

BOUNDARIES

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Tips for Fence Builders



The Alberta Land Surveyors' Association (ALSA), established in 1910, is a self-governing professional association legislated under the *Land Surveyors Act*.

The Association regulates the practice of land surveying for the protection of the public and administration of the profession.

control, by-law requirements and agricultural uses. Or, fences can be simply an architectural or aesthetic improvement to your property. Fences are most often used to mark the boundaries of a property. Whenever fences are located on property boundaries they must be located properly to minimize the chance of causing legal issues that may be expensive to resolve.

Before You Get Started

Include your neighbours

Discuss the construction of the fence with your neighbors—remember they have to look at it too. They may share in the cost, helping with the location and even the construction. Ideally you and your neighbour should jointly own the

The Alberta Land Surveyors' Association has just published a new brochure offering tips about building a fence that will save landowners money and headaches.

The free brochure is available by calling 1-800-665-2572 or visiting www.alsa.ab.ca/fences

The Importance of a Boundary Fence

Fences serve many functions. They can be constructed for security reasons, pet or child confinement, hazard

fence—with this arrangement encroachment and access for maintenance is seldom a problem.

Sole Ownership

If you don't get along with your neighbour, locate the fence entirely on your property. Design and locate your fence so maintenance can be done from your side of the property line. Install a fence that is finished on both sides, or place the finished side facing the neighbour's property.

New Neighbours

Consider future problems that may arise should the neighbouring property be sold. Remember that your verbal agreements with your old neighbour are not binding for the new neighbour. Make sure any access arrangements are disclosed to the new neighbour and if there is a problem create a formal agreement with the old neighbour before their property is transferred.





Tips for locating property boundaries

1. The easiest way to determine boundary locations is to hire an Alberta Land Surveyor (ALS).
2. If you know where your property boundary markers are you can mark the property line—there are often monuments (survey markers) for other purposes, such as roadways, etc. Be absolutely certain that you are using the right survey markers (steel pins).
3. Remember it is illegal to disturb or remove any survey marker. Fines for tampering with boundary markers can be up to \$10,000 or jail time. (For more information, see the brochure “*I just built a fence!*” at www.alsa.ab.ca)

4. Call Alberta One-Call and have underground facilities marked. You do not want to hit a gas or electrical line.
5. Ask your neighbour to help and be involved in determining the fence location.

Permits, By-Laws and Restrictions

Most municipalities have regulations about fences. Check with your local Building Department to see what permits, by-laws or other restrictions may affect your construction. Make the proper permit applications, pay the necessary fees and provide construction drawings and site plans if required. Be prepared to provide full information about your proposed fence—location, material (wood, chain link, etc.), length, height, etc.

Protect Yourself—Do It Right

Fencing is considered an important residential design element and regulations are in place to protect property values from construction that could damage the character of a neighbourhood. If you hire a contractor, be sure you are protected from shoddy workmanship. If there is any doubt about the fence location, insist that the fence-line be surveyed properly.

Hire an Alberta Land Surveyor

Retain the services of an Alberta Land Surveyor to have your property line accurately located. This type of survey is often called a fence line survey and an Alberta Land Surveyor will locate your boundary and physically mark the boundary on the ground so you know where to build your fence. Remember the location of a previous fence may not accurately represent the property’s boundary. If there is a question or dispute in the future about the location of the boundary, the Alberta Land Surveyor will take responsibility for the work done. To find an Alberta Land Surveyor near you, visit www.alsa.ab.ca

This newsletter is published by the Alberta Land Surveyors’ Association as a public service. If you would like to receive a copy of *Boundaries*, please contact us at info@alsa.ab.ca or 1-800-665-ALSA.

Readers may reprint an ALSA original article as long as credit is given to the *Boundaries* newsletter and the Alberta Land Surveyors’ Association. *Boundaries* is also online at www.alsa.ab.ca/boundaries-news/

Current Costs—Future Savings

The cost of hiring an Alberta Land Surveyor to conduct a fenceline survey is well-justified if there is ever a boundary dispute. The surveying cost may be minor compared to potential costs of legal actions. A boundary determination by an Alberta Land Surveyor will thus reduce future costs, lessen the likelihood of legal action and will stand up in court.

Protect Survey Markers

Survey markers are very important and must be protected. It is illegal to remove or tamper with them. The law applies to everyone including landowners, contractors and landscapers. An easy way to protect survey markers is to cantilever the fence at the corners. Set your last fencepost two feet back from the corner and cantilever the remainder. Never set the fence post directly over or beside a survey marker as it could result in some disturbance or difficulty in accessing the marker. The cost of replacing a lost or damaged marker can often exceed the cost of the fence so be careful. Your goal should be to ensure the survey markers are easily accessible for your neighbours and others.

Responsibilities of an Alberta Land Surveyor

Question: What are the responsibilities and liabilities of an Alberta Land Surveyor when signing off on a survey plan?

Reply: When an Alberta Land Surveyor signs a plan (or for that matter engages in the practice of surveying whether a plan is prepared or not), the Alberta Land Surveyor is responsible for ensuring the work was done in accordance with the relevant statute law, common law, policy and procedure documents and the prevailing standards of good practice of the day.

Only an Alberta Land Surveyor may engage in the practice of land surveying. Not only does the practice of land surveying mean the survey of land, air and water to determine boundaries

or certifying anything relative to a boundary but it also includes giving advice with respect to boundaries.

Any person or corporation who represents expressly or by implication that they can practice land surveying but is not licensed by the Alberta Land Surveyors' Association can be sanctioned by the court.

Landowners should ensure that any person or corporation they are proposing to retain to provide land surveying services is authorized to do so.

An Alberta Land Surveyor will ensure the work has been done in accordance with the required professional standards.

Land Surveyors and Industry Working Together

Public land in Alberta is not only used for recreation purposes but also other initiatives which drive the provincial economy: wellsites, forestry and agriculture. Before any of these activities can take place, the province must grants a lease to the users.

The land use application process begins with a land disposition request application submitted

by a potential user of public land. The evaluation process will result in a recommendation specifying whether the proposed use can be integrated into other land uses currently on the land (i.e., long- or short-term grazing, cultivation, or sale).

Alberta Sustainable Resource Development has recently formed four working groups to develop survey and plan standards for public land dispositions in Alberta that support a prosperous

economy and a sustainable environment by taking advantage of emerging technologies to define accurate disposition locations. Standards shall maintain the quality and integrity of the cadastral fabric in Alberta.

Four working groups will focus on reviewing depositions related to the following industry themes: forestry, oil & gas, utility, other.

In the context that Sustainable Resource Development is acting as a landowner and industry stakeholders have interest in those lands, Alberta Land Surveyors will act as chairs for the various working groups. This is a traditional role for the profession recognized by society and the legal system in Canada.



Land Surveyors on the Air

Shaw TV in Edmonton aired “Surveying the Past” segments this past month in conjunction with their 4:00 p.m. news show and running approximately every hour for the next 24 hours. The segments were produced in conjunction with the Alberta Land Surveyors’ Association feature interviews with Dick Bassil, Lou Breton and Ross Tate.

For those who receive the French-language channel, Historia, they aired a documentary on the Cote Family, including prominent Alberta Land Surveyor J.L. Cote.

The Association of Canada Lands Surveyors will air their 30-second ad on the Aboriginal Peoples Television Network (APTN).

To view their full video, please visit <http://www.acls-aatc.ca/en/node/43>.

Finally, the American Congress on Surveying and Mapping (ACSM) announced in a new program for surveyors and mappers across the U.S. The program airs on America’s web radio (www.americaswebradio.com) every Monday at 9:00 am Mountain.



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