

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JULY 24, 2007**

A D D E N D U M

PAGES

COMMUNICATIONS/CORRESPONDENCE

2-9

B. Gose, re Animal Control Bylaw and Vicious Dog Designation.

From: B. Grose
Sent: Monday, July 23, 2007 1:10 PM
To: Burgoyne, Linda
Cc: Maureen Young
Subject: RDN Meeting July 24

Linda

I regret to inform you that I will be unable to attend the up coming Reginal District Board Meeting as planned.

I would request that you provide each member a copy of the following for their consideration.

Thank You

Bill Grose

CAO: Carol Mason
General Manager: Mr. Paul Thorkelson
Board of Directors
Board Meeting July 24 2007

Following please find a copy of a letter forwarded to Maude Mackey outlining the chronology of a By-Law related complaint I registered with the RDN and the contractor charged with enforcement. I have added to the original document setting out the progression following the original letter.

I cannot over state the frustration experienced in dealing with what should be a simple Regional By-Law complaint. From the outset there appears to be more consideration and concern for the offending individual than those of the victims in the case. I have had my dog attacked twice on my property and am told if there were three or more incidents we might be able to do something. My response to this is my dog will not likely live through three or four more incidents.

My belief is the By-Laws of the Regional District are for the good of and protection of the community as a whole. To protect my family and animals am I to walk out each time we want to use our property and inspect it for other animals prior to taking my dog out for a walk. Other options suggested to me were catch the dogs and call NAS to pick them up, poison or shoot the dogs and in the final two options criminalizing myself.

To state there was in some fashion an investigation into the complaint I brought forward, I consider utter nonsense. Posting notices on unoccupied residences which the dog owners have vacated three weeks earlier leaving their animals or talking to tenants and not dog owners (who chose to ignore or not respond) at another residence pales as an investigation. To me an investigation is the act of securing pertinent information by interviewing affected parties or other means from which to draw an informed conclusion. In this case I for one saw no evidence of this happening and only hints of an investigation after questioning the entire process. It was two weeks from the time I contacted NAS and only after questioning the process through RDN and Maude Mackey that I was asked by NAS for a statement. It is my firm belief that had I not persisted nothing other than the posting notices would have been done. When I requested from the RDN a copy of the guidelines for the contractor and was told there are none I was rather set back but could to some degree understand (but do not agree with) the outcomes to date.

See E-Mail Dated July 12 2007

I know full well we do not have at large dog enforcement in the district, maybe it should be considered? At a minimum the By-Law and enforcement for vicious designation and the handling of complaints for such should be addressed. There should be clear guidelines and outcomes communicated to the enforcement contractor as well as the authority to achieve them. When a complaint is filed with the contractor or the RDN the offending owner and the filing owners should be require to control their animals for the duration of the investigation. Failure to do so should result in the contractor having the authority to seize the animals. When notices are posted on residences and the contractor makes no

personal contact the animal's owners should have a defined time limit to respond or face having the animals seized. Simply ignoring the notices should not be acceptable.

Following are copies of the e-mail communications I had with the RDN through out this situation.

I thank you for considering my submission and eagerly await your response.

Bill Grose
2530 Myles Lake Road
Nanaimo, B.C.
V9X 1E7

Maude Mackey
By Law Enforcement
Nanaimo Regional District.

11 Jul 2007

Further to the conversations we have had concerning the attack on my dog by dogs owned by Mr. Bill Thompson and Mr Chris Johnson on Myles Lake Road On June 27 at approximately 4:30 AM

I took my dog out into my yard on the morning in question walking across the yard with the dog walking ahead of me. I did not see the other dogs in the yard and heard my dog yelp, I yelled and ran to see what the problem was and found the Mr Thompson's black headed dog and Mr Johnson's blonde dog standing over my dog. Mr Johnson's red coloured dog standing near by and turn and ran when I yelled. The other dogs turned and ran as I ran forward to towards them. My dog received a number of deep puncture wounds to the hind end and head that required stitches and staples to close the wounds and a course of antibiotics for infection control.

This is the second incident involving these dogs and to date the first in September 2006 (both time on my property) I am extremely frustrated by the response I have received form animal control and by-law enforcement.

