



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Surveys
Standards
Branch

BULLETIN NO. 79056

DATE: DECEMBER 31, 1979.

TO:
ALL LAND REGISTRARS

REGISTERING AWARDS,
CERTIFICATES OR
AGREEMENTS

THE LINE FENCES ACT, 1979,
AND O. REG. 666/79

Where there is a dispute between adjoining land owners regarding the construction or maintenance of a mutual fence, a fence-viewer may be appointed who will arbitrate the dispute and make an award. Section 7 of the Act sets out the matters which can be dealt with in a fence-viewer's award. (Form 4 - O. Reg. 666/79). Where an adjoining owner fails to comply with the award the fence-viewer can issue a certificate pursuant to Section 12(1).

Section 12(1)(a) provides that a fence-viewer shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and certifying the value of the said work; or

Form 9
O. Reg.
666/79

Section 12(1)(b) provides that a fence-viewer shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and the amount payable by him as his share of the costs of the work. The amount set out in the certificate can be collected by the municipality in the same manner as taxes and is "until so collected or otherwise paid, a charge upon the land liable for payment thereof".

Form 10
O. Reg.
666/79

Section 15(1) provides that:

"The award and a certificate made in respect of the award may be registered in the proper land registry office",

Section 15(2) provides that:

"Registration may be effected by the registration of a duplicate of the award or certificate, or of a copy thereof, verified by an affidavit, together with an affidavit of the execution of the award or certificate".

Section 16 provides that:

"Any agreement in writing in the prescribed form between owners respecting a line fence may be registered and enforced as if it were an award of fence-viewers".


Form 14
O. Reg.
666/78

Section 22(3) provides that:

"The council of a municipality or a local board may enter into agreements with owners of land adjoining land owned by the municipality or the local board, as the case may be, for the construction, reconstruction, repair, maintenance and keeping up of line fences to mark the boundary of such lands, and any such agreement when reduced to writing in the prescribed form may be registered and enforced as if it were an agreement between owners under section 16".

Form 15
O. Reg.
666/79

The forms referred to above are attached for your information.


Audrey Loeb Burns
Solicitor

ALB:ls.

Attach

(O. Reg. 666/79)

Form 4

The Line Fences Act, 1979

(Section 7 (1))

AWARD

We, the fence-viewers of (name of locality) having been called upon to view and arbitrate for purposes of settling a dispute over a line fence between the lands of (name of owner who initiated proceedings) being (description of lands sufficient for registration in the appropriate Land Registry Office), and the lands of (name of owner against whom proceedings initiated) being (description of lands sufficient for registration in the appropriate Land Registry Office), and having examined the lands and duly acted according to The Line Fences Act, 1979, award as follows:

For descriptions use the descriptions provided in Form 1, if used, and attach a Schedule if required

Check appropriate box

Complete A, B or C, whichever is appropriate

1. A fence to mark the boundary line between the adjoining lands described above shall be

constructed, maintained and kept up

reconstructed, maintained and kept up

repaired, maintained and kept up.

2. A. shall be responsible for constructing/reconstructing/repairing (indicate appropriate term) maintaining and keeping up that part of the fence that commences at (description of point) and ends at (description of point);

..... shall be responsible for constructing/reconstructing/repairing (indicate appropriate term) maintaining and keeping up that part of the fence that commences at (description of point) and ends at (description of point).

or

B. shall be responsible for constructing/reconstructing/repairing (indicate appropriate term) maintaining and keeping up

the fence and shall pay to him one-half of the costs of the work incurred as a result of this award upon being notified of the amount of such costs in accordance with The Line Fences Act, 1979.

or

C. (Where the fence-viewers are of the opinion that an award in the terms of 2A or 2B would be unjust, the fence-viewers may make whatever award they consider appropriate).

3. The fence shall be of the following description (state the kind of fence, height, material, etc.) (attach Schedule, if necessary)

4. The work shall be commenced not later than the day of 19.., and shall be completed not later than the day of 19..

5. The costs of these proceedings are fixed at \$ determined as follows: (set out items and amounts making up total costs of the proceedings).

Table with 2 columns: Item, Amount. Contains several rows of dotted lines for entries.

(Name of one adjoining owner) shall pay% of the costs of this proceeding, namely, \$

(Name of other adjoining owner) shall pay% of the costs of this proceeding, namely, \$

Dated the day of 19..

(signature of Witness)

(Signatures of Fence-Viewers)

(O. Reg. 666/79)

Form 9

The Line Fences Act, 1979

(Section 12 (1) (a))

CERTIFICATE OF DEFAULT (WORK NOT DONE)

We, the fence-viewers of (name of locality), having been called upon to determine whether (name of owner against whom award is being enforced, hereinafter referred to as Owner A) has obeyed the

award made the day of, 19, in respect of a line fence between his lands being (description of lands sufficient for registration in the appropriate Land Registry Office), and the lands of (name of owner seeking to enforce the award, hereinafter referred to as Owner B), being, (description of lands sufficient for registration in the appropriate Land Registry Office), and having examined the lands and duly acted according to The Line Fences Act, 1979, certify as follows:

(Name of Owner A) has failed to obey the award made the day of, 19, in respect of a line fence marking the boundary between his lands and the lands of (name of Owner B) in that (give particulars of default)

.....
.....
.....

Value of Work

The value of the work done at the expense of (name of Owner B), which according to the award ought to have been done by (name of Owner A) is hereby certified to be —

X. \$ []

Costs

The costs of these proceedings are fixed at \$ determined as follows:

Item Amount

.....
.....
.....

