



BY-LAW NO. 2026-0031

A By-law to amend the Town's Fence By-law No. 2002-0060 to include relief from the Line Fences Act (excluding Section 20) and incorporate associated housekeeping updates

WHEREAS the Council of a municipality may pass a By-law to regulate the erection of Fences by virtue of the provisions of Section 210 of the Municipal Act, c. M. 45, R.S.O. 1990, as amended

AND WHEREAS on April 20, 2026, Council for the Town of Halton Hills approved Report No. ADMIN-2026-005, dated March 18, 2026, in which certain recommendations were made relating to Town of Halton Hills Fence By-law 2002-0060.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. Section 1. Definitions

The following definitions were added

"Actual Cost" means the total cost of the construction, reconstruction, maintenance or repair of a division fence, and includes the value of the material used and the value of the labour performed to complete the work;

"Adjoining Owner" means the person(s) who owns land adjoining the land on which another land owner desires to build a division fence;

"Basic Cost" means the cost of constructing, reconstructing or repairing a division fence for an amount of money not exceeding the cost of constructing, reconstructing or repairing a 1.2 metre (4 foot) high fence with the following specifications:

- (a) 4cm (1 ½ inch) diamond mesh;
- (b) Constructed of 14-gauge steel wire covered in vinyl, forming a total thickness equivalent to No. 12-gauge galvanized wire;
- (c) Be supported by 4cm (1 ½ inch) diameter galvanized steel posts encased in 5cm (2 inches) of concrete from grade to a minimum of 0.6 metre (2 feet) below grade, such posts to be spaced 3 metres (10 feet) apart;

"Business Day" means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F;

"Division Fence" means a fence marking the boundary between adjoining parcels of land and located on the actual property line;

"Quote" means a written estimate of the total basic cost of the construction, replacement or repair of a division fence.

Section 2. Applicability

Section 2 be amended to include the title Applicability

Section 2.4 be amended to read:

The provisions of Sections 4 and 5 of this By-law do not apply to fencing provisions contained in a Site Plan Agreement, Subdivision Agreement, or any other development-

related agreement executed by the Town, or to a Fence that is constructed for the purpose of continuing a Fence that is authorized under a subdivision agreement.

Section 2.5 to be added to read:

From and after the date of enactment of this By-law, the provisions of the *Line Fences Act*, except for section 20 of *the Act*, shall no longer apply in the municipality.

Section 11 to be deleted in its entirety and replaced with the following sections.

Section 11. Division Fences - Notice of Intent

Section 11.1 An Owner of land may construct, replace or repair a division line fence.

Section 11.2 Where owners of adjoining lands agree or have reached an agreement about the construction, repair or replacement of a division fence, each shall be responsible to either:

- (a) Construct, repair, or replace, as applicable, their agreed-upon portion of the division fence; or
- (b) Assume their agreed-upon portion of the cost of any work required for the construction, replacement, or repair of the division fence

Section 11.3 Where owners of adjoining lands cannot agree and have not reached an agreement in accordance with subsection 3(2), an owner seeking to construct, replace or repair a division fence may do so subject to complying with the following conditions:

- (a) the owner must serve a notice of intent on the adjoining owner, in writing by registered mail or by personal delivery, to advise that they intend to construct, replace or repair a division fence, and such notice shall contain, at a minimum, the following information:
 - (i) whether the owner intends to construct, replace or repair a division fence;
 - (ii) copies of at least three (3) quotes for the fencing work to be undertaken;
 - (iii) a paragraph stating that the construction, repair or replacement of the division fence will commence after fourteen (14) business days of the mailing or personal delivery ailing or personal delivery of the notice of intent and the owner may seek payment of a contribution for the basic cost of the division fence from the adjoining owner in accordance with this by-law;
 - (iv) a paragraph stating that the adjoining owner may obtain up to three (3) additional quotes, to be presented to the owner by registered mail or by personal delivery, not later than ten (10) business days from the date on the notice; and
 - (v) a complete copy of this By-law.

Section 12 to be deleted in its entirety and replaced with the following sections.

Section 12 Division Fence Cost Responsibilities

Section 12.1 The cost of constructing, replacing or repairing a division fence shall be paid as follows:

- (a) the adjoining owner shall pay fifty percent (50%) of the basic cost; and
- (b) the owner shall pay the balance of the cost to construct, replace or repair the division fence.

Section 12.2 Any division fence constructed, replaced or repairs within an area designated as a heritage conservation district pursuant to Part V of the *Ontario Heritage Act*, R.S.O. 1990, O.18 is subject to all requirements for obtaining a permit pursuant to such legislation.

Section 13 to be deleted in its entirety and replaced with the following sections.

Section 13 Repairs

Section 13.1 Where an existing fence is damaged by an owner or a person permitted on their property, such owner shall be entirely responsible for the cost of the repairs to the division fence.

Section 13.2 Subject to subsection 5(1), the cost of repairing a division fence shall be borne equally by the owner and the adjoining owner if the damage necessitating the repair was caused by a natural disaster.

Section 13.3 Where a tree causes damage to a division fence, the owner of the land on which the tree is or was located shall be responsible for the cost of the repairs to the division fence and the cost of removing the tree, or part thereof.

Section 14 to be added to read:

Section 14 Variance Application and Hearing Process

Section 14.1 Council may, by resolution upon receipt of a written application, grant an variance from the provisions of Section 4, and the variance may be subject to terms and conditions as Council deems advisable. Council may also grant a variance of lesser effect than applied for or refuse to grant a variance.

Section 14.2 A completed application for a variance under Section 14 shall be filed with Enforcement Services on an application in the form prescribed by staff and shall include which section(s) of the Fence By-law the applicant is seeking relief from.

Section 14.3 No less than ten (10) days before the day of the hearing of the application for a fence variance, notification must be sent to owners of neighbouring properties who may be impacted by the variance by way of delivery of a written notice; by personal service or prepaid first class mail

Section 14.4 Service by prepaid first class mail shall be deemed to be effective on the fifth (5th) day after the notification is mailed.

Section 14.5 Enforcement Services shall investigate the feasibility of the location with respect to the adjacent neighbouring properties, and prepare a report to Council, which report shall contain the Official's opinion on the merits of the application and recommendations as to terms and conditions, if any.

Section 14.6 In deciding whether to grant the exemption, Council shall consider the application, the report from Enforcement staff, and any written submissions then received by Council, and shall give the applicant and any Person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

Section 14.7 A breach by the applicant of any of the terms or conditions imposed by Council in granting a variance shall immediately render the variance null and void.

BY-LAW read and passed by the Council for the Town of Halton Hills this 20th day of April, 2026.

Originally Signed By:

MAYOR – ANN LAWLOR

Originally Signed By:

TOWN CLERK – VALERIE PETRYNIAK