



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Richmond City Council

DATE: October 4, 2000

FROM: Rebecca A. Finlay
Staff Solicitor

FILE: 7164

RE: Dangerous Dogs - Impoundment Fees and Application for Destruction

STAFF RECOMMENDATION

That the report dated October 4, 2000 from the Staff Solicitor which addresses the further changes to Bylaw 7164 requested by the General Purposes Committee be received for information.

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Rebecca A. Finlay
Staff Solicitor

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CONCURRENCE OF GENERAL MANAGER
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STAFF REPORT

ORIGIN

At the General Purposes Committee meeting on October 2, 2000, staff were asked to make recommendations for coordinating the provisions for impoundment of "dangerous dogs" with the authority to apply for a destruction order in the proposed Bylaw No. 7164 which amends the Animal, Bird & Beekeeping Regulation Bylaw No. 7137. The following concerns were raised:

1. If a court order for destruction of a "dangerous dog" is sought, but denied, there should be recourse in the bylaw to imposing fees for third and subsequent impoundments;
2. There is nothing in the bylaw to indicate that an order for destruction will be sought upon the third impoundment of a "dangerous dog";
3. Making provision for third and subsequent impoundments may create the impression that a destruction order will not be sought until the third impoundment.

ANALYSIS

It is recommended that the bylaw provide for fees for third and subsequent impoundments of "dangerous dogs" to enable the City to collect such fees in the event that an application for destruction is unsuccessful.

The proposed bylaw amendment provides authority to apply for a destruction an order, but there is nothing to indicate when such an order will be sought. While it could be made explicit that a destruction would be sought upon the third impoundment, the better course is to retain discretion as to when to apply for such an order. Applying for a destruction order may not be appropriate in all circumstances. For example, the existing bylaw provides that a dangerous dog may be impounded for failing to wear a muzzle. If such a dog were to be impounded twice, without ever having exhibited any aggressive behaviour, it may not be appropriate to seek destruction of the dog on the third contravention. In addition, in other circumstances, a destruction order may be appropriate at an earlier stage than the third impoundment.

It is possible to provide for fines for third and subsequent impoundments while still retaining the concurrent authority to apply for destruction. It is not necessary to make an application for destruction automatic at any particular stage and it is desirable to retain flexibility in when such an order may be sought.

In order to address the concern that specifically providing fines for third and subsequent amendments may create the impression that a destruction order will not be sought until the third impoundment, the revised bylaw amendment includes a provision that the charging of impoundment fees does not affect or derogate from the ability to apply for a destruction order. This is also noted in Schedule A to the bylaw which sets out the impoundment fees.

FINANCIAL IMPACT

Impoundment fees are realized by the SPCA pursuant to the contract with the City.

CONCLUSION

The recommendations outlined above have been incorporated into Bylaw No. 7164 (which amends the Animal, Bird & Beekeeping Regulation Bylaw No. 7137). This revised bylaw retains flexibility with respect to imposing impoundment fees or seeking an order for destruction of a "dangerous dog". The revisions make it clear that an order for destruction may be made at any point and not necessarily upon the third impoundment.



Rebecca A. Finlay
Staff Solicitor

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