



**UPDATED AMENDED AGENDA  
COMMITTEE OF THE WHOLE  
MEETING OF THURSDAY, MARCH 8, 2018, AT 9:00 A.M.  
COUNCIL CHAMBERS  
CITY HALL, 1 CENTENNIAL SQUARE**  
Located on the traditional territory of the Esquimalt and Songhees People

Page

**APPROVAL OF AGENDA**

**CONSENT AGENDA**

**READING OF MINUTES**

- |    |  |        |
|----|--|--------|
| 1. | Minutes from the Meeting held January 11, 2018       | 9 - 21 |
|    | <a href="#"><u>DRAFT 2018 01 11 COTW Minutes</u></a> |        |

**UNFINISHED BUSINESS**

- |    |  |          |
|----|--|----------|
| 2. | <b>Potential Animal Control Bylaw Amendments</b><br><br><b><u>Referred from the February 22, 2018 Committee of the Whole Meeting</u></b>   |          |
| a. | Council Member Report: Proposed Animal Control Bylaw Amendments<br>--Councillor Thornton-Joe   | 23 - 354 |
|    | <a href="#"><u>1 Report Proposed Animal Control Bylaw Amendments</u></a><br><a href="#"><u>2 Appendix A BC SPCA Model Animal Responsibility Bylaws Sept 2017</u></a><br><a href="#"><u>3 Appendix B BCSPCA News Story</u></a><br><a href="#"><u>4 Appendix C Animal Control Bylaw 11-044 (consolidated)</u></a><br><a href="#"><u>5 Appendix D Surrey dog responsibility bylaw review</u></a><br><a href="#"><u>6 Appendix E Duncan Animal Control</u></a><br><a href="#"><u>7 Appendix F City of Vancouver Animal Control Bylaw No. 9150</u></a><br><a href="#"><u>8 Appendix G City of Vancouver Guidelines for Keeping of Backyard Hens</u></a><br><a href="#"><u>9 Appendix H Vehicles for Hire bylaw 03-060</u></a> |          |

- b. Council Member Motion: Proposed Animal Control Bylaw Amendment - Banning Sales in Pet Stores 355 - 356  
--Councillor Thornton-Joe

[Council Member Motion - Animal Control Bylaw - Banning Sales in Pet Stores](#)

- c. Resource Implications of Potential Animal Control Bylaw Amendments 357 - 362  
--C. Coates, City Clerk

*A report providing information regarding resource implications of amending the Animal Control Bylaw.*

**Recommendation: That Council receive this report for information.**

[1 Report Resource Implications of Potential Animal Control Bylaw Amendments](#)

[2 Attachment Council Member Motion - Animal Responsibility Bylaws](#)

## LAND USE MATTERS

3. Temporary Use Permit Application No. 00007 for 629 & 653 Chatham Street (Downtown) 363 - 380  
--J. Tinney, Director of Sustainable Planning & Community Development

*A report providing information and recommendations regarding an application to allow a surface parking lot for up to 38 stalls with associated landscaping for a period of up to three years.*

**Recommendation: That Council decline Temporary Use Permit Application No. 00007 for the property located at 629 and 635 Chatham Street.**

**Late Item: Presentation**

[1 Report TUP 00007 for 629 and 635 Chatham Street](#)

[2 Attachment A & B Maps](#)

[3 Attachment C Letter to Mayor and Council](#)

[4 Attachment D Plans](#)

[5 LATE Presentation](#)

[Addenda]

4. Strategic Direction: Inclusionary Housing and Density Bonus Policy 381 - 458  
--J. Tinney, Director of Sustainable Planning & Community Development

*A report providing information and recommendations regarding the development of a new inclusionary housing policy that will best meet Council's objectives in achieving affordable housing units in projects.*

**Late Item: Presentation**

**Recommendation: That Council: 1. Consider the following strategic approaches in the development of a new Inclusionary Housing and Density Bonus Policy and direct staff to: a) Establish affordable housing targets and levels of affordability to guide community amenity contribution negotiations; b) Prioritize City objectives for community amenity contributions given limits on bonus density; c) Develop a framework for consideration of higher densities above those envisioned in the Official Community Plan in support of affordable housing goals; d) Develop a framework for the provision of bonus density in exchange for on-site affordable housing units, where feasible, within areas of the City through the zoning bylaw in a manner consistent with the Local Government Act; e) Retain a consultant to update the economic analysis that informed the Density Bonus Policy (2016) to inform the above considerations, and; 2. Direct staff to consult with stakeholders and the Community Association Land Use Committees on a draft policy.**

- [1 Report Strategic Direction Inclusionary Housing and Density Bonus Policy](#)
- [2 Attachement A Density Bonus Policy](#)
- [3 Attachment B Draft Inclusionary Housing Policy](#)
- [4 Attachment C Density Bonus and Affordable Housing Policy Analysis and Recommendations, April 2016](#)
- [5 LATE Presentation](#)

[Addenda]

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|----|---|-----------|
| 5. | Victoria Housing Fund Application for the North Park Manor at 875 North Park Street (North Park)<br>--J. Tinney, Director of Sustainable Planning & Community Development | 459 - 478 |
|----|---|-----------|

*A report providing information and recommendations regarding an application from the North Park Manor Society to assist in the construction of three infill housing units.*

