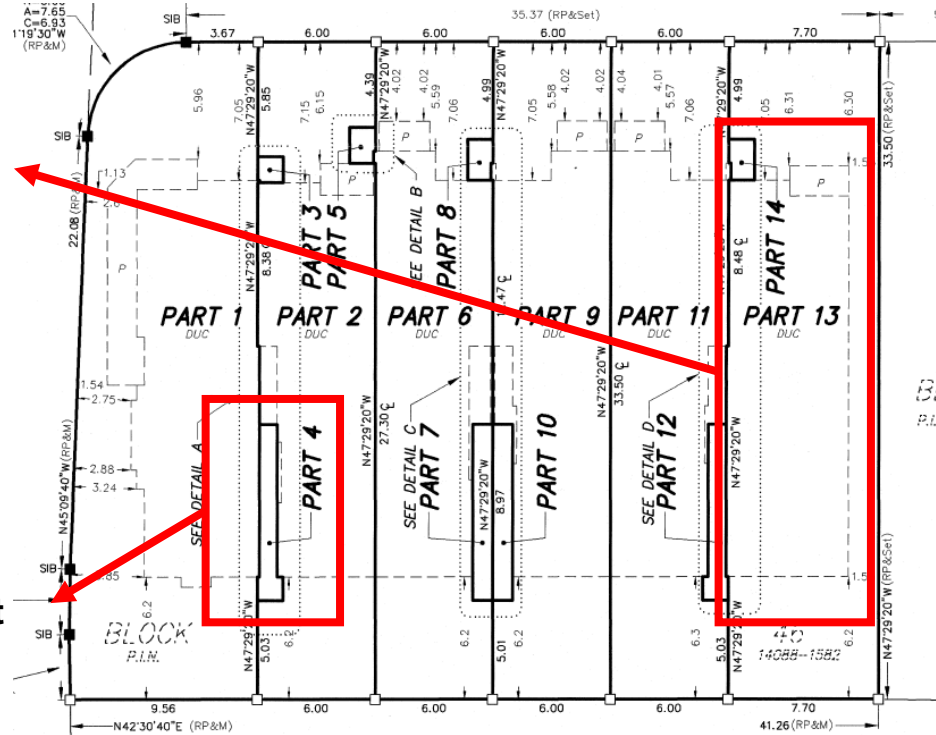


## Consent (Land Severance)

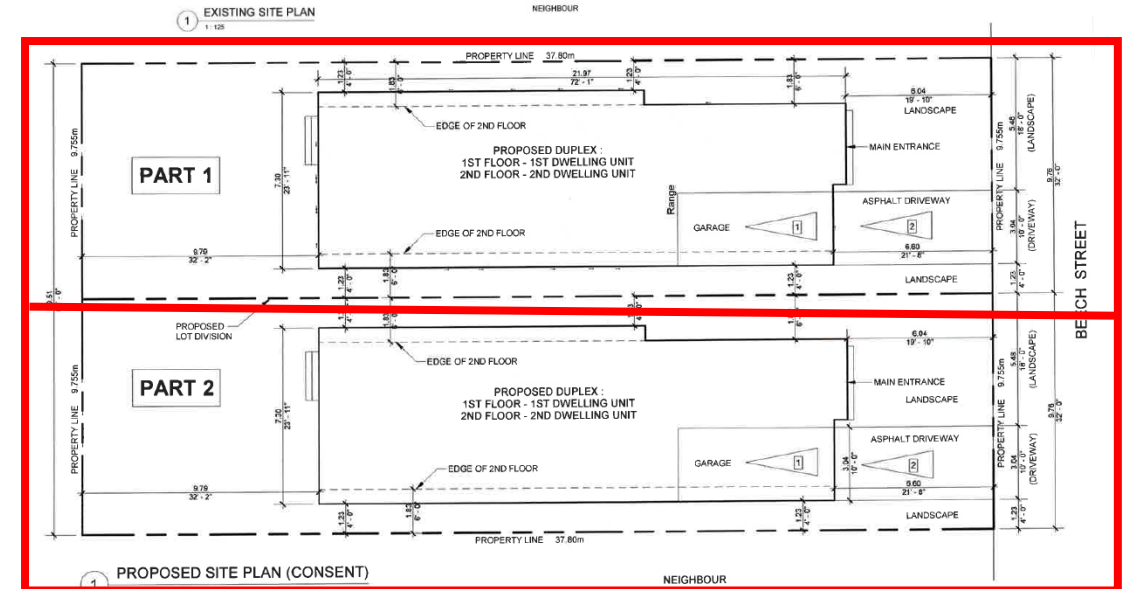


Lot  
Creation

Easement



Lot  
Creation



# Current Situation

## Property Owner Rights

- A property owner in Brampton does not currently have an inherent right to enter onto a portion of an adjacent property to maintain buildings and structures on their property.

