

Vancouver residential fence fight leads to \$21,000 penalty

Bad neighbour gets rebuke from B.C. Supreme Court Justice

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B.C. Supreme Court in Vancouver. Photo by Mark van Manen /PNG

A neighbour who continuously prevented a back fence from being built in a lawful spot has been hit with \$21,000 in damages by a court.

[According to B.C. Supreme Court Justice Elizabeth McDonald](#), in the summer of 2022 property owners and back neighbours Timothy Rudolph

Kam Bong Chan and Shih Ju Liang met to discuss their dilapidated back fence.

At this meeting, Chan gave Liang a copy of the original survey of the property that showed the fence had been mistakenly built well inside Chan's property. He proposed the new fence be built along the actual property line.

Liang did not agree the new fence should be built on the property line and said he would not contribute to the construction cost. Liang's father in law, who was also present at the meeting, told Chan that if he built a fence he didn't like he would tear it down.

"On numerous dates in July and August 2022, the defendants (Liang and Shan Zhou) or Ms. Zhou's parents, interfered with contractors who were working on replacing the old fence," McDonald said.

During a confrontation in August, Chan offered to pay for a new survey to be done on the property. In September that survey was conducted, and verified the original survey that Chan had shown Liang.

That month, Liang installed a camera on the back of his home that was aimed at the backyard.

"The camera is equipped with a motion sensor and when the defendants enter their backyard, the camera emits a loud recorded message that says, 'Hi, you are currently being recorded,'" McDonald wrote.

"During submissions, Mr. Liang stated that he had the camera installed after his wallet was stolen from his vehicle in the front driveway of his home."

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In early November of 2022, Chan took photos of garbage that had been dumped in the area between the old fence and the survey line for the new fence that was on Chan's property. In late November, a dispute occurred as workers tried to build the fence and the police were called.

On Dec. 21, 2022, Chan and his partner, Carmine Yuk Kam Lee, filed a lawsuit. The neighbours denied the claims and alleged the plaintiffs were trespassing on their property.

In her ruling, McDonald said the defendants repeatedly moved fence markings, placed objects on the plaintiffs' property, and physically interfered with Chan and his contractors to prevent the construction of the new fence on Chan's side of the property line.

"The plaintiffs provided the original survey and the new survey to the defendants and despite doing so, the defendants continued unreasonably interfering with the new fence project," McDonald wrote, adding that setting up the camera was an act of nuisance.

McDonald ordered Liang and Zhou to pay Chan \$10,000 in general damages, \$10,000 in punitive damages and \$1,050 to cover the cost of the new survey.

"I accept the evidence of the plaintiffs regarding the foreseeable mental distress and aggravation that they have experienced because of the defendants' conduct," she wrote. "For nearly a year and a half, the plaintiffs have been forced to repeatedly stop and postpone the new fence project.

"The plaintiffs have endured loss of privacy, loss of use and enjoyment of their backyard. They and their contractors have endured repeated verbal and physical harassment by the defendants and/or their guests."

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