



## REPORT

Report Date: March 28, 2022  
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Meeting Date: April 13, 2022  
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities  
FROM: General Manager of Development, Buildings and Licensing  
SUBJECT: Relief and Rehabilitation of Aggressive Dog Designation

### **RECOMMENDATION**

- A. THAT Council approve, in principle, amendments to the Animal Control By-law, generally as set out in Appendix A, to institute a licensing approach to designated aggressive dogs, allow for the rehabilitation of designated aggressive dogs, and update definitions.
- B. THAT Council direct staff to report back with more information on the costs of implementing Recommendation A above and bring back recommendations for a funding mechanism in the annual administrative report on the 2023 licensing fees, tentatively scheduled for Q2 2022.
- C. THAT subject to the approval of the funding mechanism per Recommendation B above, Council instruct the Director of Legal Services to bring forward for enactment the proposed amendments to the Animal Control By-law as generally set out in Appendix A, to come into effect on January 1, 2023.
- D. THAT Council request the Mayor to write a letter on behalf of Council to the Province of British Columbia advocating for an amendment to the *Vancouver Charter* to allow the Chief Licence Inspector to summarily suspend and revoke a dog licence, similar to the powers available to other BC municipalities under Section 15 of the *Community Charter*.

### **REPORT SUMMARY**

This report recommends amendments to the Animal Control By-law in response to Council's direction to allow for the rehabilitation of dogs designated as aggressive dogs. The proposed

amendments are modelled after the BC Society for the Prevention of Cruelty to Animals (BC SPCA) Model Animal Responsibility By-law and by-laws from other Metro Vancouver cities but with modifications tailored to the local context in Vancouver. If enacted, the proposed amendments will:

- Improve the safety of the public from dog bites or attacks through a risk-based, licensing approach to aggressive dogs which will allow the Poundkeeper (i.e. Manager of Vancouver Animal Services) and Animal Control Officers (ACOs) to impose conditions on a dog licence that better match the severity and underlying causes of an aggressive dog incident;
- Hold owners of aggressive dogs more accountable for non-compliance with conditions on their dog licence by enabling the Chief Licence Inspector to recommend to Council the suspension or revocation of a dog licence, and the impoundment of an unlicensed aggressive dog, if necessary; and
- Increase the welfare of aggressive dogs through the possibility of relief from the designation and licensing conditions.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

Section 272(1)(h) of the *Vancouver Charter* provides for the licensing of any person who owns, possesses or harbours a dog. Section 324 of the *Vancouver Charter* further authorizes Council to make by-laws respecting the impounding and keeping of animals, including dogs.

On March 3, 2020, Council approved the Motion “Relief and Rehabilitation of Aggressive Dog Designation” (attached in Appendix B) which directed staff to:

- Prepare appropriate legal language and present a by-law change to allow owners of aggressive dogs to apply for relief of the aggressive dog designation after working with a qualified veterinarian and/or professional animal behaviourists to assess and modify the behaviour of the dog, and at no cost to the City;
- 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 veterinarian and/or 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;
- Report back with recommendations, including considerations of other jurisdictions where modernized, progressive animal control by-laws have been enacted, including New Westminster, Coquitlam and the Fraser Valley Regional District; and
- To consider people that cannot afford the services of qualified veterinarians and/or qualified animal behaviourist and report back with findings and recommendations.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

## REPORT

### Background/Context

#### Current context:

Section 3.2 of the Animal Control By-law (the “By-law”) requires a person who keeps a dog to hold an annual dog licence. Dogs designated as “aggressive” and “dangerous” are defined separately in the By-law and the *Vancouver Charter* as follows:

“Aggressive” Dog definition in the Animal Control By-law	“Dangerous Dog” definition in the <i>Vancouver Charter</i> and <i>Community Charter</i>
(a) A dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings; or (b) A dog which has bitten another domestic animal or human being without provocation.	A dog that (a) Has killed or seriously injured a person; or (b) Has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or (c) An animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

The decision to designate a dog as aggressive is complex, as many factors (e.g. medical, behavioural, provocation, and the standard of care from the dog’s owner) can contribute to a dog bite. The City’s Poundkeeper and ACOs take into account all these factors during their investigative process before deciding that the dog meets the By-law’s definition of an aggressive dog. In more serious incidents or in cases where a dog has been seized because it meets the *Vancouver Charter* definition of a “dangerous dog”, a medical diagnosis and behavioural assessment from a licensed veterinarian and animal behaviourist may also be sought.

Aggressive dogs are currently subject to a number of By-law restrictions, including muzzling when not on the owner’s property, and being secured in an enclosure when on the owner’s property. The By-law does not provide for appeal or relief from the aggressive dog rules, resulting in aggressive dogs being subject to restrictions for the remainder of their lives. This approach has been criticized because of its inflexibility, lack of distinction between minor and serious incidents, and detrimental effects on the mental and physical health of the dog.

Note that dangerous dogs are also considered aggressive dogs under the By-law and are subject to the same restrictions. The Courts have previously provided conditional orders which allowed for the release and rehabilitation of a dangerous dog, but this was ruled unlawful in 2019 by the BC Court of Appeal in *Santics v. Vancouver (City) Animal Control Officer*. The Province has further indicated that there are significant complexities with revising the *Community Charter* and *Vancouver Charter* to allow for conditional orders from the Courts that can rehabilitate dangerous dogs.<sup>1</sup> As such, this report is only recommending changes to the regulations pertaining to designated aggressive dogs in the By-law.

#### Relevant trends in municipal animal control:

<sup>1</sup> Union of British Columbia Municipalities (February, 2022). “Response to the 2021 Resolutions of the Union of British Columbia Municipalities.” Retrieved from: <https://www.ubcm.ca/sites/default/files/2022-03/UBCM%202021%20Resolutions%20Response%20Package%20-%20Feb%2021%2C%202022.pdf>.

Historically, municipal animal control has focused exclusively on ensuring public safety by patrolling public areas, investigating complaints, enforcement and retrieving and disposing of animal remains. With the increased societal emphasis on animal welfare, animal control has shifted towards services such as adoptions, increasingly complex treatments for stray/sick animals, and public education on the responsibilities of dog owners.

