

Recommendation:

That the Clerk's Office-2024-08 report, dated April 2, 2024, regarding the Line Fences Act Program Overhaul be received; and
That Council passes the draft Line Fences By-law, and approves the Policy and Procedure; and
That Council appoints Township Staff as Fence-Viewers until community viewers can be recruited.

Overview:

Under the Line Fences Act R.S.O. 1990, Ontario Municipalities are authorized to pass By-laws that outline the application of the Line Fences Act within their jurisdiction. In all Municipalities that permit Line Fence Disputes, a minimum of three (3) Fence-Viewers must be appointed by Council at all times. Council has not appointed Line-Fence Viewers in a number of years, making administering Line Fence Viewings impossible. In order to provide the necessary service of Line Fence Viewings it is important to have the minimum number of Fence-Viewers during each Council Term. Most Municipalities choose to appoint more than the minimum amount in order to avoid the possibility of scheduling issues. It is recommended that our Chief Building Official, Manager of Public Works, and Manager of Recreation Facilities be appointed in the interim until paid volunteer Line Fence-Viewers can be recruited and appointed by Council.

To date, the Township of Douro-Dummer has not passed a By-law regulating Fence Viewings in any part of the Township. Although it is not required, some of our neighbouring municipalities have chosen to prohibit Line Fence Viewings from all properties not zoned Rural (RU) or Environmental Conservation (EC) zones in order to remove the risk of an influx of frivolous and arduous requests for Fence Viewings. The Line Fences Act is not ideal for the resolution of neighbourly disputes in urban or residential properties. This is because, unlike properties zoned Rural (RU), the integrity of fences is not directly tied to the financial success of the owner or their business as it is in agricultural production areas.

To date the Township of Douro-Dummer has not passed a By-law regulating Fence Viewings between November 1st of one year and March 31st of the next year. Forbidding Fence Viewings during the winter months will ensure proper ground visibility, unencumbered by snow, during the Fence Viewing process. Although this stipulation is not present in all municipalities, it is essential for Douro-Dummer as allowing for Fence Viewings in the winter months, when ground visibility is obstructed by snow and ice, may lead to Fence-Viewer Awards that are not ideal for either owner.

There is a cost associated with a Line Fence Viewing both in the administration of the process and the Fence-Viewer remuneration. A review of area municipalities who provide frequent Line Fence Viewings showed that current Township fees for this

service need updating to bring in line with current costs. Raising the administrative fee will ensure that Line Fence arbitration is only used as a last resort for citizens, encouraging citizens to settle Line Fence disputes privately. Raising remuneration of Fence-Viewers will ensure that they will be properly compensated for their time and expertise. Moreover, more qualified individuals will feel inclined to apply for the position of paid volunteer Line Fence-Viewer if the remuneration is raised to reflect the necessity of the service they are providing.

Township staff have created a public education tool to be printed and put on the Township website. This informational material can be used by residents to see if their disputed fence is eligible for a Fence Viewing, and if requesting a Fence Viewing is right for them. This educational material will also help front-facing Township Staff answer any questions they are asked about the Line Fences Act, minimizing confusion for both residents and staff.

Conclusion:

The passing of By-law 2024-017, will set a framework of how the Line Fences Act will be applied within the Township of Douro-Dummer. That passing of draft Policy A33 by Council will guide the actions taken in the administration of the Line Fences Act. The passing of the draft Procedure A33a will allow Township Staff to know the steps and paperwork involved in the administration of the Line Fences Act. The passing of draft By-law 2024-017, Policy A33, and Procedure A33a will allow The Township of Douro-Dummer to provide Fence Viewing services to residents, efficiently, impartially, and without financial burden to the Township.

Financial Impact:

If Council determines it appropriate to pass the By-law, the recommended fees would be as follows:

Administrative Fee	\$250 (payable to the municipality)
Volunteer Fence-Viewer Remuneration	\$80 per viewer, per fence-viewing (payable to the municipality, and transferred to the Fence-Viewers)
Volunteer Fence-Viewer Mileage Compensation	Set in accordance with the current municipal mileage rate
Staff Appointed Fence-Viewer Mileage Compensation	Set in accordance with the compensation By-Law

There are no upfront costs to the Township for Fence Viewings.

Report Approval Details

Document Title:	Line Fences Report to Council - April 2024.docx
Attachments:	<ul style="list-style-type: none">- Line Fences By-Law.docx- Line Fences - Policy.docx- Line Fences - Procedures.docx- Line fences act - Brochure.pdf
Final Approval Date:	Mar 28, 2024

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs