

Good Fences Make Good Neighbours: Guidelines For Building Your Backyard Fence

By Laura Tripp

The decision to erect a fence on your property is usually made for any number of reasons: to provide a safe space for children and pets to play, to increase privacy on your property, or to protect your possessions. In certain situations you may be legally required to erect a fence, the most common one being to enclose a backyard pool.

There are a number of considerations that a good neighbour needs to make before digging post holes and purchasing wood. The following is a rough guideline of "need to know" facts that every homeowner and good neighbour should consider before putting up a fence.

Knowing Your Boundaries

Before putting up your fence you should ensure that you know where the boundary lines between your property and your neighbours' properties are located. You should not assume that a prior fence or hedge was located on the property boundary, and reference should be made to property deeds and legal surveys. You may find evidence of survey stakes to help you determine the boundary lines.

In the absence of an up to date survey you will have to retain an Ontario Land Surveyor to prepare a legal survey giving their opinion as to the extent of your property. If you are planning to share this fence with your neighbour(s) you may want to ask them to share in the expense of having one prepared.

Ownership of a Fence

Even if you pay for the entire cost of installing a fence, it will be jointly owned by you and your neighbour if you place it on the boundary line. If you are not going to be sharing the costs of a fence some owners prefer to install the fence entirely on their own property, even if just a few inches inside the boundary line so that they have ownership over the entire fence.

Sharing the Expense

As mentioned above, if a fence is completely contained on your property it is not a "shared fence", but if the fence is located on the boundary between two properties neighbours should share half of the cost of the fence and any repair and maintenance expenses.

Under the City of London **Fence By-law** if your neighbour disagrees with you about the cost of installing a boundary fence, or if they don't agree to the type of fence to be installed, you can only force them to share in the cost of installing it if you give 30 days notice to your neighbour, and only if you install a 4 feet chain link fence.

Access to Your Property

Despite having limited access to your property by putting up a fence, you should also be aware that you may need to allow your neighbours on to your property if they request permission for specified reasons. Under the City of London **Entry Upon Adjoining Lands By-law** you must allow neighbours to access your property to carry out repairs, alterations or improvements to their own property. However, they must give you 48 hours spoken or written notice, and must repair any damage caused by restoring your property to its original condition.

Other Considerations

There are some other housekeeping items that owners must consider before erecting a fence. For example, a cattle fence is likely not permitted in a residential neighbourhood, and, of course, various other municipal by-laws apply. The City of London Fence By-law contains many requirements that must be met to construct a "legal" residential fence. For example:

- *Fences must be between 3 feet 6 inches and 7 feet in height
- *Certain materials are restricted for use in fencing such as barbed wire, sheet metal and corrugated metal
- *Your fence cannot extend onto that portion of your property which is considered

Make sure you are aware of the relevant fence laws applicable in your area, or you may be charged with a fence offence!

Conclusion: Communicate and Compromise!!

The first part of planning your fence installation should be communicating with your neighbours. While a fence will add privacy to your property, a great amount of tension can be created when a property owner unilaterally decides to install a fence without consulting their neighbours. The best recipe for enjoying your property, with or without a fence, is to communicate and compromise with your neighbours!

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