**Late Item: Presentation**

**Recommendation: That Council approve a Victoria Housing Fund grant to the North Park Manor Society in the amount of \$30,000 to assist in the construction of three bachelor units of housing for low and medium income seniors at the North Park Manor, located at 875 North Park Street, subject to the following conditions: 1. The grant will be disbursed to the applicant once the Housing Fund Grant Agreement and Housing Agreement have been executed by the applicant. 2. The North Park Manor Society enters into a Housing Fund Grant Agreement to the satisfaction of the City Solicitor that includes the requirements that: a) the North Park Manor Society will identify the City of Victoria as a contributor on publications, documents, and public events related to the development, completion and operation of the project; b) upon project**

**completion, North Park Manor Society will submit a final report to the Sustainable Planning and Community Development Department; and c) the grant is to be repaid by the North Park Manor Society if the project does not proceed as proposed. 3. The North Park Manor Society enters into a Housing Agreement securing the housing units at rental levels consistent with the Victoria Housing Fund Guidelines in a form satisfactory to the City Solicitor and Director of Sustainable Planning and Community Development.**

- [1 Report VHF for the North Park Manor at 875 North Park Street](#)
- [2 Attachment 1 Application to the Victoria Housing Fund](#)
- [3 Attachment 2 Letter to Mayor Council](#)
- [4 Attachment 3 Project Eligibility Evaluation Form](#)
- [5 Attachment 4 Aerial Map](#)
- [6 LATE Presentation](#)

[Addenda]

## **STAFF REPORTS**

6. **Sightseeing Vehicle Parking Stands—Management Review Update**  
*--F. Work, Director of Engineering & Public Works*

~~A report providing information and recommendations regarding amendments to the Vehicles for Hire Bylaw, specific to motor sightseeing vehicle parking stands, to promote a more sustainable use of public space.~~

**Deferred to a future March Committee of the Whole Meeting**

[Addenda]

7. **Parking Stand Allocations for Horse Drawn Vehicles**  
*--C. Coates, City Clerk*

~~A report providing information and recommendations regarding three horse drawn vehicle parking stands.~~

**Deferred to a future March Committee of the Whole Meeting**

[Addenda]

## **NOTICE OF MOTIONS**

### **NEW BUSINESS**

8. Attendance at the Federation of Canadian Municipalities Annual Conference, May 31 - June 3, 2018 479 - 482  
*--Councillor Alto*

*A Council member motion providing recommendations regarding a request to attend the Federation of Canadian Municipalities conference.*

**Recommendation: That Council authorize the attendance and associated costs for Councillor Alto to attend the FCM Conference to be held in Halifax, NS, May 31 through June 3, 2018.**

[1 Motion Attendance at the Federation of Municipalities Annual Conference, May 31 – June 3, 2018](#)

[2 Attachment Conference Attendance Request Spreadsheet](#)

9. Attendance at the Association of Vancouver Island Coastal Communities 2018 Annual Convention and Annual General Meeting – April 13-15, 2018 483 - 486  
--Mayor Helps

*A Council member motions providing recommendations regarding a request to attend the Association of Vancouver Island Coastal Communities (AVICC) 2018 Annual Conference and Annual General Meeting (AGM).*

**Recommendation: That Council authorize the attendance and associated costs for Mayor Helps to attend the AVICC Conference to be held in Victoria, April 13-15, 2018.**

[1 Motion Attendance at the AVICC 2018 Annual Convention and AGM – April 13-15, 2018](#)

[2 Attachment Conference Attendance Request Spreadsheet](#)

10. Attendance at the FCM 2018 Annual Conference and Trade Show – May 30 – June 3, 2018 487 - 490  
--Mayor Helps

*A Council member motions providing recommendations regarding a request to attend the Federation of Canadian Municipalities (FCM) 2018 Annual Conference and Trade Show.*

**Deferred**

[1 Motion Attendance at the FCM 2018 Annual Conference and Trade Show - May 30 – June 3, 2018](#)

[2 Attachment Conference Attendance Request Spreadsheet](#)

11. **Late Item:** Further Support for the 2020 North American Indigenous Games 491 - 492  
--Mayor Helps & Councillor Alto

*A Council member motion providing recommendations regarding support for the 2020 North American Indigenous Games.*

**Recommendation: That, should the Songhees Nation be awarded the 2020 North American Indigenous Games, the City of Victoria will: 1.**

- contribute to the 2020 NAIG up to \$225,000 in each of its 2019 and 2020 budget years, from 2018 and 2019 budget surpluses;*
- 2. encourage its municipal neighbours to contribute per capita amounts of the same range (approximately \$2.50/per person for two years);*
- 3. work with the 2020 NAIG organizing committee(s) to facilitate use of city sports facilities as needed.*

[Further Support for the 2020 North American Indigenous Games](#)

[Addenda]

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| 12. | <p><b><u>Late Item:</u></b> Advocacy for Youth Programs Funding for Quadra Village Community Centre</p> <p>--Councillors Isitt &amp; Loveday</p> | 493 - 496 |
|-----|--|-----------|

*A Council member motion providing recommendations regarding funding for youth programs deliver by the Quadra Village Community Centre.*

**Recommendation:***That Council request that the Mayor, on behalf of Council, write to the Member of the Legislative Assembly for Victoria-Swan Lake, copying the provincial Minister of Children and Family Development, requesting that funding be identified and allocated within provincial jurisdiction to ensure continuity and improvements over time for youth programs delivered by the Quadra Village Community Centre.*

