

Definitions

Adjoining Owner: The person who owns land adjoining the land on which another landowner desires to build a line fence.

Award: The legally binding decision or ruling given out by Fence-Viewers. The Award can determine the cost, division of costs, division of labour, and the material of the fence that is to be built.

Fence-Viewer: The person appointed by the Municipal Council to carry out the responsibility of viewing the fence, listening to the testimonies of both owners, and making the final decision (the Award) on the construction, reconstruction, or repair of the fence.

Line Fence: A fence marking the boundary between adjoining parcels of land and located on the actual property line.



Fees and Prices

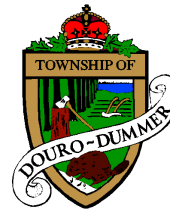
Administrative Fee... \$250


Fence-Viewer Remuneration... \$80 per viewer, per Fence-Viewing

These fees can be split between owners as part of the Fence-Viewers' Award.




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**Your
Guide to
The Line
Fences Act**



What is the Line Fences Act?

A Line Fence is a fence that divides two properties.

When two property owners who share a fence cannot agree on the construction, repair or maintenance of their Line Fence, and one owner still wants a fence built or repaired, the one wanting the fence can turn to the dispute resolution process by contacting the Township Clerk and asking for the Fence-Viewers to come and make a decision.

This decision is called an “Award” and is legally binding. Because the Fence-Viewers’ award is binding, there are procedures set to recover the amount owed from your neighbour to ensure that you are both held to the division of costs outlined in the award.

The goal of the Township of Douro-Dummer is for Line Fence Disputes to be resolved efficiently and impartially.

Before Requesting a Line Fence Viewing

It is important to remember that requesting a Fence Viewing is a last-resort solution, and can be quite costly for both parties.

Before you file a request for a fence viewing here are some things you should do:

- Try everything you can to resolve this dispute privately with your neighbour;
- Ask the Township Clerk for their help resolving the conflict informally;
- Make sure that your property is eligible for a Fence Viewing under Douro-Dummer By-laws; and
- Make sure that the location of the fence is not subject to a property boundary dispute.

Is Your Fence Eligible?

To be eligible for a line fence viewing your fence must be located on property zoned Rural (RU) or Environmental Conservation (EC) on at least one side.

If your property is not zoned Rural (RU) or Environmental Conservation (EC) but your neighbour’s property is, your fence is still eligible for a viewing.



Line Fences Act Procedure

Bring your concerns to the Township Clerk, who will start by trying to mediate the conflict privately between you and your neighbour.

If private mediation does not lead to a resolution, you can fill out Form 1 (Request for Fence-Viewers) and pay the Line-Fence Administrative Fee. The Fence-Viewers may order this amount to be split between both owners in their Award.

The Township Clerk will then organise a time for the Fence Viewing, alerting both you and your neighbour through registered mail. The Fence Viewing will occur within thirty (30) days of the filing of Form 1.

Line Fence Viewings cannot happen between November 1st and March 31, as the snow can impair proper visibility of the fence. All Fence Viewing requests filed during these months will occur within thirty (30) days of April 1st.

During the Fence Viewing, you and your neighbour will both be given time to explain your side to the Fence-Viewers. Fence-Viewers are held to the “Fence-Viewer Code of Conduct”, and must ensure that no conflicts of interest are affecting their decision making.

If you believe that the Fence-Viewers’ Award is unfair, you have fifteen (15) days to file the appeal paperwork. This paperwork comes with a fee charged to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) who will handle the remainder of the appeal process.