

Potential Boundary Dispute Study

Study to determine prevalence of boundary-related issues present in residential properties in the Greater Toronto Area.

October 2014

Executive Summary

Property boundary-related disputes between neighbours have become an all too frequent occurrence in the Greater Toronto Area resulting in fractured relationships, legal actions, high levels of stress and considerable cost.

Today GTA courts that process/handle boundary laws are backlogged up to ten years, and it is not uncommon for legal action relating to a boundary dispute to cost over \$100,000.

Protect Your Boundaries Inc. (PYB) wanted to understand if it could shed light on this epidemic and offer homeowners advice to understand the root cause of boundary disputes, tools to avoid them, and strategies to deal with them if one was to occur to them.

PYB asked two simple questions: what conditions most often lead to boundary disputes, and how prevalent are these conditions in GTA residential properties?

In 2014, PYB contracted Krcmar Surveyors Ltd. to conduct a formal study to identify the most common root causes of boundary disputes (Hidden Boundary Issues), and to quantify the prevalence of these conditions in residential properties of the GTA (Potential Boundary Disputes).

Survey plans are an ideal source for this information. They are an impartial, professionally established account of all physical features on a property relative to its legal boundaries.

A total of 415 survey plans were examined to see what Hidden Boundary Issues were illustrated on each of these plans of individual properties. Plans were examined from each of the five GTA regions: Halton, Peel, York, Durham and Toronto.

Key Findings

1. Potential Boundary Disputes (PBD) exist for 49% of properties in the GTA.

For the purposes of this study, a Potential Boundary Dispute exists for a property identified with one or more Hidden Boundary Issues (HBI). An HBI is defined as the condition where a fence/feature (e.g., retaining walls, driveways, buildings) is located at least 20cm from the boundary shown on the survey plan.

Examples: a driveway on the neighbours' land, a fence built more than 8 inches from the boundary, a shed that encroaches onto the property.

2. Potential Boundary Disputes are most common for properties in Halton and least common in York.

Percentage of properties within each region with a demonstrated HBI:

Halton	63% of properties
Toronto	58% of properties
Durham	49% of properties
Peel	42% of properties
York	34% of properties

3. A fence not located on the boundary line (at least 10cm discrepancy) is the most common HBI facing GTA homeowners.

Toronto	50% of properties
Halton	46% of properties
Durham	39% of properties
York	39% of properties
Peel	37% of properties

Table 1:

Region	Population of KSL plans	Sample size	Properties with a PBD	PBD %
Halton	9,516	83	52	63%
Toronto	125,898	83	48	58%
Durham	9,641	83	41	49%
Peel	31,138	83	35	42%
York	40,291	83	28	34%
GTA	216,484*	415	204	49%

*(SRPR and BLS) classified as "SR" in Krcmar's inventory of plans.

Key Conclusions

Ideally landowners and their neighbours occupy and enjoy their properties within clearly delineated boundaries and where land rights are mutually understood and respected. We see that this is not the case. 49% of the residential properties in the GTA have pre-existing hidden boundary issues, shown on the individual property surveys that could lead to disputes between neighbours. These situations can have results that range from animosity between neighbours to full-blown legal action and court proceedings.