

<b>Policy Title:</b> Dog Enforcement Policy	<b>Policy Number:</b> P145
<b>Policy Category:</b> Legislative and Regulatory	
<b>Approval Date:</b> October 27, 2020	<b>Policy Owner:</b> Bylaw Enforcement
<b>Approved by:</b> Board	<b>File Reference:</b> 0340-50

### Policy Statement

This policy is intended to provide further guidance to persons authorized to enforce the provisions of the Comox Valley Regional District’s (CVRD’s) *Electoral Areas Animal Control Bylaw No. 100, 2010*, as they apply to dogs.

This policy is intended to be used in conjunction with the CVRD’s Bylaw Enforcement Policy and should be used as a complement to “Section 4 – Enforcement” in that policy document.

### Dangerous Dog Policy

#### Complaint and Investigation

After receiving a complaint regarding a possible aggressive or dangerous dog, Animal Control Officers (“ACOs”) shall investigate the complaint and consider all of the evidence obtained before making a decision on whether or not to pursue further action.

<b>DECISION</b>	
<p><u>No Further Action</u></p> <p>After investigating a complaint of an aggressive dog or dangerous dog, ACOs may elect to take no further action if:</p> <ul style="list-style-type: none"> <li>• The owner can provide evidence satisfactory to the CVRD that they have already put the dog down or it has been permanently rehomed outside of the CVRD’s animal control jurisdiction;</li> <li>• There is insufficient evidence to support a bylaw violation or an aggressive dog or dangerous dog declaration; or</li> <li>• There are mitigating circumstances that explain the events, which may include, but are not limited to:               <ul style="list-style-type: none"> <li>• The animal was responding to:                   <ul style="list-style-type: none"> <li>○ An attack by a person or aggressive animal;</li> <li>○ An attack against its offspring by a person or aggressive animal;</li> <li>○ Teasing, provocation or torment;</li> </ul> </li> </ul> </li> </ul>	<p><u>Further Action</u></p> <p>After investigating a complaint of an aggressive dog or dangerous dog, if further action is appropriate, the following options may be appropriate for dealing with dangerous or aggressive dogs:</p> <ol style="list-style-type: none"> <li>1. Declare the dog to be a dangerous dog or an aggressive dog under the Bylaw (a “Bylaw Declaration”);</li> <li>2. Issue a Municipal Ticket Information (MTI) to the owner;</li> <li>3. Negotiate a consent agreement with the dog’s owner to have conditions placed upon the dog;</li> <li>4. Prosecute the owner for a bylaw violation under the <i>Offence Act</i>;</li> <li>5. Make an application to Provincial Court to have the dog declared dangerous and humanely euthanized.</li> </ol>

<ul style="list-style-type: none"> <li>• The animal was: <ul style="list-style-type: none"> <li>○ Protecting its owner from physical harm;</li> <li>○ Defending the owner’s real or personal property from trespass, damage, or theft;</li> <li>○ Attempting to prevent a person from committing an unlawful act;</li> <li>or</li> </ul> </li> <li>• The animal was performing law enforcement work.</li> </ul>	
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If Taking Further Action:

- ACOs should select the least restrictive, least expensive option which appropriately protects the public safety.
- If an option is not successful in achieving compliance and there are further complaints regarding a particular dog or owner, ACOs may consider escalating to a more serious or restrictive option.
- In selecting the appropriate option in the circumstances, the following factors may be considered when selecting the appropriate action to take:

<b>Factor</b>	<b>Information Which May Be Relevant to Evaluating Factor</b>
Future Risk of Harm to the Public	<ul style="list-style-type: none"> <li>• History of animal <ul style="list-style-type: none"> <li>○ Previous attacks in this or another jurisdiction?</li> <li>○ Previous complaints of aggressive behaviour?</li> <li>○ Do behaviours/attacks seem to be escalating?</li> <li>○ Are the complaints/attacks increasing in frequency?</li> <li>○ Owner’s compliance history with bylaw provisions or conditions (if any)?</li> <li>○ Owner’s ability and willingness to comply with conditions.</li> <li>○ Age of dog.</li> <li>○ Likelihood of rehabilitation of dog.</li> </ul> </li> <li>• Victims <ul style="list-style-type: none"> <li>○ Number of victims to date</li> <li>○ Type of victims (domestic animal, dog, human (child vs adult)).</li> </ul> </li> <li>• Injuries sustained by victims <ul style="list-style-type: none"> <li>○ Seriousness of the injury:</li> <li>○ Medical treatment required?</li> <li>○ Long term effects of injuries?</li> </ul> </li> </ul>