This trend is reflected in the changing regulatory approach towards aggressive dogs. Many cities, including Vancouver in 2005<sup>2</sup>, have removed breed-specific legislation (BSL) which was based on the non-scientific belief that heightened aggression is innate in certain dog breeds. BSL is also not supported by organizations including the BC SPCA<sup>3</sup>, the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association (CVMA), and the Canadian Kennel Club.<sup>4</sup> Instead, best practices in animal control legislation recognize that all dog breeds can exhibit aggression, and that aggressive behaviour or conduct in dogs is often due to factors within the control of owners, such as lack of proper care or socialization, leaving dogs alone with a child, and/or not having dogs neutered or spayed.<sup>5</sup>

The increased awareness of these human factors has led to the conclusion that some aggressive dogs can be rehabilitated with proper care or training, especially those based on positive reinforcement.<sup>6</sup> Many Canadian cities have responded by amending their by-laws to allow owners to apply for relief from restrictions placed on their aggressive dogs. The BC SPCA also recommends this in its Model Animal Responsibility By-laws (BC SPCA Model By-law).<sup>7</sup>

## **Strategic Analysis**

### Guiding principles

Staff developed the following principles to guide the development of options and recommendations:

- A. Increase public safety through better prevention of future dog bites and/or attacks;
- B. Safeguard the welfare of aggressive dogs through the possibility of rehabilitation;
- C. Prioritize the responsibility of dog owners through risk-based regulations;
- D. Enable access to the rehabilitation of aggressive dogs for owners of all socio-economic backgrounds; and
- E. Ensure cost recovery for municipal animal services.

### Jurisdictional scan

Staff evaluated the regulatory approaches towards aggressive dogs in the BC SPCA Model By-law as well as in Surrey, New Westminster, Coquitlam and the Fraser Valley Regional District. A summary of the findings is attached in Appendix C. Based on research including interviews with Poundkeepers, staff were able to distil the following best practices and findings:

<sup>2</sup> City of Vancouver (June, 2005). "New Animal Control By-Law and Amendments to the License By-Law and Noise Control By-Law." RTS #: 05197. Retrieved from: [https://council.vancouver.ca/20051006/documents/pe1\\_000.pdf](https://council.vancouver.ca/20051006/documents/pe1_000.pdf).

<sup>3</sup> BCSPCA (2013). "Position Statement on Dangerous Dogs and Public Safety." Retrieved from: <https://spca.bc.ca/programs-services/leaders-in-our-field/position-statements/position-statement-dangerous-dogs-public-safety/>.

<sup>4</sup> National Companion Animal Coalition (2004). "Reducing the Incidence of Dog Bites and Attacks: Do Breed Bans Work?" Retrieved from: [http://www.ncac-cnac.ca/59\\_Public\\_Do-Breed-Bans-Work.pdf](http://www.ncac-cnac.ca/59_Public_Do-Breed-Bans-Work.pdf)

<sup>5</sup> Patronek et al. (2013). "Co-occurrence of potentially preventable factors in 256 dog bite-related fatalities in the United States (2000-2009). *Journal of the American Veterinary Medical Association* 243.12: p. 1726-36.

<sup>6</sup> Polo, G. et al. (2015) "Understanding dog aggression: Epidemiologic aspects." *Journal of Veterinary Behavior* 10: pp. 525-534.

<sup>7</sup> British Columbia Society for the Prevention of Cruelty to Animals (September, 2017). "New Model Animal Responsibility By-laws." Retrieved from: <https://spca.bc.ca/wp-content/uploads/BC-SPCA-Model-Animal-Responsibility-Bylaws-Sept-2017.pdf>.

- **A risk-based, tiered system of licensing and managing aggressive dogs** (aggressive, vicious, dangerous) which differentiate between dogs that exhibited unprovoked aggressive behaviours (e.g. growling or snarling) or caused minor injuries, and dogs that seriously injured or killed a person or another domestic animal – this has enabled municipalities to address problematic animal behaviour prior to a dangerous incident, and impose differing levels of restrictions on aggressive dogs that better match the severity of the incident;
- **More comprehensive requirements for owners of aggressive dogs** to manage the public safety risks, including muzzling and shorter leashes (i.e. 1 metre or less) when in public areas, permanent identification, spaying or neutering, requirement to undergo behavioural remediation training, and proof of liability insurance;
- **No requirement for an assessment from a veterinarian and/or animal behaviourist prior to making an aggressive dog designation**– this allows for expediency and cost-recovery with respect to mitigating obvious cases of aggressive dog behaviour or conduct. Similar to Vancouver, the use of veterinarians and animal behaviourists in these jurisdictions is discretionary and is typically used in more serious cases, or when seeking Court approval for destruction orders of dangerous dogs;
- **Relief from the designation and restrictions for aggressive dogs that display aggressive behaviour or caused minor injuries, but not for dogs that have seriously injured or killed a person or domestic animal** – dog owners can apply to the Poundkeeper of the municipality for relief one year after the designation, provided no further complaints are received and with documentation showing that the dog has completed behaviour modification training from a dog trainer. If relief is granted and the dog “reoffends,” the designation and the restrictions will apply in perpetuity. This approach is to balance public safety and animal welfare;
- **An appeal process for dogs that have seriously injured or killed a person or domestic animal** – given that these dogs are not eligible for relief from the designation and would be permanently subject to restrictions, the municipalities allow the owner to appeal the designation to the Poundkeeper, providing written reasons for why the dog is not aggressive and a written assessment from an animal behaviourist. The Poundkeeper may confirm, reverse or amend the designation, including cancelling or modifying any restrictions;
- **None of the jurisdictions reviewed have by-law standards on what is an acceptable dog behavioural training**, although they will advise owners on good training programs. This provides flexibility for both municipal Poundkeepers and the dog owner. The BC SPCA however endorses dog trainers who practice humane training methods (i.e. reward-based, instead of domination or punishment-based) through their AnimalKind certification;
- **Owners of designated aggressive dogs must comply with the requirements** – failure to comply can result in the seizure and impoundment of the aggressive dog for a designated holding period, after which the dog may be adopted out or euthanized;
- **The dog owner bears the full costs** of behavioural modification training or assessment for the purposes of seeking relief or appeal of an aggressive dog designation – none of the municipalities reviewed provided financial assistance or in-house dog training/assessment;

- **Low uptake of relief and appeal of designated aggressive dogs** in the municipalities reviewed – Poundkeepers in other jurisdictions have advised that rehabilitating aggressive dogs is a lengthy and costly affair and only owners who are accountable and serious about keeping their dog are likely to apply for relief or appeal;
- **No liability concerns** were reported because “reoffending” by rehabilitated aggressive dogs has been low and the owner retains full responsibility for the dog as their guardian; and
- **Higher dog licence and impound fees** for aggressive dogs to recover the higher municipal costs of handling these animals and to process applications for relief or appeal. Higher licence fees on aggressive dogs also hold dog owners more accountable.

