

**The Corporation of The Town Of Ajax**  
**By-Law Number 57-2012**

Being a By-law to provide for powers of entry onto land for the purpose of carrying out inspections.

**Whereas** the Municipal Act, 2001, S.O. 2001, as amended, provides that a Municipality is authorized to pass by-laws providing that the Municipality may enter on land at any reasonable time for the purpose of carrying out an inspection;

**And whereas** the Council of the Corporation of the Town of Ajax deems it appropriate to pass a By-law providing for powers of entry for the purpose of inspection;

**Now therefore**, The Council of the Corporation of the Town of Ajax hereby enacts the following;

**1. Short Title**

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

**2. Definition**

2.1. In this By-law:

- (a) "Act" means the Municipal Act, 2001, S.O. 2001 c.25;
- (b) "building" means any structure consisting of roof and/or walls and/or columns which is capable of being used for shelter, accommodation or enclosure of persons, animals, goods, chattels, vehicles or equipment, and includes a carport;
- (c) "land" means real property, and includes the buildings and structures thereon;
- (d) "occupier" means any person having control over any portion of the building or land to be inspected and includes the person or persons in the building or on the land;
- (e) "Officer" means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Town, a Police Officer, or any Town of Ajax employee whose duties include enforcing the Town's by-laws;
- (f) "person" means a natural individual, a corporation, a partnership or other form of business association or a receiver or mortgagee in possession; and
- (g) "Town" means the Corporation of the Town of Ajax.

**3. General Inspection Powers**

3.1. An Officer may enter on land, at any reasonable time, for the purpose of carrying out an inspection, to determine whether or not the following are being complied with:

- (a) any Town By-law, passed under the authority of the Act;
- (b) a direction or order made under the Act or made under a By-law of the Town passed under the Act;
- (c) a condition of a licence issued under a By-law of the Town, passed under the authority of the Act; or
- (d) an order under Section 431 of the Act.

3.2. An Officer may enter on land, for the purpose of carrying out an inspection under Section 438 of the Act to determine whether or not any of the matters set out in

section 3.1 of this By-law are being complied with.

- 3.3. The Officer must, upon request, display or produce proper identification.
- 3.4. The Officer may be accompanied by a person under his or her direction.
- 3.5. For the purpose of an inspection, the Officer may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection, for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection;and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 3.6. A sample taken under section 3.5 (d) shall be divided into 2 parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 3.7. If a sample is taken under section 3.5 (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- 3.8. A receipt shall be provided for any document or thing removed under section 3.5 (b) and the document or thing shall be promptly returned after the copies or extracts are made.

#### **4. Remedial Action**

- 4.1. Where a person is in default of doing a matter or thing that the person is directed or required to do under the Act, under any other act, or under a By-law of the Town an Officer may enter land, at any reasonable time, for the purpose of doing the matter or thing, at that person's expense.

#### **5. Obstruction**

- 5.1. No person shall obstruct or hinder or attempt to obstruct or hinder any Officer or other person, who is exercising or performing a duty under this By-law or the Act.
- 5.2. Without limiting section 6.1 every person who is alleged to have contravened any of the provisions of any Town By-law shall identify themselves to an Officer upon request and failure to do so shall be deemed to have obstructed the Officer in the execution of his or her duties contrary to section 6.1 of this By-law.

#### **6. Penalty**

- 6.1. Any person who obstructs or hinders or attempts to obstruct or hinders any Officer is guilty of an offence and upon conviction is liable to a fine as pursuant to the Act.
- 6.2. Where a person fails to do a matter or thing as directed or required by an Officer pursuant to this By-law or other Town By-law or the Act, the matter or thing may be done by the Town at that person's expense which associated costs may be added to the tax roll of the person to be collected in the same manner as property taxes.

#### **7. Conflicts**

- 7.1. Nothing in this By-law shall limit any other statutory or common law rights or

powers of the Town or any other Officer to enter on land.

**8. Effective date**

8.1. This By-law shall come into full force and take effect on the date of passing.

Read a first and second time  
this Tenth day of April, 2012.

Read a third time and passed  
this Tenth day of April, 2012.

Steve Parish  
Mayor

Nicole Wellsbury  
D-Clerk