(Name of Owner A) shall pay % of the costs of these proceedings, namely \$

(Name of Owner B) shall pay % of the costs of these proceedings, namely \$

* Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of these proceedings

Y. \$ []

** Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of proceedings under section 4

Z. \$ []

The total amount payable by (name of Owner A) to (name of Owner B) is hereby certified to be — (Add amounts in boxes X, Y and Z)

\$

Dated the day of, 19

Signature of Witness

Signatures of Fence-Viewers

.....
.....
.....

* ie: amount payable as A's share of the costs of these proceedings less the portion of that amount attributable to fence-viewers' fees

** ie: amount determined in the original fence-viewers' award as A's share of the costs of the proceedings less the portion of that amount attributable to fence-viewers' fees, and, if applicable, to the fees of a surveyor employed by the fence-viewers under subsection 5 of section 7 of the Act.

(O. Reg. 666/79)

Form 10

The Line Fences Act, 1979

(Section 12 (1) (b))

CERTIFICATE OF DEFAULT (PAYMENT NOT MADE)

We, the fence-viewers of (name of locality), having been called upon to determine whether (name of owner against whom award is being enforced, hereinafter referred to as Owner A) has obeyed the

award made the day of, 19 . . . in respect of a line fence between his lands being (description of lands sufficient for registration in the appropriate Land Registry Office), and the lands of (name of owner seeking to enforce the award, hereinafter referred to as Owner B), being, (description of lands sufficient for registration in the appropriate Land Registry Office), and having examined the lands and duly acted according to The Line Fences Act, 1979, certify as follows:

(Name of Owner A) has failed to obey the award made the day of, 19, in respect of a line fence marking the boundary between his lands and the lands of (Name of Owner B) in that (give particulars of default)

The total value of the work done by (name of Owner B) at his own expense in compliance with the award is \$

The portion of the costs of the work to be borne by (name of Owner A) as set out in the fence-viewers' award is \$ (ie: one-half or such other portion as the award specifies)

Share of Costs of Work

The amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of the work is therefore certified to be —

X. \$

Costs

The costs of these proceedings are fixed at \$

Item	Amount
.....
.....
.....

(Name of Owner A) shall pay % of the costs of these proceedings, namely \$

(Name of Owner B) shall pay % of the costs of these proceedings, namely \$

* Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of these proceedings

Y. \$

** Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of proceedings under section 4

Z. \$

The total amount payable by (name of Owner A) to (name of Owner B) is hereby certified to be — (Add amounts in boxes X, Y and Z)

Dated the day of, 19

Signature of Witness Signatures of Fence-Viewers

* ie: amount payable as A's share of the costs of these proceedings less the portion of that amount attributable to fence-viewers' fees

** ie: amount determined in the original fence-viewers' award as A's share of the costs of the proceedings less the portion of that amount attributable to fence-viewers' fees, and, if applicable, to the fees of a surveyor employed by the fence-viewers under subsection 5 of section 7 of the Act.

(O. Reg. 666/79)

Form 14

The Line Fences Act, 1979

(Section 16)

AGREEMENT

I, (name of owner) being the owner of
(description of lands sufficient for registration in the appropriate Land Registry Office).

and I (name of adjoining owner) being the owner of
(description of lands sufficient for registration in the appropriate Land Registry Office),

do agree that:

Please Check Appropriate Boxes:

1. A fence to mark the boundary line between the adjoining lands described above shall be constructed, maintained and kept up.

or

The fence marking the boundary line between the adjoining lands described above shall be (insert "repaired" or "reconstructed" — whichever is applicable), maintained and kept up.

Complete a or b whichever is applicable

2. (a) shall be responsible for that part of the line that commences at (description of point) and ends at (description of point) and for that part of the line that commences at (description of point) and ends at (description of point)

or

(b) (Name of owner responsible for entire fence) shall be responsible for all works connected with the above and% of the costs of such works shall be paid to him by upon notification of such costs given in accordance with The Line Fences Act, 1979.

3. The fence shall be of the following description (state the kind of fence, height, material, etc.)

4. The work shall be commenced not later than the day of, 19...., and shall be completed not later than the day of, 19....

Dated the day of, 19....

Signature of Witness:

(Signatures of Parties)

.....

.....

(O. Reg. 666/79)

Form 15

The Line Fences Act, 1979

(Section 22 (3))

AGREEMENT

(where one Party is a Municipality or Local Board)

The Corporation of the (City, Town, etc. whichever is applicable) of (Name of Municipality), [or where applicable—The (name of Local Board)] being the owner of (description of lands sufficient for registration in the appropriate Land Registry Office) and I (name of adjoining owner) being the owner of (description of lands sufficient for registration in the appropriate Land Registry Office), do agree that:

Please Check Appropriate Boxes:

1. A fence to mark the boundary line between the adjoining lands described above shall be constructed, maintained and kept up.

or

The fence marking the boundary line between the adjoining lands described above shall be (insert "repaired" or "reconstructed"—whichever is applicable), maintained and kept up.

Complete a or b whichever is applicable

2. (a) The Corporation of the (refer to municipality as above) [or where applicable—The (name of Local Board)] shall be responsible for that part of the line that commences at (description of point) and ends at (description of point) and for that part of the line that commences at (description of point) and ends at (description of point)

or

(b) (Name of owner responsible for entire fence) shall be responsible for all works connected with the above and% of the costs of such works shall be paid to him by upon notification of such costs given in accordance with The Line Fences Act, 1979.

3. The fence shall be of the following description (state the kind of fence, height, material, etc.)

4. The work shall be commenced not later than the day of, 19...., and shall be completed not later than the day of, 19....

Dated the day of, 19....

(Signatures of Parties)

* The Corporation of the (refer to Municipality as above)

per

** [or where applicable—The (name of Local Board)

per]

.....]

..... (Signature of Witness)

..... (Signature of other Party)

* Affix corporate seal

**If the Local Board has a corporate seal, affix it