

THE CORPORATION OF THE TOWNSHIP OF STONE MILLS

BY-LAW NUMBER 2005- 298

BEING a By-Law to Provide for the Arbitration of Fencing Disputes Between Adjoining Property Owners

WHEREAS the Line Fences Act establishes a local procedure for the arbitration of disputes between adjoining owners about fences on their common property boundary;

AND WHEREAS the Line Fences Act authorizes Municipalities to pass By-Laws to appoint fence-viewers and to designate a person to carry out the administrative responsibilities of the Clerk of the Municipality under this statute:

THEREFORE the Council of The Corporation of the Township of Stone Mills enacts as follows:

1. DEFINITIONS

In this By-Law,

“Township” means the Corporation of The Township of Stone Mills, as incorporated on January 1, 1998;

“Council” means the Council of the Township of Stone Mills;

“Fence” means a line fence that is in compliance with the By-Laws prescribing the height and description of lawful fences in the Township;

“Fence-viewer” means a person appointed by Council to arbitrate fencing disputes between adjoining owners in accordance with the provisions of the Line Fences Act;

“Line fence” means a fence that marks the boundary between the property of an owner of land and the property of an adjoining owner; and

“Owner” means the individual, firm or corporation that is the registered owner of a property or the duly authorized agent of the owner.

“Occupant” means the occupant of adjoining land that is subject or proposed to be made subject to proceedings instituted under Section 4 of the Line Fences Act.

“Minister” means the Minister of Municipal Affairs.

“Referee” means a Referee appointed under the Line Fences Act.

“Value of work” and costs of the work” have the same meaning and include the value of materials used and the value of the labour performed to complete the work.

“Local Municipality in which the land is situate” means the local Municipality in which is situate the land of the one owner or occupant.

2. APPLICATION

2.1 The provisions of this By-Law apply to all lands within the geographic limits of the Township of Stone Mills except as provided in Section 2.2.

2.2 The provisions of this By-Law do not apply to public highways and other types of lands that are exempted by the Line Fences Act.

3. ADMINISTRATION

3.1 The C.A.O./Clerk/Designate shall be responsible for carrying out the administrative responsibilities of the Municipality under the Line Fences Act.

3.2 Where an owner of land wishes to have a line fence constructed, repaired or reconstructed and is unable to reach agreement with the adjoining owner on the sharing of the costs or the type of fence, either owner may apply to have the matter arbitrated under the provisions of the Line Fences Act by completing the prescribed form and by submitting it to the C.A.O./Clerk or Designate.

4. SCHEDULES

The following schedule is attached to and forms part of this By-Law:

Schedule "A" Fees

5. VALIDITY

5.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.


6. COMMENCEMENT

6.1 This By-Law shall come into force and take effect on the date of final reading.

Read a first and second time this 4th day of July 2005.



Douglas Bearance
Reeve




Darlene Plumley
C.A.O./Clerk

Read a third time, and finally passed this 4th day of July, 2005.



Douglas Bearance
Reeve



Darlene Plumley
C.A.O./Clerk

SCHEDULE "A"

TO BY-LAW 2005-

FEEES

1. **The remuneration to be paid to the Referee and the Deputy Referee for services performed by them under the Line Fences Act shall be as follows:**

Referee	\$15.50 per hour plus mileage
Deputy Referee	\$15.50 per hour plus mileage

2. **The following items shall be included when determining the costs of proceedings under clause 8 (1) (e), Subsections 12 (2), 13 (8) and 14(1) of the Act,**

- 2.1 **fees of the fence viewers as set out in By-Law #2005-;**

- 2.2 **administrative fees in respect of the proceedings as fixed by a By-Law of the municipality passed under Subsection 17 (1) of the Act, being as follows:**

\$400.00 for each day where more than three hours is spent in the conduct of an appeal.

\$300.00 for each day where three hours or less is spent in the conduct of an appeal.