



GRAND VALLEY

STAFF REPORT

To: Mayor and Members of Council
From: Brad Haines, By-law & Property Standards Enforcement Officer
Meeting Date: November 26, 2024
Report Number: **2024-100**
Subject: Canine Control By-law issues

Recommendation

THAT Council receives Report – Canine Control By-law issues;
AND FURTHER THAT Council directs staff to make the necessary amendments to the by-law as discussed and present the updated by-law for adoption.

Executive Summary

Purpose

The purpose of this report is to provide council with issues that have been identified within the current Canine Control By-law 2014-46 (as amended) and to discuss revisions the current Canine Control By-Law which will fulfill the needs of The Town of Grand of Valley, residents and their dogs.

Key Findings

- By-law Enforcement is continuing to receive complaints from residents pertaining to off-leash dogs and dogs at-large within the Town.

- The Canine Control By-law permits individuals to have their dog on public property without a leash or lead, allowing substantial opportunity for an incident that could affect public safety.
- The level of service received from our contractor has not been to level that staff were expecting, in addition to multiple issues regarding the enforcement aspect of Canine Control.

Financial Implications

Financial implications are subject to Council direction and amendments to the Canine Control By-Law which may include revisions to tag fees, costs in enforcement, and charges to cost of prosecution services.

Report

Background

The Town of Grand Valley currently has a Canine Control By-law in place ([2014-46 as amended](#)). See attachment 1. This by-law, along with the [Dog Owner's Liability Act](#) (DOLA), are The Town's Canine Control guiding documents.

There have been several canine control issues that have arisen lately. While some amendments have been made previously, additional amendments seem necessary in order to run an efficient, safe and practical Canine Control Program, should council choose to continue running this program.

Discussion

There are 3 pieces of legislation that govern Canine Control in Ontario and each has its own purpose:

- The Municipal Act,
- [Dog Owner's Liability Act](#) and
- [The Farming and Food Production Protection Act](#) or Right to Farm Act.

Municipal Act

Section 103(1) of the Municipal Act gives a Municipality the authority for the impounding of animals who are at large or trespassing, if they wish to pass a by-law that regulates them. Please note that it is up to the discretion of the Municipality, and a Municipality does not have to regulate canine control.

Dog Owner's Liability Act (DOLA)

Section 2 of the Dog Owner's Liability Act or DOLA holds dog owners strictly liable for any injuries or damages caused by their dogs. DOLA applies to the legal owner of a registered dog or someone who has a dog in their care. The dog owner is responsible, regardless of negligence, knowledge of the dog's history or actions leading up to an incident. DOLA applies to bites, attacks or incidents involving domestic animals. The owner of a dog is liable whether the bite was unprovoked, or the result of the victim's actions.

Farming and Food Production Protection Act

The Farming and Food Production Protection Act gives Farmers protection from nuisance complaints made by neighbors provided they are following normal farming practices. The use of Livestock Guardian Dogs on livestock farming operations is a widely used practice in Ontario and other livestock producing jurisdictions.

Purpose of Canine Control By-law

Previous Council deemed it necessary to pass a By-law regulating or prohibiting the keeping of dogs and the establishment of kennels and to provide for the leashing, muzzling, licensing and control of dogs and the licensing of kennels.

Resident Issues Raised

Day-to-day canine enforcement has its challenges when working with a sub-contractor who is not on site or readily available. Currently, our contractor responds to complaints by distributing their phone number and allowing the public to call in, leave a message for follow-up accordingly. While in theory this system should work, should there be urgency to the situation, the response likely will not be immediate. It has become evident that there are some instances where the response is timelier than others and some calls from the public have received a delayed response, while others have not received any response.

Under our current Canine Control Agreement, our canine control contractor shall respond to requests for pick-up of stray dogs during the hours of 9:00 AM to 4:00 PM Monday to Friday, excluding statutory holidays and 9:00 AM to 3:00 PM on weekends and statutory holidays. Unfortunately, we have received concerns that this level of

service has been inconsistent. Additionally, By-law Enforcement has not always received timely feedback or been advised of complaints or concerns. In addition, there are instances where a homeowner has not been home at the time of complaint investigation and follow up is not conducted until directed by Town By-Law Enforcement. Proactive enforcement and investigation with completing follow ups without direction is the level of service expected by the Town. Additionally, the terms of the contract require one monthly patrol of the community, and no additional proactive enforcement.

Challenges with Prosecutions

In speaking with our Prosecutor regarding recent canine control charges that have been laid, it was suggested that the evidence collected was not sufficient and therefore, there was no reasonable prospect of conviction. The Town's Prosecutor has advised our contractor of the issues and addressed the flaws that would likely cause charges to be withdrawn as there is no reasonable prospect of conviction. It has become evident that our contractor may still be sorting out the enforcement and legislation aspect of Canine Control Enforcement.

