

The Line Fence Act

being

Chapter L-17 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1980-81, c.83; 1989-90, c.4; and 1992, c.A-24.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

- 1 Short title
- 2 Liability of adjoining owner
- 3 Arbitration
- 4 Fences across closed trails

CHAPTER L-17

An Act respecting Boundary or Line Fences

Short title

1 This Act may be cited as *The Line Fence Act*.

Liability of adjoining owner

2(1) When two 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 they shall bear the expense of the erection in equal shares and thereafter the expense of maintaining and repairing the fence shall be borne by the adjoining owners or occupiers in equal shares.

(2) When the owner or occupier of a parcel of land erects a line or boundary fence between that land and an adjoining parcel of land the owner or occupier of the adjoining parcel of land, as soon as he receives any benefit or advantage from the line or boundary fence by the enclosure of his land or any portion thereof or otherwise howsoever, shall pay to the first mentioned owner or occupier a just proportion of the then value of the line or boundary fence and thereafter the expense of maintaining and repairing the fence shall be borne by the adjoining owners or occupiers in any year:

(a) where both adjoining owners or occupiers pasture or keep animals on their lands at any time during the year, in equal shares;

(b) where only one adjoining owner or occupier pastures or keeps animals on his land at any time during the year, solely by that owner or occupier.

R.S.S. 1978, c.L-17, s.2; 1980-81, c.83, s.27;
1989-90, c.4, s.2.

Arbitration

3(1) If adjoining owners or occupiers of land disagree as to what is a lawful fence or as to the proper location of a proposed or existing line or boundary fence or as to the necessity of repairs to or the manner of repairing a line fence or as to the just proportion of a line fence that each such owner or occupier shall erect or put in repair or as to the amount of compensation that one owner or occupier shall pay to the other for erecting or keeping in repair a line fence or as to any other matter in connection with the erection or repair of a line fence, they shall each appoint an arbitrator to determine and settle the matter in dispute.

(2) The arbitrators shall give to the owners or occupiers reasonable notice of the time and place where they intend to meet for the purpose of hearing and determining the matter in dispute, shall attend at the time and place so fixed, hear the parties and their witnesses and make their award.

(3) If the arbitrators are unable to agree they shall appoint an umpire who shall make an award in respect of the matters in question. If the arbitrators cannot agree upon the appointment of an umpire, either of them or either of the parties who appointed them may apply to a justice of the peace who may appoint an umpire, and the umpire so appointed shall proceed to make an award with respect to the matter in question.

(4) If either of the persons refuses or omits to appoint an arbitrator within ten days after a demand is made in writing upon him to do so by the other person that other person may apply to a justice of the peace who, being satisfied by the oath of a credible witness that such demand has been made and not complied with, may appoint an arbitrator in the stead of the person so refusing or omitting to appoint and the arbitrator so appointed shall proceed and act and all steps shall be had and taken as provided in this section as if he had been appointed by the person so refusing or omitting to appoint.

(5) The direction herein contained for the appointment of arbitrators shall be deemed an arbitration agreement under *The Arbitration Act, 1992*.

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

R.S.S. 1978, c.L-17, s.3; 1992, c.A-24.1, s.61.

Fences across closed trails

4 Every person erecting a wire fence across a trail that has been in common use by the public for a period of three months immediately previous to the erection shall place and maintain for one year a top rail on the fence where it crosses the trail and for a distance of two rods on each side from the centre of the trail.

R.S.S. 1978, c.L-17, s.4.