

ITEM 1
MANAGER'S REPORT NO. 54
COUNCIL MEETING 1983 09 06

RE: LETTER FROM MRS. ELIZABETH ELWOOD
8134 - 14th AVENUE, BURNABY, B.C. V3N 2B8
CONTROL OF DOGS

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

Appearing on the agenda is a letter from Mrs. Elizabeth Elwood.

Following is the sequence of events regarding Mrs. Elwood's comments on her previous correspondence addressed to Council, and the fact that it was acknowledged by the Municipal Manager.

1. Mr. Elwood delivered nine copies of the letter to the Mayor's office. They were in envelopes individually addressed to the Mayor and to each Alderman. None were addressed to the Municipal Manager, Municipal Clerk or any other member of staff.
2. Mayor Lewarne personally put the envelopes addressed to each Alderman in the Alderman's mail tray in the Clerk's Department.
3. Mayor Lewarne discussed the matter with the Municipal Manager and then wrote to Mrs. Elwood (see attached letter dated 1983 July 22).
4. The Municipal Manager reviewed the matters as presented in Mrs. Elwood's letter and responded to them on 1983 July 29 (a copy of this letter is attached).

Since each Alderman had a copy of the letter enclosed in a personally addressed envelope, the letter itself was not placed on the Council agenda as a "Communication".

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OFFICE OF THE MAYOR

WILLIAM A LEWARNE
MAYOR

4949 CANADA WAY
BURNABY, BRITISH COLUMBIA V5G 1M2
TELEPHONE 294-7330

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1983 July 22

Mrs. Elizabeth Elwood,
8134 - 14th Avenue,
Burnaby, B.C.
V3N 2B8

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Dear Mrs. Elwood:

Thank you for your correspondence dated

July 8, 1983, and delivered in my office by your
husband, Hugh, yesterday, July 21st.

I have referred this matter to our Municipal
Manager for investigation and report back to you
by copy of this letter.

Thank you for drawing this information to my
attention, I remain,

Yours truly,

William A. Lewarne,
M A Y O R

*** c.c. Municipal Manager
(Attachments)



THE CORPORATION
OF THE DISTRICT OF

BURNABY

4949 Canada Way, Burnaby, B.C. V5G 1M2

Manager's Department

ITEM

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MANAGER'S REPORT NO. 54

COUNCIL MEETING 1983 09 06

Telephone (604) 294-7110

1983 July 29.

Mrs. Elizabeth Elwood,
8134 - 14th Avenue,
Burnaby, B. C.,
V3N 2B8.

Dear Mrs. Elwood:

Re: DOG CONTROL

Mayor Lewarne has referred to me your letter of 1983 July 8 regarding provisions of the Burnaby Dog Tax and Pound and Animal Regulation By-law, Number 6191, as they relate to control of dogs.

Poundkeeping services in the Municipality are provided by the Vancouver Regional Branch, British Columbia Society for the Prevention of Cruelty to Animals. Annually a contract is drawn between the Municipality and the SPCA in which they are appointed as the poundkeeper. This entails enforcement of the provision of By-law 6191, and care of animals at the Municipality's Animal Shelter.

In the matter of improper or unwarranted conduct on the part of an SPCA employee when acting in the capacity of poundkeeper, an investigation is initiated through the office of the Chief Licence Inspector and the General Manager, SPCA Regional Branch on receipt of a written complaint. If the allegation of the complaint is substantiated, the warranted disciplinary action is taken. A copy of your letter and my response has been forwarded to Mr. Jack Holmes, General Manager, SPCA, so that he is made aware of your concerns.

I agree that the issue of dog control is a very difficult one. With this in mind I believe it must be stated that the intent of the by-law is clearly that an owner must keep his/her dog on a leash when it is on a highway or a public place. You suggest that persons who walk unleashed dogs are ticketed because they are "easy targets" and that persons who permit dogs to run loose and unattended are getting off "scot free". I do not believe that to be the case. In 1982 the poundkeeper recorded 1,213 complaints. This resulted in the impounding of 1,188 dogs and the issuing of 596 violation tickets. The impoundings represent loose unattended dogs as do a portion of the tickets; a dog which cannot be caught is followed home and the owner is issued a ticket.

