

Things to know when building a fence



Town of Whitchurch-Stouffville
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THINGS TO KNOW WHEN BUILDING A FENCE

What is a division fence?

A division fence is a fence that demarcates 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 building 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 are made from a variety of materials including wood, plastic, metal, wrought-iron, concrete, masonry, chain link (vinyl coated or galvanized steel), etc. A wooden fence may not be the ideal solution in an area where there is a high water table. Privacy can be obtained by growing vines along a chain link or metal fence. To make it easier to trim around a fence with vines, use PCV tubing to protect the base of the vines.

In accordance with the Town's Zoning by-law, fences cannot exceed 2 metres (or 6.6 feet) in height including any lattice work at the top of the fence, except as permitted in the subdivision agreement. The 2 metre height is measured from the point where the fence contacts the grade of the land. If you are in a new subdivision lot, please ensure your grading has been approved by the Building Division prior to erecting any fences.

No permit is required for any fence that is 2 metres or less in height, except for fences enclosing a swimming pool. Although no permit may be necessary, a variance to the Zoning By-law may be required if you wish to build a fence higher than 2 metres. Please contact the Planning Division of the Development Services Department for variance applications.

Security fences:

Barbed wire is only permitted on security fences in commercial or industrial zones with a height limit of 2.4 metres (or 8 feet) plus a security apron of not more than 457 mm (or 18 inches).

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 1-1/2 inches in diameter with a minimum height of 1.2 metres (or 4 feet). All gates are required to be spring-loaded, self-closing and self-latching. For all other types of fences, please consult the Pool Enclosure By-law 99-64-RE which is available on the Town's website at www.townofws.com.

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 Zoning By-law 72-7, Zoning By-law 87-34, Fence By-law 92-90 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.

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, whichever 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.

Division Fence By-law 2007-118-RE is available on the Town's website: www.townofws.com or you can obtain a copy by visiting the Clerk's Department at 37 Sandiford Drive, 4th Floor, Stouffville.

Further information:

Automated lines: 905-640-1910 or 905-895-5299

By-law Enforcement Ext. 254, 258 or 229
(re: fences)

Planning Division Ext. 236 (re: variances)

Building Division Ext. 253 (re: grading & pools)

General lines: 905-640-1900 or 905-895-2423