

## **Dividing Fences**

A fence is required between 2 properties if an owner requests one. A fence is any barrier separating 2 properties along a designated boundary line ( continuous or not ) but not including retaining walls or parts of a house or other building.

Normally adjoining property owners are expected to equally contribute to and maintain a dividing fence and must not attach anything to or modify the fence in a way that results in damage to the fence.

If Neighbours are unable to deal with fence issues reasonably and informally the matter or dispute can be taken to your State Civil and Administrative Tribunal ( QCAT, VCAT or NSW Fair Trading ) for resolution.

### **What to do**

Talk to your neighbour.

Discuss the matter with your neighbour and make sure everyone's requirements are clear. Most matters are addressed by mutual agreement and any quotes for work should reflect exactly what both parties have agreed upon. Usually any quote will be made out to one party making that party responsible for any debt so if there is any doubt over the matter, a written agreement is a formal record of the parties agreement.

### **What if you can't agree on where the fence will go**

Fences should be built on the common boundary and if you can't agree on where the fence is to go the fence line will need to be identified by a Registered Surveyor.

### **Types of fence**

Local Councils and some covenants have specific fencing requirements and you should check for any special requirements that apply but fences are normally between 0.5 and 1.8m high and constructed from timber, chain wire, metal, bricks, blocks, hedges or some other materials.

### **What if your neighbour refuses to contribute**

Don't build the fence – if you do you the Dividing Fences Act will not cover you and Neither the Courts or Small Claims Tribunal can deal with your claim. If you are unable to reach an agreement, either party can apply for an order to fence through the appropriate legal channels.

### **Can you build a fence on your own property**

Yes and any fence built would be treated the same as if it was built on the common boundary.

### **Do you need your neighbour's permission to fence**

It's common courtesy and good manners to let your neighbour know your intentions but there is no formal requirement to do so under the act

### **Do you have to allow access to your property**

Anyone working on or repairing the dividing fence should be allowed on adjoining land at reasonable times.

### **Remember**

The best way to resolve a fence issue is directly with your neighbour and this will be the fastest, cheapest and stress free method of resolving any matter to your mutual satisfaction.

This general information is a guide only and is not intended to be used as legal or formal advice or guidance. Information about the law and resolving conflict is available through QCAT, VCAT, NSW Fair Trade and in QLD, the Department of Justice and Attorney - General, the Queensland Building Services Authority, Queensland Government and the Neighbourhood Disputes Act 2011.