



THE CORPORATION OF THE TOWNSHIP OF DAWN-EUPHEMIA

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Council is seeking interested individuals to serve as a “*Fence Viewer*” for the Township of Dawn-Euphemia.



Responsibilities include applying the “*Line Fences Act*” to resolve fence disputes between owners of neighbouring properties. Three Fence-Viewers are involved in resolving a single dispute and although the demands for Fence-Viewers in the past have been minimal; it is a very important role when called upon.

When adjoining property owners cannot agree how to share 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 in the Line Fences Act by contacting their municipal clerk and asking for the Fence-Viewers.

When the Fence-Viewers have been requested, the Clerk informs the parties in writing of the date and time of the viewing.

The Clerk will brief the Fence-Viewers on the points in dispute before their site visit. Three Fence-Viewers meet at the site. Once on site, they study the location for the proposed fence or examine the condition of the existing fence. The Fence-Viewers may hear evidence under oath from either party or witnesses. Section 7(2) lists the matters the viewers must consider before making their Award. They are;

- the suitability of the fence to the needs of each party,
- the nature of the terrain where the fence will be located,
- the benefit to both from having the boundary marked by a fence,
- the nature of fences in the area, and
- any other factors they believe relevant.

The Award must be signed by two of the three Fence-Viewers present. It notes the location of the line fence; usually the property boundary. However, if the terrain makes this difficult because of a pond or swamp, the fence may be placed all or partly on one property. If so, the location of the fence does not affect title to the land. The Award describes the style of the fence to be built, including the materials and completion date.

Finally, the Award states how the work is to be shared and who pays for the work ordered. It may order each party to build or repair a designated half of the fence or one to do all the work and the other to pay half of the cost. However, if the Fence-Viewers feel an equal share of cost or labour is unfair, they can divide the cost or work or both as they see fit! One example where a 50-50 share would not be fair is where one party has special fencing needs, such as a deer farm. Finally, there is no right-hand rule in the *Line Fences Act* to indicate responsibility for future repairs or maintenance! The Fence Viewers Award will indicate which section(s) of the fence are each person's responsibility.

The *Line Fences Act* does not apply to all fencing situations. Some properties, such as schools and cemeteries, have their own fencing responsibilities. Fences along roads and highways **are not** the responsibility of the road authority but are the responsibility of the property owner fronting on the road. However, the Ministry of Transportation (MTO) takes full responsibility for fences along the 400 series highways. Fences along active railway rights-of-way are a railway responsibility. The *Line Fences Act* does address fencing of abandoned railway rights-of-way.

More information on the Line Fences Act, is available at <https://www.ontario.ca/page/line-fences-act>

Compensation: If the services of the Fence Viewers are required, payment is \$225 plus mileage.

If interested, please send an email to the Clerk at clerk@dawneuphemia.on.ca or call 519-692-5148.