

TERMS OF REFERENCE

Municipal Committee

Fence Viewers Committee

Purpose

The Fence Viewers Committee is appointed by Council pursuant to the provisions of the Line Fences Act to deal with matters related to the arbitration process when neighbours cannot agree on the construction, reconstruction or maintenance of a Line Fence.

Mandate

The Fence Viewers Committee has a mandate to:

1. Hear disputes between owners of adjoining lands with respect to the construction of a fence to mark the boundary between those lands.

The committee shall, when rendering a decision, uphold the intent and purpose of the municipality's Property Standards By-Laws and Official Plan.

Composition

The Fence Viewers Committee shall be comprised of members representing all parts of the municipality. The committee shall have a maximum membership of five (5) and minimum of three (3) members. When appointing members the following criteria shall be used:

1. Members appointed must be available to conduct site inspections of subject properties
2. Members must be a qualified elector in the municipality pursuant to the Municipal Act and must be able to demonstrate compliance with the Line Fences Act
3. Members must be organized, available and committed to attend all Committee meetings
4. Members must be objective, possess relevant education or equivalent experience and have an open mind in order to fully consider the evidence provided at a hearing.

The Director of Corporate Services/Clerk shall be assigned to the Fence Viewers Committee as staff liaison and support.

Duration of Appointment

The term of office for the Fence Viewers Committee coincides with the term of office for Council Members. Appointments will be announced at the Inaugural Meeting of the incoming Council. Appointments become effective on January 1st of the year following a municipal election and terminate on November 30th in the election year.

Selection of Members

Immediately following the municipal election, the Clerk of the Municipality shall cause an advertisement to be placed in local paper(s) and on the municipal website seeking applications for the Fence Viewer's Committee. Applications will be received until November 30th following the election.

Upon closing of the application period, those expressions of interest will be assessed by Council and appointments will be confirmed at the Council Inaugural Meeting, keeping in mind the maximum committee size.

Replacement of Members

Should a vacancy occur during the term of office due to resignation or other reasons the Municipal Clerk shall advertise the vacancy for up to 30 days seeking applications to replace the vacant position. A report will be prepared for Council recommending the replacement member(s) and Council shall pass a resolution appointing the replacement(s) to the committee.

Such replacement appointments shall be made for the balance of the term of the committee, concluding on November 30th of election year.

Authority

The Fence Viewer's Committee derives its authority from the Ontario Line Fences Act. As such in cases of difference between these Terms of Reference and applicable Provincial Legislation, the Provincial Legislation takes precedence.

Reporting

The Fence Viewer's Committee is an autonomous body as provided by applicable legislation. As such there is no direct reporting requirement to Council.

Meeting Schedule

Meetings of the Fence Viewer's Committee are held at the call of the chair, or as required by the Committee Secretary.

Contact

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