

ITEM 16
MANAGER'S REPORT NO. 49
COUNCIL MEETING 87/08/10

RE: LETTER FROM MRS. BETTY SCOTT, 8225 - 16TH AVENUE, BURNABY, B.C., V3N 1R9
ANIMAL CONTROL

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Finance be adopted.

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TO: MUNICIPAL MANAGER 87 08 05
FROM: DIRECTOR FINANCE
RE: ANIMAL CONTROL

RECOMMENDATION

1. THAT a copy of this report be sent to Mrs. Betty Scott,
8225 - 16th Avenue, Burnaby, B.C. V3N 1R9

SUMMARY

In response to Mrs. B. Scott's concerns regarding consistency in application of animal control regulations, this report sets out the results of a review of our procedure for ticketing owners of dogs off-leash, particularly as they apply in municipal parks. Further, the circumstances surrounding the issuing of a ticket to Mrs. Scott were examined. It is concluded that the actions of the pound inspector were appropriate.

REPORT

On Council's agenda for the meeting of 1987 August 10 is a letter from Mrs. Betty Scott regarding the issuance of a ticket summons which she received while her dog was off-leash in the lower portion of Robert Burnaby Park on 1987 July 16.

The ticket issued to Mrs. Scott is returnable to the Burnaby Provincial Court by 1987 August 10. The penalty of \$30.00 may be paid over the counter any time up to that date by entering a plea of 'guilty'. Because Mrs. Scott could not confirm a current dog licence at the time of the incident, the indicated penalty on the ticket is the unlicensed rate of \$48.00. The Scott's dog is now confirmed as currently licenced, therefore, the penalty will automatically be reduced to \$30.00. The adjustment to the penalty and the procedure to resolve this matter, whether over the counter, or in court, have been discussed with Mrs. Scott.

In her letter, Mrs. Scott states that the pound inspector was not "at all nice" and was "bossy" and "mean". In discussing this with her, she explained that, in her opinion, the pound officer was abrupt in pointing out the sign advising that all dogs must be on a leash, and in making reference to some of the problems caused by off-leash dogs.

Inspector G. Green advises that in his view the discussion with Mrs. Scott was positive and was not confrontational; Mrs. Scott was cooperative and in turn he answered all of her questions. In conclusion, he thanked Mrs. Scott for her cooperation.

In our experience, persons receiving a ticket or summons, or who have their dog impounded are understandably unhappy with the person they see as being responsible for their difficulty, in this case that would be the pound inspector. In our review, and in discussion with the inspector, it would appear that there was no inappropriate conduct in this matter.

The final point of Mrs. Scott's letter is reference to an incident that she alleges took place two or three weeks prior to 1987 July 16. (date of offense) This involved two persons and two dogs off-leash in the same lower portion of Robert Burnaby Park. In reviewing this with Mrs. Scott, she stated that she observed a pound inspector speak with the two persons. She believes that no action was taken, no ticket was issued and the dogs continued to run off-leash.

In reviewing this matter with the senior pound inspector, we were unable to identify, through pound records or pound personnel, a contact or action as described by Mrs. Scott.

The operating procedure for dogs off-leash is to issue a ticket when the owner or person in charge of the dog can be identified. The exceptions to this are:

1. Out of area visitor; such persons are requested to leash the dog or remove it if they are in a park. A cord leash is provided by the pound inspector if that is appropriate.
2. Dog trailing a broken leash.
3. Persons getting in or out of a vehicle in a parking area and the dog inadvertently gets away.
4. A dog sitting with its owner where the person has their hand on the dog or a similar circumstance.

The circumstances described in items 3 and 4 would warrant a written warning as an appropriate action.

The other circumstances under which a ticket may not be issued is if the owner or person in charge of the dog refuses to give the pound inspector their name or address or to cooperate in any way whatsoever. In such cases the pound officer will return to his vehicle and radio a request through the pound office to have the RCMP attend. If the dog owner leaves the area before the RCMP arrive, the only other option that is available is to take the licence number of a vehicle if such is apparent, and to attempt to trace the dog ownership through the registration of the vehicle.

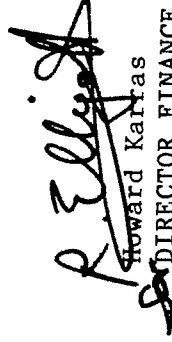
In discussing this matter with Mrs. Scott, we pointed out that the ticket she received is returnable to the Provincial Courts and must be handled in that manner. Mrs. Scott accepts this but is concerned with what she sees as an inconsistency in application of the by-law.

We cannot identify the incident in which Mrs. Scott alleges inconsistent application of the pound by-law. We have discussed this matter with our poundkeeper and are confident that every effort is made to ensure that pound staff are fair and consistent with application of the provisions of the animal control regulations and the operating procedures previously set out.

This is submitted for the information of Council.

PK:ah

cc. Director Recreation and Cultural Services
Burnaby S.P.C.A.


Howard Karfas
DIRECTOR FINANCE