

BEING A GOOD NEIGHBOUR

Trees

Sometimes the branches or roots of a tree on your land can extend onto a neighbour's property, causing major problems. In this case, the neighbour may ask you to cut back the branches or roots. If one of your trees seems likely to fall onto the neighbour's property, the neighbour may ask you to cut the tree down or shore it up.

When planting trees on your property, make sure they are at a good distance from the dividing line between two properties. You must also avoid placing them where they may damage electrical or telephone lines or underground cables or pipes once they are fully grown.

Noise

You may not subject your neighbours to excessive noise. Many municipalities have set a limit on the number of decibels allowed and impose fines for violations. For instance, if the constant drone of your ventilation system or heat pump prevents your neighbours from sleeping, you will have to correct the situation. Similarly, if your dog barks loudly or howls at night, you may be forced to rectify its behaviour, or to dispose of it.

Disagreements

If you are unable to settle a dispute with a neighbour, you can consult a legal professional, or begin court proceedings. In many cases, mediation services will be offered before the case is heard by the court.

For more information

The information summarized in this document was valid at the time of printing. For more information, go to the website of the Ministère de la Justice at www.justice.gouv.qc.ca, or contact

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Living in society involves accepting a certain level of inconvenience. However, you do not have to accept damage caused by a neighbour acting in bad faith or in a careless way, and the *Civil Code* defines the rules of behaviour that ensure good relations between neighbours.

Property limits and boundary determinations

The limits of a property are mainly determined by the deeds of ownership, the cadastral plan and the boundary lines. The boundary lines may be set by staking, or by a boundary determination.

Both staking and boundary determinations are operations carried out by a land surveyor. Staking involves placing physical markers along the boundary line, whereas a boundary determination establishes the boundary line between two properties irrevocably and permanently when its position is not clear. Staking does not have the same legal value as a boundary determination, since it only marks the apparent limits of the land. A land surveyor can provide more information on this subject.

Access to your property

You must allow neighbours access to your property to carry out construction, repair or maintenance work on their own property. However, they must give you spoken or written notice, and must repair any damage caused in order to restore your property to its original condition.

Protection of another person's property

If a building or other structure on your land seems likely to collapse onto your neighbour's land or onto a public road, you must repair or demolish it as necessary.

In addition, if you erect a building or structure or make a plantation on your land, you must be careful not to disturb the neighbouring land or undermine any buildings, structures or plantations on the land.

Encroachment

Sometimes, a person acting in good faith erects a structure on a piece of land that belongs to a neighbour. If you are this person, your neighbour may ask you to purchase the piece of land or, if the structure is temporary, to pay compensation for the use of the land.

Direct views

The *Civil Code* of Québec contains rules governing the placement of windows or other openings in a wall. As a result, you may not have "direct views", namely windows or doors with transparent glass, less than 1.50 metres from the dividing line between two properties. This rule does not apply to views onto public roads or public parks, and does not include solid doors or doors with translucent glass, meaning glass through which objects cannot be clearly distinguished.

Right of way

You may own a piece of land with no access to a public road, or with inadequate or impassable access. In such a case, you may ask a neighbour to grant you a right of way in return for compensation that is proportionate to any damage you may cause. You must maintain the right of way and use it so that any damage is kept to an absolute minimum.

Water runoff

You must make sure that water, snow or ice from your roof falls on your land only and not on your neighbour's. Where necessary, your neighbour may force you to install a snowguard or eavestrough to keep snow and water on your side of the boundary.

Fencing your land

You may enclose your land in any way you wish, by means of walls, ditches, hedges, barriers or any type of fence. However, you must take into account "the situation and use made of the premises". For example, a cattle fence must not be installed in a residential neighbourhood—and, of course, various municipal by-laws apply.

As long as it is located entirely on your land and does not touch the dividing line with your neighbour's land, the fence may be of any height, colour or materials.

You and your neighbour may agree to build a common fence on the dividing line and to share the construction and maintenance costs. In this case, you must decide together what type of fence to put up, its height and colour, and so on.