

NOTICE OF LONG-TERM TENANT FROM ADJOINING OWNER TO NOTIFYING OWNER

Date of this notice:

Name of person(s) giving notice:

Address of person(s) giving notice (for response):

Telephone number of person(s) giving notice:

Email address of person(s) giving notice (if any):

1. I (the adjoining owner) give this notice to you, the owner of the property located at (the notifying owner):

[Include description of land e.g. street address, lot number and/or identifying particulars]

2. I received a fencing notice under section 13 of the Fences Act 1968 from you proposing fencing works and any subsidiary works* between your property, described at 1, and my adjoining property, which is located at:

[Include description of land e.g. street address, lot number and/or identifying particulars]

3. By giving you this further notice, I notify you that there is a long-term tenant of my property who is liable to contribute to the fencing works and any subsidiary works* for a sufficient dividing fence.

4. You are not required to respond to this notice.

IMPORTANT INFORMATION ABOUT THIS NOTICE

1. If, within 30 days from the day the notifying owner[†] gave the adjoining owner[†] the fencing notice, the long-term tenant responds but the long-term tenant and the owners do not agree to one or more of the matters specified in the fencing notice,[‡] the fencing works or any subsidiary works* may not proceed and, after the 30 days, the long-term tenant, the notifying owner or the adjoining owner may commence proceedings in the Magistrates' Court for orders about: whether or not a dividing fence is required and whether or not fencing works and any subsidiary works* should be carried out; the nature of any fencing works and subsidiary works* to be carried out; the nature of the fence that constitutes a sufficient dividing fence; the way in which contributions for the works should be apportioned; and other matters.
2. If, within 30 days from the day the notifying owner gave the adjoining owner the fencing notice, the long-term tenant has not responded to the notice given to the long-term tenant, the fencing works and any subsidiary works* may proceed without the long-term tenant's agreement. The adjoining owner may then seek an order in the Magistrates' Court to recover a contribution from the long-term tenant.

* subsidiary works are other necessary works to allow the fencing works to take place, including design of a dividing fence, preparation/clearing of land, surveying/marketing of common boundary or other proposed line of fence, obtaining approval and using temporary barriers

† the owner who gives the fencing notice is the notifying owner (or owners) and the owner who receives the fencing notice is the adjoining owner (or owners)

‡ the long-term tenant's agreement is not required for any matter relating to the common boundary or line of fence