

## **Right to Use Neighbour's Property**

The City of Toronto updated its Municipal Code as of March 1, 2023. Article 8 of the Code permits an owner or occupant of a property to enter an adjoining property “for the purpose of making repairs or alterations to any building, fence or other structures on the property of the owner or occupant.” Previously if the neighbour did not voluntarily permit entry, a permit had to be obtained from the City (which was a cumbersome, time-consuming and expensive process).

The right to enter is allowed only if the repairs or alterations cannot be made from the property or the street and is limited to the time and extent necessary to carry out the repairs or alterations. The right is limited to existing buildings, fences or other structures and does not include total replacements. Repairs include “maintenance and upkeep” (which for example would include cleaning eavestroughs and windows).

Written notice has to be given to the neighbour at least 24 hours in advance setting out a description of the work, the date of entry and duration and a contact phone number in emergencies, the notice is to be given as soon as practicable. The person exercising the right is responsible to restore the neighbour's property and to pay for any damages. There are provisions for inspection by the City and penalties for contravention of the Article.

Further details can be found with the City of Toronto at <https://www.toronto.ca/city-government/public-notices-bylaws/bylaw-enforcement/right-of-entry/>