#### Differences in *Vancouver Charter* authority

The other jurisdictions are governed by the *Community Charter* which provides different powers on the licensing and keeping of animals than those found in the *Vancouver Charter*. A summary of the similarities and differences is provided below:

Similar powers under the <i>Vancouver Charter</i> and <i>Community Charter</i>	Differences between the <i>Vancouver Charter</i> and <i>Community Charter</i>
<ul style="list-style-type: none"> <li>• The power to licence dogs and other animals;</li> <li>• The fixing of a fee for animal licences;</li> <li>• The authority to make by-laws to regulate the keeping of animals;</li> <li>• The seizure of dogs that are unlicensed, unlawfully at-large and/or have bitten a human being;</li> <li>• The fixing of a fee or charge to recover the cost of impounding animals;</li> <li>• The sale and disposition of impounded animals; and</li> <li>• Special powers pertaining to the seizure of dangerous dog and the application to Provincial Court for a destruction order.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Power of reconsideration:</b> Section 15 of the <i>Community Charter</i> provides for the reconsideration or appeal of an administrative decision. This is the legal basis for the appeal of an aggressive dog designation in Surrey, New Westminster and Coquitlam. Similar powers are not afforded to the City under the <i>Vancouver Charter</i>. However, the City may specify the process and conditions for owners of aggressive dogs to obtain a determination from the Poundkeeper that an aggressive dog no longer meets the definition of an aggressive dog as set out in the By-law.</li> <li>• <b>Suspension of dog licences:</b> Section 15 of the <i>Community Charter</i> also allows for the suspension of licences due to non-compliance with a by-law or breach of the conditions on the licence. Similar powers under Section 277 of the <i>Vancouver Charter</i> that allow the Chief Licence Inspector to suspend or cancel a licence do not appear relevant to dog licences. As such, the Chief Licence Inspector can only make recommendations to Council for the suspension or revocation of a dog licence.</li> </ul>

In responding to the Council Motion, staff therefore had to take into consideration the more circumscribed powers available to the City when regulating aggressive dogs.

#### Stakeholder engagement

In addition to municipal Poundkeepers, staff also engaged the following stakeholders groups:

- The BC SPCA;
- Animal Behaviourists;
- BC Chapter of the CVMA (i.e. Society of British Columbia Veterinarians);
- Dog trainers with AnimalKind certification; and

- Animal rights lawyers based in the Lower Mainland.

There is a wide divergence in opinions between stakeholder groups on designating and rehabilitating aggressive dogs. Appendix D of this report contains a detailed stakeholder engagement summary. High-level findings are summarized below:

- Differing opinions on which professions are qualified to provide behavioural assessment and modification training, with some insisting that only animal behaviourists are eligible, while others included veterinarians who frequently deal with behavioural issues and dog trainers. Even within the practice and professions, there are differences in philosophies and methodologies for assessing and correcting aggressive dog behaviour;
- Differing opinions on which professions should be involved in the designation and rehabilitation processes, and whether their roles should be codified in a by-law – the veterinarian community has emphasized that they are the only provincially regulated profession and that a medical diagnosis should be part of the assessment for serious incidents.<sup>8</sup> In contrast, there are no provincial regulations on animal behaviourists and dog trainers, which makes codifying their role in by-law difficult as it would require staff to arbitrate on a range of certification types<sup>9</sup>;
- Some stakeholders stated that any by-law changes should be flexible in terms of qualifying professions for assessment and rehabilitation because the limited number and high costs of certain professions can increase the time and costs needed for the City to complete an investigation on aggressive dog incidents, while being inequitable for low-income dog owners seeking relief. To illustrate, there are over 1,700 licensed veterinarians in BC but only a few have a behaviourist specialization. Likewise, there are fewer than 10 animal behaviourists with widely-recognized credentials practicing in BC. While the number of dog trainers is higher, there are only eight with BC SPCA-recommended AnimalKind certification in the Lower Mainland, and an additional 22 across BC.<sup>10</sup> There are also wide divergences in costs, with an assessment by animal behaviourists costing around \$3,000, while dog trainers typically charge \$100 to \$150 per session;
- While most stakeholders agreed that a risk-based, tiered approach to licensing and managing aggressive dogs is preferable to Vancouver’s current single aggressive tier, some still found the former to be inflexible and may result in restrictions on the dog that do not necessarily align with the underlying causes of the aggressive dog incident; and
- All stakeholders agreed that owner accountability and proper living conditions are crucial to stopping aggressive behaviour or conduct at the outset and should be part of a holistic approach to dog rehabilitation. They agreed that a comprehensive plan for managing aggressive dog must include more than muzzling.

### Recommendations on the designation, management and rehabilitation of aggressive dogs

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<sup>8</sup> The *Veterinarians Act* (1979) requires veterinarians in BC to complete a national certification exam and acquire a provincial licence.

<sup>9</sup> Animal behaviourists in BC have credentials including: Members of the Association of Pet Behaviour Counsellors (United Kingdom); Certified Applied Animal Behaviorists (CAAB USA); Diplomates of the American College of Veterinary Behavior (DACVB) (US); For dog trainers, common certification types in Canada include: AnimalKind from the BCSPCA; Certified Professional Dog Trainer – Knowledge and Skills Assessed from the Certification Council for Professional Dog Trainers (CPDT-KSA); Certificate in Training and Counselling from the Academy for Dog Trainers; and Karen Pryor Academy Certified Training Partner from the Karen Pryor Academy.

<sup>10</sup> BCSPCA AnimalKind dog training and pet care services (<https://animalkind.ca/find-services/>), as of January 24, 2022.

Based on best practices from other jurisdictions, stakeholder findings, the City's authority under the *Vancouver Charter*, and VAS' own learnings on managing and enforcing aggressive dog incidents, staff recommend the following approach for designating, managing and rehabilitating aggressive dogs:

