

Neighbourhood Disputes over Trees and Fences

Not everyone gets on with everyone all the time. That's true, even for the closest of friends or family.

It's when neighbours fall out that the Council is often asked to step in. While we don't get involved in disputes between private individuals we can offer you some tips on how to deal with them if they arise.

Trees

Most often the problem is trees blocking sunlight or views, or branches and roots encroaching onto a neighbour's property.

We have found differences can usually be settled with a combination of tact and compromise. So first and foremost, discuss your concerns with your neighbour.

Be calm. Give them time to think about the problem and possible solutions you can both live with.

It might help you to read Section 333 of the Property Act 2007 which clearly defines a property owner's responsibilities. You can [view](#) or download a copy from legislation.govt.nz

If the two parties can't agree, you will probably need to take the problem to your lawyer. You may need to seek a court order to force your neighbour to take the action you want.

The District Court will order any action to be done within a set timeframe.

Don't do anything yourself that could damage or destroy the tree.

Fences

Issues over fencing are usually covered under the Fencing Act 1978. You can [view](#) or download a copy from legislation.govt.nz



Basically the Act states that where an adequate fence does not already exist, occupiers of adjoining land must contribute equally to the cost of the boundary fence.

To make things clear, and perhaps avoid disputes later, it helps if both parties can agree on key matters before any work begins.

Talk about:

- the part of the boundary to be fenced
- design and type of materials
- how much each party will pay
- who is doing the work
- when the work will be done
- anything else that is relevant to your situation.

A written agreement covering these key points will prove a valuable reference if there is any argument later.

Once agreement is reached, you need to ensure the fence is built on the boundary. You will need to employ a surveyor to redefine the boundary if you cannot locate the boundary pegs.

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If you can't agree

Where both parties do not agree on an aspect of the project, you should not begin work on the fence.

If you choose to carry on without your neighbour's agreement, you may end up carrying all the costs of the work yourself.

The Fencing Act outlines just how you should now proceed. If in doubt, seek legal advice.

P.S....

Remember also, that if the fence is more than 2.5 metres in height, you will need a building consent.

A resource consent may also be required where it is proposed to erect a front fence over 1.5 metres or any other fence over 2.5 metres.

Our Customer Services staff can advise you further on consent matters.

The Community Law Office provides free legal advice.

Phone 03 366 6870 or ask at the local Citizens Advice Bureau.

Find out more at waimakariri.govt.nz or contact Customer Services on 0800 965 468.