

RE: CONTROL OF DOGS IN PARKS - ROBERT BURNABY PARK
OFF-LEASH BYLAW AMENDMENT

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation as contained in the report of the Director Recreation & Cultural Services be adopted.

* * * * *

1985 FEBRUARY 25

TO: MUNICIPAL SOLICITOR
FROM: DIRECTOR RECREATION & CULTURAL SERVICES
RE: CONTROL OF DOGS IN PARKS - ROBERT BURNABY PARK
OFF LEASH BYLAW AMENDMENT

RECOMMENDATION:

1. THAT Council authorize the Municipal Solicitor to bring forward amendments to the Dog Tax and Pound and Animal Regulations Bylaw and the Parks and Recreation Bylaw to permit dogs off leash provided the owner is present and the dog under the control of the owner, on those parts of Robert Burnaby Park designated on Drawing #36-2-23s (attached) and that the bylaw amendment be for a trial period to be completed by 1985 November 01.

REPORT

In dealing with Item #17, Manager's Report #48, Council Meeting 1984 July 23, Council approved an amendment to the two above bylaws which allowed dogs off leash in approximately 75 acres of the 125 acre Robert Burnaby Park.

This action was taken in response to an earlier letter addressed to Council from Mrs. Elizabeth Elwood of 8134-14th Avenue, Burnaby, B.C. V3N 2B8, asking for such consideration.

The bylaw amendment was put into effect in October 1984 for a twelve month trial period.

At its meeting of 1985 February 20, the Parks and Recreation Commission received a staff report setting out details of the results of the first three months of the trial period. A copy of this report is attached for the information of Council.

The report also dealt with an additional request from Mrs. Elwood to further extend the area of Robert Burnaby Park set aside for dogs off leash.

The Commission dealt with the following motion:

MOVED BY COMMISSIONER MCLEAN, SECONDED BY COMMISSIONER STUSIAK:
"THAT the Commission approve a test period to allow dogs without leashes on part of Robert Burnaby Park as outlined in this report and shown on Attachment #1 (Drawing #36-2-23s)".

CARRIED

OPPOSED: Commissioners Holst, Manning
and Smith

Drawing #36-2-23s attached, shows an additional 24 acres turned over to dogs off leash for a total of 99 acres from the park acreage of 125.

If Council concurs, it will now be necessary for the Solicitor to be instructed to bring forward another amendment to the two bylaws to make this additional change.



DENNIS GAUNT
Director Rec. & Cultural Services

DG:hh
Attach.

c.c. Municipal Solicitor
Director Finance

RE: CONTROL OF DOGS IN PARKS - OFF LEASH AREAS

RECOMMENDATION:

1. THAT a copy of this report be sent to Mrs. Elizabeth Elwood.

REPORT

BACKGROUND

At its meeting of 1984 June 20, the Commission received a report on the above subject. The five following recommendations contained therein were finally approved by the Commission on July 04 and by Council on July 23.

1. THAT the Commission approve a test period to allow dogs without leashes on part of Robert Burnaby Park as outlined in this report.
(This was amended to include the ball diamond in the off season as well as the wooded area north of the Elwell trail).
2. THAT the Commission instruct staff to review and bring back a report on the feasibility of a clean-up bylaw as outlined in this report.
3. THAT the Commission instruct staff to report back on the feasibility and impact of banning dogs from sensitive park areas and facilities.
4. THAT a copy of this report be sent to Mrs. Elizabeth Elwood.
5. THAT the Commission advise Council of these actions.

The appropriate bylaw amendments to cover recommendation #1 were processed through Council and signed on September 25. The Park signs announcing the amendments were then prepared and installed on October 24. The amendments are on a trial basis only and expire on 1985 September 30. At that time, a long term decision will be made on this topic.

It was agreed that the Commission would receive a progress report every three months on the results of setting aside a portion of Robert Burnaby Park for dogs to run off leash.

