

# **Line Fences Act**

## **Q & A**

**Q. Do I have to advise my neighbour if I wish to put a fence on the boundary line?**

A. Because you and your neighbour share a common property line, you should advise your neighbour of your intention to construct a fence along the boundary line.

**Q. Can I build a fence off the boundary line entirely on my property?**

A. Yes, a fence can be constructed a few inches from the boundary and the fence will have to be maintained by you.

**Q. What is the Line Fences Act?**

A. The Line Fences Act is provincial legislation which is designed to solve disputes between neighbours regarding fencing on the boundary line.

**Q. Can I apply if the fence is already constructed?**

A. No, if the fence is already constructed, you may not apply under the Act. If there are issues, after the fence is built it may become a civil matter and you should consult a lawyer.

**Q. May I file an application if all of the property bars are not visible OR if the boundary line is in dispute?**

A. No, the boundary line CAN NOT be in dispute in any way shape or form. If the boundary line is in dispute between the property owners, the issue will have to be resolved prior to filing an application.

**Q. What time of the year can the fence viewers arbitrate?**

A. No arbitration, proceeding, attendance or re-attendance shall be scheduled between November 1 and March 31.

**Q. Do I qualify to file an application?**

A. The procedure is applicable where one owner wants to construct, repair or maintain a fence on the property boundary line AND is unable to reach an agreement with the other owner on the type of fence to be erected and/or sharing the costs of the fence. Applicants must be able to show that an agreement was attempted to be reached with the neighbour in advance of an application being made.

**Q. What will the arbitrators do?**

A. Arbitrators will attend the site and hear representation from each property owner. **Applicants must understand that the award of the arbitrators is binding.** Cost allocations as determined by the arbitrators will include the cost for the materials and construction of the fence as well as all costs associated with the meeting and arbitration. **Once an award is issued by the arbitrators, the fence must be constructed as per the specific requirements of the award.**

The arbitrators alone will determine the following:

- type of fence
- materials to be used in building the fence
- the portion of the fence to be paid by each party
- future maintenance requirements and allocation

**Q. How can I apply?**

A. Applications can be made through the Municipal Office by completing the Application Form 1 and submitting the application fee of \$200.