

## Line Fence Act Review:

I send my regrets for not being able to attend today's meeting, but I trust you found many answers you may have had addressed in the report and proposed by-law circulated to you with today's agenda.

A new proposed Property Line Fence Cost Sharing By-law was recommended unanimously by the Committee of the Whole for approval and adoption at the April 23<sup>rd</sup> Council Meeting. This by-law was prepared based off the recommendations of the Agricultural Development Advisory Committee in August of 2018. It is a 'made in Kawartha Lakes' solution that takes a lot of the best ideas from other communities with significant urban-rural splits (Milton and Clarington in particular) like we discussed at the August meeting. You can boil it down into a couple of key points:

- Agricultural and Rural properties may continue use the existing provisions of Line Fences Act to regulate disputes between property owners about cost sharing fences built directly on property lines. This process will include the current use of Fence Viewers to prepare a legal 'award' based on the percentages that the Fence Viewers feel is fair for how to split the fence costs.
- Urban (Lindsay, Bobcaygeon, Fenelon Falls, Omemee, and Woodville), Hamlet (villages like Coboconk, Little Britain, Kirkfield, etc.), and Waterfront property owners may use the provisions in the new Cost Sharing By-law to split the cost of a 'basic fence' 50-50, if they can't come to some other agreement:
  - A 'basic fence' is a 4ft Chain link fence. If one owner wants a higher standard of fence, they pay 100% of the additional costs
  - Property Designations in the Kawartha Lakes Official Plan maps will determine whether or not a property is in the Urban, Hamlet, or Waterfront areas, all other properties will use the Line Fences Act.
  - Urban, Hamlet and Waterfront properties cannot use the procedure in the by-law to replace a fence that is in a state of good repair, or to obtain money from a neighbour to pay for a fence that has already been constructed.
- Administration Fees for Line Fences Act "Fence Viewings" will increase from \$110 to \$250 to reflect the actual costs of staff time and registered postage, and to discourage frivolous and vexatious applications to use the Act to 'make their neighbour pay'. The new fee is in line with what other municipalities charge for administration fees, and meets this board's recommendation to raise the fee.

We're excited that this new by-law provides opportunities to:

- Reduce City administration costs
- Provide a framework for rural property owners to use if they cannot come to an agreement for the costs of a new fence built on the property line that includes some flexibility from the 50-50 split rule for urban, hamlet, and waterfront owners
- Encourage properties owners to dialogue before involving the government, or the courts to solve their problems.

Should anyone have any questions that cannot be answered from the report, I would recommend emailing them to myself, and I will respond prior to the Council meeting on the 23<sup>rd</sup>.

**Joel Watts**

Deputy Clerk

Office of the City Clerk, City of Kawartha Lakes