FIRST THREE MONTHS' ASSESSMENT

Observations have been made in Robert Burnaby Park by the maintenance staff between 1984 October 24 and 1985 January 23 and the data collected is tabulated as follows:-

1. Number of staff visits to the park (between 07:00 and 15:30h Monday to Friday) from which dog observations were made. - 62
2. Number of dogs observed off leash using 'off leash' area. - 72
3. Number of dogs observed off leash in 'leash area'. - 27

They were in the following areas:

Pool	-	16
Playground	-	8
Other	-	3

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4. Comment from Park Patrol:

The Park Patrol did not make dog counts but on each of their visits, checked for potential conflict between dogs and other park users.

Between the hours of 15:30 and 23:00, plus weekends, Park Patrol made 50 site visits. On no occasions when dogs were observed was there any conflict observed.

5. Comments from S.P.C.A.

During the winter months, the S.P.C.A. do not conduct regular patrols but will respond to complaints. They have had no occasion to respond at Robert Burnaby Park this winter.

Their activity will increase with the summer months and they will therefore be in a better position to comment on the effectiveness of the bylaw amendments on the next report.

They have asked that the boundaries of the playing field area be more clearly defined.

6. Number of complaints and compliments from the public:

Complaints	- Nil
Compliments (additional to contacts from Mrs. Elwood)	- 4-2 Verbal -2 Written - One of which recommended expansion

No stray dogs were included in the above observations. All dogs were with owners.

CONCLUSIONS

Staff have no reason to believe that the amendments are not a success. If the full trial period confirms this, then consideration could be given to identifying additional areas in different parts of Burnaby. Two such potential areas are Forest Glen and Montrose Parks.

ADDITIONAL PROPOSALS BY MRS. E. ELWOOD

Mrs. Elwood appeared as a delegation at the Commission meetings of 1985 January 09 and January 23 with suggestions for improvements to the 'off leash' park.

On 1985 January 30 and again on 1985 February 14, the Director met with Mrs. Elwood as directed by the Commission to discuss these suggested improvements. The following is a summary of Mrs. Elwood's concerns.

1. Boundaries:

The boundary of the 'dog off leash' area should be enlarged to include the remainder of the park except for the playground/tennis court/pool area, a buffer area immediately north of the pool entrance road and part of the area between 19th Avenue and the extension of 20th Avenue. (See Attachment #1, Drawing # 36-2-23s).

Cont'd..

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1. Boundaries - Cont'd..

Mrs. Elwood's request is based on her opinion that the area north of the Elwell trail (that is the lower heavily forested part of the park) does not meet all the needs of dog owners for walking dogs off leash for the following reasons:

- a) The present southerly boundary (the Elwell trail) is not clear to most park users who approach from the 20th Avenue end of the park.
 - b) The lower forested end of the park (north of, that is, below the Elwell trail) is too potentially dangerous for women and children and elderly.
 - c) Many of the elderly out for walks experience difficulty with the hill which extends down below the Elwell trail.
2. Signing:
- a) Signs could be more strategically located in order to better inform the public.
 - b) This could be accomplished by placing a larger sign at each of the four parking lots carrying more information stating that dogs must be under control of the owner and asking owners to clean up after their dogs.
 - c) Smaller signs could go where each major trail intersects the off leash area.

COMMENT

For the Commission's consideration, the following comments are provided on Mrs. Elwood's concerns.

- Two additional signs will be placed at the trails that intersect the Elwell trail, approximately 20' south of the Elwell trail (See Attachment #2, Drawing #36-2-24s).
- A sign will be placed in the upper (pool) parking lot plus an extra sign on Hill Avenue (Drawing #36-2-24s).
- It is agreed that additional wording could be placed on the signs thus providing more information to park users.
- In practical terms, the dogs off leash amendment has not caused any problems in the past 3 months. There is therefore no reason why an arbitrary decision cannot be made to alter the boundary of the off leash area to include some of the flat lands at the south end of the park which are safer and easier of access.
- For purposes of boundary interpretation, the S.P.C.A. could be asked to consider the Elwell trail boundary as having a tolerance of up to approximately 20' on the south side of the trail to allow dog owners the opportunity to walk the trail with unleashed dogs which may encroach slightly into the bush on either side of the trail without penalty.

Cont'd..

