

April 17, 2023

To: Councillor Chabot and Members of Council
From: Iain Bushell, Director, Emergency Management & Community Safety
Brenda Desjardins, Director, Development, Business & Building Services
Debra Hamilton, Director, Community Planning
RE: Response to Administrative Inquiry Community Fences

This information responds to Councillor Chabot's Administrative Inquiry that came during the 2022 November 1 Combined Meeting of Council. The questions were as follows:

- 1. Can administration advise whether or not it is possible to register on title an access agreement on private property to maintain perimeter and/or screening fences in existing developed areas without the property owner's consent?**
- 2. If not, then what recourse would the City have to ensure that the perimeter fencing is maintained in a good condition? And,**
- 3. What if anything can be done to allow for a community identification sign to be placed on that same fence?**

Register an Access Agreement to Maintain Fences

The City is bound by several Acts that require property owner's consent to register an access agreement on title to private property for maintenance of perimeter or screening fences in existing developed areas. Resultingly, any access agreement is voluntary. A further consideration is that City services do not include private property fence maintenance.

The City's Recourse on Fence Maintenance

At subdivision stage in new communities, The City has an option to include a condition that the developer establish a Homeowners Association (HOA) or Residents Association (RA) to look after fencing and other issues, but those are dependent on whether it's something the developer is interested in establishing. If not established at this stage, The City cannot later require the community to develop an HOA or RA.

If there isn't an HOA or RA, fence maintenance is the responsibility of the homeowner and is enforceable under the Community Standards Bylaw. However, there are challenges in enforcing the Community Standards Bylaw, including the ability for homeowners to purchase similar replacement material, and joint voluntary compliance where a fence in disrepair extends across multiple property lines.

Administration will work closely with Ward offices to identify communities with ongoing issues with perimeter/screening fence, to fully understand the issue and provide information to support community understanding and solutions.

Community Identification Sign

Signs, known as Community Entrance Feature, located on private property are regulated by the Land Use Bylaw 1P2007 and would require a Development Permit for the specific parcel where the sign is located. The Land Use Bylaw requires "the owner of the parcel, on which [the sign] is located, to enter into an agreement for the maintenance of the parcel and the removal of the use at the discretion of the Development Authority". (Reference: [Freestanding signs \(Class C\) \(calgary.ca\)](#)).

If the fence is privately owned, the City would need consent (in the form of an agreement) to allow for a community identification sign to be placed on that fence.