	Recommended approach	Rationale
<i>Designating aggressive dogs</i>	<p>Amend the By-law to clarify that:</p> <p>(a) When a dog meets the definition of an aggressive dog, the ACO may issue a Notice to the Owner notifying them of the designation and the conditions of their dog licence; and</p> <p>(b) The ACO must consider the available history of the dog and the dog's owner, any available witness statements, and any available reports from qualified professionals.</p>	<p><b>Ease of enforcement:</b> Staff do not recommend requiring a medical diagnosis and behavioural assessment from qualified professionals (i.e. licensed veterinarian and animal behaviourist) for every aggressive dog designation. Given the limited number of animal behaviourists in BC, this requirement could obstruct the ability of the City to expediently respond to and enforce aggressive dog incidents, which may lead to unsafe outcomes. Instead, staff recommends amendments to the By-law to emphasize that the ACO must take into account, among others, any available reports from qualified professionals when designating a dog as aggressive. This approach aligns with the BC SPCA Model By-law and other jurisdictions.</p> <p><b>Not cost prohibitive:</b> Requiring a medical diagnosis and behavioural assessment for every aggressive dog designation is costly. Staff estimated that this could result in more than \$150,000 in annual incremental costs. In contrast, the recommended approach to designation will not entail any additional costs.</p>
<i>Defining and differentiating aggressive dogs, and the type of conditions</i>	<p>Institute a licensing approach to managing aggressive dogs that:</p> <p>(a) Expands the definition of aggressive dog to those that display aggressive behaviour (i.e. growling, snarling, or pursuing a person or domestic animal);</p> <p>(b) Requires the owner of an aggressive dog to acquire an aggressive dog licence;</p> <p>(c) Enable the ACO or Poundkeeper, at any time and for any duration, to place conditions on licenses that match the severity and underlying causes of the incident, including:</p> <ol style="list-style-type: none"> <li>i. Muzzling and shorter leashes of 1 metre when in public areas;</li> <li>ii. Ensuring the dog has permanent microchip identification and</li> </ol>	<p><b>Flexibility and public safety:</b> Relative to a tiered approach practiced in other cities, a licensing-based approach is also risk-based but allows the ACO or Poundkeeper greater flexibility in considering the underlying causes of the incident and the living situation of the dog and owner when deciding on the types of conditions to impose on the aggressive dog licence (see Appendix E for full list of conditions). Recommended changes to the definition of aggressive dog will also allow the ACO or Poundkeeper to address problematic dog behaviour before it escalates to a bite incident. Staff consider this approach to be more conducive to public safety as it can better prevent future aggressive dog incidents.</p> <p><b>Increasing owner accountability:</b> The licensing approach increases the accountability of aggressive dog owners by requiring them to acquire an aggressive dog licence and comply with the conditions of the licence. Failure to acquire a dog licence may result in the impoundment of the dog, which is typically a last step after exhausting owner education efforts and taking into account the best interest of the dog and public safety.</p> <p>As previously indicated, the Chief Licence Inspector does not have delegated authority to summarily suspend and revoke an aggressive dog licence if the owner breaches the conditions placed on the licence.</p>

	Recommended approach	Rationale
	<p>providing that information to the City within 14 days of the Notice; and</p> <p>iii. Providing written confirmation that a dog trainer has been retained to provide behavioural modification.</p> <p>(d) Enable the Chief Licence Inspector to recommend to Council the suspension of an aggressive dog licence if the conditions on the licence are breached.</p>	<p>This power is available to other BC municipalities subject to the <i>Community Charter</i>. Instead, a recommendation to Council for the suspension or revocation of a dog licence must be heard by Council or a delegation of Council, similar to the Business Licence Hearing. While this could potentially lead to compliance issues, the Poundkeeper is authorized to seize a licensed aggressive dog if it bites another person or domestic animal (for up to 21 days) or if it is unlawfully at-large. Compliance with all conditions on the aggressive dog licence will also be a strict requirement for the rehabilitation of the aggressive dog, as will be referenced later, which further incentivizes the aggressive dog owner to comply.</p>
Rehabilitating aggressive dogs	<p>Allow the owner of an aggressive dog to apply to the Poundkeeper 12 months after the Notice for a determination that the dog is no longer aggressive, with written reasons for why the owner considers the dog is no longer an aggressive dog.</p> <p>To be no longer considered an aggressive dog, the owner must satisfy the following conditions:</p> <p>(a) The City must have received no further complaints of aggressive dog incidents in the 12 months since the Notice;</p> <p>(b) All the conditions on the aggressive dog licence must have been complied with; and</p> <p>(c) The owner provides written proof that the dog has successfully completed an animal behavioural modification course in the previous 12 months that is satisfactory to the City; or</p> <p>(d) The owner provides written proof prepared in the last 12 months by a certified professional that is satisfactory to the City</p>	<p><b>Balancing animal welfare and public safety:</b> Staff are recommending a risk-informed approach that seeks to ensure that dogs with the highest likelihood of being rehabilitated can be re-introduced to public spaces without conditions, while being in compliance with the City's authority under the <i>Vancouver Charter</i>. As the City is not authorized to provide an appeal for reconsideration of an aggressive dog designation, all aggressive dogs would be eligible for relief provided they satisfy strict conditions that exceed those in other jurisdictions. This includes the Poundkeeper approving the application for relief, the owner complying with all conditions on their aggressive dog licence, and showing written proof that the dog has completed a suitable animal behavioural modification course, or in cases where the dog was designated as aggressive because of injuring a person or domestic animal, an assessment by a qualified professional (i.e. a licensed veterinarian or animal behaviourist) that the dog is no longer aggressive. Staff are also recommending an approach in which aggressive dogs that have been rehabilitated and subsequently attack or bite another person or domestic animal cannot be rehabilitated due to the elevated risk it poses to public safety. This aligns with the BC SPCA Model By-law and other jurisdictions.</p> <p><b>Flexibility and equity:</b> For dogs that were designated as aggressive because of minor incidents such as displaying aggressive behaviour, staff recommend that owners show written evidence that the dog has completed a behaviour modification course, usually from a dog trainer. This is a more flexible and affordable alternative to a behavioural assessment that also aligns with other municipalities and the BC SPCA Model By-law. Furthermore, it is unlikely to result in adverse public safety outcomes as other municipalities have</p>

	Recommended approach	Rationale
	<p>that considers the dog to be no longer aggressive.</p> <p>If after ceasing to be an aggressive dog, the dog's owner is sent another Aggressive Dog Notice, the owner may not apply for another determination that the dog is no longer aggressive.</p>	<p>advised that "reoffending" by rehabilitated aggressive dog has been low.</p> <p>The lack of provincial regulations on animal behaviourists and dog trainers also makes it difficult to codify course or certification requirements in the By-law. Instead, when owners submit written evidence during an application for relief, staff will assess the credentials of the animal behaviourists and dog trainers used on a case by case basis to ensure they are acceptable. To provide more clarity for aggressive dog owners, staff will provide a list of pre-qualified animal behaviourists and dog trainers who practice humane-based training methods, as recommended by the BC SPCA. This is also the approach utilized in other municipalities.</p>

### Other recommended by-law amendments

Staff also recommend additional amendments that align with best practices in the BC SPCA Model By-law and other jurisdictions with modernized animal control by-laws. These are:

- Updated definitions for "muzzle," "permanent identification," and "running at large;" and
- Requiring all dog owners to not permit, suffer or allow their dogs to display unprovoked aggressive behaviour against a person or domestic animal.