Other Issues Identified

Additional issues identified within the Canine Control By-law 2014-46 (as amended) include:

- Current definition of 'At Large' within the by-law allows a resident to take a dog onto public property without a leash or lead lawfully. The current definition of 'At Large' within the by-law is 'shall be deemed to mean the location of a dog when it is found in any place other than the premises of the Owner of the Dog and not under the control of any person'. Simply adding 'by a leash or lead' at the end of the definition will make it un-lawful leave private property without a leash or lead. In addition, a set fine will have to be added. This will make the act of walking a dog on public property without a leash un-lawful.
- An additional Appointment By-law is needed to appoint specific Canine Control officers by name as a Municipal Law Enforcement Officers, to allow Canine Control Officer(s) to issue both part 1 tickets and part 3 summons. This will be a separate by-law, giving specific Canine Control Officers by name with the appropriate authority to enforce both the Town's Canine Control By-law and DOLA.

- There is no current limit for the number of dogs in a residence (both urban and rural). Currently there are no limits as long as the excessive noise by-law is adhered to. The limit of dogs was removed with amendment by-law 2022-10.
- There is currently no mention or definition of Service Dogs (Only Farm, Guide or Hunting) within the by-law for no licensing charges (i.e. DocuPet).

Possible Solutions to Issues Raised

1. Cease Canine Control Program Operations

Pros	Cons
<ul style="list-style-type: none"> • Save costs for service of Canine control and licensing. • Lower call volume for By-law enforcement to focus on the town’s other needs. 	<ul style="list-style-type: none"> • Should there be serious Canine related incident, the town will not have any authority in dangerous designations or leashing requirements.

2. Keep By-law as is, move forward with Municipal Law Enforcement Officer appointment by-law to give our contractor’s Control Officers appropriate authority to issue both part 1 and part 3’s when warranted. This can be completed for the December 12, 2024 Council meeting.

Pros	Cons
<ul style="list-style-type: none"> • Little to no time needed to draft new appointment by-law • Service agreement already established. 	<ul style="list-style-type: none"> • Possible future issues with enforcement. • Likely a continued delayed response to complaints. • Only one monthly patrol of Municipality. • Incident Reporting is limited, not in depth. • Our contractor currently serves multiple municipalities, and resources seem to be spread thin due to challenges of providing a high level of service to that many municipalities (Mono, Mulmur, Melancthon, Erin, East Garafraxa).

3. Revise current Canine Control By-law to include updated ‘At Large’ definition, limit the number of Canines allowed in a residence, adding ‘Service Dog’ to the definitions along with negating the fees for licensing (similar to Livestock Guardian Dogs). This would also have to be reflected in the Municipalities Fees and Charges By-law Schedule E, Licensing and Lotteries, as amended. The Town’s prosecutor has advised that they have experience in drafting municipal by-laws and could assist with creating an updating by-law.

Pros	Cons
<ul style="list-style-type: none"> • Will ensure the by-law has no discrepancies and it fits the needs of the Town for years to come. • Can receive feedback from council and/or public to ensure all needs of the Town are addressed. 	<ul style="list-style-type: none"> • Cost of drafting new by-law by legal assistance. • Time to update by-laws.

4. At the end of term of the current contract, seek different Canine Control Enforcement Service / Business under new terms, including:
- More frequent community patrols to provide public education.
 - Pro-active enforcement in addition to re-active enforcement (i.e. attending parks more frequently to ensure leashes are used and owners are cleaning up after their canines).
 - Higher level of service based on Council’s direction (i.e. maximum response times to complaints).
 - Counting of number of dogs within the community (as per council resolution).
 - More detailed reporting of incidents and complaints.

Pros	Cons
<ul style="list-style-type: none"> • Possibly find a contractor that is more well versed in the enforcement and legislation aspect of Canine Control • Can establish higher level of service with new service agreement, less support / time needed from By-law Enforcement. 	<ul style="list-style-type: none"> • Costs of service may increase. • Time to develop new service agreement developed / negotiated.

<ul style="list-style-type: none">• More pro-active enforcement will ultimately mean less complaints received.	
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Financial Impact

Depending on Council decisions and amendments to the Canine Control By-Law financial implications could include: changes to tag fees, costs in enforcement, or cost of prosecution services.

Consultations

Meghan Townsend, CAO/Clerk

Paul Dray – Prosecution Services

Review of Neighbouring Municipalities Canine Control By-laws

Attachments

Attachment 1 – 2014-46, Being a By-law to regulate and provide for the keeping, control and licensing of dogs within the Town of Grand Valley, as amended.

This report was submitted by

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This report was approved by

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