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Regarding the four suggestions you submitted for consideration:

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1. "Allocate parks or sections of parks where dogs can run under the supervision of their owners."

The Parks and Recreation Commission has taken the position that our existing by-law must be enforced, and that a specific area for dogs to run free should not be established.

The subject of dogs not on leash in parks has come to the attention of the Commission on several occasions over the past years. There have been numerous reports to the Commission in an attempt to alleviate this problem.
2. "Allot certain hours when dogs can run if their owners are present."
3. Amend the by-law so that the wording reads: "Dogs must be kept under the control of a responsible adult"."

The leash law was enacted in 1972. Prior to that time, the owner of a dog was required to keep it under the immediate control of a competent and responsible person when it was on a highway or public place.

The reason for enacting a leash law was that enforcement of the running-at-large provision of the by-law continually resulted in dispute as to what constituted immediate control; what are responsible actions on the part of a person in charge of a dog; and who would be competent to be in charge of a dog. Based on the experience of staff over many years, and the experience of involved personnel in other jurisdictions, it was concluded, due to the great variety of size and temperament of dogs, the degree to which owners trained and maintained training of their dogs, and the age of a person that may be entrusted with a dog, that a leash law is the most effective means to achieve control of dogs.

On 1983 July 11 Council reviewed the leash law as it relates to trained dogs under full control of their owners while on a highway or public place, and resolved not to amend By-law 6191 to permit them to be off leash.

4. "Make special licences available so a dog that has passed an obedience test could be allowed to walk with its owner without being attached to a leash. This would provide the SPCA with a far superior way of bringing in extra funds, as the Society could run the training courses and tests, and in so doing could improve the standard of dog care immensely. At the same time the SPCA would improve the level of public safety and its relationship with local dog owners."

The Municipal Act, which is the legislation that empowers the enactment of a dog licencing by-law, does not permit the Municipal Council to vary licence fees based on the extent or degree of training that a dog may have received.

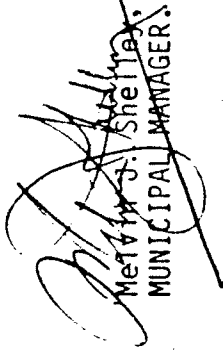
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The problems and difficulties of controlling dogs are long standing within this Municipality, as they are in virtually every large area throughout North America. The degree to which regulations are enacted and the extent to which they are enforced varies considerably, and is influenced by the community's need for this service and the resources available to provide such service. It is broadly accepted that the incidence of complaints of dog nuisance, including biting and savaging of persons and other animals, will increase substantially when there is a lessening of enforcement or reduction in the requirements to control dogs. In Burnaby, during the approximately 15 years that the SPCA has acted as the pound-keeper, we have experienced a reduction of approximately 50% in the number of recorded complaints of dog related problems and the number of dogs impounded. Much of this was experienced during the period when the residential population was steadily increasing.

Certainly the issuing of violation tickets has played a role in the Municipality's dog control program. The penalty that is assessed with the ticket is the same as if the dog had been impounded. The process of using violation tickets has the advantage that the owner is not faced with attending at the animal shelter to redeem the dog, and the owner has the opportunity to contest payment of the penalty in the courts while still in possession of the dog. In other words, it is not necessary to pay a pound fee prior to redeeming the dog. Throughout the Greater Vancouver area virtually every jurisdiction has a leash law for the control of dogs and most areas use a violation ticket as a part of the enforcement program.

I trust that this information clarifies the Municipality's position in the matter of regulations for the licencing and control of dogs. This is a most difficult matter to administer, and there is no one answer to the problem that will please everyone, and which will be practical to enforce in the eyes of the law. We appreciate the time that you have taken to express your views.

Yours truly,



Metvyn J. Shelton
MUNICIPAL MANAGER.

MJS:bp

C.C. Chief Licence Inspector
Director Recreation and Cultural Services
Mr. Jack Holmes, General Manager, S.P.C.A.