### Provincial advocacy

Staff further recommend that the Mayor write a formal letter on behalf of Council to the Minister of Municipal Affairs to request amendments to the *Vancouver Charter* that would authorize the Chief Licence Inspector to summarily suspend and revoke a dog licence if the holder of the licence fails to comply with the By-law and/or with a term or condition on the licence. This power is available to BC municipalities subject to the *Community Charter*. The power to suspend or revoke a dog licence is an effective tool to encourage compliance and better protect public safety in a timely manner.

### Implementation and resourcing

Implementing the recommended approaches will require new Standard Operating Procedures (SOPs) and training for VAS staff. This is necessary to ensure consistency and objectivity in enforcement and relief. The City will also continue to work closely with key stakeholders on implementation, including the BC SPCA. Public education is also needed to increase dog owners' awareness of new regulations. To provide adequate time for implementation planning and staff training, staff recommend that the proposed amendments to the Animal Control By-law come into effect on January 1, 2023.

If the recommended licensing approach for managing and rehabilitating aggressive dogs is approved, in principle, by Council, staff are anticipating additional by-law administrative services that require high levels of detail, discretion and time given the sensitive nature of the subject matter, including but not limited to:

- Responding to inquiries from aggressive dog owners and members of the public;

- Additional record keeping, report-writing and database management requirements;
- Proactive tracking of aggressive dogs to monitor compliance with dog licensing, and escalation to ACOs to follow-up with education and enforcement, if necessary;
- Processing applications for relief;
- Investigating credentials, training curriculum and qualifications of dog trainers and other qualified professionals for the relief process; and
- Examining and refining SOPs.

Many of these services will need to be provided regardless of whether the owner of the aggressive dog applies for relief. The number of aggressive dog designations in Vancouver may also increase because of recommended changes to the definition of aggressive dogs will permit the City to address problematic dog behaviour before it escalates to a bite or attack, which better protects public safety but will result in additional workload for the City. Furthermore, staff are expecting applications for relief to be higher in the first few years of implementation with requests for retroactive reviews of past aggressive dog designations.

As VAS relies on a lean staffing model that efficiently meets its existing service needs, there is limited capacity for additional services within the current operating budget. To enable this work, staff estimate that at least one additional Full Time Equivalent (FTE) administrative position would be required estimated at between \$80,000 and \$100,000 annually including benefits and overhead. Staff will gain a clearer understanding of the total cost of the staffing implication when developing the SOPs.

The purpose of the City's animal control fees and charges in Schedule A of the By-law is to fund VAS operations. This includes the annual dog licence fee, which currently costs \$47. Any increase to VAS costs would therefore require a funding mechanism, usually in the form of increases to animal control fees and charges. Based on the actual number of dog licences issued by the City in 2021 (23,356 licences), staff have identified a number of preliminary options for increases to fee and charges for further analysis:

	Option A	Option B	Option C	Option D
<b>Funding mechanism</b>	Incremental revenue from projected increase to dog licensing volume.	Broad increases to all animal control fees and charges, including dog licences.	Recover costs from owners of aggressive dogs through a new licence fee for aggressive dogs.	Combination of broad increases to all animal control fees and charges plus a new, higher licence fee for aggressive dogs.
<b>Estimated increase to dog licence fees<sup>11</sup></b>	\$0	\$3.40 to \$4.30	Estimated aggressive dog licence fee of between \$430 to \$540 <sup>12</sup>	Estimated aggressive dog licence fee of \$200; <sup>13</sup> \$1.80 to \$2.70 increase to regular dog licence fees
<b>Pros</b>	<ul style="list-style-type: none"> <li>• No increase required to fees;</li> </ul>	<ul style="list-style-type: none"> <li>• Small fee increase required, which is unlikely to impact compliance;</li> </ul>	<ul style="list-style-type: none"> <li>• Strong incentive for dog owners to ensure their dogs are not involved in</li> </ul>	<ul style="list-style-type: none"> <li>• Equitable fee structure that spreads costs between both</li> </ul>

<sup>11</sup> For illustrative purposes only.

<sup>12</sup> Based on estimate of 185 aggressive dog licences.

<sup>13</sup> See note above.

	Option A	Option B	Option C	Option D
		<ul style="list-style-type: none"> <li>• Owners of regular dogs pay a small licence fee increase because of the potential benefit of increased public safety.</li> </ul>	aggressive incidents; <ul style="list-style-type: none"> <li>• Cost is fully borne by aggressive dog owners;</li> <li>• Higher fee for aggressive dogs aligns with other jurisdictions.</li> </ul>	regular and aggressive dog owners; <ul style="list-style-type: none"> <li>• Higher fee for aggressive dogs incentivizes compliances;</li> <li>• Smaller fee increase for owners of regular dogs, relative to Option B;</li> <li>• Higher fee for aggressive dogs align with other jurisdictions.</li> </ul>
<b>Cons</b>	<ul style="list-style-type: none"> <li>• Projected volume increases unlikely to fully recover costs</li> <li>• No incentive for dog owners to ensure their dogs are not involved in aggressive dog incidents.</li> </ul>	<ul style="list-style-type: none"> <li>• No incentive for dog owners to ensure their dogs are not involved in aggressive incidents;</li> <li>• Not equitable because cost is borne by all dog owners equally, with no additional responsibility for aggressive dog owners.</li> </ul>	<ul style="list-style-type: none"> <li>• Will result in a significantly higher aggressive dog licence fee, which is cost prohibitive for low-income dog owners;</li> <li>• High fee could impact licensing compliance, and result in overall lower fee revenue;</li> <li>• Additional public safety benefit for all dog owners not reflected in fee structure.</li> </ul>	<ul style="list-style-type: none"> <li>• May still be cost-prohibitive to low income owners of aggressive dogs depending on how high the aggressive dog licence fee is.</li> </ul>

Staff usually prepare an administrative report in the second half of every year that recommends annual adjustment to licensing fees (including animal control fees) to recover any fixed cost increases (e.g. from inflation) or additional staffing or service needs. This report is tentatively scheduled for July 2022. As such, staff recommend that Council direct staff to bring back in that report additional information on the cost of implementing the recommended approach to rehabilitating aggressive dogs and the recommended funding mechanism. This will enable staff to undertake a more fulsome analysis, including consideration of any fixed cost increases, projected cost escalation in 2023, impact on low-income dog owners, and how best to equitably spread the costs to the City from rehabilitating aggressive dogs between owners of non-aggressive and aggressive dogs.