TIMING

- Any substantial change to the boundary of the off leash area would require a new bylaw amendment to be put in place and a new set of signs made up. 113

- Unless instructed otherwise, the Director intends to proceed on the basis of no change to the boundary, the bylaw or the sign wording until the 12 month trial period has been completed.

- In the meantime, additional signs of the existing pattern will be installed as mentioned to ensure that the public has the best information to use the existing off leash area.

- Because the sports field will be off limits to off leash dogs during the summer months, no changes will be made at this time to better identify the boundaries and such identification would be part of the permanent regulations after the completion of the year's trial.

- At some time prior to the end of the 12 month trial period, a report will be prepared for the Commission recommending permanent regulations if appropriate, and also covering the feasibility of a clean-up bylaw and the impact of banning dogs from sensitive areas as requested in the June 20, 1984 motions.

LEGAL OPINION

On 1985 January 23, the Commission specifically asked for a legal opinion regarding the Corporation's liability in case of an attack by an off leash dog on a park patron.

The Director has consulted with the Municipal Solicitor on this topic and in the absence of any established law or available precedent, we have concluded as follows:

1. The reasons why dogs are kept leashed especially in public places is primarily for safety, i.e. to ensure that they are under the full control of their owner and are not free to attack or harass other members of the public or do other damage.
2. The purpose of a public park is to invite citizens to attend a public area set aside for recreation purposes.
3. Some park patrons especially children would not be able to read signs adequately and others would tend to ignore them.
4. If the Commission deliberately allows off leash dogs in areas to which it is inviting the public, then there is nothing to say that a liability would not be incurred in the case of an attack or damage.

A further opinion would not be possible until such a case comes to court and a judge makes a ruling. However, such a typical incident is certainly foreseeable and the ability to foresee plays a large part in the determination of liability.

In the Solicitor's opinion - "We cannot say with any assurance that a Court would not assign some liability to the Corporation if a dog running off leash in a park area under authority of a bylaw were to injure a person."

We should be especially concerned about the safety of children who either cannot read warning signs or do not appreciate the danger to which the signs are intended to alert them. We can readily foresee that such children will be in the park and unless the area used by unleashed dogs is separated or isolated from the areas used by children, an argument could be made that we have created a potential hazard."

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ITEM 1
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PLANS

In addition to the two attached drawings, a larger plan (Plan #36-2-22) will be posted at the Commission meeting for discussion purposes.

The content of this report has been communicated to Mrs. Elwood.

DG:hh
Attach.

ITEM 3
MANAGER'S REPORT NO. 18
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C.C.
Municipal Solicitor

ITEM

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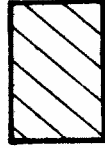
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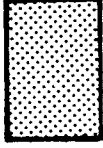
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ATTACHMENT #1

LEGEND



EXISTING OFF LEASH
AREA (OCTOBER 1984)



PROPOSED ADDITION TO
OFF LEASH AREA



PROPOSED
"DOGS MUST BE ON LEASH"
AREA

MORLEY ST.

CAVENDISH ST.

MAYFIELD ST.

STREET

GOODLAD ST.

FOURTH

ELWELL ST.

