

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES November 27, 2001**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Robert P. Harvey  
Councillors: Stephen Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Len Goucher  
Gary Meade

**ABSENT:**

Councillors: John Cunningham (Regrets)  
Reg Rankin

**STAFF MEMBERS:**

Mr. George McLellan, Acting Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **CALL TO ORDER**

Mayor Kelly called the meeting to order at 1:10 p.m.

2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

It was agreed to deal with Item 5 - Regulation of Fierce and Dangerous Dogs first on the agenda.

3. **DARTMOUTH GENERAL HOSPITAL FOUNDATION REVITALIZATION CAMPAIGN - PRESENTATION - DAVID NANTES**

This item was addressed later in the meeting.

4. **BY-LAW ENFORCEMENT PRESENTATION**

This item was deferred to the next Committee of the Whole meeting.

5. **REGULATION OF FIERCE AND DANGEROUS DOGS**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above was before the Committee for its consideration. The report recommended *that Regional Council:*

- a) *authorize staff to commence an amendment process for HRM By-Law D-100 Respecting the Registration and Control of Dogs which would enable Animal Control Officers to more effectively control fierce and dangerous dogs; and,*
- b) *not proceed with implementation of a breed specific dog By-Law, nor a programme of permitting rather than licensing of dogs.*

With the use of overheads, Mr. Peter James, Regional Coordinator, By-Law Enforcement, presented the report to the Committee. Mr. James noted the current contract with the SPC will expire in April 2002. Staff is currently reviewing the contract and putting together a new tender call which will come to Council early in 2002.

(Councillor Streach took his place at the meeting at 1:25 p.m.)

Responding to a question of Councillor Sloane, Mr. James stated response times are an on-going concern, and staff are looking at tightening them up in the new tender document. In

response to a further question of the Councillor, Ms. Stephanie Turner, Manager, HRM Animal Control, stated the officers are equipped with two-way radios and some carry personal cellular phones. Councillor Sloane asked if it would be more advantageous if the use of cellular phones was added to the tender document. Ms. Turner responded in the affirmative stating it would increase the safety of the officers. The Councillor also expressed concern with the limited number of animal control vehicles, and stated she would like to put forth a motion to increase the fleet and equipment capacity for the SPC tender. Mr. George McLellan, Acting Chief Administrative Officer, noted in order for staff to consider this, the financial implications of the double entry accounting system will need to be reviewed with a recommendation as to where the money will come from.

Councillor Blumenthal expressed concern with the additional cost more vehicles would create. With respect to fines, the Councillor inquired what happens when offenders cannot pay. Mr. James responded that these cases are reviewed on an individual basis. He stated the purpose of the increased fines is to encourage irresponsible dog owners to become responsible.

Councillor Blumenthal inquired if dog owners could be licensed, and is it possible to ban people from owning dogs. In response, Mr. Wayne Anstey, Municipal Solicitor, stated the Municipal Government Act is very specific as to what HRM can and cannot do with respect to regulation in this area. However, banning people from owning dogs is not one, but he suggested that does not mean this is something HRM should not pursue. With respect to licensing, Mr. Anstey noted the owners are, in fact, licensed as the license is issued to the owner of the dog. Councillor Blumenthal inquired if HRM can refuse to issue a license. In response, Mr. Anstey stated this is a remedy that HRM could probably seek, and he did not see a reason why the provincial government would not be prepared to amend the legislation in this regard. Councillor Blumenthal stated he would like to see this done but acknowledged that most irresponsible dog owners do not license their dogs.

With respect to the prohibition of the possession of a dog, Mr. Anstey stated if there was a court order to that effect, there would be remedies available, such as contempt, that could ultimately lead to imprisonment.

Mr. George McLellan, Acting Chief Administrative Officer, stated the issues related to enforcement of the By-Law are clearly related to staffing, and noted the upcoming By-Law Enforcement presentation will provide an opportunity to revisit some of Council's concerns with respect to this by-law.

Councillor McInroy stated, at this point, he does not support a ban of breeds, but he does support the designation of vicious breeds. The Councillor suggested that some precautionary measures should be put in place at the outset, such as requiring these dogs to be leashed and muzzled when off property, and in a kennel or fenced year when on property. Councillor

McInroy stated this would not ban anyone from owning a particular breed of dog. The Councillor noted he has noticed a number of dog owners now using muzzles which provides some sense of security and lessens the intimidation for people who are uncomfortable walking past certain breeds of dogs. Councillor McInroy suggested that dealing with this issue on a piecemeal basis, by the number or severity of bites will only continue to unnecessarily expose people to the potential dangers of particular breeds of dogs.

(Councillor Uteck took her place at the meeting at 1:35 p.m.)

