

The Corporation of the Township of Southgate
By-law Number 2022-163
Being a By-law to Appoint Fence Viewers for the
Township of Southgate, Pursuant to the Provisions of the
Line Fences Act, R.S.O., and to repeal by-law 2019-018

Whereas the Line Fences Act, R.S.O. 1990, c.L.13 authorizes Council to appoint Fence Viewers to carry out the provisions of the Act and to establish fees to be paid to such Fence Viewers; and

Whereas Council deems it expedient to appoint Fence Viewers and repeal By-law No. 2019-018,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

- 1. That** Brian Stevenson, Doug Roberts, Phil Schram, and Alternate Bev Fisher are hereby appointed Fence Viewers pursuant to the Line Fences Act for the Corporation of the Township of Southgate; and
- 2. That** for each day's work under The Line Fences Act, each Fence Viewer shall be paid a fee of thirty-five (\$35.00) Dollars, plus mileage as per the County of Grey quarterly rate; and
- 3. That** the Terms of Reference, attached as Schedule "A" are approved; and
- 4. That** By-law No. 2019-018 is hereby repealed.

Read a first, second and third time and finally passed this 7th day of December, 2022.

Brian Milne - Mayor

Lindsey Green - Clerk

Township of Southgate Fence Viewers

Terms of Reference

1. Purpose

1. Fence Viewers are appointed by Council pursuant to the provisions of The *Line Fences Act*, R.S.O. 1990, c. L.17, a Provincial law to govern the arbitration process when neighbours cannot agree on the construction, reconstruction or maintenance of a Line Fence.

2. Meetings

1. When required.
2. A member shall not be absent for three (3) consecutive meetings without notice. For any anticipated lengthy absence (3 meetings or more), the member shall submit a request for leave of absence in order to preserve membership standing. Without a valid and acceptable reason for non-attendance, the individual's appointment will be rescinded.

1. Responsibilities

1. If a dispute arises between owners of adjoining lands respecting the construction of a fence to mark the boundary between those lands, a request can be made to the municipality to have fence-viewers attend. On the date and time appointed, three fence viewers will examine the land in question and hear submissions from the adjoining owners and/or their witnesses. All notices under the Act are sent out by the Clerk's Office.
2. The fence viewers then make an award describing what each neighbour must do and/or pay. The award will specify the location of the fence that each owner or specific owner shall construct, reconstruct or repair, the description of the fence and materials to be used, the date the work is to commence and to be completed, the costs of the proceedings and how the work is to be apportioned to each property owner. In making the award, the fence viewers must take into account the suitability of the fence to the needs of each owner/occupant, the benefit received by each property owner and the type of fence in use in the area.
3. If any of the parties are not satisfied with an award, they can lodge an appeal to a Provincial Referee. An appeal hearing is held. At the hearing, the Municipal Clerk and their Designate attends to take the minutes of the meeting and the fence viewers are required to attend the appeal hearing.

4. Term & Membership Composition

1. Council shall appoint at least three (3) and not more than five (5) appointees as Fence Viewers.
2. Resignations from the Fence Viewers must be in writing.
3. The Fence Viewers shall be appointed for the term of Council but shall continue until such time as new members are appointed by a new Council following an election. Members may be reappointed at the discretion of Council.
4. Recognizing that vacancies may arise, Council will request submissions from the public and will appoint citizens to fill such vacancies.

5. Remuneration

1. \$35.00 per meeting, plus mileage.

6. Member in Good Standing

1. All members should reflect appropriate conduct when attending meetings and/or representing the Township of Southgate.

7. General Conduct

1. All Fence Viewers will abide by the Township of Southgate's Council and Committee Code of Conduct and other applicable Township policies and guidelines.

8. Budget

1. If deemed necessary, Council will approve a budget to include anticipated revenue and estimated expenditures.
2. Purchases will adhere to the Township's purchasing By-law or require the CAO's approval.
3. The budget will be administered by the Clerk. Other funds may be requested of Council for special projects or undertakings.

9. Use of Township Logo/Letterhead

1. Not Applicable.

10. Authority

1. The Fence Viewers shall work within the scope of their responsibilities as set out in this Terms of Reference and the Act.

11. Confidentiality

1. The *Municipal Act, S.O. 2001, c. 25*, shall bind the Fence Viewers as it relates to confidentiality, conflict of interest, closed sessions, and any other requirements under the *Act*, which pertain to the conduct of officials.

12. Procedural By-Law

1. Township of Southgate's Procedure By-law, as amended, will govern the proceedings of meetings of the Fence-Viewers.

13. Administrative Fees

1. Administrative fees including application fees, viewing fees and surveyor fees are applicable, and are at the rate as stated in the most current approved Township of Southgate Fees and Charges By-law listing.