

RE: ANIMAL CONTROL

The following is a report from the Chief Licence Inspector re the above.

RECOMMENDATION

1. THAT the recommendation of the Chief Licence Inspector be adopted.

* * * * *

1981 April 28

TO: MUNICIPAL MANAGER

FROM: CHIEF LICENCE INSPECTOR

RE: ANIMAL CONTROL

RECOMMENDATION

1. THAT application be made to the Ministry of Agriculture and Food for a Ministerial order to declare that the provisions of Sections 6 and 8 of the Livestock Protection Act are applicable within the Municipality of Burnaby.

SUMMARY

This report deals with the need for Provincial authorization under the Livestock Protection Act to enable the Corporation to seek, as required, a court order for the destruction of a dog that has killed or injured a person or domestic animal.

REPORT

1. INTRODUCTION

On Council's agenda for the meeting of 1981 May 04, is a letter from the Ministry of Municipal Affairs regarding the empowering legislation to deal with vicious dogs.

Sections 6 and 8 of the Livestock Protection Act have application within the Municipality through a Ministerial order from the Ministry of Agriculture and Food.

The Act reads:

"Dogs causing injury or damage

6. Where a person finds a dog
 - (a) running at large; and
 - (b) attacking or viciously pursuing a person or domestic animal, he may kill the dog.

Order to kill dog

8. (1) The Provincial Court may, on application and on 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 the manner prescribed in the order."

2. BACKGROUND

On 1977 June 09, Order-in-Council No. 1818 proclaimed that Sections 6 and 8 of the Domestic Animals Act, now titled Livestock Protection Act, to be in effect throughout British Columbia. Prior to that date, the Act did not have application within a Municipality unless a Ministerial order was obtained. In our case, the necessary order covering Section 8 was granted on 1976 June 21.

ITEM	5
MANAGER'S REPORT NO.	21
COUNCIL MEETING	1981 05 04

- 2 -

3. CURRENT POSITION

The Ministry of Municipal Affairs has determined that the Order-in-Council issued 1977 June 09 is invalid, and that a Municipality must make application for a Ministerial order if they require the authority provided in Sections 6 and 8 of the Livestock Protection Act.

Section 6 provides protection for a person who may find it necessary to kill a dog as an act of self defence or for the protection of another person or domestic animal.

Section 8 is the only method by which we may obtain a court order to destroy a vicious dog. The availability of this course of action is vital if we are to deal effectively with an owner of a vicious dog.

4. CONCLUSION

I have discussed with the office of the Ministry of Municipal Affairs the Corporation's position regarding the Ministerial order covering Section 8 under the original Act (Domestic Animals Act). Based on the fact that there was a change of name for the Act, and that after our Ministerial order there was an Order-in-Council affecting the current Act which is now deemed invalid, it is my opinion that the authority to apply the provisions of Sections 6 and 8 of the Livestock Protection Act should be clearly reestablished.

Therefore, it is recommended that application for a Ministerial order be made to the Ministry of Agriculture and Food, to declare that Sections 6 and 8 of the Livestock Protection Act are in effect within the Municipality of Burnaby. The application should be directed to:

Mr. J. A. Pelter
 Director, Livestock Branch
 Ministry of Agriculture and Food
 Parliament Buildings
 Victoria, B.C.
 V3V 1X4

The Municipal Solicitor concurs with the proposed action and advises an amendment to the Burnaby Dog Tax and Pound and Animal Regulation By-law will not be required.



P. Kenzie
 CHIEF LICENCE INSPECTOR

cc: Municipal Treasurer
 Municipal Solicitor