




P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada


Item No. 8.1.1
Halifax Regional Council
January 27, 2015
February 3, 2015

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: November 17, 2014

SUBJECT: Designation under the *Fences and Detention of Stray Livestock Act*

ORIGIN

- Request of Minister of Agriculture, Province of Nova Scotia, dated December 12, 2013
- November 8, 2011 motion of Regional Council:
MOVED by Councillor Hendsbee, seconded by Councillor Walker that Halifax Regional Council, given that currently HRM does not have any regulations or By-laws in place to regulate the keeping and care of livestock, fowl and poultry in the rural areas of the Municipality, direct HRM Staff to review the Province of Nova Scotia's "Fences and Detention of Stray Livestock Act" (Chapter 166 of the Revised Statutes, 1989, AMENDED 2002, c. 1, ss. 9-18) and begin the process of developing similar regulations to be adopted and enforced by HRM to deal with the keeping and care of all livestock, fowl and poultry within our Municipality. MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

Fences and Detention of Stray Livestock Act, RSNS, 1989, c. 166

Fences and Impounding of Animals Act, RSNS, 1989, c.167

RECOMMENDATION

It is recommended that:

1. Halifax Regional Council direct the Mayor to advise the Province that HRM is not seeking designation as a Municipality for the purposes of the *Fences and Detention of Stray Livestock Act* (FDSLAA); and
2. Direct staff to add provisions to the Animal Control By-law to deal with stray livestock

BACKGROUND

Staff received correspondence dated December 12, 2013, attached as Appendix A, stating that the Halifax Regional Municipality (HRM) is not designated under the *Fences and Detention of Stray Livestock Act* HRM had previously been designated and had a functioning Fences Arbitration Committee with a staff member appointed until December 2006. Subsequent to 2006 the Environmental Management Services business unit transitioned to Halifax Regional Police from which no designate to the Committee was appointed.

Section 3 of the FDSLAA states: "This Act applies to those municipalities that are designated by the Governor in Council as municipalities for the purposes of this Act and then only after a request has been made by the municipality to the Minister for such designation".

A municipality designated under the FDSLAA is provided a means to address the issue of stray livestock that have escaped from local livestock farms.

The *Fences and Detention of Stray Livestock Act* defines "livestock" as "cattle, sheep, swine, goats, horses, ponies, mules, ratites, farmed deer and game farm animals and any other livestock designated by the Minister;" The definition does not include "fowl or poultry".

DISCUSSION

Staff is recommending HRM not request designation pursuant to the FDSLAA. While HRM does not currently have legislation to address the issue of stray livestock which is the purpose of the FDSLAA, a complimentary piece of legislation the *Fences and Impounding of Animals Act (FIAA)*, permits a municipality to create a by-law addressing stray livestock. Staff, therefore proposes amendments to the Animal By-Law that will include provisions to address the issue of stray livestock, to remove the need for designation.

The proposed Animal By-law emulates the FDSLAA and provides the municipality with the authority to:

- charge impounding and boarding fees for stray livestock,
- an option to issue "Orders" for remedies to fencing, and
- enforce running at large violations.

While in certain circumstances the FDSLAA is authorized to order compensation payable to individuals suffering damage caused by stray livestock, no HRM by-laws address the recovery of cost for damages to a victim; victims may take private action in Court. Alternatively, if a charge is laid under a HRM by-law and the offender found guilty, a judge has the authority under the Criminal Code to Order the restitution to a victim of expenses incurred by the offence.

The benefit of these amendments to the Animal Control By-law will be to place the regulation of all domestic animals within a single by-law thereby providing necessary authority to HRM Officers. The result will be that staff we will be empowered to address all animal issues quickly and effectively without the assistance of a Fences Arbitration Committee.

While the FDSLAA does address livestock, it does not address fowl and poultry directly. Staff will be addressing this gap by amending the definition of "Animal" in the proposed By-law A-700, to allow controls similar to those proposed for livestock be enabled to also manage poultry.

FINANCIAL IMPLICATIONS

Staff does not expect a substantial increase in reported incidents; therefore, there are no financial implications.

COMMUNITY ENGAGEMENT

No community engagement on consideration of this issue has taken place.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

1. Regional Council could decide to have HRM designated under Section 3 of the *Fences and Detention of Stray Livestock Act*. This is not recommended as there will be an alternative should Regional Council pass the proposed By-law A-700.
2. If Regional Council chooses to request to have HRM designated under section 3 of the *Fences and Detention of Stray Livestock Act*, Regional Council could, prior to the formation of the Fences Arbitration Committee, ask the Minister to amend the definition of "livestock" to include fowl and poultry.

ATTACHMENTS

Appendix A: Correspondence from the Minister of Agriculture dated December 12, 2013

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Andrea MacDonald, Manager, License Standards, 902-490-7371

Report Approved by: _____
Jim Donovan, Manager, Municipal Compliance, 902-490-6224

Report Approved by: _____
Bob Bjerke, Director, Planning & Development, 902-490-1627

Report Approved by: _____
John Traves, Director, Legal, Insurance & Risk Management Services, 902-490-4219

APPENDIX A



Agriculture
Office of the Minister

PO Box 2223, Halifax, Nova Scotia, Canada B3J 3C4 • Telephone 902 424-4388/8953 Fax 902 424-0698/0699



December 12, 2013

Chief Administrative Officer
Mr. Richard Butts
Halifax Regional Municipality
P. O. Box 1749
Halifax, NS B3J 3A5

*Forwarded
Joe Treves*

Dear Mr. Butts:

**RE: Designation under the *Fences and Detention of Stray Livestock Act*
Municipality of the Halifax Regional Municipality**

Following recent inquiries from municipalities on the issue of stray livestock, the Department of Agriculture has conducted a review of the *Fences and Detention of Stray Livestock Act*, R.S.N.S. 1989 c. 166 ("*Act*") (attached) to determine which municipalities are or are not currently designated by the Governor in Council under this *Act*, which municipalities have active Fences Arbitration Committees and which municipalities want to be designated under the *Act*. After hearing back from municipalities, it is our intention to designate those municipalities seeking to be designated under the *Act* through an Order in Council.

Our records indicate that the Municipality of the Halifax Regional Municipality is not designated.

Where a municipality has been designated under the *Act*, the municipality and its residents have an additional avenue, through a Fences Arbitration Committee, for addressing the issue of livestock that have escaped from local livestock farms. The powers of the Fences Arbitration Committee are set out in the *Act*, which is attached for your reference.

When considering our request for designation, please be advised that the *Fences and Impounding of Animals Act*, R.S.N.S. 1989 c. 167, will no longer apply to a municipality that is designated by the Governor in Council. A copy of this *Fences and Impounding of Animals Act* is also attached for your reference.

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Mr. Richard Butts
December 12, 2013
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If you have any questions regarding our request, please contact Lisa Stadelmayer at (902) 896-4873, by Email: stadellj@gov.ns.ca.

If, after consideration, your municipality determines that it would like to be designated under the *Act*, please have the attached Request for Designation signed and returned to the following address, no later than Friday, January 10, 2014:

Department of Agriculture
Attention: Lisa Stadelmayer
P.O. Box 2223
Halifax, Nova Scotia
B3J 3C4

Yours sincerely,

Original Signed

Keith Colwell
Minister

Enclosure

REQUEST FOR DESIGNATION
under the *Fences and Detention of Stray Livestock Act*,
R.S.N.S. 1989, c. 166

The Municipality of the Halifax Regional Municipality hereby requests designation in accordance with Section 3 of the *Fences and Detention of Stray Livestock Act*.

Municipality of the Halifax Regional Municipality

Date