#### Consideration of people who cannot afford the costs of applying for relief of aggressive dog licensing conditions

The Motion directed staff to consider people that cannot afford the services of veterinarians and/or animal behaviourists. In contemplating the recommended approach for rehabilitation, staff had to balance public safety and equity (i.e. enabling access for dog owners of all socio-economic backgrounds). The high costs of veterinarian and animal behaviourist services was

one reason behind staff's recommendation to allow completion of an acceptable animal behavioural course, usually from dog trainers, to grant relief for dogs that were designated as aggressive because of less serious incidents, such as displaying aggressive behaviour. Staff acknowledges that this recommended approach may continue to be cost-prohibitive for some low-income dog owners and have looked into available community supports. The PAWS for Hope Foundation, a community non-profit, does provide subsidized training for low-income pet owners trying to address a dog's aggression issues. To be eligible for subsidies, PAWS for Hope requires that the trainers used have BC SPCA recommended AnimalKind accreditation.

At this time, staff are not recommending any direct financial supports for low-income owners of aggressive dogs. Instead, staff may direct low-income aggressive dog owners to available community supports.

### ***Implications/Related Issues/Risk***

#### ***Financial***

The proposed By-law amendments will require new staffing in VAS that could be recovered through broad increases to the City's animal control fees and charges, along with a new, increased licence fee for aggressive dogs. Subject to approval of the recommendations of this Report, staff will bring back more detailed information on the staffing implications as well as the recommendations for increases to fees and charges in the City's annual administrative report on licensing fee increases, currently scheduled for July 2022.

#### ***Legal***

The proposed By-law amendments are authorized by the *Vancouver Charter*, including sections 272 and 324.

### ***CONCLUSION***

Staff are recommending amendments to the Animal Control By-law that will implement a licensing approach to managing aggressive dog and allow for the rehabilitation of these dogs. This will permit the City's ACOs and Poundkeeper to better determine conditions on the dog licence that match the severity and underlying causes of the aggressive dog incident. If approved by Council, owners of eligible aggressive dogs will be allowed to apply to the City for relief from the designation provided there are no further complaints, the owner complies with all conditions on the licence, and the dog has completed an acceptable behaviour modification course or has been assessed as being no longer aggressive by a qualified professional. If a dog that has been granted relief from the designation subsequently "reoffends," the By-law will not allow for another rehabilitation. Overall, staff consider the recommendations to strike an appropriate balance between public safety, animal welfare, increasing owner accountability, equity and cost-effectiveness.

\* \* \* \* \*

BY-LAW NO. \_\_\_\_\_

**A By-law to amend Animal Control By-law No. 9150  
regarding aggressive dogs**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated schedules of the Animal Control By-law.
2. Council strikes the definition of “aggressive dog” in section 1.2 and replaces it with:  
““aggressive dog” means a dog that has, without provocation, displayed aggressive behaviour or bitten another domestic animal or a person.”.
3. Council strikes the definition of “run at large” in section 1.2 and replaces it with:  
““run at large” means:
  - (a) being elsewhere than on the property of the owner, the person who keeps the dog, or of a person who has care, custody or control of the dog, and not being under the immediate care and control of a responsible person; or
  - (b) being in a public place, and not secured by a leash to a responsible and competent person.”.
4. Council adds the following definitions to section 1.2 in correct alphabetical order:  
““aggressive behaviour” means any action by a dog that reasonably threatens a person or domestic animal and includes snarling, growling, or pursuing a person or domestic animal in a hostile manner.”;  
““animal control officer” has the same meaning as in section 324.1 of the *Vancouver Charter*,” and  
““permanent identification” means identification for an animal in the form of a microchip that contains the current contact information of the owner;”.
5. Council adds a new section 2.3 as follows:  
**“Designation of animal control officers**  
2.3 Council designates all animal control officers employed by the City of Vancouver as animal control officers for the purposes of carrying out the provisions of section 324.1 of the *Vancouver Charter*.”
6. Council strikes section 4.14 and replaces it as follows:  
**“Aggressive behaviour**  
4.14 No owner shall permit, suffer or allow the dog to:

- (a) display aggressive behaviour towards a person or another domestic animal; or
- (b) bite, attack or injure a person or domestic animal.”

7. Council adds a new section 4.A as follows:

**“SECTION 4A  
AGGRESSIVE DOGS**

**Aggressive Dog Notice**

4A.1 If an Animal Control Officer has reasonable grounds to consider a dog is an aggressive dog, the Animal Control Officer may deliver a written notice to the registered owner of that dog advising the owner of the requirements of this By-law regarding aggressive dogs.

**Review before notice**

4A.2 Before delivering a notice under 4A.1, an Animal Control Officer must consider the available history of the dog and the dog’s owner, any available witness statements, and any available reports from qualified professionals.

**Aggressive dog licence**

4A.3 Every owner of an aggressive dog must hold an aggressive dog licence for that dog.

**Order to obtain licence**

4A.4 The Poundkeeper may issue an order, in writing, requiring an owner of an aggressive dog to acquire an aggressive dog licence.

**Time to acquire licence**

4A.5 Every owner who is issued an order to acquire an aggressive dog licence must acquire an aggressive dog licence for the dog within 14 days of delivery of the order.

**Reviewing Aggressive Dog Notices**

4A.6 Every owner of an aggressive dog may apply to the Poundkeeper, pursuant to 4.A7 and 4A.8, for a determination that the dog is no longer an aggressive dog.

**Written reasons**

4A.7 Every application for relief from a determination that a dog is an aggressive dog must include written reasons why the owner considers the dog is no longer an aggressive dog.

**Ceasing to be aggressive**

4A.8 An aggressive dog ceases to be considered an aggressive dog under this By-law if:

- (a) there have been no recorded complaints regarding the dog in the previous 12 months;
- (b) all the terms of the aggressive dog licence were complied with for the previous 12 months; and
- (c) the owner provides written proof that the dog has successfully completed an animal behaviour modification course in the previous 12 months that is acceptable to the Poundkeeper; or
- (d) in the case where the dog was considered aggressive because it had injured a person or another domestic animal, a qualified professional concludes, in writing, that the dog should no longer be considered an aggressive dog.

**No further review**

4A.9 Notwithstanding 4A.6, if after ceasing to be an aggressive dog under section 4A.8 the dog's owner is sent another notice under section 4A.1, the owner may not apply for a determination that the dog is no longer an aggressive dog.

