

1914

c 211 Snow Fences Act

Ontario

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Bibliographic Citation

Snow Fences Act, RSO 1914, c 211

Repository Citation

Ontario (1914) "c 211 Snow Fences Act," *Ontario: Revised Statutes*: Vol. 1914: Iss. 2, Article 41.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss2/41>

CHAPTER 211.

An Act respecting Snow Fences.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Snow Fences Act*. 2 Geo. Short title. V. c. 52, s. 1.

2.—(1) The council of every township, city, town and village may pass by-laws requiring the owners or occupiers of land bordering upon a public highway to take down, alter or remove any fence which causes an accumulation of snow or drift so as to impede or obstruct travel. Powers of councils to require removal of fences.

(2) The council shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction in lieu thereof of some other description of fence, approved of by the council, as may be mutually agreed upon; and in default of agreement the compensation shall be determined by arbitration, and three fence-viewers appointed by the council shall be the arbitrators. 2 Geo. V. c. 52, s. 2. Making compensation therefor.

3.—(1) If the owner or occupant refuses or neglects to take down, alter or remove the fence as required by the council, the council, after the expiration of two months from the time the compensation has been agreed upon or determined by arbitration, may take down, alter or remove such fence, and may construct the fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council, over and above the amount of compensation, may be recovered from such owner or occupant by action in any Division Court having jurisdiction in the locality, and the amount of the judgment, if not sooner paid, shall be placed by the clerk of the municipality upon the collector's roll against the land upon or along the boundaries of which the fence is situate, and shall be collected as other taxes. Power in case of neglect or refusal by owner or occupant.

(2) Where an occupant, other than the owner, is required to pay such sum, or any part thereof, he may deduct it, and any costs paid by him, from the rent payable by him, or may otherwise recover the same unless he has agreed with the landlord to pay it. Right of occupant to deduct amount paid from rent.

(3) The arbitrators shall examine the premises and shall, if required, hear evidence. Duties of arbitrators.

Fees.

(4) The arbitrators shall be entitled to \$2 a day, which shall be paid by the corporation of the municipality if the amount of the award exceeds the amount offered by the corporation, otherwise by the owner or occupant.

Appeal.

(5) The award shall be filed in the office of the clerk of the municipality, and an appeal shall lie therefrom to the Judge of the County or District Court of the County or District.

Rev. Stat.
c. 259
to apply.

(6) The provisions of *The Line Fences Act* shall *mutatis mutandis* apply to such appeal. 2 Geo. V. c. 52, s. 3.

Power to
enter on
lands.

4.—(1) Every such council may, on and after the 15th day of November in each year, enter into and upon any lands of His Majesty, or of any corporation or person, situate within the municipality and lying along any public highway in or adjoining any such municipality, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be suffered by the owner or occupant of the land so entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration as provided in section 2.

Removal.

(2) The snow fences so erected shall be removed on or before the first day of April following. 2 Geo. V. c. 52, s. 4.