

21. Re: Letter dated November 25, 1973 from Mrs. I. Irvin
1451 Sherlock Avenue, Burnaby 2, B. C.
Burnaby Dog Tax and Pound and Animal Regulation By-Law
(Item 9, Report 84, November 13, 1973)

Appearing on the Agenda for the December 10, 1973 meeting of Council is a request from Mrs. I. Ervin to appear before Council for the purpose of explaining various changes that she feels should be made in the subject By-Law and operating procedures of the S.P.C.A. Animal Shelter. Following is a report from the Chief Licence Inspector regarding this matter.

RECOMMENDATIONS:

THAT the Burnaby Dog Tax and Pound and Animal Regulation By-Law, By-Law No. 6191, not be amended; and

THAT the poundkeeper's operating procedures not be revised; and

THAT Mrs. Inez Irvin and the dog's owner, Mr. Les Irvin, be urged to maintain their dog on a leash when it is off their property; and

THAT Mrs. Inez Irvin be sent a copy of this report.

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TO: MUNICIPAL MANAGER

December 7, 1973

FROM: CHIEF LICENCE INSPECTOR

RE: BURNABY DOG TAX AND POUND AND ANIMAL REGULATION BY-LAW NO. 6191

The submission from Mrs. Inez Irvin, 1451 Sherlock Street, dated November 25, 1973, concerning provisions of the by-law for the control of dogs and enforcement procedures employed by the poundkeeper appears to be directly related to a previous submission dealt with by Council on November 13, 1973, Manager's Report No. 84, Item 9.

In order to clarify the situation the original and current submissions were studied together, and after giving consideration to the repetitive nature of the information contained therein, it was concluded that the following would serve to finalize this matter.

The by-law was adopted in November of 1972, and, while it completely replaced the previous by-law, the principal changes were the implementation of a leash law and an increased licence and impounding fees. The provisions concerning the poundkeeper's responsibilities and authority remain basically the same.

Following the adoption of the by-law, an addressed notice was mailed to every licenced dog owner in the Municipality, advising of the new provisions. This information was repeated in advertisements placed in the three daily newspapers serving the Municipality.

Initial investigation of complaints in which the animal(s) are identified by the complainants involves direct contact, wherever possible, with the owner. The owner is verbally informed of the nature of the complaints, requirements of the by-law and a written warning notice is issued. This direct contact has proven to be the effective action we have employed.

If a dog owner continues to allow their dog to be the cause for complaint, there is little to be gained by repeated warnings and the only alternatives available are impounding, if possible, or court action.

In 1952 a Pound By-law was adopted which prohibited all dogs from running at large and provided that a competent person must have charge of any dog while on a highway or public place. Since that time, dog owners have been prosecuted for permitting their dogs to be at large. The current by-law, with the requirement to maintain a dog on a leash while on a highway or public place, is superior to the previous by-laws from the point of administration and enforcement and is proving to be generally satisfactory.

As stated in the report of November 13, 1973, fines are assessed by the presiding Judge. Any appeal against a conviction or the sentence imposed must be dealt with by the courts in the prescribed manner. There is no authority for such matters to be handled in any other way.

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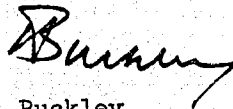
There is no authority in the by-law which restricts the breed or temperament of a dog any person may choose to own. However, every dog owner must recognize the by-law requirement to maintain a dog on a leash when on a highway or public place and accept the responsibility of ownership by ensuring that a dog or any pet is not a nuisance to the neighbours or the public at large. If a dog is licenced and under control as required in the by-law, it is very unlikely the poundkeeper would ever have occasion to enter upon the owner's property.

Dogs are impounded from private property only when the poundkeeper has pursued them onto property other than that of the dog's owner, and only then with the knowledge of the property owner.

Obviously Mrs. Inez Irvin is aware of the provisions of the by-law and just as obviously she does not agree with them. However, for so long as it is considered necessary to provide for the control of dogs, the owners must be prepared to maintain them in accordance with the regulations or face the possibility of the applicable penalties.

RECOMMENDATIONS:

1. THAT the Burnaby Dog Tax and Pound and Animal Regulation By-law, By-law No. 6191, not be amended; and
2. THAT the poundkeeper's operating procedures not be revised; and
3. THAT Mrs. Inez Irvin and the dog's owner Les Irvin be urged to maintain their dog on a leash when it is off their property; and
4. THAT Mrs. Inez Irvin receive a copy of this report.



H. Buckley,
CHIEF LICENCE INSPECTOR

PK:nc