



# Town of Georgina Fence Viewers (GFV)

## Terms of Reference

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### 1. Purpose

1. 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.

### 2. Meetings

1. Approximately three (3) per year, plus appeal hearings when required.
2. A member shall not be absent for three (3) consecutive meetings without notice. For any anticipated lengthy absence (3 meetings or more), the member shall submit a request for leave of absence in order to preserve membership standing. Without a valid and acceptable reason for non-attendance, the individual's appointment will be rescinded.

### 3. Responsibilities

1. 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.
2. 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.
3. 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 Town

of Georgina Licensing Clerk attends to take the minutes of the meeting and the fence viewers are required to attend the appeal hearing.

#### **4. Term & Membership Composition**

1. Council shall appoint at least four (4) and not more than five (5) appointees as Fence Viewers.
2. Resignations from the Fence Viewers must be in writing.
3. The Fence Viewers shall be appointed for the term of Council, but shall continue until such time as new members are appointed by a new Council following an election. Members may be reappointed at the discretion of Council.
4. Recognizing that vacancies may arise, Council will request submissions from the public and will appoint citizens to fill such vacancies.

#### **5. Remuneration**

1. \$40.00 per meeting, plus mileage.

#### **6. Member in Good Standing**

1. All members should reflect appropriate conduct when attending meetings and/or representing the Town of Georgina in public.

#### **7. General Conduct**

1. All Fence Viewers will abide by the Town of Georgina's Code of Conduct and other applicable Town policies and guidelines.

#### **8. Budget**

1. If deemed necessary, Council will approve a budget to include anticipated revenue and estimated expenditures.
2. Purchases will adhere to the Town's purchasing By-law or require the CAO's approval.
3. The budget will be administered by the Director of Infrastructure and Operations. Other funds may be requested of Council for special projects or undertakings.

#### **9. Use of Town Logo/Letterhead**

1. Not Applicable.

## **10. Authority**

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

## **11. Confidentiality**

1. The *Municipal Act, S.O. 2001, c. 25*, shall bind the Fence Viewers as it relates to confidentiality, conflict of interest, closed sessions, and any other requirements under the *Act*, which pertain to the conduct of officials.

## **12. Procedural By-Law**

1. Not Applicable.

History: Amended by Council on August 15, 2018