

RIGHT-OF-ENTRY PERMIT APPLICATION OVERVIEW

Please read the following carefully. There are a number of things you should know before completing the application form. Completed applications need to be submitted to the offices of Municipal Licensing and Standards at 850 Coxwell Avenue, 3rd Floor.

1. Requirement for a permit

- (a) You do not require a right-of-entry permit to access your neighbour's land if you and your neighbour can agree on access.
- (b) Note that if your neighbour has consented to your entry on his or her property for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant, unless you and your neighbour agree otherwise, conditions still apply to the right-of-entry as set out in § 363-23 of Article V of Municipal Code Chapter 363 (copy attached). In particular, under § 363-23B of Article V (and as required by subsection 101(2) of the City of Toronto Act, 2006) you still must, in so far as is practicable, restore the adjoining land to its original condition and provide compensation for any damages caused by the entry or by anything done on the adjoining land.

2. Denial or hindrance of access

If you obtain a permit and comply with all of the terms and conditions of both the permit and the bylaw (Article V), and your neighbour still denies or otherwise hinders or obstructs your right to access his or her land, he or she may be charged under section 367 of the City of Toronto Act, 2006.

3. Limited use of adjoining land

If you take out a permit, your right to access and work on your neighbour's land is limited by the terms and conditions specified in the permit. If you do not comply with the terms and conditions of the permit, it may be revoked and you may be subject to enforcement action by the City.

4. Application process and requirements

- (a) A right-of-entry permit application will not be accepted unless it is complete and the corresponding fee has been paid.

- (b) Application fees are non-refundable.
- (c) A permit will not be issued unless the specified security deposit has been remitted.
- (d) Use the application checklist to ensure you have properly completed the application.
- (e) Upon receiving your application, notice of the application shall be provided to the owner and occupant of the adjoining land. He or she will be provided with an opportunity to comment on the specifics of the application. Municipal Licensing and Standards shall consider any submissions by the owner or occupant of the adjoining in setting its conditions for the permit.
- (f) Upon issuance of the permit, a copy shall also be provided to the owner and occupant of the adjoining land.

5. Enforcement

- (a) Failure by any person to act in accordance with the terms of the right-of-entry permit or the right-of-entry bylaw (Article V) may result in the issuance of an Order by the City to discontinue the contravening activity or perform work to bring the property into compliance. Failure to comply with such an Order may result in a fine of the offending parties.
- (b) Failure to bring the adjoining land back to its original condition as per the terms and conditions of the permit and under the provisions of the bylaw may also result in use of the permit holder's security deposit being used to cover damages, as assessed by Municipal Licensing and Standards.

6. No interest paid

Note that no interest is paid by the City of Toronto on the security deposits it holds as part of the requirements for obtaining a permit.

7. Other recourse

The parties to the right-of-entry permit holder or the adjoining land owner or occupant may also, on their own accord, pursue legal action as they see fit to enforce their rights under the permit or otherwise.

8. Application Checklist:

Please make sure that all of the required information fields in your application have been filled out. Contractor licence numbers must be valid. An invalid number will result in delays to your application.

Your application package includes:

- A completed application form;
- A signed form of acknowledgement;
- A signed insurance acknowledgement form; and
- A certificate of insurance (for the property) showing the owner(s) of the adjoining land(s) as a named insured for at least the proposed period of the entry sought.