

LINE FENCE VIEWING APPLICATION PACKAGE

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Form 1 – Request for Fence Viewers

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Fence viewing and award

County of Brant
519-449-2451
Fax: 519-449-2454
1-888-250-2297
www.brant.ca



County Administrative Building
26 Park Ave
P.O. Box 160
Burford ON, N0E 1A0

Step 1: Applicability

Step 2: Application

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This Act is not a mechanism to resolve boundary line disputes.

What is the Purpose of the Line Fences Act?

The position of fence-viewer was created in 1793 by the first Provincial Parliament of Upper Canada. The Act establishes the principle that if an owner wants a fence to mark the boundary between his or her property and the property of an adjoining owner, that owner is entitled to construct a "line fence" (sometimes referred to as a boundary or division fence). The purpose of the Line Fences Act is to provide a procedure to determine the type of fence and the sharing of the costs of fencing work.

When is the Act Applicable?

- Where no line fence currently exists, and one owner wants a new fence to be constructed to mark the boundary between the two properties
- Where a line fence already exist, and one owner wants it to be reconstructed or repaired

When is the Act NOT Applicable?

- If one owner, on his or her initiative, has constructed a new line fence or has reconstructed or repaired an entire existing line fence, and then wants to use the arbitration procedure to force the adjoining owner to be part of the cost of the completed work
- When there is a boundary dispute

If you require clarification on any of the above please feel free to contact Legal & Enforcement Services at realestate@brant.ca

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How Do I Initiate the Procedure?

If two adjoining owners are unable to reach an agreement on the construction, reconstruction or repair of a line fence, either owner may initiate the arbitration procedure by submitting an application to the municipality. It should be noted a tenant is not eligible to submit an application.

Before submitting an application you should:

- Attempt to reach an agreement with the adjoining owner
- Discuss the matter informally with municipal staff
- Make certain the Act is applicable to both properties and that the boundary between the two properties is not in dispute

Your application should be submitted to Property and Real Estate Services at 26 Park Ave, Burford, ON, N0E 1A0 and must include:

- Form 1 – Request for Fence Viewers
- A \$100.00 application fee

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Form 1
REQUEST FOR FENCE VIEWERS - (Subsection 4 (1) of the Act)

I,....., being the owner of certain lands
being.....

(description of lands sufficient for registration in the appropriate Land Registry Office)

do hereby serve notice that I desire and request that three fence-viewers attend, view and arbitrate in the matter of a dispute over the responsibility for a line fence marking the boundary between my land and that of an adjoining land owner, namely:....., whose lands may be more particularly described as:.....

(description of lands sufficient for registration in appropriate Land Registry Office)

I understand that the descriptions of my land and the land of..... provided above are the descriptions that will be used in the fence-viewers' award and in any certificate subsequently made by the fence-viewers in respect of the award and therefore have ensured that the descriptions are accurate and are sufficient for registration in the appropriate Land Registry Office.

The status of the line fence marking the boundary of our adjoining lands is:

- Check appropriate box non-existent at the present time
 in need of reconstruction
 in need of maintenance, repair and keeping-up

* The boundary line between our lands is not in dispute.

Dated at theof.....this.....day of....., 20.....

Witness..... Person desiring fence-viewers to view and arbitrate.....

* Fence-viewers have no jurisdiction to resolve boundary disputes.

Step 1: Applicability

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Fence Viewing and Award

If the Act is deemed applicable, a fence-viewing will be scheduled. The fence-viewers will prepare their decision, called an "award". The award will include:

- The location of the fence to be built/reconstructed
- A description of the fence to be built/reconstructed
- The division of responsibility
- Allocation of costs to the proceedings

An owner who is dissatisfied with the award can appeal within 15 days of receiving a certified copy of the award from the municipality.

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