



Dividing fences and other boundary issues

This fact sheet has information on the types of boundary issues that cause problems in a neighbourhood and what you can do if you have a problem with a neighbour about a boundary issue.

What boundary issues can cause problems in a neighbourhood?

Having boundary issues with your neighbours can be stressful, costly and cause long-lasting bad feelings between you.

Some common boundary issues between neighbours include:

- » overhanging branches that drop leaves into gutters, block light, or prevent trees and plants from growing;
- » tree roots damaging house foundations, or blocking drains, or lifting brick paving;
- » having to build, repair, or replace a dividing fence; and
- » construction of retaining walls.

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What can you do if you have a problem with your neighbour over a boundary issue?

Often the best thing to do first is to talk to your neighbour and tell them about the problem.

This may help stop the problem from becoming worse and avoid expensive court proceedings later.

You can talk to your neighbour face-to-face, over the phone, or in writing by letter or email.

Your neighbour might not know what is happening on your side of the fence and may take care of the problem themselves or be happy for you to deal with it.

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information but does not accept responsibility if it is not.

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What if talking to your neighbour does not fix the problem?

If you cannot agree on what to do with your neighbour, or who should pay, you might need to get outside help.

Mediation, or dispute resolution, where a neutral person helps you reach a solution, might be the next option you take.

There are many dispute resolution services available in Western Australia.

You can find some of them on the Legal Aid WA website under our FIND LEGAL ANSWERS tab on the “Mediation and dispute resolution” webpage.

If mediation is not appropriate, you might be able to go to court to fix the problem.

Always get legal advice before going to court over a neighbourhood boundary issue.

Can you deal with some boundary issues without talking to your neighbour?

You can deal with some boundary issues without talking to your neighbour.

For example, you can cut overhanging branches back to the point where they enter your property.

You can also dig up a tree root or cut a tree root back to the boundary or fence line of your property.

However, you must not poison the tree, remove branches or roots if the tree is protected by a tree preservation order, or enter your neighbour’s property without their agreement.

**Mediation,
or dispute
resolution, is
where a neutral
person helps you
reach a solution.**

How can Legal Aid WA help?

Legal Aid WA does not normally give legal advice on disputes with neighbours, unless it involves a restraining order.

However, the Legal Aid WA website has information on:

- » common neighbourhood problems;
- » negotiation;
- » mediation; and
- » dispute resolution.