

ITEM 1  
MANAGER'S REPORT NO. 19  
COUNCIL MEETING 90/03/12

RE: LETTER FROM MS. MERILYNN DARBEBY WHICH APPEARED ON THE AGENDA FOR THE  
MARCH 05TH MEETING OF COUNCIL (CORRESPONDENCE ITEM NO. 5)  
BARKING DOG NOISE COMPLAINT AT 7061 MCKAY AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Chief Public Health Inspector be adopted.

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TO: MUNICIPAL MANAGER 1990 MARCH 05

FROM: CHIEF PUBLIC HEALTH INSPECTOR

SUBJECT: BARKING DOG NOISE COMPLAINT  
7061 MCKAY AVENUE

PURPOSE: TO PROVIDE COUNCIL WITH INFORMATION ON ACTION  
TAKEN BY THE ENVIRONMENTAL HEALTH DIVISION  
WITH REGARDS TO THE SUBJECT COMPLAINT

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Merilyn Darbey, 7061  
McKay Avenue, Burnaby, B.C., V5J 3S3.

REPORT

This report is in response to correspondence dated 1990 February 19 to the Mayor and Council from Merilyn Darbey of 7061 McKay Avenue. Mrs. Darbey's correspondence refers to the Burnaby Noise By-law and her concern over the fact that there may be some difficulty in enforcement with respect to her barking dog complaint.

Mrs. Darbey lives on one side of a duplex and encounters a recurring problem in the adjacent half of the duplex. The residents next door leave their dog unattended in their residence. The dog barks on an ongoing basis sometimes for periods exceeding four hours. This extended barking occurs during evenings while the tenants are out. Although the dog barks during the day it does so for only short periods. The evening is causing the greatest concern, often waking Mrs. Darbey's child.

The last previous complaint received by the Environmental Health Division with respect to this was 1989 April 02. On 1989 April 05 the Environmental Health Division hand delivered a notice to the dog owner and fully explained the by-law. No further complaints were received regarding the barking dog until 1990 February 05.

On 1990 February 05, Mrs. Darbey was advised that it is the practice of the Environmental Health Division to encourage tenants sharing adjoining residences to try and solve the problem through the building management, strata councils or tenants themselves. In the interim, staff will consult with Crown Counsel regarding enforcement of the Noise Bylaw on situations where a dog inside a dwelling is causing a nuisance to immediate adjoining residents.

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Crown Counsel was contacted 1990 February 22 and have advised they would entertain charges under Section 4 of the Burnaby Noise By-law quoted in part below.

Section 4

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"No owner or occupier of real property shall, except as in this bylaw may be provided,

- (a) allow such real property to be used so that noise or sound emanates therefrom which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity."

Crown Counsel further advises that there may be some difficulties with enforcement as this is an unusual complaint being that the dog is inside the owner's own home.

The contents of this report have been discussed with Mrs. Darbey and staff have addressed the problem of the barking dog with the owner and advised him of pertinent sections of the Burnaby Noise By-law.

Mrs. Darbey has been advised that should the dog continue to be a nuisance, to notify the Environmental Health Division and legal action will be pursued.

*G. V. Harvie*

*G.V. Harvie*  
G.V. Harvie, C.P.H.I.(C)  
CHIEF PUBLIC HEALTH INSPECTOR

KCJ/gI

cc: Medical Health Officer  
Director Administrative &  
Community Services  
Tax and Licence Director