

## Australian Homeowner Rights Highlighted in Fence Dispute

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A property dispute in Australia has raised questions about homeowners' legal rights and protections, highlighting how minor disagreements over property boundaries can intersect with broader principles of fairness and justice.

The case involves a homeowner who installed a new fence as part of a garden renovation, covering the full cost themselves. The previous neighbor had verbally agreed to allow the fence to encroach slightly onto their property to avoid an old tree along the boundary.

The issue arose when the property changed ownership. The new owners noticed the fence encroached slightly onto their land and requested that it be moved at the current homeowner's expense. This situation has sparked discussions about the balance between property rights, prior agreements, and individual responsibilities.

Under Australian law, landowners can request the removal or adjustment of encroaching structures. However, verbal agreements may hold legal weight if they meet contract law principles, including offer, acceptance, consideration, and the intention to create binding relations.

Legal experts say that homeowners' rights are best protected through clear communication and documentation. "If a previous neighbor gave clear verbal consent for the fence placement and the agreement was acted upon, it may constitute a valid contract," said

Alison Barrett, a lawyer at Maurice Blackburn. “Proving such agreements exist, however, can be challenging without written records or witnesses.”

Lawyers emphasize that disputes should ideally be resolved amicably, through mediation or negotiation, before escalating to courts. Evidence such as photographs, receipts, or witness testimony can strengthen a homeowner’s position and ensure their rights are upheld.

“The new property owners’ rights to request corrections must be balanced against any previous agreements,” said Jillian Barrett, also from Maurice Blackburn. “Courts consider factors like the extent of encroachment, intentions of both parties, and whether prior agreements were fair and reasonable.”

Experts recommend that homeowners make all property agreements transparent and in writing to protect their rights and avoid potential conflicts. Local council regulations and boundary surveys are also essential to ensure compliance.

This case highlights that even minor property disputes can become significant legal matters, emphasizing the importance of protecting homeowners’ rights and ensuring fair treatment under the law. Australians facing similar situations are encouraged to seek professional legal advice to safeguard their rights and achieve equitable resolutions.