- [1 Report Advocacy for Youth Programs Funding for QVCC](#)
- [2 Attachment 1 Memorandum on QVCC Youth Programs Funding](#)

[Addenda]

## ADJOURNMENT OF COMMITTEE OF THE WHOLE

### CONVENE COUNCIL MEETING

#### MOTION TO CLOSE THE MARCH 8, 2018, COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

- Section 90 1(a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- Section 90 1(k) *negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

### APPROVAL OF CLOSED AGENDA

### READING OF CLOSED MINUTES

1. Minutes from the closed Meeting held December 14, 2017

2. Minutes from the closed Meeting held January 11, 2018

### **UNFINISHED BUSINESS**

3. Proposed Municipal Service
  - S. Thompson, Director of Finance
  - P. Bruce, Fire Chief
  - P. Rantucci, Head of Strategic Real Estate
  - J. Huggett, Project Advisor

### **CORRESPONDENCE**

### **NEW BUSINESS**

4. Appointment
  - C. Coates, City Clerk

### **CONSIDERATION TO RISE & REPORT**

### **ADJOURNMENT**



**MINUTES OF THE  
COMMITTEE OF THE WHOLE MEETING  
HELD THURSDAY, JANUARY 11, 2018, 9:00 A.M.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.**

**Committee Members Present:** Mayor Helps (Chair), Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe, and Young

**Absent for a portion of the meeting:** Councillor Loveday

**Staff Present:** J. Jenkyns – Acting City Manager; C. Coates – City Clerk; T. Zworski – City Solicitor; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; B. Eisenhower – Head of Engagement; B. Dellebuur – Assistant Director of Transportation; A. Meyer – Assistant Director of Development Services; L. Taylor – Senior Planner; M. Angrove – Planner; C. Mycroft – Manager of Executive Operations; A. M. Ferguson – Recording Secretary

**2. APPROVAL OF AGENDA**

**Motion:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the January 11, 2018, Committee of the Whole meeting be approved.

**Amendment:** It was moved by Councillor Coleman, seconded by Councillor Alto, that the Agenda of the January 11, 2018, Committee of the Whole meeting be amended as follows:

**Consent Agenda:**

**Item No. 1 - Minutes from the meeting held November 16, 2017**

**Item No. 6 - Development Permit with Variance Application No. 00064 for 785 Caledonia Avenue**

**Item No. 8 - Land Use Procedures Bylaw and Building and Plumbing Bylaw Amendments Affordable Housing and Emergency Preparedness Container Application Fees**

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Main motion as amended:**

That the Agenda of the January 11, 2018, Committee of the Whole Meeting be approved with the following amendments:

**Consent Agenda:**

Item No. 1 - Minutes from the meeting held November 16, 2017

Item No. 6 - Development Permit with Variance Application No. 00064 for 785 Caledonia Avenue

Item No. 8 - Land Use Procedures Bylaw and Building and Plumbing Bylaw Amendments Affordable Housing and Emergency Preparedness Container Application Fees

**On the main motion as amended:**  
CARRIED UNANIMOUSLY 18/COTW

**3. CONSENT AGENDA**

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Alto, that the following items be approved without further debate:

**3.1 Minutes from the meeting held November 16, 2017**

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Alto, that the Minutes of the meeting held November 16, 2017, be adopted.

CARRIED UNANIMOUSLY 18/COTW

**3.2 Development Permit with Variance Application No. 00064 for 785 Caledonia Avenue**

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application permit for changes to the exterior of the building and landscaping as well as to enclose a portion of the patio.

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Alto, that Council authorize the issuance of Development Permit with Variance Application No. 00064 for 785 Caledonia Avenue in accordance with:

1. Plans date stamped November 23, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Registration of the lot line adjustment at the Land Title and Survey Authority Office to the satisfaction of staff.
4. The Development Permit with Variance lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY 18/COTW

### 3.3 Land Use Procedures Bylaw and Building and Plumbing Bylaw Amendments Affordable Housing and Emergency Preparedness Container Application Fees

Committee received a report dated December 29, 2017, from the Director of Sustainable Planning and Community Development regarding recommended changes to the *Land Use Procedures Bylaw* and *Building and Plumbing Regulation Bylaw* related to application fees.

- Motion:** It was moved by Councillor Isitt, seconded by Councillor Alto, that Council direct staff to:
1. Bring forward amendments to the *Land Use Procedures Bylaw* which would change the definition of affordable housing, reduce the development application fees for emergency preparedness containers, and provide clarification of fees as described in this report.
  2. Bring forward amendments to the *Building and Plumbing Regulation Bylaw* which would change the definition of affordable housing as described in this report.

CARRIED UNANIMOUSLY 18/COTW

## 4. LAND USE MATTERS

### 4.1 Rezoning Application No. 00600 for 1038-1040 Fort Street

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit the retail sale of cannabis.

- Motion:** It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Rezoning Application No. 00600 for the property located at 1038-1040 Fort Street.

Committee discussed:

- The enforcement process for declined applications.

CARRIED UNANIMOUSLY 18/COTW

- Motion:** It was moved by Mayor Helps, seconded by Councillor Lucas, that Council direct staff to send letters to landlords who are leasing to cannabis dispensaries that have been declined by Council.

CARRIED UNANIMOUSLY 18/COTW

- Motion:** It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that Council direct staff to report back on merits and feasibility of seeking legal action against owners of building leasing to cannabis dispensaries declined by Council.