- 1) The most recent incident was reported the morning it happened right after I returned from the vet with my dog, I contacted By-law enforcement at the RDN who directed me to the Animal Control Contractor. I was told someone would be out to look into the matter.
- 2) I had to go out of town for work on Saturday and to that point had not heard from anyone as to how the situation would be resolved.
- 3) Tuesday I called home and asked my wife if she had been contacted and she had not. She then called Maude Mackey to get an up date and was told someone from animal control would be contacting her. No one did.
- 4) I returned home on Thursday and having no contact called Maude Mackey again. She said she would look into it and call me back. She did call later in the day.
- 5) I received a call Thursday from Helen at animal control asking to call her. When I called she was out and I spoke with one of the enforcement officers (a gentleman I believe his name was Graham?) The outcome of the discussion was animal control was out to talk to the owners and had not made contact but had left some paper work. My response to that was in essence they had done nothing, the dogs were still out running free and they had no contact with the owners to outline a course of action, seize the dogs or receive any commitment from the owners trying to resolve the issue. The officer stated that if the owners are uncooperative and choose to ignore them there was nothing they could do. I was told quite clearly they have no authority or jurisdiction to seize the dogs or require the animals be controlled. In further discussion I was told the only action afforded the enforcement officers under the by-laws is to impose a one hundred and fifty dollar fine on the owners. When asked if a fine had been issued the officer stated they do not issue fines. My response again was "so you have done nothing". The response

from the enforcement officer was they have been directed by the RDN not to. The reasoning being the fines are too costly to process.

- 6) From the start of this incident the authorities have been told that the Johnson's have vacated the area. They are no longer residing at the premises and have not been for at least three weeks. It is my understanding someone is feeding the animals but they are in no way being cared for controlled or managed. I contacted my RDN representative and she contacted Maude Mackey (I believe) and was told the animals (all three) would be picked up. That was on Monday July 9.
- 7) On Tuesday July 10 I received a notice on my door that indicated an enforcement officer had spoken to a lady on Mr Thompson's property that was in fact feeding Mr Johnson's dogs. The domestic problem (at the Johnson's) was explained and stated Mr Johnson was to get the dogs by Monday and if not the animal control could pick the dogs up from them. This means this situation remains unresolved for yet another week. Further there is no mention of Mr Thompson's dog. All three are still there and roaming the neighborhood at will, as witnessed today.
- 8) Today July 11 after finding the notification from an Animal Control Officer on my front door I called Maude Mackey to see what could and would be done to resolve this. Maude stated Animal Control should have contacted me for a statement. Animal Control has my phone number and address and this is the first I have heard about the need for a statement. The only contact to date that I have had with Animal Control has been initiated either by Maude Mackey or myself.

Additions to the original document forwarded to Maude Mackie July 11 2007

9) July 12 NAS enforcement officer contacted me to see if it were possible to come out and collect a statement related to the incident and inform me steps were being taken to try and remove the Johnson's dogs. When asked about the situation of the Thompson's dog it was again stated that if I capture the dog NAS will come out and collect it from me any time day or night

At approximately 2:30 PM NAS called to inform me the Johnson's dogs had been removed from the premises.

Through circumstances the enforcement officer had the Thompson's dog in his possession but returned it to the Thompson's residence with instructions (I believe) the animal was to be confined or controlled at all times.

10) July 13 I contacted the NAS to follow up on their report and recommendation as the designation of the Thompson 's dog. NAS informed me they would be submitting their report and recommendation that day. I asked if they would forward me a copy of the report and or recommendation. Which they sated they did not know if they could or would? No copy was forwarded to me.

11) July 16 notified By-Law enforcement the dog was running loose on the morning of Sunday July 15.

NAS contacted me following up on the report the dog was again at large at which time I discovered the report from NAS would be submitted July 16.

12) July 17 Contacted the RDN enquiring as the NAS report and the animal's designation.

Received an e-mail from Maude Mackey confirming the recommendation by NAS and was waiting for comments from her General Manager.

13) July 23 the dog is being walked down Myles Lake Road with no collar or leash. Contacted NAS to inform them of the situation at 10:30 the gentleman answering the telephone said he would have Helen call me back. Helen called back and discussed the actions of the dog and from the conversation gather Mr. Thompson has not yet been notified as to the vicious designation of the dog.

Bill Grose
2530 Myles Lake Rd.
Nanaimo, B.C.
V9X 1E7
2560 716 9984

----- Original Message -----

From: Mackey, Maude
To: B. Grose
Sent: Tuesday, July 17, 2007 2:32 PM
Subject: RE: Myles Lake Rd.

