

Re: Complaint Involving a Dog Bite
Letter from Mr. J. A. Duthie that appeared on the
Agenda for the June 16, 1975 Meeting of Council

ITEM 22
MANAGER'S REPORT NO. 45
COUNCIL MEETING June 23/75

Appearing on the Agenda for the June 16, 1975 meeting of Council was a letter from Mr. J. A. Duthie regarding a dog biting incident that occurred on Pender Street on June 7, 1975. Following is a report from the Chief Public Health Inspector and the Chief Licence Inspector.

RECOMMENDATIONS:

1. THAT this matter remain with the Health and Licence Departments; and
2. THAT Mr. J. A. Duthie be advised that any claim for compensation arising from this incident is a Civil matter between he and the owner of the dog that allegedly attacked him; and
3. THAT Mr. J. A. Duthie and Mrs. E. Rolfe receive a copy of this report.

* * * * *

June 19, 1975.

Mr. M.J. Shelley
Municipal Manager
Corporation of Burnaby

Dear Sir:

Re: DOG BITE
COMPLAINANT - MR. J.A. DUTHIE, 3956 FRANCES STREET

At 5 p.m. on June 7th, 1975, S.P.C.A. Inspector D. Anderson received a complaint from Mr. J.A. Duthie, 3956 Frances Street, Burnaby, that he had been bitten by a dog while walking in the 4100 Block East Pender Street. Inspector Anderson visited Mr. Duthie at his home; took all particulars of the incident and advised Mr. Duthie of the action that would be taken by the Municipality insofar as control of the animal was concerned. Inspector Anderson further advised Mr. Duthie that the recovery of costs relating to this incident would be by Civil action.

Inspector Anderson then proceeded to 4123 East Pender Street where he interviewed two teenage daughters of Mrs. E. Rolfe, occupant of the concerned premises. Mrs. Rolfe was not at home at this time. The girls confirmed that the dog was owned by their mother, Mrs. E. Rolfe, and agreed that the dog may have bitten a passerby. Inspector Anderson advised the young ladies of the following:

- (A) That as the dog was not licenced, a Municipal licence must be obtained within a period of 72 hours.
- (B) That the dog was to be confined on the premises for a period of fourteen (14) days and at the end of fourteen (14) days the dog would be observed by a Health Department official.
- (C) A written warning notice, addressed to Mrs. E. Rolfe and confirming items (A) and (B) above, was issued by the Inspector at this time.

ITEM 22

MANAGER'S REPORT NO. 45

COUNCIL MEETING June 23/75

Mr. M.J. Shelley

- 2 -

June 19, 1975

A young man, reported by Mr. Duthie as working in the Rolfe yard at the time of the incident and with whom Mr. Duthie had discussed the situation, stated to Inspector Anderson that he did not witness the biting incident.

On June 12th, 1975, Mrs. Duthie telephoned the Licence Department and advised that on the evening of the previous day, June 11th, the dog was observed off the property. This information was forwarded to the Health and Pound officials, who visited the premises and reiterated to Mrs. Rolfe that the dog was to be securely confined for the remainder of the fourteen (14) day period.

Mrs. Rolfe advised that she had enclosed the backyard in order to confine the dog and that on at least one occasion a contractor working on her dwelling had allowed the dog to leave the confinement area. Mrs. Rolfe further advised that:

- (A) She had discussed the situation with her veterinary surgeon.
- (B) That she had taken steps to follow the directions of Municipal officials.

The premises have been checked since that time both by S.P.C.A. and Health officials (separately) and on each occasion of inspection, the dog was not at large.

We would answer Mr. Duthie's questions as follows:

QUESTION 1 - As the attack was completely unprovoked, why has this dog not been seized and put under control of your Department or the SPCA for the quarantine period? Are the Health By-laws and Animal Control By-laws completely without muscle?

QUESTION 2 - Why is the quarantine left to the control of the owner(s). These people established that they were neither responsible nor civic-minded adults when they tried to deny ownership of the dog. THAT ANIMAL WAS OBSERVED ON TWO OCCASIONS LAST EVENING UNCONFINED AT 4123 E. PENDER STREET.

ANSWER - It is not Municipal policy to impound dogs, accused of biting, for the quarantine period unless:

- (1) The owner cannot be identified.
- (2) The owner cannot, or will not, properly confine the animal.
- (3) The severity of the attack and/or the condition of the animal necessitates veterinary examination and/or consultation with Federal Animal Pathology authorities.

As to Mr. Duthie's statement that "these people are neither responsible nor civic-minded adults when they tried to deny ownership of the dog", we would advise that Mrs. Rolfe has never denied ownership of the dog nor has she refused to take the necessary precautions for confinement. We cannot base our opinion on information given or not given by the young people initially interviewed.

QUESTION 3 - Will some action possibly be taken if the beast attacks a small child where a corresponding wound would be in the facial or neck area?

Mr. M.J. Shelley

- 3 -

June 19, 1975

ANSWER - Each reported dog bite is fully investigated, all circumstances carefully considered and action taken as described in our Answer to Questions 1 and 2 of this report.

QUESTION 4 - While I am given to understand that there have been no cases of rabid animals in local communities for some time, but only in wilderness areas, has anyone checked to see if this animal was in a wilderness area (camping trip) where he might have been infected?

ANSWER - Mrs. Rolfe states that the dog has not been anywhere other than in the immediate area of his home.

QUESTION 5 - It is strange, the owners inform the SPCA that he is a friendly animal, yet he rushes out and attacks me. That is reason enough to put the dog under municipal-controlled quarantine. If the animal has attacked once and gotten away with it, why not a second or third time?

ANSWER - The dog is under adequate quarantine control. At the present time, the Licence Department has no authority to order or seek an order to seize and destroy an animal regardless of number of bites. However, the Municipality has made representation to the Provincial Government for this authority, which would require empowering Provincial Legislation. There have been occasions, however, when the Health Department, based on the severity of attack, condition and history of the animal and consultation with Provincial and Federal Authorities, has proceeded with destruction and laboratory analysis of the animal.

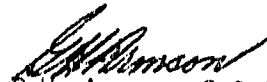
SUMMATION

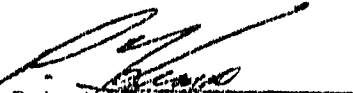
- (1) The concerned dog is under adequate quarantine.
- (2) The Municipality, based on facts pertaining to this biting incident, have taken the necessary precautions.
- (3) The dog will be observed at the termination of the quarantine period.

RECOMMENDATION

- (1) THAT this matter remain with the Health and Licence Departments.
- (2) THAT Mr. J.A. Duthie be advised that any claim for compensation arising from this incident is a Civil matter between he and the owner of the dog that allegedly attacked him.
- (3) THAT Mr. J.A. Duthie and Mrs. E. Rolfe receive a copy of this report.

Respectfully submitted,


G.H. Armson, C.S.I. (C)
CHIEF PUBLIC HEALTH INSPECTOR


P.A. Kerzif
CHIEF LICENCE INSPECTOR

GHA/PAK/pm