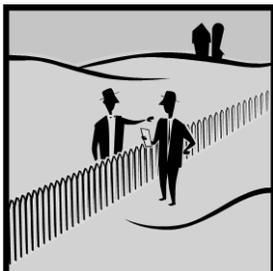


THINGS TO KNOW WHEN BUILDING A FENCE

What is a division fence?

A division fence is a fence that distinguishes the boundary between two properties and usually straddles the property line. A survey will confirm the actual boundaries of your property. If you do not possess a survey of your land, you may need to hire an Ontario Land Surveyor. To contact an Ontario Land Surveyor firm and obtain a quote, please visit the website:



www.aols.org/directories/firmssearch.asp

Types of fences and restrictions:

The first thing to do when constructing a division fence is to discuss the issue with your neighbour. If you plan to place the fence on the property line, you and your neighbour will need to be in agreement as to the type of fence. Consider the types of fences already in existence in your neighbourhood as well as your ground conditions.

Fences can be made from a variety of materials including wood, plastic, metal, wrought-iron, concrete, masonry, and chain



link (vinyl coated or galvanized steel). A wooden fence may not be the ideal solution in an area where there is a high water table.

The Town strongly advises that all fences should have posts embedded at least 1.2 metres (4 feet) into the ground.

In accordance with the Town's Fence By-law, residential rear or side yard fences cannot exceed 2.2 metres (7.2 feet) in height, while front yard fences cannot exceed 1.0 metre (3.3 feet) in height, except as permitted in a subdivision agreement. The height is measured from the point where the fence contacts the grade of the land and includes any lattice work at the top of the fence. If you are in a new subdivision lot, please ensure any work that may affect the lot grading has been authorized by the builder prior to starting it.

A variance to the Fence By-law is required if you wish to build a fence higher than what is permitted in the Fence By-law. For more information about the variance process please contact the Planning Secretary of the Planning & Building Department at ext: 2236.

Barbed wire is only permitted on security fences in commercial or industrial zones.



No permit is required for any fence provided that it does not enclose a swimming pool.

A permit is required for all fences enclosing swimming pools which have a depth of water greater than 0.6 metres (2 feet).

What should I know about the installation of a fence surrounding a swimming pool?

You must obtain a Pool Enclosure Permit prior to constructing a swimming pool. The purpose for this permit is to prevent an accidental drowning by ensuring that small



children are unable to climb over your fence from the exterior side.

This can be achieved, cost effectively, by using chain link fence with diamonds no larger than 3.8 cm (1½ inches) in diameter with a minimum height of 1.5 metres (5 feet).

All gates are required to be spring-loaded, self-closing and self-latching.

For all other types of pool fences, please consult the Swimming Pool Enclosure By-law which is available on the Town's website at www.townofws.ca.

What should I do if I am unable to come to an agreement with my neighbour as to the type of division (boundary) fence to install?

You have two options:

Construct the fence so that all parts of the fence are entirely located on your own property. Using this approach you can build the type of fence that you desire in accordance with the Town's Zoning By-law, Fence By-law and any amendments thereto. Note that you will be responsible for the

entire cost of the fence and all future maintenance costs.

Or

Make an application directly to an Ontario Court to resolve your dispute with your neighbour regarding the type of division fence to be installed.

What should I do if my neighbour and I agree as to the type of division (boundary) fence, but are unable to reach agreement on the sharing of the costs?

If you are unable to come to an agreement with your adjoining neighbour regarding a boundary line fence, Division Fence By-law 2007-118-RE sets out a self-administered dispute resolution process for you to follow.

Summary of the Division Fence By-law

First, send a “Notice of Intent” to your adjoining neighbour by registered mail containing the prescribed information and attachments as indicated in the By-law.

You must wait the prescribed fourteen (14) business days prior to commencement of the division fence construction and follow the procedure precisely if you wish to collect part of the costs.

If after constructing and paying costs of the division fence, your neighbour fails to pay their share of the division fence costs, you must send by registered mail a follow-up “Notice of Compliance” containing the prescribed information and attachments as indicated in the By-law.

If thirty (30) days have elapsed after the day of mailing the “Notice of Compliance”, you may commence legal action to recover costs of 50% of the basic chain link fence cost or 50% of the actual fence cost, which ever is less. You will be responsible for the balance of the actual cost. You will also be required to compile evidence, complete the summons process and attend the Region of York Provincial Offences Court to prove your case.

Please review the entire Division Fence By-law 2007-118-RE available on the Town’s website: www.townofws.ca or by visiting the Clerk’s Department.

Further information



Automated lines:
905-640-1910 or
1-855-642-TOWS (8697)

- By-law Enforcement Ext. 2254, 2258 or 2229 (re: fences)
- Planning Division Ext. 2236 (re: variances)
- Building Division Ext. 2249 (re: pools & fences)

General lines:

905-640-1900 or 1-855-642-TOWN (8696)

This brochure was developed as a brief and non-comprehensive overview only and should not be substituted for legal advice. Although every effort is taken to ensure information contained herein is accurate as of the date of printing, the Town of Whitchurch-Stouffville, its offices, employees and agents cannot be responsible for any errors or omissions.

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Things to know when building a fence



Produced by the
Town of Whitchurch-Stouffville
111 Sandiford Drive
Stouffville, Ontario L4A 0Z8
905-640-1900 or
1-855-642-TOWN (8696)
www.townofws.ca