**Conditions on Aggressive Dog Licence**

4A.10 In addition to the requirements imposed on aggressive dogs by sections 4.3 and 4.5 of this By-law, the Poundkeeper or an Animal Control Officer may, at any time and for any duration, impose conditions on an aggressive dog's licence regarding the care and control of the dog, including any combination of the following:

- (a) when the dog is not on the owner's property, the owner shall secure the dog by a collar and leash that is no more than one (1) metre in length;
- (b) the owner shall ensure the dog does not run at large;
- (c) the owner shall ensure the dog is muzzled when in a designated off-leash area;
- (d) the owner shall ensure that the dog is not in a designated off-leash area in the city at any time;
- (e) the owner shall ensure the dog is muzzled when not on the owner's property, to prevent it from biting another domestic animal or person;
- (f) the owner shall ensure the dog has permanent identification and provide the permanent identification information to the Poundkeeper;
- (g) the owner shall post a clearly visible sign on the owner's property saying "Beware of Dog";

- (h) the owner shall, at all times while the dog is on the owner's property, confine the dog in the residence or in an enclosed section of the yard;
- (i) the owner shall supply to the Poundkeeper, within 30 days of being informed of this licence condition, written confirmation from a licensed veterinarian that the dog has been neutered or spayed;
- (j) the owner shall supply to the Poundkeeper written confirmation within a specified time that an animal trainer or qualified professional has been retained to provide behavioural remediation; and
- (k) the owner shall supply to the Poundkeeper written confirmation within a specified time that the owner has obtained a policy of liability insurance covering any damages for injuries caused by the dog in an amount not less than five hundred thousand dollars.

#### **Recommend revocation or suspension**

4A.11 The Chief Licence Inspector may recommend to Council, or a delegation of Council, that Council revoke or suspend an aggressive dog licence if the conditions on the licence are being breached.

4A.12 After considering a recommendation that an aggressive dog licence be revoked or suspended, the Council may revoke or suspend the licence for any period of time and subject to any conditions concerning the care and control of the aggressive dog that Council deems fit.

4A.13 Every dog that qualified as an aggressive dog prior to the enactment of the amendments to this By-law on (date), remains an aggressive dog, unless the dog ceases to be an aggressive dog pursuant to sections 4A.6 to 4A.8 of this By-law."

8. Council strikes section 6.1 and replaces it as follows:

#### **"Seizing dogs under this By-law**

6.1 The Poundkeeper or a police officer may seize a dog:

- (a) in respect of whom the person who keeps the dog does not have a licence, or aggressive dog licence;
- (b) in respect of whom payment of the licence fee referred to in section 3.3 is in arrears;
- (c) who is not wearing the dog tag referred to in section 3.5;
- (d) who is on a street or other public place unlawfully, including running at large;
- (e) who has bitten or who is alleged to have bitten a person or a domestic animal; or



**Council Motion: Relief and Rehabilitation of Aggressive Dog Designation**

**FINAL MOTION AS APPROVED ON MARCH 3, 2020**

WHEREAS

1. The City of Vancouver Animal Control By-law, By-law No., 9150, (“the By-law”) established 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 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 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 the dog. These laws do not recognize that there are different types of management and rehabilitation tools available to meet the needs of specific dogs;

7. Animal behaviorists identify at least a dozen underlying causes for aggressive behavior such as past trauma, fear, anxiety, inadequate socialization, medical issues, resource-guarding, and others. Dogs can also bite because of the prey drive;
8. Current evidence suggests that in many cases, positive reinforcement-based behavior modification techniques under the guidance of a qualified Animal Behaviorist can be used to effectively rehabilitate and manage dogs labelled as “aggressive” or “dangerous;”
9. Qualified Animal Behaviorists have earned a minimum MSc, or PhD in animal behavior, and typically work closely with veterinarians to provide expertise in:
  - a) Behavior modification, so they know the techniques that produce changes in behavior;
  - b) The normal behavior of the species they are 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 behavior 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* (paragraph 40) the Judge states that an aggressive dog designation is not “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 behavior; and
11. For the last 15 years, provincial court judges released “dangerous dogs” on conditions pursuant to the *Vancouver Charter*. However, as a result of a recent B.C. Court of Appeal decision, this is no longer allowed. “Dangerous dogs” are not 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 veterinarian and/or professional animal behaviorists to assess and modify the behavior of the dog, a dog custodian should be allowed to apply for 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 veterinarian and/or animal behaviorist 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 B above.
- 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 veterinarian and/or animal behaviorist believes is an aggressive dog, after an assessment is done by that behaviorist and a full investigation is conducted by the City’s animal control department, per C above.
- 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.
- G. THAT Council direct staff to consider people that cannot afford the services of qualified veterinarians and/or qualified animal behaviorist and report back to Council with findings and possible recommendations.

SUMMARY OF JURISDICTIONAL SCAN

REGULATORY FRAMEWORK		BC SPCA MODEL BY-LAW	SURREY	NEW WESTMINSTER	COQUITLAM	FRASER VALLEY REGIONAL DISTRICT
<b>Designation of aggressive dogs</b>	Tiered approach to licensing dog	✓	✓	✓	✓	Proposed
	Number of tiers	3 (Aggressive, Vicious and Dangerous)	3 (Aggressive, Vicious and Dangerous)	3 (Aggressive, Vicious and Dangerous)	2 (Aggressive and Vicious)	1 (Aggressive)
	Assessment by veterinarian and/or animal behaviourist required	X	X	X	X	X
<b>Conditions on aggressive dogs</b>	Dogs not at large	✓ For all tiers	✓ For all tiers	✓ For all tiers	✓ For all tiers	✓ For all tiers
	Secured by 1m leash in public	✓ For all tiers	✓ For all tiers	✓ For all tiers	✓ For aggressive only; 0.5m for vicious dog	X 3m leash for aggressive dog
	On-leash in off-leash areas	✓ For aggressive tier only	X	X	X	X
	Not allowed in off-leash areas	✓ For vicious and dangerous tier only	✓ For vicious and dangerous tier only	✓ For vicious only	✓ For aggressive and vicious	X
	Muzzled in public areas	✓ For aggressive only	✓ For aggressive only	✓ For aggressive only	X	✓ For aggressive only
	Permanent identification	✓ For all tiers	✓ For all tiers	✓ For all tiers	✓ For all tiers	✓ For aggressive only
	Confined in enclosure when in owner's property	✓ For vicious and dangerous tier only	✓ For vicious and dangerous tier only	✓ For vicious and dangerous only	✓ For vicious only	✓ For aggressive only
	Signs on owner's property	✓ For vicious and dangerous tier only	✓ For vicious and dangerous tier only	✓ For vicious and dangerous only	✓ For vicious only	X

