

NO: **R126**

COUNCIL DATE: **June 11, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **June 6, 2012**

FROM: **City Solicitor**

FILE: **3900-20-13880/#1B**

SUBJECT: **Proposed UBCM Resolution Related to the "Tethering of Dogs"**

RECOMMENDATION

The Legal Services Division recommends that Council:

1. Receive this report as information; and
2. Instruct staff to take all necessary actions to forward to the Union of British Columbia Municipalities (UBCM) for consideration at its 2012 Annual Convention the Resolution related to "dog tethering" that is attached to this report as Appendix "A"; and
3. Request that the City Clerk forward a copy of this report and the related Council resolution to the delegation that appeared before Council regarding this matter.

INTENT

The purpose of this report is to bring forward for Council's consideration a draft UBCM resolution that requests the provincial government to enforce the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372 (the "PCA Act") as it relates to tethering of dogs.

BACKGROUND

On April 23, 2012, a delegation from "A Better Life Dog Rescue" appeared before Council to advise Council about their serious concerns with respect to the treatment of dogs in Surrey, specifically related to dog tethering, and to request that changes be made to the City's existing regulatory scheme in relation to addressing the tethering of dogs in Surrey. In the delegation's view, dogs that are tethered for extended periods of time while deprived of human contact lack opportunities to exercise and explore their environment, grow increasingly aggressive over time and become increasingly likely to attack humans. The view that tethering dogs can be harmful to such dogs and is akin to animal cruelty, to say nothing of the increased risk it can pose to the surrounding community, is supported by a number of groups within British Columbia.

Currently, the *PCA Act* authorizes the British Columbia Society for the Prevention of Cruelty to Animals (the "Society") to take action in certain, prescribed circumstances.

These circumstances include where an animal is "in distress", a phrase defined by section 1(2) of the *PCA Act* as follows:

"For the purposes of this Act, an animal is in distress if it is

- (a) **deprived of** adequate food, water, shelter, ventilation, light, **space**, **exercise**, care or veterinary treatment,
 - (a.1) kept in conditions that are unsanitary,
 - (a.2) not protected from excessive heat or cold,
- (b) injured, sick, in pain or **suffering**, or
- (c) abused or **neglected**."

(emphasis added)

The Society's authority to intervene where a dog is in distress is explicitly set out by section 11 of the *PCA Act*:

"If an authorized agent is of the opinion that an animal is in distress and the person responsible for the animal:

- (a) does not promptly take steps that will relieve its distress, or
- (b) cannot be found immediately and informed of the animal's distress,

the authorized agent may, in accordance with sections 13 and 14, take any action that the authorized agent considers necessary to relieve the animal's distress, including, without limitation, taking custody of the animal and arranging for food, water, shelter, care and veterinary treatment for it."

DISCUSSION

Addressing the problematic issues associated with prolonged tethering of dogs is a worthwhile objective, not only in Surrey, but throughout British Columbia. An element in the solution to this problem is to increase public awareness about the problem. Accordingly, as staff continue to consult with affected stakeholder groups to determine the most effective means of addressing the problems linked with dog tethering in Surrey, it is proposed that Council approve the draft resolution that is attached as Appendix "A" to this report with a view forwarding the resolution to the UBCM for consideration during its annual Convention in September of this year. Such an approach will bring the issue to the attention of local governments across the province and of the provincial government and encourage the provincial government to enact measures that would apply universally throughout the province to eliminate the inhumane tethering of dogs.

Staff will provide a further report to Council on this matter in due course once the stakeholder consultation is complete.

CONCLUSION

Based on the above discussion, the Legal Services Division recommends that Council:

- Instruct staff to take all necessary actions to forward to the UBCM for consideration at its 2012 Annual Convention the Resolution related to "dog tethering" that is attached to this report as Appendix "A"; and
- Request that the City Clerk forward a copy of this report and the related Council resolution to the delegation that appeared before Council regarding this matter.

CRAIG MacFARLANE
City Solicitor

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Appendix "A": Proposed Resolution for Consideration at the 2012 UBCM Annual Convention

APPENDIX "A"

Proposed Resolution for Consideration at the 2012 UBCM Annual Convention

Short Title: **Tethering of Dogs**

Sponsored by: **City of Surrey**

WHEREAS the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372, includes a definition for "animal in distress" that specifies, among other things, that an animal that is being deprived of space or exercise or is being neglected is in distress;

WHEREAS the tethering of dogs is not specifically referenced under provincial legislation;

AND WHEREAS such restraint can cause distress and suffering to dogs;

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request that the Government of British Columbia amend the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372 (the "Act") to specifically reference "tethering of dogs" and to permit enforcement actions under the Act in situations where tethering causes a dog(s) to be "in distress" within the meaning of the Act.