CARRIED UNANIMOUSLY 18/COTW

**Motion to refer:**

It was moved by Councillor Isitt, seconded by Councillor Young, that the following motion be referred to the in-camera meeting:  
That Council direct staff to report back on merits and feasibility of seeking legal action against owners of building leasing to cannabis dispensaries declined by Council.

CARRIED 18/COTW

**For:** Councillors Alto, Coleman, Isitt, Lucas, Madoff, and Young  
**Against:** Mayor Helps, Councillor Thornton-Joe

*Councillor Loveday joined the meeting at 9:15 a.m.*

**4.2 Rezoning Application No. 00579 for 3175-3177 Harriet Road & 105 Burnside Road East**

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit the retail sale of cannabis.

**Motion:** It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00579 for 3175-3177 Harriet Road & 105 Burnside Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once Staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 3.66m on Burnside Road East.

**Amendment:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the motion be amended to include the following:

2. **direct staff to send a letter to the Municipality of Saanich to inform them of this application and of the public hearing date.**

**Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that the amendment be amended as follows:

2. **direct staff to send a letter to the Municipality of Saanich and the Gorge Tillicum Community Association to inform them of this application and of the public hearing date.**

On the amendment to the amendment:

CARRIED 18/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe  
**Against:** Councillor Young

On the amendment:

CARRIED 18/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe  
**Against:** Councillor Young

**Main motion as amended:**

That Council:

1. Instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00579 for 3175-3177 Harriet Road & 105 Burnside Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once Staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 3.66m on Burnside Road East.
2. Direct staff to send a letter to the Municipality of Saanich and the Gorge Tillicum Community Association to inform them of this application and of the public hearing date.

On the main motion as amended:

CARRIED 18/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

**4.3 Temporary Use Permit Application No. 00009 for 543-549 Herald Street**

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit the retail sale of cannabis.

Committee discussed:

- Existing cannabis retailers in the area.

**Motion:** It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Temporary Use Permit Application No. 00009 for the property located at 543-549 Herald Street.

Committee discussed:

- The proximity to the Chinese Public School and the letters received from the school and the Chinese Consolidated Benevolent Association.
- The time the applicant has had to determine another location.

CARRIED 18/COTW

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Madoff, Thornton-Joe, and Young

Against: Councillor Isitt

**4.4 Temporary Use Permit Application No. 00008 for 2650-2654 Quadra Street**

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit the retail sale of cannabis.

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council decline Temporary Use Permit Application No. 00008 for the property located at 2650-2654 Quadra Street.

Committee discussed:

- Proximity to other dispensaries and the neighbourhoods support for the distance between dispensaries as laid out in the City's policy.

*Councillor Loveday withdrew from the meeting at 9:33 a.m. and returned at 9:34 a.m.*

CARRIED UNANIMOUSLY 18/COTW

#### **4.5 Rezoning Application No. 00614 for 3103 Washington Avenue**

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit the construction of four single-family dwellings.

**Motion:** It was moved by Councillor Young, seconded by Councillor Lucas, that Council decline Rezoning Application No. 00614 for the property located at 3103 Washington Street.

Committee discussed:

- Support from neighbours for the proposal.

DEFEATED 18/COTW

**For:** Councillor Young

**Against:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00614 for 3103 Washington Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- a. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
  - i. Section 219 covenant to secure the design and associated landscaping of four proposed single-family dwelling Units, and to ensure the dwelling units are constructed in accordance with the plans approved by Council.

Committee discussed:

- The type of housing needed in the City and a desire for an affordability component to be included in the proposal.

CARRIED 18/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

**Against:** Councillor Young

## 5. NEW BUSINESS

### 5.1 Letter from the Minister of Energy, Mines and Petroleum Resources

Committee received a letter dated August 8, 2017, from the Minister of Energy, Mines and Petroleum Resources regarding measures to encourage building retrofits for energy efficiency.

**Motion:** It was moved by Mayor Helps, seconded by Councillor Loveday, that Council refer this letter to the January 18, 2018, Committee of the Whole Meeting.

CARRIED UNANIMOUSLY 18/COTW

### 5.2 Letter from Transport Canada & the Minister of Transport

Committee received letters dated October 20, 2017 & August 8, 2017, regarding regulations and standards pertaining to Victoria Harbour Water Airport and the City's request for a noise exposure forecast.

**Motion:** It was moved by Councillor Isitt, seconded by Mayor Helps, that Council consider a response to the Minister of Transport Canada.

Committee discussed:

- The need for a permanent regulatory framework.

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended as follows:

That Council consider a response to the Minister of Transport Canada **including writing to the Minister and requesting that the proposed regulatory amendments be forwarded to Council for consideration.**

#### **Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that the amendment be amended as follows:

That Council **request that the Mayor write** ~~consider a response~~ to the Minister of Transport Canada ~~including writing to the Minister and requesting that proposed regulatory amendments be forwarded to Council for consideration.~~

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 18/COTW

#### **Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amendment be amended as follows:

That Council **request that the Mayor write** to the Minister of Transport Canada **expressing concern over a decade and a half of delay in this**

**regulatory decision and requesting that proposed regulatory amendments be forwarded to Council for consideration.**

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that the amendment be amended as follows:

That Council **request that the Mayor write** to the Minister of Transport Canada **expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government on the finalization of regulations** and requesting that proposed regulatory amendments be forwarded to Council for consideration.

