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Trees and property lines

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Throughout my 28-year career working with trees and forests and many landowners, I have encountered numerous instances where privately owned trees were planted on public land, publicly owned trees were placed on private property, and privately owned trees were planted within other private properties. These situations often arise without regard for property boundaries. While trees provide significant economic, social, and environmental benefits, they can also lead to disputes between neighbors, public landowners (such as rights-of-way and other publicly owned spaces), and private property owners. Understanding the legal and practical aspects of tree ownership, maintenance, and responsibilities can help prevent conflicts and foster positive neighbor relations.

Tree ownership

Ownership of a tree is mostly determined by the location of its trunk. If the trunk is entirely on one person's property, that person/entity is the owner of the tree. However, if the trunk straddles the boundary line between two properties, it may be considered a shared or boundary tree, and both property owners may have equal ownership rights and responsibilities.

Property lines

Property lines are more than just invisible borders, they define the exact boundaries of a piece of land, outlining where your property starts and ends. They are established through surveys and marked on official maps. Knowing your property line is crucial for several reasons:

- **Legal ownership:** Property lines define what you legally own and have the right to use. Anything planted, built, or modified on your property belongs to you, but anything beyond that line doesn't.
- **Neighbor relations:** Clearly defined property lines prevent disputes with neighbors. Planting a tree on your property ensures that you are not encroaching on someone else's land, which could lead to conflicts or even legal action.
- **Local zoning laws and regulations:** Municipalities have zoning laws that dictate how land can be used. These laws often include regulations on the placement of trees, particularly in relation to property lines.

Benefits of knowing your property lines before planting trees is ensuring that all planting is done within your boundaries helps you avoid legal disputes with neighbors and potential fines from local authorities. Respecting property lines fosters good relationships with your neighbors.

Steps to take if you are unsure and uncertain about your property lines, don't hesitate to seek professional help. Here are some steps you can take:



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1. **Hire a surveyor:** A professional surveyor can accurately determine and mark your property lines. This is particularly useful if the original markers are missing or unclear.
2. **Consult local authorities:** Your local planning or zoning office can provide information about property lines, zoning laws, and regulations related to tree planting.

Common issues with trees and property lines

When it comes to trees and property lines, several common issues can arise.

- **Overhanging branches** is very common issue with trees planted close to property lines. Trees planted near property lines can have branches that extend over into a neighbor's yard, blocking sunlight, and possibly causing damage to structures or vehicles.
- **Roots encroachment** is a frequent problem and causing various issues from lawn to infrastructure damages. Tree roots can spread widely and sometimes cross property boundaries, potentially causing damage to underground utilities, driveways, and foundations on neighboring properties. This can lead to disputes and costly repairs.
- **Fallen trees and debris** (small branches, leaves, needles, seeds) can create damages and nuisance to neighbouring property. When a tree or branch falls due to natural causes such as storms, responsibility for damages depends on whether the tree was healthy or in a hazardous condition. Leaves, small branches, and seeds that naturally fall from a neighbor's tree are generally considered a nuisance rather than a legal issue
- **Care and maintenance cost** of trees along property lines requires resources to allocated. Trees require regular care, including pruning and removal of deadwood. When a tree is near a property line, there may be disagreements about who is responsible for its upkeep, especially if the tree poses a safety hazard.
- **Boundary disputes** are another concern. When property lines are not clearly defined, disputes can arise over whether a tree is on one's own property or the neighbours.

Planting new trees near property lines

Once you know your property lines, you can start planning where to plant your trees. When planting new trees near property lines, it is wise to consider future growth, root expansion, and potential impact on neighboring properties. Trees should be planted at a reasonable distance from the boundary to prevent disputes over encroachment, shading, or falling debris. Checking provincial and local regulations rules regarding tree placement can help avoid conflicts. Here are some important considerations:

- **Tree species selection and growth:** Consider the mature size of the tree. Many tree species have extensive root systems or wide canopies that can encroach on neighboring properties or interfere with power lines and structures.
- **Spacing and setbacks:** Many municipalities have rules about how far trees must be planted from property lines, sidewalks, and buildings. These rules, known as setbacks, are designed to prevent conflicts and ensure safety.



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- **Root systems:** Tree roots can spread widely and cause damage to foundations, sidewalks, and underground utilities. Planting a tree too close to your property line can result in roots crossing into your neighbor's property, leading to potential disputes.

Knowing your property line before planting trees is not just about adhering to legalities; it's about fostering good neighborly relationships. Property owners should be aware of their rights, responsibilities and potential liabilities regarding trees along the property lines.

Resources

Dunster, J.A. 2018. *Trees and the Law in Canada*. Victoria: Dunster & Associates Environmental Consultants Ltd. pp 262. ISBN 978-0-9937133-2-3 Hard cover <https://treelaw.info/>

Land Titles - <https://www.alberta.ca/land-titles>

Municipal and Local Planning

<https://landuse.alberta.ca/Governance/MunicipalLocalPlanning/Pages/default.aspx>

City of Edmonton – Tree Regulations

https://www.edmonton.ca/city_government/bylaws/tree-regulations

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