



Province of Alberta

LINE FENCE ACT

Revised Statutes of Alberta 2000 Chapter L-13

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Office Consolidation

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LINE FENCE ACT

Chapter L-13

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Wire fence

1 A person erecting a wire fence across a trail that has been in constant use by the public for a period of 3 months immediately before the erection of the fence shall place on the fence where it crosses the trail and for a distance of 10 metres on each side from the centre of the trail either

- (a) a top rail, or
- (b) pieces of wood, commonly known as droppers, placed perpendicularly not less in length than the height of the fence nor less than 5 centimetres in width and at intervals not exceeding 2 metres.

RSA 2000 cL-13 s1;RSA 2000 c18(Supp) s5

Application and interpretation of sections 2 and 3

1.1(1) In this section and sections 2 and 3, “livestock” means cattle, horses, bison, sheep, swine including wild boar, goats and diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*.

(2) Sections 2 and 3 apply only to the extent that a fence is designed to keep the livestock of an owner or occupier out of the adjoining land of another owner or occupier.

(3) For the purposes of sections 2 and 3,

- (a) there is only a benefit or advantage to a parcel of land if it has livestock on it, and
- (b) where there are livestock on both parcels of land, in determining the benefit or advantage accruing to each parcel, there shall be taken into account the height, strength

and structure of fence needed by each parcel, including any special needs on the part of a parcel arising from the species of livestock on it.

2003 c25 s2;2011 c12 s33

Adjoining owners

2(1) When 2 owners or occupiers of adjoining parcels of land desire to erect a line or boundary fence between the adjoining parcels for the common advantage of both of them they shall bear the expense of the erection, maintenance and repair of the fence in equal shares.

(2) If the owner or occupier of a parcel of land erects a line or boundary fence between the land and an adjoining parcel of land the owner or occupier of the adjoining parcel of land shall, as soon as that owner or occupier receives any benefit or advantage from the line or boundary fence by the enclosure of that owner's or occupier's land or any portion of it or otherwise, pay to the first mentioned owner or occupier a just proportion of the then value of the line or boundary fence and afterwards the expense of maintaining and repairing the fence shall be borne by the adjoining owners or occupiers in equal shares.

RSA 1980 cL-16 s2

Settlement of disputes

3(1) If adjoining owners or occupiers of land disagree as to

- (a) the quality of the fence that has been or that is to be erected,
- (b) the proportion of the value of the fence to be borne by the parties to the dispute,
- (c) the amount of the expense incurred in erecting, maintaining or repairing the fence,
- (d) the proper location of a proposed or existing line or boundary fence,
- (e) the just proportion of a line fence that each owner or occupier should make or put in repair, or
- (f) the amount that an owner or occupier should pay as compensation to the other for making or keeping in repair any fence,

they shall each appoint an arbitrator to determine the matter in dispute.

(2) The arbitrators shall, after first giving the parties reasonable notice of the time and place where they intend to meet for the

purpose of hearing and determining the matter in dispute, attend at the time and place and hear the parties and their witnesses and make their award in respect of all matters in dispute.

(3) If either of the parties refuses or omits to appoint an arbitrator within 48 hours after a demand is made in writing on the party to do so by the other party, that other party may apply to a justice of the peace who, on being satisfied by the oath of a credible witness that the demand has been made and not complied with, may appoint an arbitrator for the person refusing or omitting to appoint, and the arbitrator appointed shall proceed and act and all steps shall be taken as provided in this section as if the arbitrator had been appointed by the person refusing or omitting to appoint.

(4) When the arbitrators are unable to agree, they shall appoint an umpire who shall make an award as to the matter in dispute.

(5) The appointment of arbitrators under this section is deemed to be a submission under the *Arbitration Act* and that Act applies thereto.

(6) The decision of the arbitrators or umpire as to the proper location of a proposed or existing line or boundary fence does not affect the title to the land on either side of it and is binding only during the actual existence as a lawful fence of the fence in question.

RSA 1980 cL-16 s3



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