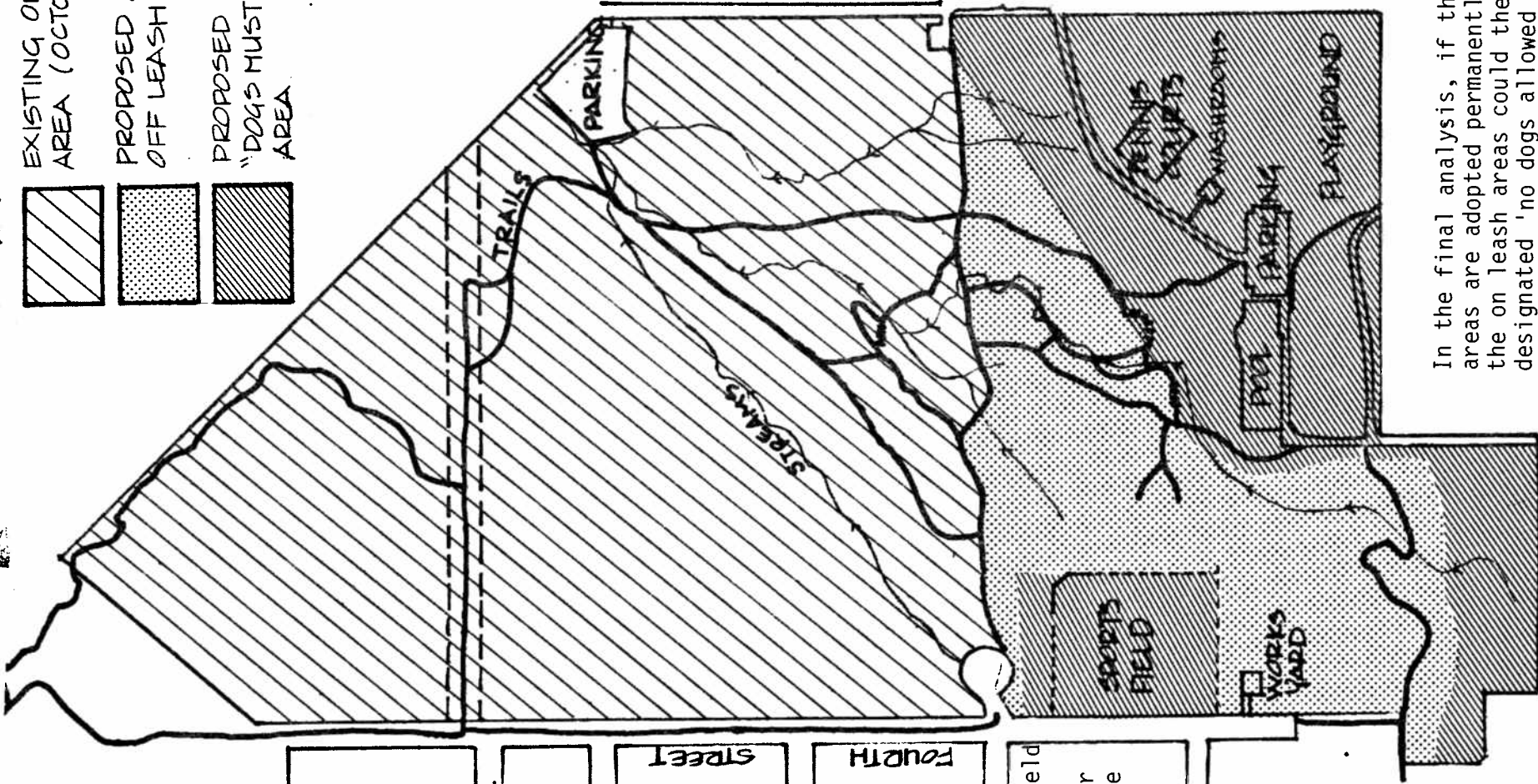
NOTE: The sportsfield
is seasonal; off
leash in the winter
and on leash in the
summer

ROSEWOOD ST.

ELWELL ST.

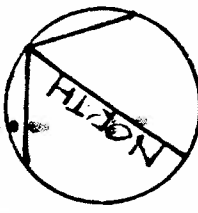
Forest buffer
between activity
area and 'off
leash' area.

HILL AVENUE



In the final analysis, if the off leash
areas are adopted permanently, then
the on leash areas could then become
designated 'no dogs allowed (either off
or on leash)'.

ROBERT BURNABY PARK
DOGS IN PARK



BURNABY RECREATION & CULTURAL SERVICES DEPARTMENT


DRAWN BY LWYATT. DATE - FEB. 85. SCALE - NTS. DWG # - 36-2-235


ITEM 1
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COMMISSION MEETING 85 02 20


