



Date: November 4, 2024
To: Mayor and Council
Author: Angela Toole, Acting Manager of Municipal Governance & Clerk
RE: Power of Entry By-law

RECOMMENDED ACTION

That Council **APPROVE** the proposed Power of Entry By-law, being a By-law to provide for Powers of Entry on Land for the Purpose of Carrying Out Inspections;

And that the corresponding By-law 92-2024 **BE ADOPTED** during the By-law stage of this Council Agenda.

BACKGROUND

As a matter of housekeeping, an internal review was recently undertaken to ensure that all By-laws maintained and administered by Municipal Governance (the Clerk's Department) and By-law Enforcement reflect current legislation; and are relevant, practicable and enforceable. The proposed Power of Entry By-law is intended to supplement existing Town By-laws to provide for "power of entry" where it has otherwise not been provided for.

Sections 435, 436, 437 and 438 of the *Municipal Act, 2001*, (hereafter, the "Act") provide municipalities with the power to enter on lands at a reasonable time for the purpose of carrying out an inspection. These powers are commonly referred to as "power of entry". It is important that municipal by-laws include provisions relating to power of entry as provided for in the Act, so that certain municipal officials may enter onto lands in a timely manner to ensure that its by-laws, directions, orders and conditions of a licence are being complied with and that ultimately, potential health and safety matters are dealt with expeditiously.

DISCUSSION

Certain pieces of legislation including the *Building Code Act, 1992*; the *Fire Protection and Prevention Act, 1997*; and the *Planning Act, 1990* provide municipal officials with legislated authority to enter onto land for the purpose of conducting inspections without the need for such powers to be provided for by municipal by-law. In contrast, By-laws passed under the authority of the *Municipal Act, 2001*, must contain provisions referencing the specific sections of the Act that provide for discretionary power of entry.

The proposed Power of Entry By-law only provides for power of entry onto exterior lands and does not provide municipal officials with the authority to enter into a dwelling. An Officer may only conduct an interior inspection with the permission of an owner/occupant or by warrant/court order.

FINANCIAL CONSIDERATIONS

None.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

Ryan McLeod, Director of Finance and Corporate Services/Treasurer
William Good, Manager of Legal Services
Daryl Flacks, Supervisor of By-law Enforcement

PREPARED BY:



Angela Toole
Acting Manager of Municipal Governance & Clerk

REVIEWED BY:



Ryan McLeod
Director of Finance and Corporate Services/Treasurer

A handwritten signature in black ink, appearing to read 'John Norton', with a horizontal line extending to the right from the end of the signature.

John Norton
CAO