



Good Fences Make Good Neighbours!

The Boundary Fence and Survey Monument Protection

The main issues to consider in the
construction of a boundary fence

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The Importance of a Boundary Fence

Fences can have various functions. They can be constructed for security reasons, pet or child confinement, hazard control, by-law requirement, and agricultural usages. Or, the fence can simply be an architectural or aesthetic improvement to your property. If it is meant to be a boundary fence, marking the property line as one of its functions, then some effort should be made to locate it properly. Legal issues that arise over the improper location of a fence can be expensive to resolve.

Before Constructing a Fence

Including the Neighbours

Discuss the construction of a fence with your neighbours. They may agree to share in the cost of the fence and assist in its location and construction. Ideally, you and your neighbour will jointly own the fence: with this arrangement, encroachment and access for maintenance are seldom a problem.

Sole Ownership

If you do not get along with your neighbour, locate the fence entirely on your property. Design and locate your fence so maintenance can be done from your side of the boundary line. Install a fence that is finished on both sides,

or place the finished side facing the neighbour's property.

New Neighbours

Consider future problems that may arise should the neighbour decide to sell. Remember that your verbal agreements with your old neighbour are not binding for the new neighbour. Make sure any 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.

Issues to Consider When Constructing a Boundary Fence

The following are guidelines for constructing boundary fences:

- Properly determine your property line and build the fence on your side of the lot line if the neighbour is not participating in the cost or construction of the fence.
- Hire a BC Land Surveyor (BCLS) to locate the fence line if there is any doubt as to the location of the property line.
- Do not disturb or remove a survey boundary monument when installing a fence.
- Maintain good neighbourly relations.

Permits, By-Laws, and Restrictions

Check with your local Building Department to see what permits, by-laws or other restrictions may affect your construction. Where required, make the proper permit applications, pay the necessary fees, and provide construction drawings and site plans before construction. If a permit is required, often you must disclose the type of fence (wood, chain link, etc.), the location, and the length and height of the fence before a permit is issued.

Protect Yourself — Do It Properly

Today, fencing is considered an important residential design element and regulations are in place to protect property values and the general public from construction that could damage the character of a neighbourhood.

If your contractor locates the fence line for construction, be sure that you are protected from sloppy workmanship. If there is any doubt as to the location of the fence line, insist that it be surveyed properly.



Hire a Land Surveyor

The easiest way to locate a fence line along a boundary is to hire a BC Land Surveyor (BCLS).

A Land Surveyor's Job

The BCLS will locate the corner survey monuments and directly mark the boundary at given intervals, or establish an offset line along the boundary. If boundary survey monuments have disappeared over time, it may be necessary to replace them. This is a specialized task that can only be undertaken by a BCLS, so you can be confident the boundary is located according to the registered title and plans.



Current Costs, Future Savings

The establishment of a boundary or the replacement of survey monuments by a BCLS can be costly, but in the case of a boundary dispute, the survey will reduce future costs, lessen the likelihood of legal action, and will stand up in court. Be safe rather than sorry and have a proper survey done if there is any doubt as to the location of the boundary.

Protect Your Survey Monuments during Construction

It is illegal to remove or tamper with legal survey monuments, and the consequence can be a fine or even jail time. This law applies to everyone—including landscapers and contractors.

A simple way of protecting the corner survey monument is to cantilever the fence into the corner. Set your last fence post two feet back from the corner and cantilever the remainder. Don't set the fence post directly over the corner survey monument, as that would result in some disturbance and deny others easy access to the survey monument.

The cost of replacing a lost or damaged survey monument can often exceed the cost of the fence so be careful. Remember that survey monuments are community property. These monuments mark the neighbours' boundary as well as your own, so be respectful of the rights of others.

More Information

Contact a BC Land Surveyor or the Association of British Columbia Land Surveyors. Visit www.abcls.ca or call 250.655.7222.

(With thanks to the Association of Canada Lands Surveyors Public Awareness Committee)