

Re: ANIMAL CONTROL
DOMESTIC ANIMALS PROTECTION ACT

ITEM	3
MANAGER'S REPORT NO.	37
COUNCIL MEETING	May 31/76

Following is a report from the Chief Licence Inspector regarding a proposal to make a section of the Domestic Animals Control Act applicable within the Municipality of Burnaby.

RECOMMENDATION:

1. THAT an application be made to the Minister of Agriculture requesting that the provisions of Section 8 of the Domestic Animals Protection Act be declared applicable in the Municipality of Burnaby.

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27 May 1976

TO: MUNICIPAL MANAGER
FROM: CHIEF LICENCE INSPECTOR
RE: ANIMAL CONTROL

In 1973 the Domestic Animals Protection Act was enacted. At the same time, the Animals Act was amended and sections which provided authority for the courts to order the destruction of vicious dogs were repealed. Since that time, the Municipality has been powerless to effectively deal with vicious dogs.

Section 8, Domestic Animals Protection Act, provides:

- "(1) A Judge of the Provincial Court of British Columbia may, upon application and upon being satisfied that a dog has killed or injured, or is likely to kill or injure a person or a domestic animal, order that the dog be killed in a manner prescribed in the order.

- 2 -

- (2) A peace officer may, with the consent of the commissioner and upon being satisfied that the situation is urgent and an application cannot reasonably be made to a judge under subsection (1), make an order under subsection (1).
- (3) A consent under subsection (2) shall be in writing, but the commissioner may, if he is of the opinion that the situation is urgent, give his consent verbally or by means of an electronic communications device."


The Domestic Animals Protection Act does not apply within the boundaries of a municipality unless, in the opinion of the Minister of Agriculture, a municipality is not adequately providing for the protection of domestic animals, or for payment of compensation resulting from damages caused by dogs, in which case the Minister may order that provisions of the Act apply to that municipality. While Section 8 provides for the destruction of a vicious dog, the Act is principally concerned with the control of dogs for the protection of domestic animals.

Notwithstanding the protection of domestic animals and payment of compensation for damages caused by dogs, the Act has now been amended to authorize the Minister, at the request of a municipality, to declare that the Act, or any provision of it, shall apply to the municipality. This enables the Corporation to apply to the Minister, requesting that the provisions of Section 8 only be declared applicable in the municipality. A declaration of Section 8 would re-establish the authority to apply for a court order to destroy a vicious dog.

The Municipal Solicitor advises that declaration of Section 8 as applicable in the Municipality does not require an amendment to the Burnaby Dog Tax & Pound Animal Regulations By-law.

RECOMMENDATION:

1. THAT an application be made to the Minister of Agriculture requesting that the provisions of Section 8 of the Domestic Animals Protection Act be declared applicable in the Municipality of Burnaby.


CHIEF LICENCE INSPECTOR

PK:gw

cc: Municipal Treasurer