

**Meeting Date:** December 18, 2023  
**Department:** Building, By-law and Planning  
**Report No.:** BBP-2023-134  
**Submitted by:** Jennifer Huff, Director, Building & Planning  
**Approved by:** Trisha McKibbin, Chief Administrative Officer

**SUBJECT:** Proposed Amended Draft Fence By-law - November 2023

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**RECOMMENDATION: THAT:** Report BBP-2023-134 be received by Council for information, and further;

**THAT:** Council direct staff to finalize the amended Fence draft by-law and bring it forward to a future Council meeting for approval, and further;

**THAT:** Council direct staff to amend the Pool Fence By-law to increase the fines as recommended and bring forward the amended by-law to a future Council meeting for approval.

**BACKGROUND:**

Staff have brought forward a draft fence by-law at the December 5, 2022 and the November 6<sup>th</sup>, 2023 Council meetings for comment and consideration.

Based on the most recent comments received by Council, staff have made a number of changes to the by-law as illustrated in red on a track-charge version of the draft by-law (attached to this report).

**COMMENTS:**

A summary of the changes as well as commentary on some of the requested changes are as follows:

- Comment was made that the fence by-law should not apply to rural and farm lots.
  - The definition of 'Residential Lot' remains unchanged and states that it applies to only those properties within the Residential Zone Category (being R1, R2, R3, R4 and R5). Staff did not to include reference to the specific categories in the definition as these categories may change with the pending update to the zoning by-law. However, the

zoning by-law is and will continue to be divided into land use categories and this by-law will only apply to those in the “Residential Category”.

- Comment was made that owners of livestock should not be required by the fence by-law to fence and maintain a fence for their livestock and that the Line Fence Act was sufficient. On the question of whether livestock owners should be required to fence their livestock, staff offer a number comments for consideration:
  - Staff have received several complaints and concerns this year from landowners who find livestock on their property doing damage to their crops and property.
  - Livestock - vehicle collisions pose a risk in the event livestock find their way onto roads and highways.
  - The Line Fences Act deals only with requests for new fences or requests to repair fences and would not deal with a landowner who refuses to maintain or construct appropriate fencing for their livestock.
  - Should adjacent landowners be required to fence their property to keep livestock from entering their property instead?
  - Given the above, staff continue to recommend that livestock owners be required to fence their livestock and the draft fence by-law includes this sections, however, can further amend the by-law upon Council direction.
- Comment was made that notices should be provided by registered mail rather than regular mail and that, if provided via regular mail, more than seven (7) days should be provide to consider the notice served. As well, it was noted that the notice should not be posted on the fence.
  - The majority of occurrences of all types require the mailing of notices (there are more than 500 occurrences to date this year). The cost of providing these by way of registered mail would be cost prohibitive.
  - A number of other by-laws currently in effect require mailing of notices by regular mail.
  - Staff concur that more time should be provided for mailing and have extended the period of time after mailing to fourteen (14) days to consider the notice served relative to the fence by-law.
  - Staff concur that the notice should not be posted to the fence and has removed that reference from the by-law. Posting the notice on the door of a property aligns with other by-laws as ‘serving notice’ (i.e. building by-law per the OBC).

If Council wishes to otherwise revise the fence by-law, it is requested that such amendments be brought forward by resolution so staff could updated the fence by-law according to Council direction.

**STRATEGIC PLAN ALIGNMENT:**

This matter is in accord with the following strategic priorities:

Growth Management: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

**ATTACHMENTS:**

Draft SC Fence By-law – November 2023

Pool Fence By-law with amended Fee Schedule