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 18/COTW

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment:** It was moved by Councillor Isitt, seconded by Mayor Helps, that the motion be amended as follows:

That Council ~~request that the Mayor~~ write to the Minister of Transport Canada expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government ~~on~~ **in** the finalization of regulations and requesting that proposed regulatory amendments be forwarded to Council for consideration.

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended as follows:

That Council write to the Minister of Transport Canada expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government in the finalization of regulations and requesting that the proposed regulatory amendments be forwarded to this Council **in 2018** for consideration.

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment:** It was moved by Councillor Coleman, seconded by Mayor Helps, that the motion be amended as follows:

That Council write to the Minister of Transport Canada expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government in the finalization of regulations and requesting that the proposed regulatory amendments be

forwarded to this Council in 2018 for consideration **and include reference to the recommendations from the task force.**

**Amendment to the amendment:**

It was moved by Mayor Helps, seconded by Councillor Coleman, that the amendment be amended as follows:

That Council write to the Minister of Transport Canada expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government in the finalization of regulations and requesting that the proposed regulatory amendments be forwarded to this Council in 2018 for consideration **and include reference to the recommendations from the task force.**

On the amendment to the amendment:  
CARRIED UNANIMOULSY 18/COTW

**Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Councillor Coleman, that the amendment be amended as follows:

That Council write to the Minister of Transport Canada expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government in the finalization of regulations and requesting that the proposed regulatory amendments be forwarded to this Council in 2018 for consideration **and include the report and recommendations from the task force.**

On the amendment to the amendment:  
CARRIED UNANIMOULSY 18/COTW

On the amendment:  
CARRIED UNANIMOULSY 18/COTW

**Main motion as amended:**

That Council write to the Minister of Transport Canada expressing concern over a decade and a half of delay in this regulatory decision, indicating the City's willingness to work with the federal government in the finalization of regulations and requesting that the proposed regulatory amendments be forwarded to this Council in 2018 for consideration and include the report and recommendations from the Task Force from 2006.

On the main motion as amended:  
CARRIED UNANIMOUSLY 18/COTW

### **5.3 Effective and Efficient Policing and Governance in the Capital Region**

Committee received a Council member motion dated January 11, 2018, from Councillor Loveday regarding policing and governance in the Capital Region.

**Motion:** It was moved by Councillor Loveday, seconded by Mayor Helps:  
 Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation with interested municipalities from Greater Victoria  
 And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force and request the Mayor write to local Mayors requesting participation in discussions on the potential of a regional police force.

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended in the second paragraph as follows:  
 And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force and ~~request the Mayor write to local Mayors requesting participation in discussions on the potential of a regional police force~~ **that Council request that the Mayor participate in the discussions initiated by Saanich.**

On the amendment:  
 CARRIED UNANIMOUSLY 18/COTW

Committee discussed:

- Benefits and efficiencies of a regional police force.

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Young, that the motion be amended in the second paragraph as follows:  
 And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force that Council request that the Mayor participate in the discussions initiated by Saanich **to fund a citizens assembly on amalgamation to discuss and explore options.**

On the amendment:  
 DEFEATED 18/COTW

For: Councillor Isitt, Madoff, and Young  
Against: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe

Committee discussed:

- Examples of governance in other jurisdictions.

**Amendment:** It was moved by Councillor Young, seconded by Councillor Coleman, that the motion be amended in the first paragraph as follows:  
 Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation with interested ~~municipalities~~ **citizens** from Greater Victoria

**Amendment to the amendment:**

It was moved by Mayor Helps, seconded by Councillor Alto, that the amendment be amended as follows:

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation with interested municipalities **citizens** from Greater Victoria,

**And forward this wording to Saanich and request that they amend their motion accordingly to reflect the intention of a citizens assembly;**

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment to the amendment:**

It was moved by Councillor Alto, seconded by Councillor Isitt, that the amendment be amended as follows:

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation **in the Capital Regional District with interested municipalities** ~~citizens from Greater Victoria,~~

~~And forward this wording to Saanich and request that they amend their motion accordingly to reflect the intention of a citizens assembly;~~

And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force that Council request that the Mayor participate in the discussions initiated by Saanich.

On the amendment to the amendment:  
CARRIED 18/COTW

For: Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe, and Young  
Against: Mayor Helps and Councillor Loveday

On the amendment:  
CARRIED 18/COTW

For: Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe, and Young  
Against: Mayor Helps and Councillor Loveday

**Amendment:** It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended as follows:

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation **and governance** in the Capital Regional District,

And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force that Council request that the Mayor participate in the discussions initiated by Saanich.

On the amendment:  
DEFEATED 18/COTW

For: Councillors Isitt and Madoff  
Against: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Thornton-Joe, and Young

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Alto, that the amendment be amended as follows:

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation in ~~the Capital Regional District~~ **Greater Victoria**,

And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force that Council request that the Mayor participate in the discussions initiated by Saanich.

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Alto, that the amendment be amended as follows:

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation in Greater Victoria,

**And forward this wording to Saanich for their consideration;**

And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police force that Council request that the Mayor participate in the discussions initiated by Saanich.

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Amendment:** It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that the amendment be amended as follows:

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation in Greater Victoria,

And forward this wording to Saanich for their consideration;

And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police ~~force~~ **service and** that Council request that the Mayor participate in the discussions initiated by Saanich.