Councillor Hetherington stated he believes only about 20 percent of dog owners in HRM register their dogs. The Councillor stated he would prefer HRM to implement a no-fee dog registration to increase identification of all dog owners in HRM. Councillor Hetherington stated currently it is easier for dog control to issue warnings in mailboxes due to their limited resources. The Councillor suggested one vicious dog bite offence should be enough to require the dog to be put down. In response to a question of Councillor Hetherington regarding tranquillizer guns, Mr. James stated it is his understanding that Animal Control do not carry that type of weaponry. Ms. Turner confirmed that was correct. Councillor Hetherington stated it is his understanding that even if they did carry them, only a police officer would be permitted to discharge them. The Councillor suggested this should also be taken into consideration in the staff report.

Responding to a question of Councillor Hines, Mr. James stated By-Law Enforcement works very closely with Police Services on all by-law issues, including animal control. In response to a further question of the Councillor, Mr. James stated liability of dog owners is something staff is looking at very closely, noting other municipalities have a section pertaining to that in their by-laws. Councillor Hines stated he would like to see this pursued for HRM.

In response to a question of Councillor Meade, Mr. James stated the dollar amounts of the increased fines have not yet been finalized. Responding to a suggestion of the Councillor that the word "must" be changed to "shall" on Page 8 of the staff report dated October 9, 2001, Mr. Anstey stated he believes "shall" and "must" have the same meaning in that context.

Responding to a question of Councillor Sarto, Mr. James stated staff have communicated with Winnipeg, where a pit bull ban is in place, and they believe the ban has helped decrease pit bull attacks to zero. Mr. James noted staff's only concern with the example in Winnipeg would be the fiscal implications involved if this avenue was pursued for HRM. Mr. James stated another reason staff does not believe this is the way to go is because it is against expert opinion. Councillor Sarto stated he would like to see staff examine the possibility of requiring these dogs to be muzzled when off property.

Councillor Smith stated he supports HRM being pro-active in this regard and stated there should be designation of fierce and dangerous breeds right from the start. The Councillor

stated there should be some kind of preventative measures in place with respect to these dogs. In response to a question of the Councillor, Mr. James stated the current contract contains 100 hours of preventative patrols per month, and Animal Control averages over 130 hours per month for those preventative patrols. These patrols are shared throughout HRM.

(Councillor Warshick took his place at the meeting at 1:50 p.m.)

Councillor Mosher referenced an incident involving a resident of Cowie Hill whose dog was attacked by a Rottweiler running at large. The Councillor noted the resident's initial vet bills were \$398. The resident indicated to Councillor Mosher that she believes she is being penalized for walking her registered dog on a leash. The owner of the Rottweiler only received a fine for the dog being unlicensed and running at large. Councillor Mosher suggested there should be a substantial initial fine which would encourage dog owners to properly train their dogs. The Councillor also suggested the bills encountered by dog attack victims should automatically be the responsible of the owner of the offending dog.

Councillor McInroy stated the example illustrated by Councillor Mosher is a perfect example of where a muzzle would have prevented the incident. The Councillor noted there are numerous municipalities throughout Canada and the United States where specific breeds of dogs are identified either as vicious or for banning purposes, and suggested there must be legal advice available in those jurisdictions as well. With regard to expert opinion, Councillor McInroy stated they can identify those breeds of dogs that are more prone to vicious attacks.

Councillor Sloane stated the issue is enforcement and more by-law enforcement is needed on this issue. The Councillor suggested the new contract should contain more animal control officers and more vehicles.

Responding to a question of Councillor Warshick, Mr. James stated there are an estimated 50,000 dogs in HRM, and he believes approximately 40 percent are registered. In response to a further question of the Councillor regarding what takes place following a dog bite incident, Mr. James stated it all depends upon the circumstances. If it is an unprovoked attack, staff take the most aggressive enforcement action possible.

Councillor Hetherington stated he would like the staff report to also include budget ramifications of any enhanced enforcement proposed.

Councillor Blumenthal stated the dog owners who do not register their dogs are often the ones who own animals that are vicious and dangerous.

With respect to registration, Mr. McLellan noted a portion of the cost of the enforcement program is also spent on identifying and returning lost dogs. He suggested this needs to be taken into consideration before doing away with a dog registration program. Mr. McLellan

stated there will always be problems with enforcement if the tools available are inappropriate.

Closing the debate, Councillor Cooper noted no one has come up with a method to identify who is a good dog owner and who is not, nor can anyone say which breeds are good and which are bad. Councillor Cooper stated to try and identify all these variables will cost money. The Councillor stated Council needs to look at the protection it is offering to the residents of the municipality. Councillor Cooper stated if people are going to own dogs they have to be under control and, if there were any past problems, the dog should be muzzled.

It was the general consensus that this issue be referred back to staff for a further report.

(Councilor Colwell took his place at the meeting at 2:15 p.m.)

**3. DARTMOUTH GENERAL HOSPITAL FOUNDATION REVITALIZATION CAMPAIGN - PRESENTATION - DAVID NANTES**

C A "Briefing Document," regarding the Dartmouth General Hospital Foundation Revitalization Campaign, was circulated to the Committee.

