

Neighbour Dispute

Area of law: Property, Trespass

WHO IS INVOLVED

Brian and Dorothy: Claimants
 Keith and Peter: Defendants

BASIC FACTS

The defendant, Peter, cut down some trees on Dorothy and Brian's property, by mistake, while doing a favour for the other defendant, Keith, who is the owner of the abutting property. Peter is an experienced forester and wanted to repay previous favours done for him by Keith by taking down trees on Keith's property that were no longer healthy.

Peter undertook the work while Keith was away and worked for several days. He came upon a property marker and realized he may have gone beyond Keith's boundary.

Although Brian and Dorothy cannot see the area from their premises, Peter removed 15 to 17 established trees on their property. Peter believed the trees were on Keith's property while doing the removal.

Brian and Dorothy became very upset when they discovered the trees had been cut. They threatened Keith who called the RCMP and both parties exchanged threats of peace bonds with the overall relationship between the neighbours deteriorating.

Brian and Dorothy are demanding that the trees be replaced with trees of similar value at a cost of \$10,000 for the replacement of 17 trees (approx \$550/tree). Keith and Peter have offered to plant 12 trees at a cost of \$50/tree.

Keith is considering claiming damages against Brian and Dorothy for the threatening manner in which they confronted him upon becoming aware of the trees which had become cut on their property.