On the amendment:  
CARRIED UNANIMOUSLY 18/COTW

**Main motion as amended:**

Be It Resolved That Council call on the Province of British Columbia to establish and fund a Citizens' Assembly on Amalgamation in Greater Victoria,

And forward this wording to Saanich for their consideration;

And Be It Further Resolved That the City of Victoria remain receptive to any initiatives for the creation of a regional police service and that Council request that the Mayor participate in the discussions initiated by Saanich.

On the main motion as amended:  
CARRIED UNANIMOUSLY 18/COTW

**6. ADJOURNMENT**

**Motion:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the Committee of the Whole meeting of January 11, 2018, be adjourned at 10:54 a.m.

CARRIED UNANIMOUSLY 18/COTW

CERTIFIED CORRECT:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR





## Council Member Report

For the Committee of the Whole Meeting of February 22, 2018

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**To:** Committee of the Whole **Date:** February 19, 2018  
**From:** Councillor Thornton-Joe  
**Subject:** Proposed Animal Control Bylaw Amendments

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### BACKGROUND

Council is considering whether or not to undertake amendments to the Animal Control Bylaw resulting from a motion proposed at the December 14, 2017 Committee of the Whole. Council gave consideration the Resource Implications report from staff at the February 15, 2018 Committee of the whole meeting and referred the matter to the February 22<sup>nd</sup> meeting for further discussion, and to allow for the provision of the specific details of each amendment.

These changes are recommendations from the BCSPCA New Model Animal Responsibility Bylaws report which came out in September 2017 and through my discussions with staff from the BCSPA. Surrey is the municipality that has the most updated bylaws in regards to animal welfare. A reminder that these changes reflect animal welfare and animal nuisance bylaws and may not be congruent with what people want that work for them. How the report was done was that the BCSPCA combined effective bylaws from across B.C. into one easy-to-use document, with the goal of creating safe and humane communities.

### General Amendments

The Model Animal Responsibility Bylaw, attached as Appendix A, is used by B.C. municipalities and regional districts to update their animal care and control bylaws. Appendix B attached is a news story referencing this.

Amendments proposed to the City's Bylaw involve:

1. Change the name of our bylaw from Animal Control Bylaw to Victoria Animal Responsibility Bylaw. Surrey did this in 2017. It is not just about controlling animals but the responsibilities owners have when they have animals.
2. Under Section 12 of the City of Victoria Animal Control Bylaw Page 7 under Tying Animals, change our wording from:  
 12 (1) A person must not hitch, tie or fasten an animal to a fixed object by a rope, chain or cord that is directly tied around the animal's neck or to a choke collar.  
 (2) A person must not hitch, tie or fasten an animal to a fixed object as the primary means of confinement for an extended period of time.

To wording in Surrey bylaw 44:

44. No Owner shall cause, permit, or allow a Dog:

- (a) to be hitched, tied, or fastened to a fixed object in such a way that the Dog is able to leave the boundaries of the Owners property;
- (b) to be hitched, tied, or fastened to a fixed object where a Choke Collar forms part of the securing apparatus, or where a rope or cord is tied directly around the Dog's neck; or be tethered other than with a collar that is properly fitted to that Dog and attached in a manner that will not injure the Dog or enable the Dog to injure itself by pulling on the tether;
- (c) to be hitched, tied, or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the Dog;
- (d) to be hitched, tied, or fastened to a fixed object unattended at any time; or
- (e) to be hitched, tied, or fastened to a fixed object for longer than four (4) hours within a 24 hour period.

3. Add a section called: Limit on Pets. In BCSPCA Animal Responsibility Bylaw on page 9 and 10, it states:

- 1. No person shall keep or allow to be kept on any real property more than a total of six (6) cats and dogs over the age of twelve (12) weeks, and a reasonable number of small and aquatic animals, unless they are a licensee, community cat caregiver, veterinary clinic or animal shelter.
- 2. If a person is providing temporary care for more than a total of six (6) cats and dogs over the age of twelve (12) weeks, they shall notify the animal bylaw officer with the number and species of animals, reason and estimated length of time they will be providing care.

The Duncan bylaw states under their Possession of Animals Section

- 3. No person shall keep, or allow to be kept on any Lot more than six (6) Companion Animals, consisting of not more than three (3) dogs over the age of eight (8) weeks and not more than five (5) cats over the age of twelve (12) weeks.
- 4. No person shall keep, or allow to be kept on a Lot:
  - a. More than twelve (12) rabbits
  - b. More than four (4) guinea pigs
  - c. Any Poultry or roosters, other than up to six (6) hens, if each hen is kept in accordance with this bylaw; and the person holds a valid license issued pursuant to this bylaw
  - d. Any ungulate
  - e. Mink or chinchilla.

Despite section 4. C., a person may keep on lot up to ninety (90) racing pigeons if that person is a member in good standing of a certified pigeon racing club.

5. Add in our bylaw the definition for an aggressive dog, a dangerous dog and a vicious dog as listed in the Surrey bylaw.

"Aggressive Dog" means a Dog that:

- a. Has without justifiable provocation displayed Aggressive Behavior towards a person or animal; or
- b. Has without justifiable provocation caused a minor injury to a person or animal.

"Dangerous Dog" means a Dog that:

- a. Has killed or seriously injured a person;

- b. Has killed or seriously injured an animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog;
- c. Has previously been deemed a vicious dog and has since attacked or caused injury to a person or animal after being deemed a vicious dog; or
- d. As defined in the Community Charter S.B.C. 2003c.26, as amended.

