

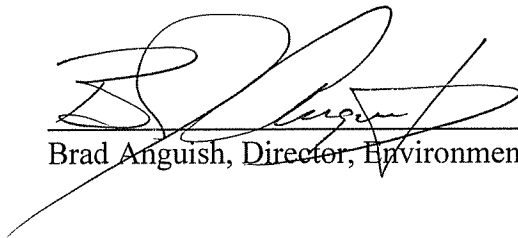


PO Box 1749  
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**Halifax Regional Council**  
**July 13, 2004**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Brad Anguish, Director, Environmental Management Services

**DATE:** July 5, 2004

**SUBJECT:** **Response to June 15, 2004 Regional Council Agenda Item 9.1.1**  
**(Correspondence - Councillor Sloane re: Dog Attack)**

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**INFORMATION REPORT**

**ORIGIN**

Correspondence submitted by Councillor Sloane during the June 15, 2004 meeting of Regional Council from Miss Ferne Riley expressing concern relative to dog attacks.

**BACKGROUND**

Attached as Appendix A is correspondence dated June 15, 2004 from Miss Ferne Riley. Miss Riley is expressing concerns relative to dog attacks and “the lack of knowledge on behalf of dog owners in the HRM.”

**DISCUSSION**

By-Law D-100, Respecting the Registration and Regulation of Dogs was established to address dog related issues, including those described in Miss Riley's correspondence of June 15, 2004.

When investigating situations similar to the one described in Appendix A, an Animal Control Officer would refer to the interpretation in the by-law of a "fierce or dangerous dog" as it pertains to the particular situation.

Section 2(e) of the by-law describes a "fierce or dangerous dog" as follows:

- (e) fierce or dangerous dog means any dog or any dog hybrid which,**
  - (i) inflicts bites to or attacks a human being or domestic animal either on public or private property;**
  - (ii) has demonstrated a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;**
  - (iii) when either unmuzzled, unleashed, or unattended by its owner, or a member of the owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;**
  - (iv) is owned or harbored primarily or in part for the purpose of dog fighting; or**
  - (v) is trained for dog fighting;**

**Enforcement:**

Once an Officer determines based on their investigation whether or not a dog meets the criteria of a "fierce and dangerous dog" the officer then refers to the following section of the by-law, which outlines the "Duties of Owners" to determine what provisions have been violated, and take the appropriate enforcement action against the dog owner.

Section 11(1) & (2) of the by-law outlines the "Duties of Owners" as follows:

- (1) Every owner of a dog which dog:**
  - (a) at any time runs at large;**

- (b) at any time without provocation has attacked or injured any person or animal or damaged any property;
- (c) is fierce and dangerous to persons or animals;
- (d) persistently disturbs the quiet of any neighborhood by barking, howling or in any other manner; or
- (e) damages public or private property;

shall be guilty of an offence under this by-law.

- (2) Every owner of a fierce or dangerous dog who permits, suffers or allows the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person without first ensuring that the dog is muzzled and physically restrained to prevent it from biting another animal or person, is guilty of an offence under this by-law.

It is critical for citizens to report any incidents they encounter with a dog, even if they believe there is no chance of locating the owner of the dog. In the majority of these cases, the owner is known and the incident is investigated accordingly by an Animal Control Officer. If the owner's address is not known, patrols can be increased in the area of the incident with the intention of an Officer locating the accused owner/dog. A description of the person and dog is always useful for this purpose. Unfortunately, in Miss Riley's situation, the Officer did not have sufficient information to follow up with an investigation.

#### Penalties

Section 22(2) of the by-law describes the penalties for violations of any provision of Section 11 as follows:

- (2) Every owner of a dog which commits an offence under section 11, upon conviction shall be liable to a penalty of not less than One Hundred Dollars (\$100) and not more than five thousand dollars (\$5,000.00) and, in default of payment, to imprisonment for a term not exceeding thirty days.

In addition to the abovementioned penalty, a Judge may order that the dog be destroyed by the Pound Keeper or otherwise dealt with.

#### Education

To increase awareness of responsible dog ownership, the summer 2003 issue of the HRM's recreation catalogue contained information on dog registration. Subsequently, general information on responsible pet ownership and dog by-law infractions was printed in the Fall 2003 issue.

Recently, in response to a request from Council in April 2004, the Community Projects division of Environmental Management Services lead a corporate initiative to increase owner awareness of the responsibility to pick up after their pets. Information cards were developed for Officers in Animal Control Services, HRM By-Law Enforcement Services and HRM Parks Patrol to distribute accordingly. In addition, a Public Service Announcement was released to the media on April 15, 2004, and information was included in the latest addition of the Naturally Green Newsletter and information was posted on the HRM Website.

Information pertaining to the dog by-law as it relates to dog owners is currently available on the HRM website under the quick link "Dog Licenses".

### **BUDGET IMPLICATIONS**

None

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

N/A

### **ATTACHMENTS**

Appendix A: Correspondence dated June 15, 2004 from Miss Ferne Riley

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stefanie Turner, Operations Coordinator, Community Projects, EMS 490-4398

Report Approved by: Andrea MacDonald, Manager of Contractual Services, Community Projects, EMS 490-7371

Report Approved by: Allan Wayne, General Manager, Community Projects, EMS 490-6484

APPENDIX A

JUN. 16. 2004 3:29PM

NO. 560 P. 2/2

Submitted  
June 15/04  
Colr Sloan

Tuesday June 15th  
Miss Fenne Riley  
2537 Wood Avenue  
Halifax Nova Scotia  
B3K 3A7

To: Mayor and Council

I am writing this letter with regards to dogs and the lack of knowledge on behalf of dog owners in the HRM. Sunday evening on my way to Church, walking along Quinpool Road, I experienced a close encounter of the Bull Dog kind. I was almost attacked by some kind of bull. This happened around 7:30pm. This was a lady about late fifties of sixty who had this dog. As she was walking her dog close to me we were just within inches and that's when he began to growl and actually wanted to go for me. (No Kidding.) Over by Saint Pat's High School I actually fell on the ground trying to get away from this dog, and did hurt myself a bit. Every time I think about this incident, what comes to my mind is what if that dog had gotten off the owners leash; it seemed like she didn't have much control.

When I think about what could have happened, it is almost too much for my mind. What are we going to do about this situation in our towns. To tell you the truth, I'm sick and tired of it. Actually, I don't mind people having dogs just as long as they don't infringe on other peoples lives. Dawn Sloan told me that he was expressing her concerns about this very matter in Council. Look, we need to do something about this matter now, before someone gets seriously hurt or killed. I know you wouldn't like to walk around with that guilt for the rest of your lives, knowing you could have changed the situation, and didn't. I do a whole lot of walking and I want to feel safe when I am walking. I have no vehicle to go from point A to point B.

Listen I am not writing this letter just for something to do. You people are in the authority, we live in a democracy and because of that, you are able much more than common folk like myself, to do what you have to do to see that this doesn't happen every minute. I work in the wonderful world of Customer Service and I know it is the customers right to get what they want. Now I am complaining to you and I expect and hope to see something done about this dog situation. It is my belief that customer is usually right.

Sincerely Yours

Fenne Riley  
Fenne Riley