ITEM 3
MANAGER'S REPORT NO. 18
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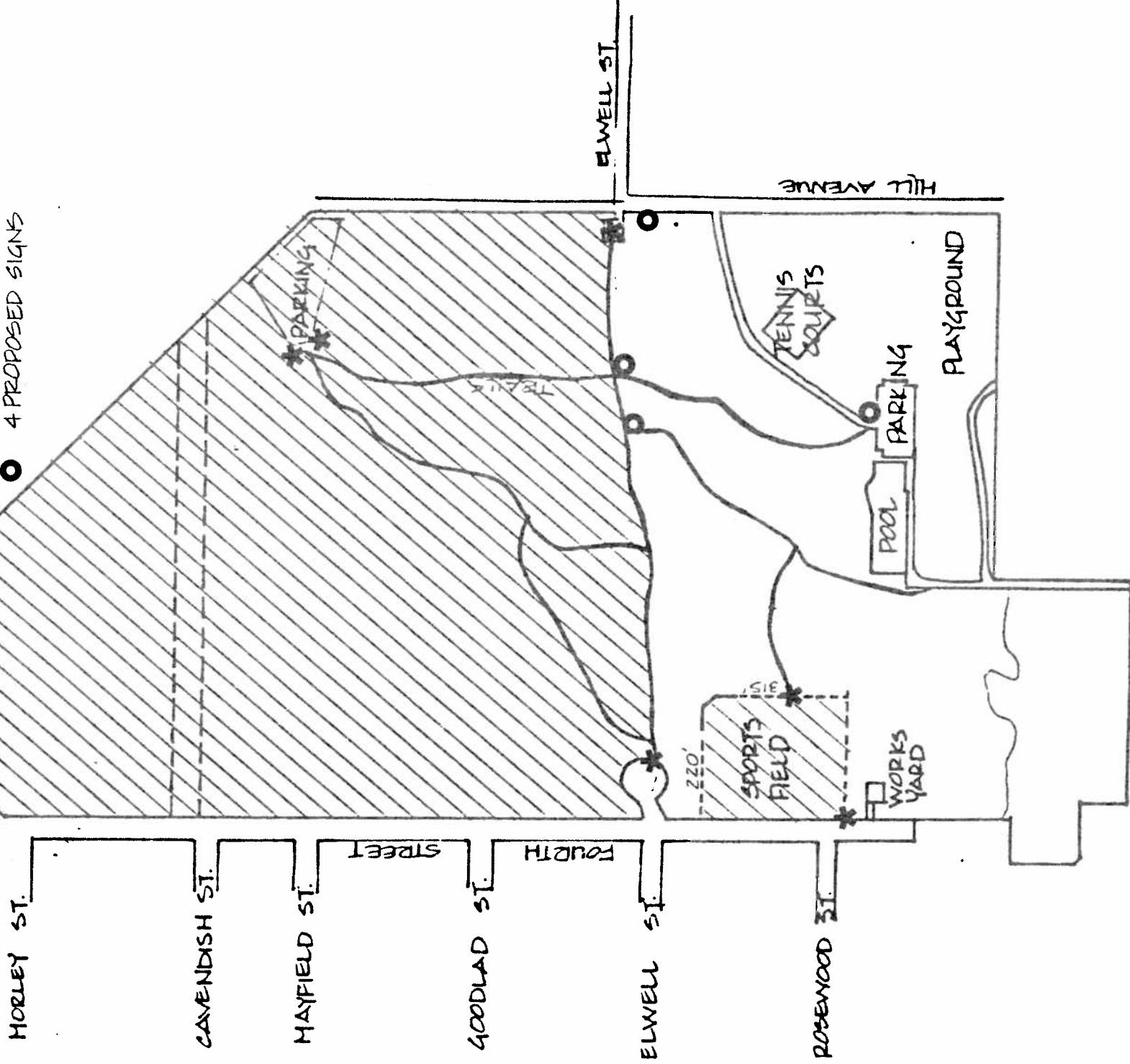
ATTACHMENT #2

LEGEND

 EXISTING OFF LEASH AREA
AS PER BYLAW OCTOBER 1984

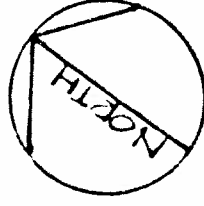
 6 EXISTING SIGNS

 4 PROPOSED SIGNS



ROBERT BURNABY PARK
SIGNAGE RE: DOGS IN PARK

BURNABY RECREATION; CULTURAL SERVICES DEPARTMENT



DRAWN BY LWYATT. DATE - FEB 85. SCALE - NTS. DWG # - 36-2-245

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