



## Boundary disputes case study

Boundary disputes, the Robinsons lived next door to the Browns, after a month of high winds the fence between their back gardens came down. The Robinsons decided to replace it because when they spoke to the Browns about it they always said they would sort it out together, but never did, after 6 months of no action, it was replaced by the Robinsons.

After being erected for a week the Browns demanded that the fence be taken down, as it was encroaching on their property and the original stumps had been moved, the Robinsons contended that their builder had brought materials which were cheaper and stronger than the old fence and had followed the boundary line.

Months of arguing ensued, finally solicitors got involved and mediation was suggested. The Browns argued that the new fence encroached on their boundary in certain places giving the Robinsons extra land, the Robinsons advised this could not be the case as their builder had used the original boundary line, therefore if they had encroached they always had done, and if this was not an issue before why should it be now, equally they had paid for the whole fence and they would not take it down.

From the neighbours deeds and plans the fence did not match the boundary line, although this was accidental and not deliberate there was an encroachment in certain places but nowhere near as much as the Browns were claiming.

The parties finally agreed for a single joint surveyor to be appointed to mark out the true boundary, whereby the fence would be moved in accordance to his findings, the cost of the surveyor and the moving of the fence would be equally paid for by each, both would pay their own legal fees.

## **Facts & figures**

- **The mediation took 1 day compared to the 18 months this boundary dispute had already gone on.**
- **The mediation cost each party £500.00 each compared to the thousands they had already spent on legal fees and the thousands they would have had to spend had they continued with Court action.**