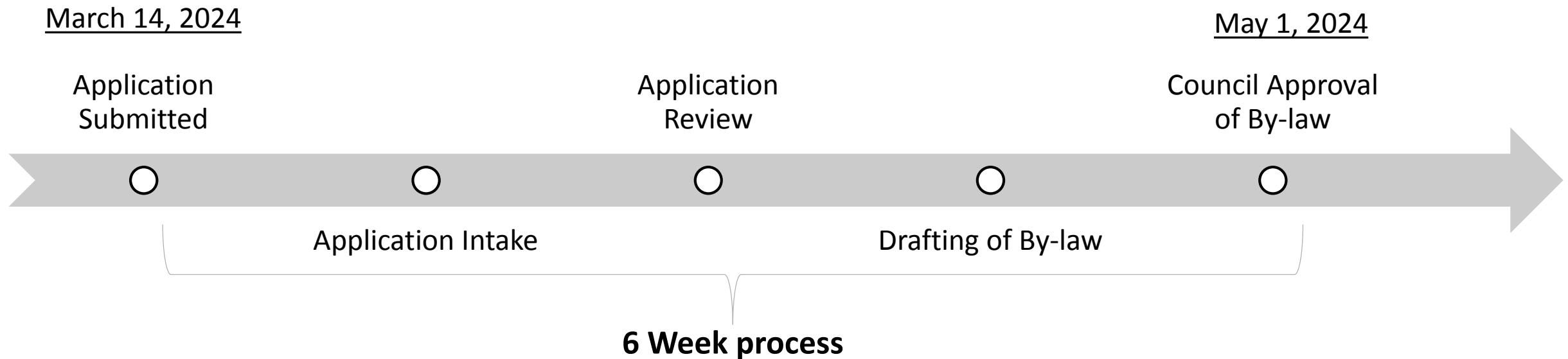
## A property owner can currently legally gain access to an adjacent property only by:

- Receiving the **consent** of that neighbour;
- Having a **registered easement** over a portion of the adjacent property (common along interior side yards of townhouses and semi-detached lots (last 40 years); or
- Obtaining a **court order**.



# Current Situation

**Typical timeline to process an Exemption from Part Lot Control Application - to create a maintenance easement**



# Purpose

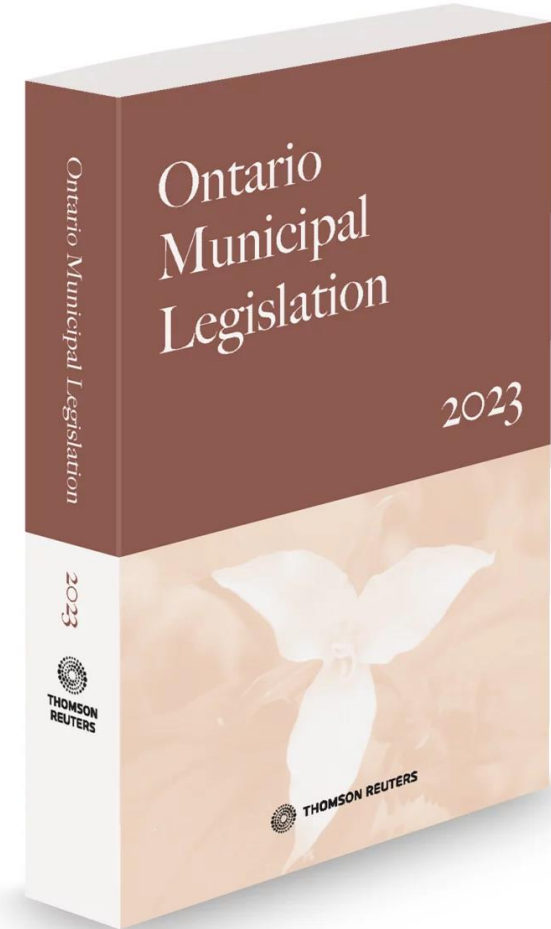
- Provide reasonable Right of Entry onto adjacent properties to perform maintenance - to apply through a new City-wide by-law.
- Eliminate requirements for expensive (\$3,051 per application), and time-consuming (approx. 6 weeks) maintenance easements for these routine actions for landowners and residents.

# Legislative Framework

## Municipal Act, 2001, S.O. 2001, c. 25

### Section 132: Repairs or Alterations

- Provides a municipality the basis to enact a **by-law** authorizing the owner or occupant (or agent thereof) 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.
- Applicable to landowners and residents as well as the municipality itself to enter adjoining lands in order conduct repairs or maintenance for **municipal properties**





# Legislative Framework

## **Municipal Act, 2001, S.O. 2001, c. 25**

### Section 132: Repairs or Alterations (Conditions)

1. The power of entry may be exercised by an **employee or agent** of the owner or occupant of land;
2. A person exercising the power of entry must display or, on request, produce **proper identification**;
3. Nothing in a by-law under this section authorizes **entry into a building**;
4. The owner or occupant shall provide **reasonable notice** of the proposed entry to the occupier of the adjoining land; and
5. 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 by anything done on the adjoining land.

# Municipal Benchmarking



By-Law No. 1184-363-8 - Right of Entry

- Not permit based
- Specifies no entry onto city property is permitted

By-Law No. 205-326 - Right of Entry

- Permit based
- Application required and associated fees

By-Law No. 46-96

- Not permit based
- Clearly states that Civil Rights are preserved

By-Law No. 05-336

- Not permit based
- Only applicable to a specified geography

By-Law No. 5711

- Permit based
- Includes a maximum amount of time to enter

By-Law No. A-6 – Access to Adjoining Property

- Not permit based
- Clearly states that Civil Rights are preserved

By-Law No. 2014-116 – Right of Access for Maintenance By-law

- Not permit based
- Includes stipulating related to injury and death

# Right of Entry Area



# Next Steps

Identification of Operating Improvements & Information Gathering

Notice of Public Meeting (Date)

**Public Meeting (We are here)**

Collect & Review Public, Technical and Other Comments

Recommendation/Final report

# Additional Information

The report and presentation associated with tonight's meeting can be found online at [www.brampton.ca](http://www.brampton.ca) on the **MEETINGS** and **AGENDAS** page.

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Thank you!