



Staff Report

Administration – Town Clerk

Report To: COW-Finance, Admin, Fire, Legal, Community Services
Meeting Date: April 3, 2023
Report Number: FAF.23.047
Title: Non-application of the Line Fences Act in the Town of The Blue Mountains
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.23.047, entitled “Non-application of the Line Fences Act in the Town of The Blue Mountains”;

AND THAT Council of the Town of The Blue Mountains directs staff to provide Council with a By-law regarding the Non-Application of the Line Fences Act, in the Town of The Blue Mountains to a future Council meeting.

B. Overview

To provide information regarding the option for the Town to opt-out of the application of the *Line Fences Act R.S.O. 1990, c.L.17* as permitted under the *Municipal Act*.

C. Background

The *Line Fences Act* (the Act) is one of the oldest pieces of legislation that was originally introduced in 1834. Although this Act is applicable to all municipalities, the *Municipal Act, 2001* allows for a municipality to pass a by-law for the non-application of the Line Fences Act, as noted in section 98(1) of the *Municipal Act, 2001* by stating: “A Local municipality may provide that the *Line Fences Act* does not apply to all or any part of the municipality.”

The Act was established to provide an avenue to settle disputes of adjoining property owners who disagree with the construction, maintenance and repair of a fence along a property line. The location of the boundary cannot be in dispute to be the subject of a Line Fence Viewing.

D. Analysis

This report is brought forward, further to staff report [FAF.23.007 Council Consideration of Committees of Council for the 2022-2026 Term of Council](#), considered at the January 9, 2023 Committee of the Whole meeting. Through consideration of Staff Report FAF.23.007, Council provided direction to staff on the Committees of Council to be struck for this term of Council,

and it is confirmed that offering fence viewing services was not a Committee that Council directed to continue. Each term of Council, Council appoints Line Fence Viewers, but those appointed have not received updated training or practical experience as fewer than five line fence viewings have been scheduled over the last 15 years. Because of this, the continuation of the enforcement of the Act is not felt to be necessary for the Town of The Blue Mountains. Exempting the Town from the *Line Fences Act* will ease the burden on staff that these infrequent applications create.

If Council elects to opt out of the enforcement of the *Line Fences Act*, an individual who wishes to construct a fence would construct it on their own property, at their own expense, and should an issue arise, it would be up to the landowners to resolve any disputes through the courts. If an owner wishes to build on a property line, and the neighbours cannot agree on the fence, the owners could seek resolution through the courts.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

F. Environmental Impacts

None

G. Financial Impacts

Opting out of the application of the Line Fences Act within the Town of The Blue Mountains will alleviate the requirement to appoint Line Fence Viewers for the Town, which includes advertising costs, and the cost to respond to any future Fence Viewings.

H. In Consultation With

Shawn Everitt, CAO
Will Thomson, Director of Legal Services
Wayne DeWitt, Supervisor Bylaw Services

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Corrina Giles, Town Clerk townclerk@thebluemountains.ca .

J. Attached

1. Draft By-law to Provide for the Non-Application of the Line Fences Act in the Town of The Blue Mountains

Respectfully submitted,

Corrina Giles
Town Clerk

For more information, please contact:
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Report Approval Details

Document Title:	FAF.23.047 Non-application of the Line Fences Act.docx
Attachments:	- DRAFT Fence Viewers By-Law.docx
Final Approval Date:	Mar 16, 2023

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

Shawn Everitt - Mar 16, 2023 - 1:27 PM