REGULATORY FRAMEWORK		BC SPCA MODEL BY-LAW	SURREY	NEW WESTMINSTER	COQUITLAM	FRASER VALLEY REGIONAL DISTRICT
	Notify City if dog dies	✓ For dangerous tier only	✓ For dangerous tier only	✓ For all tiers	✓ For vicious only	X
	Notify Animal Control if new owner	✓ For dangerous tier only	✓ For dangerous tier only	✓ For all tiers	✓ For vicious only	X
	Notify City if dog was at large	✓ For dangerous tier only	✓ For dangerous tier only	X	X	X
	Owner or handler must be 19 years or older	✓ For dangerous tier only	✓ For dangerous tier only	X	X	X
	Confirmation that dog is neutered or spayed	✓ For dangerous tier only	✓ For dangerous tier only	X	X	X
	Dog is receiving behavioural modification	✓ For dangerous tier only	✓ For dangerous tier only	X	X	X
	Owner has liability insurance for dog	✓ For dangerous tier only (>\$500,000)	✓ For dangerous tier only (>\$500,000)	✓ For dangerous tier only (>\$1,000,000)	X	X
	Provide photo of dog to City	✓ For dangerous tier only	✓ For dangerous tier only	✓ For dangerous tier only	X	✓ For aggressive tier only
<b>Rehabilitation of aggressive dogs</b>	Relief allowed?	✓ For aggressive tier only	✓ For aggressive tier only	✓ For aggressive tier only	✓ For aggressive tier only	X
	Training required for relief?	✓ Only humane and force-free training course	✓ Training standard not specified	✓ Training standard not specified	✓ Training standard not specified	N/A
	Appeal allowed?	✓ For dangerous tier only	✓ For dangerous tier only	✓ For vicious tier only	✓ For vicious tier only	X

## **SUMMARY OF STAKEHOLDER ENGAGEMENT FINDINGS**

### **BCSPCA**

- The BCSPCA recommends a tiered approach to managing aggressive dogs (i.e. aggressive, vicious and dangerous) but are supportive of a licensing approach which allows greater flexibility for ACOs, provided the approach is adopted consistently and objectively. This necessitates creating effective and clear Standard Operating Procedures (SOPs) and training manuals for ACOs.
- A medical diagnosis and behavioural assessment from licensed veterinarians and animal behaviourists is not necessary for every designation because of factors including costs, ease of access to these professionals (i.e. not every veterinarian will want to be involved with aggressive dogs), potential conflict of interests (i.e. because vet/client relationship is protected), etc.
- Medical diagnosis and behavioural assessment more appropriate if owner is seeking relief or appeal on medical grounds.
- BCSPCA recommends dog trainers who use humane training methods – that is why they created the AnimalKind certification – The BCSPCA does audits and in-person visits with animal trainers with AnimalKind certification. Ultimately, the City should work with dog trainers to help define those standards in their SOPs.
- Against breed-specific legislation.

### **ANIMAL BEHAVIOURISTS**

- Many animal control by-laws, including the City's by-law and the Model BCSPCA By-law lack nuance and flexibility.
- Animal Behaviorists with appropriate credentials are needed to assess aggressive dogs and develop rehabilitation plans. Trainers can be involved in rehabilitation but do not have credentials to perform complex assessments.
- AnimalKind accreditation is helpful but is too focused on humane methods and has a low barrier to entry in terms of qualifications.
- Owner responsibility and living conditions are crucial to dog rehabilitation and should be part of the holistic approach to dog rehabilitation.
- Typical rehab costs are \$3,000 - if the owner wants to pay for it, that's a good sign that they are committed to rehabilitation. There are few cases where an owner is committed but cannot pay.
- Against breed-specific legislation.

### **VETERINARIANS**

- A medical diagnosis from a licensed veterinarian is not needed for every aggressive dog designation, especially for minor or nuisance cases. However, it should be required for dangerous dogs, and when dogs are being seized or euthanized.
- Licensed veterinarians work with and refer cases to animal behaviourists, but a behavioural assessment shouldn't be mandatory for every aggressive dog designation.
- Veterinarians aren't typically involved in the rehabilitation process, but will refer to the right people (e.g. animal behaviourists, trainers, etc.). A medical diagnosis from a

veterinarian may be needed if there is a medical component to the aggressive dog incident that led to the designation in the first place.

- Against breed-specific legislation.

### **ANIMAL LAWYERS**

- Differences in opinion between animal lawyers with some agreeing that a behavioural assessment from a qualified animal behaviourist should be required for every designation, while others argue that many veterinarians are experienced with behavioural issues and can be involved to provide an assessment.
- Different opinions on which professions can be involved in the rehabilitation process, with one arguing for animal behaviourist, and the other for a broader scope of professions including dog trainees.
- One argued that requiring an animal behaviourist to be involved in every designation and rehabilitation request can result in access to justice issues because of the low number of animal behaviourists in BC.
- Most agree that a tiered system for managing aggressive dog is preferable to Vancouver's single tier – consequences for aggressive dogs should match the underlying cause of aggression.
- Appeal of the aggressive dog designation should be made to a neutral body, external of City staff.
- Against breed-specific legislation.

**RECOMMENDED LICENSING CONDITIONS FOR AGGRESSIVE DOGS**

When designating a dog as aggressive, staff recommend that Council adopt amendments to the Animal Control By-law allowing the Poundkeeper and Animal Control Officers (ACOs) to consider the following conditions to impose on the licence of the aggressive dog, in order to better match the severity and underlying causes of an aggressive dog incident:

- (a) Owner shall secure the dog by a collar and leash that is of a maximum length of one (1) metre when not on the owner's property;
- (b) Owner shall ensure the dog is not running at large within the city at any time;
- (c) Owner shall keep the dog muzzled when in a designated off-leash area;
- (d) Owner shall ensure that the dog is not in a designated off-leash area in the city at any time
- (e) Owner shall keep the dog muzzled to prevent it from biting another domestic animal or human when not on the owner's property;
- (f) The owner shall ensure the dog has permanent microchip identification and provide the permanent microchip identification information to the City;
- (g) The owner shall post a clearly visible sign on the owner's property saying "Beware of Dog";
- (h) At all times while the dog is on the owner's premises, the owner shall keep the dog securely confined indoors or confined outdoors in an enclosure;
- (i) Owner shall supply to the city written confirmation from a licensed veterinarian that the dog has been neutered or spayed;
- (j) Owner shall supply to the city written confirmation from an animal trainer or qualified professional approved by the city that the services of such trainer have been retained for the purpose of providing behavioural remediation;
- (k) Owner shall supply to the city written confirmation that the owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by the dog in an amount not less than five hundred thousand dollars, covering the twelve month period that is covered by the dog licence.

\* \* \* \* \*