Mr. Grose, the NAS report was received yesterday and their recommendation was to 'deem the Thompson dog vicious'. I certainly concur. The report was subsequently given to the General Manager, Mr. Paul Thorkelson and I have yet to receive his comments. Ideally we would still hope to pick up the Thompson dog and deal with it accordingly.

Maude Mackey

From: B. Grose [mailto:caleta@telus.net]
Sent: Tuesday, July 17, 2007 11:16 AM
To: Mackey, Maude
Cc: Maureen Young
Subject: Myles Lake Rd.

I thank you for looking into the matter with Mr Thopson's dog so quickly yesterday. The animal shelter called me to discuss the matter shortly after I e-mailed you of the condition on Sunday morning.

As for the recommendatoion from the animal shelter I was told it would be forwarded to you yesterday. My questions for you are have you recieved the report and if so what is the RDNs position with respect to the dogs designation.

Thank you

----- Original Message -----

From: Mackey, Maude
To: B. Grose
Cc: Maureen_young@shaw.ca

Sent: Wednesday, July 11, 2007 4:19 PM
Subject: Myles Lake Rd.

I have received your 'statement' and will be following it up with both our contractor and our General Manager. I will get back to you as soon as I can.

As I have previously stated to you, this office does not generally get involved in such complaints until after the Shelter (our contractor paid to enforce the Bylaw) has done their investigation and made a report/recommendation regarding 'deeming the dogs vicious'. This report/recommendation is then reviewed by the Manager here and myself and if all is in order, we concur. The contractor then notifies the dog owner by a hand delivered notice that their dog has been 'deemed vicious'. It is then required to be leashed or confined at all times and the contractor will later inspect the kennel or where ever the dog is kept to ensure the confinement is adequate. If we have an opportunity to pick up the dogs at any point in this process, the contractor will usually attempt to do so.

Maude Mackey

From: B. Grose [mailto:caleta@telus.net]
Sent: Wednesday, July 11, 2007 3:53 PM
To: Mackey, Maude
Cc: maureen_young@shaw.ca
Subject: Myles Lake Rd.

As per our conervation.

----- Original Message -----

From: Mackey, Maude
To: B. Grose
Cc: Maureen_young@shaw.ca
Sent: Thursday, July 12, 2007 9:05 AM
Subject: RE: Myles Lake Rd.

Mr. Gross, as there has been contact between yourself and the Shelter and the staff have been in your area a number of times in response to your complaint, there has been some 'investigation'. We do not tell them how to do their job, provide them written guidelines nor insist on a timeline. Obviously if they have been hired to respond to vicious dog complaints, there is an understood protocol and process. We will be looking into your comments about the handling of your concerns. Further, I will email you a copy of the applicable Bylaw separately.

Maude Mackey

From: B. Grose [mailto:caleta@telus.net]
Sent: Wednesday, July 11, 2007 9:41 PM
To: Mackey, Maude
Cc: Maureen Young
Subject: Re: Myles Lake Rd.

Though I believe you will follow up on the matter it does very little to relieve the frustrations of the process to date. There has currently been no hint of any investigation on which to base a

recommendation for deeming the dogs vicious or if so I have not been party to it. What constitutes an investigation by the contractor. An interview with the owners, a drive by to see the dogs. There has been no effort on the part of the contractor to see me, question me or examine the injuries to my dog.

The process to date has taken two weeks with no resolution ,plan or process. I would like to have from your office some form of timeline as to when the investigation will be conducted/concluded (or was). Further I would like from your office a copy of the By-Law defining dog controls and vicious dog definitions as they pertain to this district. Clearly outlining conduct by a dog or dogs would result in an animal being deemed vicious under the current by-law.

In conclusion I would also request a copy of the guidelines the contractor is to follow in the conducting of their investigations.

Thank you
Bill Grose

----- Original Message -----

From: Mackey, Maude

To: B. Grose \

Cc: Maureen_young@shaw.ca

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From: B. Grose [mailto:caleta@telus.net]

Sent: Wednesday, July 11, 2007 3:53 PM

To: Mackey, Maude

Cc: maureen_young@shaw.ca

Subject: Myles Lake Rd.

As per our conversation