

MOTION

8. Relief and Rehabilitation of Aggressive Dog Designation

At the Council meeting on February 25, 2020, Council referred the following motion to the Standing Committee on City Finance and Services meeting on February 26, 2020, in order to hear from speakers.

Moved by: Councillor Fry

WHEREAS

1. The City of Vancouver Animal Control By-law, By-Law No. 9150, (“the By-law”) establishes the pound with the ability to license and regulate dogs and other animals:
 - a) The By-law defines “aggressive dog” to mean:
 - i. a dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings; or
 - ii. a dog which has bitten another domestic animal or human being without provocation;
 - b) Section 4.3 of the By-law states that a person who keeps an “aggressive dog” must not permit, suffer, or allow the dog to be on a street or other public place or on any other property that such person does not own or control unless such person has muzzled the dog to prevent it from biting another animal or a person;
2. Under the authority of section 324.1 of the *Vancouver Charter* an animal control officer may opine that a dog is “dangerous;” and
 - a) An animal control officer is authorized to enter a premise with or without a warrant and seize a “dangerous dog;” and
 - b) In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a “dangerous dog”, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order;
3. The By-law codifies the designation of “aggressive” dog as a life-sentence of muzzling, restricted socialization, reduced exercise, and reduced training opportunities, which is a detriment to both animal welfare and the long term assurance of public safety;
4. The *Vancouver Charter* codifies the designation of “dangerous dog” as a death sentence, unless the dog guardian is able to succeed in court to save the dog’s life;
5. Muzzles, restricted socialization, and restricted off-leash opportunities are only a part of a comprehensive strategy to adequately and humanely

manage and rehabilitate aggressive dogs;

6. Neither the By-law nor the *Vancouver Charter* distinguish between the various reasons dogs can be aggressive, nor do these laws provide the potential to recognize the prognosis of dogs. These laws also do not recognize that there are different types of management and rehabilitation tools available to meet the needs of specific dogs;
7. Animal behaviourists identify at least a dozen underlying causes for aggressive behaviour such as past trauma, fear, anxiety, inadequate socialization, medical issues, resource-guarding, and others. Dogs can also bite because of prey drive;
8. Current evidence suggests that in many cases, positive reinforcement-based behaviour modification techniques under the guidance of a qualified Animal Behaviorist can be used to effectively rehabilitate and manage dogs labeled as “aggressive” or “dangerous;”
9. Qualified Animal Behaviourists have earned a minimum MSc, or PhD in animal behaviour, and typically work closely with veterinarians to provide expertise in:
 - a) behaviour modification, so they know the techniques that produce changes in behavior;
 - b) the normal behaviour of the species they’re treating, so they can recognize how and why an animal’s behavior is abnormal; and
 - c) teaching and counseling people, so they can effectively understand and work with their pet;
10. The By-law does not specifically allow for appeal, relief or reversal of the designation “aggressive dog” following successful behaviour modification; however;
 - a) The Judicial Review Procedure Act does allow for appeal of “aggressive dog” designation before a provincial court, however in precedent setting *Lee vs City of Vancouver and Cristofoli 2002 BSC 240* (paragraph 40) the Judge states that an aggressive dog designation is not a “decision” subject to judicial review;
 - b) Other municipalities have developed an appeal process after an aggressive designation has been issued. The City of New Westminster allows the owner of an “aggressive dog” to apply to the supervisor for relief from the requirements of the bylaw with respect to aggressive dogs; after one year, no additional complaints, and proof that the owner and the dog have successfully completed a course by a recognized and accredited institution or trainer to address the dog’s aggressive behaviour; and

11. For the last 15 years, provincial court judges released “dangerous dogs” on conditions pursuant to the *Vancouver Charter*. However, as result of a recent B.C. Court of Appeal decision, this is no longer allowed. “Dangerous dogs” are now at much greater risk of being euthanized instead of being given a chance to be properly rehabilitated and managed.

THEREFORE BE IT RESOLVED

- A. THAT the designation of “dangerous” or “aggressive” dog and attendant regulations can be an important tool for the protection of the public and other animals.
- B. THAT after working with a qualified professional Animal Behaviourist to assess and modify the behaviour of a dog, a dog custodian should be allowed to apply for a re-assessment and possible re-evaluation of an “aggressive dog” to the satisfaction of and at no cost to the City of Vancouver Animal Control authority, no less than one year after such a designation is made.
- C. THAT prior to the final determination of an “aggressive dog” by authorized City Official, a qualified Animal Behaviourist should be consulted to provide an opinion on whether the dog is aggressive.
- D. THAT Council direct staff to prepare appropriate legal language and present a by-law change to allow relief of “aggressive dog” designation per resolution B.
- E. THAT Council direct staff to prepare appropriate legal language and present a by-law change to redefine the definition of “aggressive” such that an “aggressive dog” is one that a qualified animal behaviourist believes is an aggressive dog, after an assessment is done by that behaviourist and a full investigation is conducted by the City’s animal control department, per resolution C.
- F. THAT before any sections of the by-law are updated, staff report back with any recommendations, and include considerations of other jurisdictions where modernized, progressive animal control by-laws have been enacted, including New Westminster, Coquitlam and Fraser Valley Regional District.

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