Mr. David Nantes, Member of the Board, made a presentation to the Committee regarding the Dartmouth General Hospital Foundation Revitalization Campaign. In his presentation, Mr. Nantes stated the Board is asking HRM for a grant of \$500,000, possibly spread over a five year period, which represents approximately \$1 per person per year, as the hospital services approximately 100,000 people. Mr. Nantes noted this \$500,000 would represent approximately four percent of the cost of the capital construction and equipment.

Mr. McLellan suggested, at this time, the request should be referred to the Grant Committee for consideration in the upcoming budget.

Responding to questions of Councillor Streach, Mr. Nantes stated the staff of the hospital have made personal contributions to the campaign in the amount of \$100,000. With respect to the request of HRM, Mr. Nantes said the Foundation is very flexible in terms of payment arrangements and is open to any suggestions.

**MOVED by Councillor Streach, seconded by Councilor Sloane, that the request from the Dartmouth General Hospital Foundation be referred to the Grant Committee for consideration for funding as put forward by the Foundation.**

Speaking in support of the motion, Councillor Hetherington stated the feeder area of the hospital needs to be taken into consideration as it takes in almost 50 percent of the residents of HRM.

Responding to a question of Councillor Walker, Mr. McLellan stated the Foundation is aware of the constraints HRM is under in considering this request. In response to further questions of the Councillor, Mr. Nantes stated the hospital family would be the staff and the users of the hospital. With regard to outside users of the hospital, Mr. Nantes stated residents from Hants County are regular users of the Dartmouth General Hospital.

Speaking in support of the motion, Councillor McInroy expressed appreciation to Mr. Nantes and staff of the Foundation and the hospital for their hard work on this particular project.

Councillors Cooper, Blumenthal and Sarto also spoke in support of the request.

(Councillor Johns took his place at the meeting at 2:35 p.m.)

Deputy Mayor Harvey noted that the previous Council had approved a policy not to enter into future grants to health care institutions. Further, the Deputy Mayor noted there are a number of health care facilities in HRM, all of which need money and have capital campaigns from time to time. One of these facilities, the Cobequid Multi-Service Centre, which is about to be replaced in 2003-2004, is on the verge of a capital campaign and it is assumed they will come to HRM with a similar presentation. Therefore, Deputy Mayor Harvey stated Council and the Grant Committee will need to consider what they are going to do with that previously approved policy, and if it is decided to become involved in this type of larger grants, the money will have to be shared around HRM and not granted to just one institution.

Speaking in support of the motion, Councillor Mosher noted this expansion to the Dartmouth General Hospital would also help decrease the burden on the QEII Health Sciences Centre. The Councillor stated this expansion is a very important endeavour, and Council will need to find a way so the Grant Committee can make this work.

Also speaking in support of the motion, Councillor Colwell stated the current facilities are not adequate to serve the residents of HRM.

Councillor Uteck questioned why the presentation was before the Committee unless Council intends to change its policy. The Councillor noted the QEII is also experiencing similar overcrowding problems. Councillor Uteck stated it is her understanding that, assuming the current capital grant would be paid off this year, the Grant Committee has already earmarked the funding for other sources. The Committee had agreed, as part of its policy, to assist organizations to get on their feet, but not to become enablers. In response, Mayor Kelly stated, if there is to be a policy change, only Council can make it, and there has not been any indication to do that at this time, but there does appear to be support to have that reviewed.



Mr. McLellan noted he is aware of at least two more similar requests for funding coming forward. He stated Council will have to either reaffirm or reconsider its policy on such requests for funding. Mr. McLellan noted the Committee also has the option not to deal with the matter at this time.

Councillor Uteck stated Council needs to draw the line of what it will and will not support in terms of municipal and provincial responsibilities. In response, Mr. McLellan stated HRM has shared community interests with the Province in areas such as health and education, and, from staff's point of view, it did not seem appropriate for an issue with this magnitude for staff to respond in the negative without making Council aware of the matter. In the end, Mr. McLellan stated it is Council's decision to make.

Councillor Warshick stated health care is the number one issue of concern for Canadians, and if HRM can help in this area, it should do so. The Councillor stated the request from the Dartmouth General Hospital is reasonable and it deserves the support of Council.

Councillor Hetherington noted Council changes its policies all the time. With respect to provincial responsibilities, the Councillor noted HRM commits over \$20 million per year in supplementary education funding. Councillor Hetherington stated the schools serve the children, and the hospitals serve everyone. The Councillor stated by sending the request to the Grant Committee, it will give some indication that Council wants to look at what it can do to for the community.

Speaking in support of the motion, Councillor Hines stated it is important for Council to take into consideration that this is construction funding and not operational funding.

(Councillor Adams took his place at the meeting at 2:50 p.m.)

Closing the debate, Deputy Mayor Harvey stated the funding for these requests can be raised by increasing taxes to put more money in the Grants budget.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**6. ADJOURNMENT**

The meeting adjourned at 2:55 p.m.

Vi Carmichael  
Municipal Clerk