

September 21, 2017

What Are My Fencing Obligations?

Several pieces of legislation come into play in relation to fences on farmland in Alberta: the *Stray Animals Act*, the *Line Fence Act*, the *Public Lands Act*, and the *Surveys Act*.

- *Stray Animals Act*
Under the *Stray Animals Act*, a landowner is responsible for keeping his livestock properly fenced and contained. If damage is caused by the trespass of cattle onto another property, the owner of the cattle is responsible for the damage.
- *Line Fence Act*
A landowner's obligations under the *Line Fence Act* are closely tied with their responsibilities under the *Stray Animals Act*. The basic principle of the *Line Fence Act* is that if both landowners benefit from the fence, they should share the costs, which include the costs for erection, maintenance, and repair of the fence. In this legislation, benefit is determined by having livestock on the land. If one landowner has needs above and beyond what would be normal, they are responsible for the additional cost. In addition, if a tree falls and damages a fence, the owner of the property where the tree was located is responsible to repair the fence.
- *Public Lands Act*
All water in Alberta is owned by the Crown, even if it is located on private land. A landowner may use the water for livestock, but should keep in mind the obligation to prevent animals from straying under the *Stray Animals Act*. Fencing near a water body has to strike the balance of confining the livestock and not violating the federal *Navigation Protection Act*, which stipulates that "works" (including fences) cannot be constructed in a water body.
- *Surveys Act*
Surveys can be helpful if there is a dispute over the location of a fence. Some older fences can be off the property lines due to older technologies for surveying or a desire to move around bushed or treed areas.

The Inspection and Investigation Unit at Alberta Agriculture and Forestry addresses compliance issues and resolves disputes regarding the *Line Fence Act*. They can be contacted directly at 403-755-1474. The *Line Fence Act* also provides the option of pursuing a resolution through arbitration, which is faster than the courts and produces a binding decision.

Stray cattle are dealt with by Livestock Identification Services (LIS) can be called at 1-866-509-2088 to capture and confine the livestock. LIS should be called within 48 hours of the trespass.

Please call the Ag Info Centre at 310-FARM (3276) if you have any questions.