Results of Previous Compliance Action	<ul style="list-style-type: none"> <li>• What actions have previously been undertaken? <ul style="list-style-type: none"> <li>○ Have multiple actions been tried</li> </ul> </li> <li>• What was the result of that action? <ul style="list-style-type: none"> <li>○ Has there been repeated non-compliance?</li> </ul> </li> </ul>
Likelihood of a Successful Outcome	<ul style="list-style-type: none"> <li>• The evidence is obtained <ul style="list-style-type: none"> <li>○ What type if evidence is it? <ul style="list-style-type: none"> <li>▪ Documentary</li> <li>▪ Witnesses</li> <li>▪ Expert</li> </ul> </li> <li>○ Does the evidence support a bylaw breach?</li> <li>○ Strength of the evidence.</li> <li>○ Is there evidence to support each essential element?</li> </ul> </li> <li>• Are there alternate explanations/mitigating circumstances for the events?</li> <li>• Are owners receptive to concerns of ACOs and willing to voluntarily comply with conditions?</li> </ul>
Availability of Resources to Pursue the Option	<ul style="list-style-type: none"> <li>• Estimated cost of the option?</li> <li>• Availability of staff resources?</li> <li>• Availability of financial resources?</li> </ul>

Additional Guiding Principles:

- In considering whether to pursue Option 1 (a Bylaw Declaration), ACOs should consider whether, on the evidence available, the dog meets the bylaw definition of dangerous dog.
  - If the answer is yes, ACOs may make a Bylaw Declaration of dangerous dog.
  - If the answer is no, ACOs should consider whether the dog meets the bylaw definition of aggressive dog.
    - If the answer is yes, ACOs may make a Bylaw Declaration of aggressive dog.
- Generally, Option 5 (an application to Provincial Court) should be selected in circumstances where the future risk of harm to the public cannot be mitigated by any other means.
- In considering whether Option 2 Municipal Ticket Information (MTI) or Option 4 (prosecution) are appropriate, likelihood of a successful outcome is a particularly important factor.
  - If choosing between Option 2 (MTI) and Option 4 (prosecution), results of previous compliance action and availability of resources to pursue the option will be particularly important factors. Where option 2 (MTI) has previously been ineffective, Option 4 (prosecution) may be appropriate if sufficient resources are available.

- When evaluating whether Option 3 (consent agreement) is appropriate, likelihood of a successful outcome is a particularly important factor.

## Noisy Dog Policy

### Compliance Options

The following enforcement options may be appropriate for enforcing contraventions of the CVRD’s noisy dog provisions:

1. Voluntary Compliance;
2. Municipal Ticket Informations (MTIs); and
3. Long Form Information (LFI) Prosecutions in Provincial Court.

### Escalating Enforcement

When dealing with contraventions of the CVRD’s noisy dog provisions, ACOs should follow a process of escalating enforcement.

1. For first offences, ACOs should focus on education and achieving voluntary compliance.
2. If voluntary compliance cannot be achieved or if there are subsequent violations, ACOs may issue an MTI if there is sufficient evidence to prove each element beyond a reasonable doubt.
3. If convictions have been achieved previously on tickets and there are multiple violations, ACOs may consider escalating the matter and retaining a prosecutor to commence a prosecution by LFI to seek injunctive orders or restitution in addition to fines. ACOs should consider the following factors when determining whether to escalate the matter:
  - a. The quality and sufficiency of the evidence;
  - b. The version of events of the alleged offenders;
  - c. The number of complainants being affected;
  - d. How long the offences have been ongoing;
  - e. Whether compliance can be achieved by other means;
  - f. The financial resources available to proceed with a prosecution.

Attach: Dangerous Dog Procedure Flow Chart

## REVISION HISTORY

Approval Date	Approved By	Description of Change
October 27, 2020	Board	

# Dangerous Dog Procedure Flow Chart

