



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
BY-LAW NUMBER 3407-2019**

**BEING A LINE FENCE BY-LAW FOR THE TOWNSHIP OF AUGUSTA**

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**WHEREAS** section 5(1) and 5(3) of the Municipal Act S.O. 2001, as amended states that a municipal power including a municipality's capacity, rights, power and privileges under section 9 shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** the Council of the Township of Augusta deems it expedient to enact a Line Fence by-law.

**NOW THEREFORE** the Council of the Corporation of the Township of Augusta hereby enacts as follows that:

1. General

Under the Line Fences Act, the Clerk of the municipality or his or her designate shall be responsible for the administration of the Line Fences Act.

Prior to making an application for Fence Viewers, a land owner interested in having a boundary fence constructed, reconstructed or repaired should:

- a. Make every possible effort to reach an agreement with the adjoining owner;
- b. Discuss the matter informally with staff prior to a formal hearing by the Fence viewer;
- c. Attempt to make sure that the Act applies to the lands of both owners; and,
- d. Ensure that the boundary line between the two properties is not in dispute.

The Line Fences Act does not apply to allow fence-viewers to settle property line or title disputes. The owner and adjoining owner shall deal with disputes as to the location of fences.

Fence Viewers shall be guided in the performance of their duties by the provisions of the Line Fences Act.

No arbitration or other proceeding requiring the attendance of fence viewers shall be scheduled between November 1 and March 31 in the next following year.

2. Administration

Upon receipt of a formal application (form 1) and payment for the same, the Clerk of the municipality, or designate, shall establish a date and time for the hearing. The said hearing shall take place within (30) days of the receipt of the completed application.

The Clerk, or designate, shall provide notice on the required form (form 2) to the land owners of the date and time of the hearing, and such notice shall be provided by personal service or by registered mail.

The Clerk, or designate, shall provide notice on the required form (form 3) to three of the Fence Viewers advising of the date, time and location of the hearing, and such notice shall be provided by registered mail at least one week in advance of the hearing date.

The Fence Viewers shall deposit the Award (form 4) in the office of the Clerk and a copy of the Award shall be sent by registered mail to the owners and occupants of the adjoining lands. This Award shall outline the division of costs responsible by each owner under Section 2 of Form 4 as well as the completion date for the work required to be done by each property owner.

The owner dissatisfied with the award may, within 15 days of receipt of award, may file a notice of appeal (form 5). Notice must be served to the adjacent land owner and filed with the Clerk with the mandatory fee required to be paid to the Province for services of a referee.

3. Fees

All requests for Fence Viewers shall be accompanied by a certified cheque payable to the township or cash/debit payment in the amount of \$330 to be applied against the costs of fence viewer's fees and the administration of the same. This fee is non-refundable once the Fence Viewers have attended the site. If it is determined that the Line Fences Act does not apply prior to the viewing, the deposit shall be returned, less a \$25 administration fee.

Fence Viewers shall be paid per visit/meeting at the rate set out in the Fence Viewers By-law.

4. Breach

If an owner feels that there has been a breach of the Award, the enforcement procedures set out in the Line Fences Act can be utilized and the Fence Viewers will be reconvened to make a determination.

The adjoining owner (who has defaulted) shall be responsible for paying the cost of the Fence Viewers re-attending the site, plus administrative costs incurred by the municipality set at \$330.

Read a first, second, and third time and finally passed this 28 day of February, 2019

  
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MAYOR

  
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CLERK