



# Advice from Alan

## Neighbours and fences

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Issues between neighbours over fences can cause major headaches if they get out of hand. It pays to know where you stand.

### ***Does my neighbour have to contribute to the cost of a new fence?***

Yes, in many cases they do. You should always try to reach an agreement with your neighbour before you go ahead and have a new fence built. However, if your neighbour will not agree to what you propose, you must follow the requirements of the Fencing Act.

### ***You must give your neighbour a Fencing Notice.***

This must set out clearly the boundary to be fenced, the type of fence, who will build it, what it will cost, and when the work will start. The notice must also explain that the neighbour has 21 days to object or to make any counter proposals. If these requirements are not met, before work is done to build the fence, the cost will be on the neighbour who does the work and the others will not have to contribute.

### ***What if my neighbour does not want a new fence?***

The neighbour will have to give you a Cross Notice saying why they object to the new fence being built. Then, if agreement cannot be reached, the matter will have to be dealt with by the Disputes Tribunal or the District Court.

### ***My neighbour has damaged the fence and wants me to contribute to the cost of repairs.***

You do not have to contribute. The neighbour who caused the damage is liable to repair the fence and pay for those repair costs.

### ***What sort of fence can be built?***

The Fencing Act sets out specimen types of fence for both urban and rural boundaries. Urban fences include post and rail fences, close-boarded fences, paling fences, panel fences, and masonry walls. The court will look at the reasonableness of the various proposals.

Usually some reasonable discussions between you should result in an agreed solution or compromise, but it pays to know what your rights are before you agree to anything.