



# Fences



Fences are a common area of dispute between neighbours. The Fences Act 1968 makes occupiers of land responsible for the construction and maintenance of dividing fences and sets out how the costs are to be shared between property owners.

Some important things to discuss with your neighbour may include:

- The need for a fence
- The type of fence proposed
- What arrangements need to be made and who will make them
- Who will actually do the work
- How many quotes to get, and who will get them
- Who should sign the contract
- When the work should start
- Whether a temporary fence should be put up
- The position of the new fence
- Check with local Council about fence height restrictions

You should then prepare a written notice to fence, which specifies the position of the fence and the method and cost of construction or repair. Give this notice and a quotation from a fencing contractor to your neighbour. If your neighbour does not respond to the written notice within one month, the matter can be taken to a Magistrates' Court.

If you cannot find your neighbour (for example the land next door to you is vacant), and you want your neighbour to help you pay for a fence, you should either send a notice by registered mail to the person who is shown as being the owner in your Council's rate records, or if that is not possible, put an advertisement in your local paper asking the occupier of the land to contribute to the building of a fence between your properties.

## **When an argument is going nowhere, where do you take it?**

The Dispute Settlement Centre of Victoria can overcome some of the problems associated with Fencing disputes. They provide a way of resolving a dispute without having to take legal action. The Centre may arrange mediation and write to invite your neighbour to attend. If your neighbour does not respond the Centre will rewrite ten days later. If still no response the Centre's involvement will end. This is a free service.