"Vicious Dog" means a dog that:

- a. Has without justifiable provocation caused a serious injury to a person or animal; or
- b. Has a known propensity, tendency or disposition to attack without justifiable provocation; or
- c. Has on more than one occasion caused a minor injury to a person or animal; or
- d. Has while running at large, aggressively pursued or harassed a person without justifiable provocation or has demonstrated a propensity, tendency or disposition to do so as deemed by and Animal Control Officer or Animal Shelter Manager.

And add in our Animal Control Bylaw in Section 5 on Dangerous Dogs (Page 12), wording similar to the Surrey bylaw 18-21 to add aggressive, dangerous and vicious dog language.

- 6. In our Animal Control Bylaw under Part 3-Animal Welfare add a section titled Animal Cruelty and add working such as Surrey bylaw 48 which states:  
48. Notwithstanding any other provision of this bylaw, no person shall:
  - a. abandon any animal
  - b. tease, torment, or provoke an animal;
  - c. cause, permit or allow an animal to suffer, or
  - d. train or allow any animal to fight.
- 7. And lastly, under our Outdoor Shelter Requirements in section 10 to change the wording in our bylaw which states:  
10. A person must not keep an animal outside, unless the animal is provided with a shelter that provides:
  - a. protection from heat, cold and wet that is appropriate to the animal's weight and type of coat,
  - b. sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position, and
  - c. protection from the direct rays of the sun.

To add wording stating that:

- 1. A person responsible for an animal shall ensure that the animal has protection from all the elements;
- 2. No person responsible for an animal shall permit the animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering or injury.

Please refer to the following appendices attached to this report; Appendix C – Animal Control Bylaw No. 11-044, City of Victoria; Appendix D – Surrey Dog Responsibility Bylaw Review; Appendix E – Duncan Animal Control Bylaw; and, Appendix F – City of Vancouver Animal Control Bylaw No. 9150

## Chickens and Bees

In the BCSPCA Animal Responsibility Model Bylaw, in the section on Urban Chickens and Urban Bees, it prefaces by stating:

Local and sustainable food systems are a vital part of vibrant, healthy communities. Trade-offs can exist when permitting residents in urban areas to house hens and bees. Some of the issues include noise, swarms and attracting pests and wildlife such as flies, rodents, raccoons and bears. A well-managed system ensures that goals related to local food are met and risks are mitigated. Education is a crucial aspect of implementing bylaws with the possibility for neighbour-related conflicts. Electric fencing may be required dependent on the bear issues in the municipality.

### Keeping of Urban Hens:

3. The keeping of up to five (5) hens is permitted provided that no neighbourhood health, environmental or nuisance problems result. Universities are not restricted to the number of hens for educational purposes.
4. A person who keeps one (1) or more hens, up to a maximum of five (5) must;
  - 4.1 be a resident of the property where the hens are kept;
  - 4.2 keep no more than five (5) hens on any parcel of land despite the number of permissible dwelling units on that parcel;
  - 4.3 not keep a rooster;
  - 4.4 ensure that all hens are kept within a secure coop from sunset to 7:00 am;
  - 4.5 ensure that each hen remains at all other times in a coop or pen;
  - 4.6 not permit a hen within a residential dwelling unit or on a balcony or deck;
  - 4.7 provide a coop and a pen each with a minimum of 0.37 square metres in floor area and 0.92 metres in height per hen;
  - 4.8 provide each hen with consistent access to a nesting box and its own perch that is at least fifteen (15) centimetres long;
  - 4.9 not keep a hen in a cage unless for the purposes of transport of the hen;
  - 4.10 ensure that the coop and pen are situated in a backyard only which has a continuous fence that is in accordance to the Zoning Bylaw;
  - 4.11 ensure that the coop is situated in accordance with the accessory building setbacks identified in the Zoning Bylaw;
  - 4.12 ensure that the coop and pen are situated at least three (3) metres away from any windows or dwelling doors;
  - 4.13 ensure that the coop and pen are fully enclosed by electric fencing and situated no less than one (1) metre from the electric fencing per the Zoning Bylaw;
  - 4.14 maintain each coop and pen in good repair and sanitary condition, and free from vertebrate wildlife and obnoxious smells and substances;
  - 4.15 construct, situate and maintain each coop and pen such that it is secure from other animals and prevents any rodent from harbouring underneath or within it or within its walls;
  - 4.16 not sell any manure or meat derived from the hens;
  - 4.17 secure all hen food that is stored outdoors from wildlife;
  - 4.18 ensure the timely removal of leftover food, debris and manure from each coop and pen;
  - 4.19 store manure within a fully enclosed structure in a manner that does not generate excessive heat or odour; ensuring that no more than 0.085 cubic metres (3 cubic feet) is stored at a time;

- 4.20 not deposit manure in the municipality's sewage or storm drain system and remove all other manure not used for composting or fertilizing;
  - 4.21 not slaughter or euthanize a hen on the property;
  - 4.22 not dispose of a deceased hen other than by delivering it to a veterinarian, a landfill in a sealed bag, a farm, an abattoir or other facility with the ability to lawfully dispose of the carcass;
  - 4.23 not bury a hen on the property
  - 4.24 follow biosecurity procedures recommended by the Canadian Food Inspection Agency, and
  - 4.25 register the hens with the animal bylaw officer.
- This is a model bylaw by the BCSPCA to ensure animal welfare and deal with nuisance animals.

