



Corporate NO: R087

Report COUNCIL DATE: April 17, 2000_

REGULAR

TO: Mayor & Council **DATE: April 13, 2000**

FROM: City Solicitor **FILE: 0023-13880**

SUBJECT: Amendments to Proposed New Dog Responsibility By-law, 1999, No. 13880 (the "By-law")

RECOMMENDATION

It is recommended that Council:

1. rescind third reading of the By-law;
2. amend the By-law as outlined in Appendix "A"; and
3. give third reading, as amended, to the By-law.

DISCUSSION

The By-law was presented to Council on November 29, 1999 and has received first, second and third reading.

The Committee established through Council has continued to meet in order to develop the educational component of the By-law. During these meetings, the Committee identified a problem with the words "mitigating factor" in the By-law. As currently written, a dog is defined as a "Dangerous Dog" which has attacked, bitten, or caused injury to or aggressively pursued a person or an animal "in the absence of a mitigating factor". The Committee as a whole recommended to Assistant City Solicitor, Kelly Rayter that the reference to mitigating factors be removed as these circumstances can be addressed on an individual basis before proceeding with a charge. To have this remain in the By-law, any situation could now be interpreted by the courts as a "mitigating factor" contrary to the intent of the By-law.

The SPCA has now completed the training and obtained the necessary equipment to provide microchipping on site, in preparation for the full implementation of the By-law.

The Committee continues to meet and is now working with the School District and other agencies throughout Surrey to provide a package for Elementary Schools, senior citizens and all dog owners in dealing with the proper care and control of their pets.

CONCLUSION

We recommend that Council approve the amendments to the By-law for the reasons presented in the discussion.

CRAIG MacFARLANE

City Solicitor

JS/rd

Attach.

cc: Manager, Administration & By-law Enforcement

City Clerk

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