

BY-LAW NUMBER 119-2026

A BY-LAW TO AUTHORIZE AND REGULATE OWNER OR OCCUPANT ENTRY ONTO ADJOINING LANDS FOR REPAIRS, ALTERATIONS OR IMPROVEMENTS

Passed the 27th day of July, 2026

WHEREAS Section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, municipalities may pass By-laws respecting matters within the sphere of jurisdiction for structures, and the health, safety and well-being of persons.

AND WHEREAS Section 132 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, municipalities may pass By-laws authorizing 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 the repairs or alterations;

AND WHEREAS it is deemed expedient to repeal By-law 5711 replace it with an amended By-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 SHORT TITLE

1.1 This By-law may be cited as the Right of Entry By-law.

SECTION 2 DEFINITIONS

2.1 In this By-law:

ACT means the *Building Code Act*, S.O. 1992, c. 23, as amended or any successor thereof.

ADJOINING LANDS means Property directly adjacent to the Owner's Lands which the Owner requires access to.

ADJOINING OWNER(S) means the person who owns land adjacent to land on which another landowner seeks to do Repairs or alterations to any Building, fence or other structures on the Property.

BUILDING means a structure as defined in the Act.

CHIEF BUILDING OFFICIAL means the Chief Building Official or his/her designate duly appointed by the Council and having jurisdiction for the enforcement of the Act.

CITY shall mean The Corporation of the City of Windsor.

CITY PROPERTY means any property owned, leased or under the control of the City, including a highway.

COUNCIL means the Council of the City.

OFFICER means a Provincial Offences Officer who has been assigned the responsibility of administering and enforcing by-laws.

OWNER includes the registered owner, the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if such land and premises were let, or a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards of this By-law.

PROPERTY means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant land.

REPAIRS includes:

- (a) Maintenance and upkeep; and
- (b) The provisions of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a Building conforms with the standards established in a by-law or Act.

2.2 Any word or term not defined in this By-law shall have the meaning ascribed to it in the Provincial Offences Act, Building Code Act or the Ontario Building Code.

SECTION 3 AUTHORITY

3.1 The Chief Building Official shall administer this By-law.

SECTION 4 REGULATIONS

4.1 The Owner or occupant of a Property is authorized to enter Adjoining Lands, not including adjoining City Property, at any reasonable time, for the purpose of making Repairs or alterations to any Building, fence or other structures on the Property of the Adjoining Owner or occupant but only:

- (a) If the Repairs or alterations to the Building, fence or other structure cannot be made from the Property of the Owner or occupant or from a street adjoining that Property; and
- (b) To the extent necessary to carry out the Repairs or alterations.

4.2 The power of entry under Section 4.1 may be exercised by an employee or agent of the Owner or occupant of the Property.

4.3 The power of entry under Section 4.1 is subject to compliance with the following conditions:

- (a) A person exercising the power of entry shall display or, on request, produce government issued photo identification;
- (b) (i) The Owner or occupant of the Property shall provide reasonable written notice of the proposed entry to the Adjoining Owner or occupant of the Adjoining Lands at least 24 hours before any person enters the Adjoining Lands; and
 - (ii) The notice shall include:
 - 1. A description of the Repairs or alterations and how the Repairs will be made;
 - 2. The date of entry and duration of occupation; and

3. A telephone number that can be used to contact the Owner or occupant of the Property.
- (c) The notice shall be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third (3rd) day after it is mailed.
- 4.4 Despite Section 4.3(b), in the case of an emergency, a notice that includes the content prescribed under Section 4.3(b)(ii) may be given less than 24 hours before any person enters the Adjoining Lands or as soon as practicable after any person enters the Adjoining Lands in any manner likely to come to the attention of the Owner or occupant of the Adjoining Lands.
- 4.5 The duration of the entry shall not exceed the period of time reasonably required to complete the Repairs or alterations described in the notice.
- 4.6 The Owner or occupant of the Property shall ensure that the person exercising the power of entry does not create any hazards or allow any hazards to exist on the Adjoining Lands.
- 4.7 The Owner or occupant of the Property shall, in so far as is practicable, restore the Adjoining Lands to its original condition, including removing any equipment or materials on the Adjoining Lands as a result of the entry.
- 4.8 The Owner or occupant of the Property shall provide compensation for any Property damage caused by the entry on the Adjoining Lands.
- 4.9 The power of entry under Section 4.1 does not authorize:
- (a) Entry into a Building on the Adjoining Lands;
 - (b) Entry for any propose other than conducting the Repairs or alterations described in the notice;
 - (c) The storage of materials or equipment, or the parking of vehicles, on the Adjoining Lands; and
 - (d) An exemption to any person from complying with other applicable federal or provincial legislation or municipal by-laws.

SECTION 5 EXEMPTIONS

- 5.1 The City and its Agencies, Boards, and Commissions are exempt from the requirements of this By-law.

SECTION 6 VALIDITY AND SEVERABILITY

- 6.1 Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 7 REPEAL AND TRANSITION

- 7.1 Except as provided by Section 7.2 hereof, By-law Number 5711, is hereby repealed.
- 7.2 Notwithstanding Section 7.1 hereof, the provisions of By-law Number 5711, shall continue to apply to any properties in respect of which an Order has been issued under the said By-law until such Order has been concluded.

SECTION 8 EFFECTIVE DATE

- 8.1 This by-law shall come into force and take effect on the day of the final passing thereof.

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DREW DILKENS, MAYOR



CITY CLERK

By signing this by-law on July 27, 2026, Mayor Drew Dilkens will not exercise the power to veto this by-law, and this by-law is deemed passed as of this date.

First Reading – July 27, 2026
Second Reading – July 27, 2026
Third Reading – July 27, 2026