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Trees and Fences

**RULES BETWEEN
NEIGHBOURS**



Setting
the
Scene

Can you trim branches on your neighbours' tree? Who's responsible for the fence?

The law has rules on neighbourly relations.

The law changes. This pamphlet is up to date to March 22, 2017.

It has general information only. If you need legal advice on a specific situation, consult a lawyer or notary.

The Golden Rules

The law says we have to put up with some inconvenience that comes with living near other people.

The law calls these normal neighbourhood inconveniences.

But the law also says that people must act reasonably and avoid injuring other people or their property.

Keep these rules in mind when you read this pamphlet.

Branches and Roots

If they are growing over onto your property, what can you do?

If they seriously interfere with your use of your property, you can ask your neighbour to cut them.

But if your neighbour refuses, you can't cut them yourself.

As a last resort, you can go to court. But you will have to show a serious interference with your property.

Here are examples of when courts have found a serious interference and ordered trees to be cut:

- damage to drainage and the deck of a swimming pool
- pine tree resin damages cars
- damage to a roof and its gutters

Tree About to Fall

A tree on your neighbour's land looks like it will fall onto yours?

You must try to convince your neighbour to prop it up or take it down completely.

A last resort is to go to court. But before a court will order the tree cut, you must show there is a serious danger it might fall in the near future.

Remember, your neighbour is supposed to act with care so that the tree does not injure anyone or damage property.



Fences and Hedges

Property owners are allowed to install fences and hedges around their properties.

Who has to pay for these?

If the fence or hedge is completely on your property, you must pay for it and maintain it.

But if it's on the dividing line between two properties, it is a shared responsibility. So, both owners must share the installation and maintenance costs.

Careful!

You want install a fence or hedge on the dividing line? First, you must reach an agreement with your neighbour on the type and cost. You can't impose a shared fence or hedge without giving your neighbour a chance to control its cost.

If your neighbours propose something you don't want, a solution could be for them to build it completely on their side and pay the whole cost.

Check City Rules

Many cities and towns have rules on the type of trees you can plant, and the kinds of fences and hedges you can install.

It's important to check these rules.

Solving Disagreements

Neighbours don't always agree about trees, fences and hedges.

How can you settle a disagreement?

In some regions of Quebec, there is a service called citizen mediation. Mediation means a neutral third person tries to help people reach an agreement.

To see if there is a citizen mediation program in your area, check this website: www.rojaq.qc.ca (website in French only).

As a last resort, you can go to court. If you are asking for money, and your claim is \$15,000 or less, you can go to small claims court. In this court, there are no lawyers and the rules are simplified.

Also, this court offers its own mediation service. To learn more, go to www.justice.gouv.qc.ca, then "small claims."