

Tuesday, June 13, 2017/13/2017

Chair Cesar Palacio and members of the Licensing and Standards Committee  
City of Toronto  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

Dear Chair Palacio and members of the Licensing and Standards Committee,

**Re: LS20.2 Reviewing the City's Process to Authorize Access to a Neighbour's Property**

On behalf of the Directors, Employees, Sub-Trades and Customers of Eurodale Developments Inc, we kindly submit the following comments to you with respect to agenda item *LS20.2 Reviewing the City's Process to Authorize Access to a Neighbour's Property*, to be considered at the June 14<sup>th</sup> Licensing and Standards Committee meeting.

**Eurodale Developments Inc. has just been made aware of this proposal to repeal the right of entry permit process and we strongly request that this proposal not be approved for the following reasons:**

- Provincially legislated intensification is creating the need for buildings to be constructed in increasingly close proximity to one another.
- Neighbourhood fabrics have changed dramatically with the technological revolution and people are conversing less with their neighbours, and relationships and concerns of thy neighbour are eroding. As such, very individualistic ideals have flourished and people are becoming less inclined to be accepting of the needs of their neighbours.
- In order to safely build, repair, renovate and maintain a property, at times access to neighbouring property is required. Many buildings in the City have roof projection encroachments that extend up to and beyond property lines. Failure to maintain, these elements can result in potential life safety issues for residents and their neighbours, as fire separations can become compromised. Likewise, attempting to perform works on these elements without encroaching can become very dangerous for the workers or homeowners that undertake them.
- The former Toronto/East-York By-Law (attached) 11-94 outlined a clear set of rules and regulations around Right-of-Entry, required virtually zero City Staff input and management upon implementation and governed the actions of homeowners, neighbours and workers. Perhaps amending the current system to a stated by-law similar to this is a solution – we suggest exploring it.
- Having had to apply and have 2 Right-of-Entry permits issued in 2015 for a project at 66 Banff Rd (the first was rescinded due to City clerical error), we can attest to the critical aspect of these permits. Without it, we would not have been able to comply with the Building Code fire separation requirements as per the approved permit plans, as access to

eurodale.ca  
brendan@eurodale.ca

OFFICE  
416.782.5690

MOBILE  
416.970.EURO (3876)

FAX  
416.782.3893

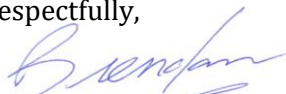
1189 Lawrence Ave. W  
Suite 7  
Toronto, Ontario  
M6A 1E2  
Canada

neighbouring property was only denied part way through construction, something we could not have anticipated.

- A review and revision to the current permit process is warranted, but repeal of it is going to create more complex issues than it will solve. As noted, only a few permits have been issued, but we can attest it is strictly a result of the outright refusal to even accept applications by the Municipal Licensing and Standards office, without first pre-qualifying them by way of requiring an order to comply from the building department, or some other type of critical force to push them to accept the application.
- As intensification continues, and replacement/renovation of inefficient original war-era housing continues across the City of Toronto, Citizens continue to grow tired of the impact and disruption of construction. As such, access to neighbouring properties is being denied or challenged on a more frequent basis. When the homes across the City were built, access to neighbouring properties was not the issue it is today. Removing these rights-to-entry will force so many of these matters to Civil litigation, which will add unnecessary costs and delays to projects in a City where housing affordability is eroding at a break-neck pace. The most affordable homes are those which require the most work – adding layers of costs and process will only hurt those home buyers seeking a cost-effective housing solution. As-of-right access, as was provided under former bylaw 11-94 removes City staff management and lays ground rules for what is considered neighbourly actions. It also outlines remedies for those that fail to act neighbourly – which is a great solution to the challenge before us.

We thank you for your consideration of our points above. Should you wish to include us in a review or dialogue about this current Permit process, we would be pleased to participate.

Respectfully,



**BRENDAN CHARTERS** B.Sc (hons.) | Development Manager

t 416.782.5690 ext. 1 | c 416.970.3876 | [brendan@eurodale.ca](mailto:brendan@eurodale.ca)

cc: BILD Association, Euan and Chantal Crisp (66 Banff Rd).

[eurodale.ca](http://eurodale.ca)  
[brendan@eurodale.ca](mailto:brendan@eurodale.ca)

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Canada

THE CORPORATION OF THE  
BOROUGH OF EAST YORKBY-LAW NO. 11-94

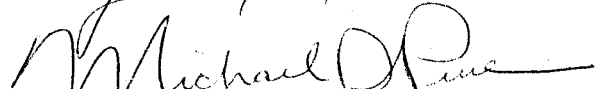
To permit the entry of persons  
on the land of another for the  
purpose of making repairs.

WHEREAS The Municipal Act, R.S.O. 1990, c.M.45, Section 210, paragraph 64 authorizes the passing of a by-law to give a right to enter onto adjoining lands for the purpose of making repairs, alterations or improvements to building, fences or structures;

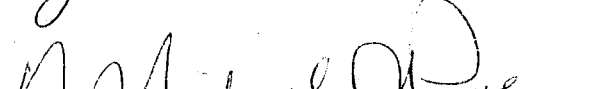
THEREFORE the Council of The Corporation of the Borough of East York Hereby Enacts as follows:

1. The owner or occupant of a building, fence or other structure or the agent or employee of such owner or occupant may enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building, fence or other structure but only to the extent necessary to effect such repairs, alterations or improvements.
2. No person shall enter to carry out such repairs, alterations or improvements except during daylight hours, and only after giving seven days written notice by First Class Mail or hand delivery to an owner of the property onto which entry is required.
3. No person shall carry out such repairs, alterations or improvements so as to create a hazard to the adjoining occupants.
4. Such repairs, alterations or improvements shall be carried out within a reasonable period of time and as part of a continuous process and not intermittently.
5. No person shall prohibit or prevent anyone from exercising the right of entry herein provided or obstruct or interfere with the carrying out of such repairs, alterations or improvements.
6. Upon completion of the repairs, alterations or improvements, the adjoining land must be left in the same condition it was in prior to entry and failure to do so is an offence against this by-law.
7. Nothing contained in this by-law shall be construed as authorizing or permitting the removal of fences, landscaping or other structures from any lands without the permission of the owner thereof nor shall this by-law be construed as authorizing or permitting the excavation of any land without the permission of the owner thereof.
8. Every person who prohibits or prevents anyone from exercising the right of entry herein provided or obstructs or interferes with the carrying out of such repairs, alterations or improvements or fails to leave adjoining land in the same condition it was in prior to entry is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00 pursuant to and recoverable under the Provincial Offences Act, as amended, from time to time.
9. By-law No. 5514 of the former Township of East York and By-law No. 947 of the former Town of Leaside are hereby repealed.

FIRST AND SECOND READINGS:

  
Clerk  
Mayor

THIRD AND FINAL READING:

  
Clerk  
Mayor

PASSED February 21, 1994

THE CORPORATION OF THE  
BOROUGH OF EAST YORK

BY-LAW NO. 11-94

To permit the entry of persons on the land of  
another for the purpose of making repairs.