



**Subject: Declaration of Vicious Animal**

**APPROVALS:**

**Annette Antoniak**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

**Recommended Motion:**

THAT Council confirm the Declaration of Vicious Animal issued by the Chief Bylaw Officer to Ms. Kellie Elizabeth Brannan on August 31, 2018 pursuant to Bylaw No. 02/031.

**Summary:**

On October 5, 2018, the Chief Bylaw Officer received a request from Kellie Brannan under section 5.02 of the Municipality’s Animal Control Bylaw No. 02/031 asking for Council to review the Chief Bylaw Officer’s decision to deem her dog, Stanley, a vicious animal under section 5.01 of the Bylaw.

**Animal Control Bylaw and Declaring an Animal Vicious**

As a means of ensuring public safety, Section 5.01 of the Municipality’s Animal Control Bylaw allows the Chief Bylaw Officer to declare an animal vicious where the animal meets the definition of Vicious Animal contained in the Bylaw.

*“Vicious Animal” means:*

- (a) Any animal with a known propensity, tenancy or disposition to attack, without provocation, other animals or humans;*
- (b) Any animal which has inflicted a wound of a serious nature upon another animal or human without provocation; or,*
- (c) Any dog that has been the subject of an order pursuant to the Dangerous Dog Act, R.S.A. 2000, c.D-3, as amended or repealed from time to time.*

Where an animal is declared vicious, the Animal Control Bylaw requires that the owner take special precautions to ensure the safety of the public. These measures are

outlined in detail at Section 5 of the Animal Control Bylaw and include the following:

- The owner must keep the animal indoors or, where the animal is outdoors, in a locked pen (built to the minimum specifications contained in the bylaw) to prevent escape.
- Where the animal is off the owner's property, the animal must be muzzled, in the care of a person over the age of 18 and on a lead that is capable of restraining the animal and no greater than 1 meter in length.
- The owner must provide Bylaw Service notice within 72 hours if the animal dies or is sold or transferred to another owner.
- The owner must notify Bylaw Services immediately if the animal is running at large.
- The animal must be implanted with an electronic identification microchip.
- The owner may not keep any more than 2 animals on the property at a time.
- The owner must maintain a policy of liability insurance in a minimum amount of \$500,000 for injuries caused by the owner's animal.

**Background:**

On June 11, 2018 a Peace Officer was dispatched to an Animal Control call when Stanley, a 2.5-year-old male Mastiff Boxer Cross, escaped the care of his dog-walker and attacked and killed a six-month-old male Chihuahua. At the time of the attack, the Chihuahua was leashed to the front steps of its home.

Stanley had escaped his dog walker out the open front door of his home. The dog walker pursued Stanley but was not able to catch him. She witnessed him charge at the Chihuahua and attack. She made attempts to separate the two animals, but the attempts were unsuccessful. When Stanley released the Chihuahua, the Chihuahua was left with bruising and multiple puncture wounds to its neck and ears and died almost immediately as a result of its injuries.

On July 19, 2018, the responding Peace Officer issued Ms. Brannan a Notice to Declare Vicious Animal notifying her that the Chief Bylaw Officer intended to declare Stanley a vicious animal.

In addition to exchanging a number of emails with Ms. Brannan, the Chief Bylaw Officer met with Ms. Brannan in person to discuss the situation. Ms. Brannan expressed her

views that the attack was a one-time isolated incident. The Chief Bylaw Officer conducted a second review of all the evidence available, which supports that Stanley has a demonstrated propensity to attack and persisted in the view that it is in the public interest to declare Stanley a vicious animal.

In addition to the attack that killed the Chihuahua, the following witness statements provide evidence of Stanley's propensity to attack:

- The dog walker's written statement includes the following: "He was always double leashed for our walks, unfortunately yesterday the 2<sup>nd</sup> leash was on because he ran out the door with only one and pulled it off. I always crossed streets to avoid people and stopped and made him sit and said leave it. Owner told me kids with hoodies would make him react as well as other dogs. She was working with him every day."
- Ms. Brannan's written statement includes the following: "Stanley exhibited dog aggression while on leash, so he was kept away from other dogs. He has never been given a chance to encounter a dog off leash until further training provided. I have been working with Stubbs Obedience to ensure Stanley is a good member of Society. Although reactive on a leash, he is fully controllable when walking and we see another dog, he sits and waits for them pass. We obviously move out of the way. But fully controllable. He is double leashed every walk as he is very strong."

Upon a thorough review of the records available at Bylaw Services, a record was located indicating that on January 15, 2018 Stanley was found at large and taken to the RMWB Animal Care facility. His intake forms reveal that he was kennel aggressive and lunging, barking at other dogs. His owner was identified and on January 29, 2018 the owner requested a transfer to the Canadian Boxer Rescue. This transfer occurred on February 2, 2018. Ms. Brannan then adopted Stanley from Canadian Boxer Rescue.

**Rationale for Recommendation:**

Section 3 of the *Municipal Government Act* lays out the purposes of a Municipality. One of the listed purposes includes developing and maintaining safe and viable communities. The vicious animal provisions in the Animal Control Bylaw address this municipal purpose. The provisions attempt to balance two competing interests; the desire of the community to own and enjoy pets with its desire to ensure that animals do not cause harm or jeopardize public safety.

The witness statements provided to Bylaw Services identify that Ms. Brannan is a caring and contentious owner who loves her pets. It is important to recognize that a declaration that Stanley is a vicious animal is to ensure the public is protected and not about punishing Ms. Brannan.

The witness statements identify that Stanley's propensity to be animal aggressive was known and that special measures were taken by Ms. Brannan and her dog walker to protect the public, including double leashing on walks, crossing the street when encountering a pedestrian and obedience training. Unfortunately, these measures were not enough, and Stanley was able to escape the care of his dog walker and cause harm to another animal that was leashed on its own property.

Confirming Stanley's declaration as a vicious animal will ensure that Ms. Brannan, and any future owners, are required to take additional precautions to ensure the safety of other people and animals. These measures will also ensure that Stanley is easily identifiable if he escapes in the future or is located at large in the community. Finally, these measures impose a greater duty on the owner to provide Bylaw Services with information to ensure that Bylaw Services has a record of Stanley's current residence in the community and that his propensity to be aggressive may be communicated to any future owners.

**Strategic Priorities:**

Responsible Government

**Attachments:**

**ATT 1 - Animal Control Bylaw No. 02 031**

**ATT 2 - Ms. Kellie Brannan's Request for Review**

**ATT 3 - Responding Peace Officer's Notes**

**ATT 4 - Animal Control Witness Statements**

**ATT 5 - Notice to Declare Animal Vicious**

**ATT 6 - Declaration of Vicious Animal**