



## **COMMITTEE OF ADJUSTMENT TERMS OF REFERENCE**

### **PURPOSE**

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.

### **MANDATE**

The Line Fences Act provides a procedure for the resolution of line fence disputes between owners of adjoining properties within the rural boundary of the Township of Guelph/Eramosa. Fence viewers are required to arbitrate this procedure.

The Line Fence Viewers will be responsible for the following:

- 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.
- 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.
- 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 Township of Guelph/Eramosa's Deputy Clerk or designate attends to take the minutes of the meeting and the fence viewers are required to attend the appeal hearing.

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with the *Line Fences Act*.

### **DELEGATED AUTHORITY**

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

## **COMMITTEE COMPOSITION**

Committee members will be appointed by Township Council.

Three (3) members of the public are appointed for a term coinciding with the term of Council.

Applicants for appointment to the Line Fence Viewers Committee must be:

- A Canadian Citizen
- 18 years of age and over, and
- Either the owner or tenant of land, or the spouse of an owner or tenant of land, within the municipality.

Prior experience in the following would be considered an asset:

- Reviewing plans/surveys;
- Construction;
- Conducting on-site inspections to ensure compliance with provincial legislation
- Dispute resolution skills

Council may, by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

Resignations from the Committee must be in writing to the Township Clerk.

The advertising of vacancies and appointments will be in accordance with the policies and practices adopted by Council from time to time.

## **TERM OF OFFICE**

The term of the members of the Committee shall be four years coinciding with the term of the Council that has made the appointment.

## **MEETINGS**

Fence viewers will be called upon as needed. They do not meet regularly or routinely.

## **QUORUM**

Where the committee is composed of three members, two members shall constitute a quorum.

## **GOVERNANCE**

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

## **REMUNERATION**

A member of the Committee of Adjustment shall be paid the sum of \$75.00 (seventy-five dollars) per meeting.

Mileage will be paid at a rate approved by Council.

DRAFT

Approved: