

Subject: Amendment to By-law 2004-293 with Respect to Fee for Fence-Viewing

File Number: ACS2024-PDB-PS-0065

Report to Agriculture and Rural Affairs Committee on 2 May 2024

and Council 15 May 2024

**Submitted on April 23, 2024 by Derrick Moodie, Director, Planning Services,
Planning, Development and Building Services Department**

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**Wards: Orléans East-Cumberland (1) West Carleton-March (5) Orléans South-
Navan (19) Osgoode (20) Rideau-Jock (21)**

**Objet: Modification du Règlement n° 2004-293 sur les frais d'inspection des
clôtures**

Dossier : ACS2024-PDB-PS-0065

Rapport au Comité de l'agriculture et des affaires rurales

le 2 mai 2024

et au Conseil le 15 mai 2024

**Soumis le 23 avril 2024 par Derrick Moodie, Directeur, Services de la planification,
Direction générale des services de la planification, de l'aménagement et du
bâtiment**

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**Quartiers : Orléans-Est-Cumberland (1) West Carleton-March (5) Orléans-Sud-
Navan (19) Osgoode (20) Rideau-Jock (21)**

REPORT RECOMMENDATION

That the Agriculture and Rural Affairs Committee recommend Council approve the amendment to By-law 2004-293 respecting fence-viewing fees, to refer to By-law 2024-33, as outlined in Document 1.

RECOMMANDATION DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver la modification du Règlement n° 2004-293 sur les frais d'inspection des clôtures visant un renvoi au Règlement n° 2024-33, comme l'indique le document 1.

BACKGROUND

The *Line Fences Act, R.S.O. 1990, c.L.17*, provides a mechanism whereby a landowner who wishes to have a fence constructed to mark the boundary between their land and that of an adjoining owner or, where a fence already exists, to have it repaired or reconstructed, and who has not entered into a written cost sharing agreement with the adjoining owner, may arrange with the municipality to have fence-viewers view and arbitrate as to what portion of the fence each owner shall construct, reconstruct or repair and maintain. The *Act* also provides that the council of every local municipality shall, by By-law, appoint such number of fence-viewers as are required to carry out the provisions of the *Act*, and to set the fees associated with fence-viewing.

In 2004, the City of Ottawa passed By-law 2004-439, which is Ottawa's line fences by-law. This By-law is administered by the Rural Affairs Office.

DISCUSSION

In 2019, the fees for fence-viewing were set by Planning Infrastructure and Economic Development's planning fee schedule for the first time, and By-law 2004-293 was amended by By-law 2019-415 to refer to the planning fee schedule with a fee of \$400.00. Since that time, whenever there has been a new planning fee structure adopted, a new amending by-law is required to ensure that By-law 2004-293 refers to the proper, active by-law regarding fence-viewer fees.

On December 6, 2023, the 2024 City budget was adopted. Following the adoption of the Budget, By-law 2024-33 was adopted on January 24, 2024. This By-law set the planning fees for the City of Ottawa for the year. Now that By-law 2024-33 has been adopted, the previous fee by-law is rescinded and a new by-law to amend By-law 2004-439, section 3, is required to update the fees charged for fence-viewing. The attached by-law will amend By-law 2004-293 to refer to By-law 2024-33 for fence-viewing which

set the fee at \$430.00 per fence-viewing. The fees charged are revenue neutral and cover the costs associated with fence-viewing.

FINANCIAL IMPLICATIONS

There are no direct financial implications. The fees charged are revenue neutral and cover the costs associated with fence-viewing.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the report recommendation.

COMMENTS BY THE WARD COUNCILLOR(S)

Ward Councillors have been made aware of report.

CONSULTATION

Public consultation is not required for this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the report.

ECONOMIC IMPLICATIONS

There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

RURAL IMPLICATIONS

The fence-viewing fee is intended to offset the cost of fence-viewing.

SUPPORTING DOCUMENTATION

Document 1 Enacting By-law

DISPOSITION

Rural Affairs in consultation with Legal Services, to list the amending by-law on the agenda for enactment by Council, if approved.

Document 1 – Enacting By-law

BY-LAW NO. 2024 –

A by-law of the City of Ottawa to amend By-law No. 2004-293 respecting the fee for fence-viewing.

The Council of the City of Ottawa, pursuant to Section 2 of the *Line Fences Act*, R.S.O.1990, enacts as follows:

1. That Section 3 of the said By-law No. 2004-293 is replaced with the following Section:
“3. Where an application is made under the Line Fences Act, an administrative fee, as set out in By-law 2024-33, as amended, shall be paid to the City at the time the application is submitted.”

ENACTED AND PASSED

CITY CLERK