

ITEM	15
MANAGER'S REPORT NO.	51
COUNCIL MEETING	July 18/77

Re: COUNCIL ENQUIRY
ANIMAL CONTROL

Following is a report from the Chief Licence Inspector dated July 12, 1977 concerning the effect of Order-in-Council No. 1815 of which Council received notice at the meeting of July 4, 1977.

This is for the information of Council.

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TO: MUNICIPAL MANAGER

12 July 1977

FROM: CHIEF LICENCE INSPECTOR

SUBJECT: ANIMAL CONTROL

At the meeting of 4 July 1977, Council received an item of correspondence from the Executive Director of the Union of B. C. Municipalities, advising that Order-In-Council No. 1815, dated 9 June 1977, authorizes that provisions of Sections 6 & 8, Domestic Animal Protection Act shall apply within all municipalities in British Columbia, and enquired concerning the effects of this legislation.

The Domestic Animal Protection Act was enacted in 1973. 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Act was amended and sections which provided authority for the courts to order the destruction of vicious dogs were repealed. This left the Municipality powerless to effectively deal with vicious dogs.

The Act provides for licencing and control of dogs for the protection of domestic animals, payment of compensation for loss of domestic animals caused by dogs and for destruction of a dog running at large, if it is attacking or viciously pursuing a person or domestic animal, or for the granting of a court order to destroy a dog that has killed or injured or is likely to kill or injure a person or domestic animal. The 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 control of dogs and protection of domestic animals. In such cases, the Minister may declare that the act or any provision of it shall apply to a municipality. In 1976, an amendment to the Act enabled a municipality to request the Minister to make such a declaration. In our case, an application was submitted and a ministerial order declaring provisions of Section 8 applicable in the Municipality was granted. (Item No. 3, Manager's Report 37, 1976) This reestablished our authority to apply for a court order to destroy a vicious dog.

The Order-In-Council provides Province-wide authority to deal with vicious dogs.

The killing of a dog in accordance with the provisions of Section 6 (a) & (b) shall be only if the dog is running at large and is attacking or viciously pursuing a person or domestic animal. Such action would not require a court order and would probably be a spontaneous act of self-defence or for the protection of another person or domestic animal. The presence of a witness would be to the benefit of a person facing such circumstances.