

Tips for Locating Property Boundaries

- Hire an Ontario Land Surveyor to locate a boundary according to provincial law.
- There are often monuments (survey markers) for other purposes, such as roadways. Be certain that you are using the right survey markers.
- Do not disturb or remove any survey marker. It is illegal to disturb or remove a marker.
- Call Ontario One Call (ontarioonecall.ca) for underground utilities to be located and marked to avoid striking a gas or electrical line.

Interfering with boundary lines Criminal Code (R.S.C., 1985, c. C-46).

PART XI WILFUL AND FORBIDDEN ACTS IN RESPECT OF CERTAIN PROPERTY

442 Every one who wilfully pulls down, defaces, alters or removes anything planted or set up as the boundary line or part of the boundary line of land is guilty of an offence punishable on summary conviction.

Before You Get Started – Include Your Neighbours

Discuss the construction of the fence – remember they must look at it too. They may share the cost, help with the location, and even the construction. Ideally, you and your neighbour should jointly own the fence. By doing so, encroachment and access for maintenance is seldom a problem.

Contact an Ontario Land Surveyor

Retain the services of an Ontario Land Surveyor to have your property line accurately located. This type of survey is often called a fence line survey and an Ontario Land Surveyor will locate your boundary and physically mark the boundary so you know where to build your fence.

The location of a previous fence may not accurately represent the property's boundary. If there is a question or dispute about the location of the boundary, the Ontario Land Surveyor will take responsibility for the survey work completed.



Association of Ontario Land Surveyors
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aols.org

The Association of Ontario Land Surveyors is the regulatory body for land surveyors in the province of Ontario.

Fence Building Tips



Fence Building Tips

Permits, By-laws and Restrictions

Most municipalities have regulations about fences. Check with your local Building Department to see what permits, by-laws or other restrictions may affect your construction.

Make the proper permit applications, pay the necessary fees and provide construction drawings and site plans if required. Be prepared to provide full information about your proposed fence including location, material (wood, chain link), length and height.

Costs and Future Savings

The cost of hiring an Ontario Land Surveyor for a fence line survey is justified if there is ever a boundary dispute.

The surveying cost is minor compared to potential costs of legal actions.

A boundary determination by an Ontario Land Surveyor will reduce future costs, lessen the likelihood of legal action, and be accepted in court as evidence.

Sole Ownership

If you don't get along with your neighbour, locate the fence entirely on your property.

Design and locate your fence so maintenance can be undertaken from your side of the property line.

Install a fence that is finished on both sides, or place the finished side facing your neighbour's property.

Protect Yourself - Do it Right

Fencing is considered an important residential design element and by-laws are in place to protect property values from construction that could damage the character of a neighbourhood.

If you hire a contractor, be sure you are protected from low quality workmanship.

If there is any doubt about the fence location, insist that the fence line be located by an Ontario Land Surveyor, who is the only person who can retrace a boundary.

Protect Survey Markers

Survey markers are very important and must be protected. It is illegal to remove or tamper with them.

The law applies to everyone including landowners, contractors and landscapers.

Protect a marker by setting your last fence post two feet back from the corner and cantilever the remainder. Never set the fence post directly over or beside a survey marker as it could result in some disturbance or difficulty in accessing the marker.

The cost of replacing a lost or damaged marker can exceed the cost of the fence, so be careful. Your goal should be to ensure that survey markers are easily accessible for your neighbour and others.

New Neighbours

Consider future problems that may arise should the neighbouring property be sold.

Verbal agreements with your old neighbour are not binding for the new neighbour.

Be sure that access arrangements are disclosed to the new neighbour, and if there is a problem, create a formal agreement with the old neighbour before their property is transferred.

Consider future problems that may arise should the neighbouring property be sold.