However, other cities have adopted bylaws that are less stringent and does not include electric fencing. Appendix G attached is the City of Vancouver Guidelines for Keeping of Backyard Hens

#### Keeping of hens:

7.16 A person who keeps one or more hens must:

- (a) provide each hen with at least 0.37 m<sup>2</sup> of coop floor area, and at least 0.92 m<sup>2</sup> of roofed outdoor enclosure;
- (b) provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
- (c) provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box;
- (d) keep each hen in the enclosed area at all times;
- (e) provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
- (f) maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- (g) construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- (h) keep a food container and water container in each coop;
- (i) keep each coop locked from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
- (l) remove all other manure not used for composting or fertilizing; - 11 -
- (m) follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- (n) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- (o) not slaughter, or attempt to euthanize, a hen on the property;
- (p) not dispose of a hen except by delivering it to the Poundkeeper, or to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully;
- or
- (q) not keep a hen in a cage.

Also within our Capital Region:

City of Victoria: It is lawful to keep poultry (chickens, ducks, and geese). Roosters are prohibited. There is no maximum number of poultry permitted, but the number must be consistent with use for personal egg consumption.

Esquimalt: Up to 7 Urban Hens can be kept on any parcel of land zoned for Single or Two Family Residential Use. Roosters are prohibited. There are specific rules regarding coop/run enclosures in Esquimalt. Please read the Bylaw (Section 32) before constructing or locating a chicken coop/run.

Oak Bay: You can keep up to 5 or 10 hens depending on your lot size. Roosters are prohibited. There are specific rules about hen enclosures in Oak Bay. You must also register your chickens with Oak Bay Municipal Hall. Please read the Bylaw (Section 26) before constructing your chicken coop.

\*Victoria, Esquimalt and Oak Bay does not permit the sale or advertising of eggs / manure / meat products.

Nanaimo bylaw states:

Notwithstanding Section 8(a), a maximum of six (6) chickens or ducks may be kept on a lot less than 0.4 Hectares (1 acre) in size but where the lot is less than 450 m<sup>2</sup> (4843.75 ft<sup>2</sup>) no more than four (4) chickens or ducks may be kept, provided that:

- (1) No roosters, cocks, or cockerels, or peacocks, and the like, are kept on the property;
- (2) A minimum enclosure of 0.37 m<sup>2</sup> (4 ft<sup>2</sup>) must be provided per chicken or duck;
- (3) Any structure containing chickens or ducks, whether portable or stationary is subject to the setback requirements of the zone;
- (4) Structures housing chickens or ducks must be kept clean, dry, and free of odours;
- (5) Areas within and around structures are kept free of vermin;
- (6) Any diseased chicken or duck is killed and the carcass destroyed;
- (7) No slaughtering of chickens or ducks occurs on the property;
- (8) Chicken and duck manure and waste products are composted or disposed of to prevent odours; and,
- (9) Chickens or ducks are not permitted within a dwelling unit

We may need to do more consultation for this bylaw.

See pages 27 of the BCSPCA Model Animal Responsibility Bylaw under Keeping of Urban Bees pages 27-28.

We may need to do more consultation for this section.

### **Vehicles for Hire Bylaw**

BCSPCA receives complaints about the health condition of horses pulling carriages. Through the years, the BCSPCA has worked with us to make changes to improve the conditions for these working horses. In recent amendments, we have added that all carriages must have the name of the company easily on display so the public can easily identify the company if they would like to lodge a complaint or express a concern. BCSPCA often has only information such as "the brown and white horse" with name of company. To better identify the exact horse, the BCSPCA recommends that the following amendment be added to our Vehicle for Hire bylaw:

Identification of horses and horse drawn vehicles:

Each horse while transporting passengers must display an identification number which is visible and legible. This identification number must correspond with the name, description and health record of the horse and is to be provided to the licensing officer and SPCA at the beginning of the

season. Appendix H attached to this report is the City of Victoria's current *Vehicles for Hire Bylaw*. See Part 4 starting on page 16.

Respectfully submitted,



Councillor Thornton-Joe

**List of Attachments:**

- Appendix A – BCSPCA Model Animal Responsibility Bylaw
- Appendix B – BCSPCA News Story
- Appendix C – Animal Control Bylaw No. 11-044
- Appendix D – Surrey Dog Responsibility Bylaw Review
- Appendix E – Duncan Animal Control
- Appendix F – City of Vancouver Animal Control Bylaw No. 9150
- Appendix G – City of Vancouver Guidelines for Keeping of Backyard Hens
- Appendix H – City of Victoria's current *Vehicles for Hire Bylaw*. See Part 4 starting on page 16.



# New Model Animal Responsibility Bylaws

Version 3

September 2017



**BCSPCA**  
SPEAKING FOR ANIMALS



## Executive summary

Public health, safety, and environmental risks are key concerns for every municipality. Incidents involving cat overpopulation, dangerous dogs and exotic animals have created expectations for regulators to proactively address these issues. The BC SPCA has dedicated its expertise as British Columbia's oldest, and Canada's largest, animal welfare organization, to designing this package of model bylaws that will help municipalities address the root causes of animal-related issues in their communities. BC SPCA staff and volunteers with expertise in animal control, animal behaviour and welfare, wildlife management and the legal system collaborated on the production of these evidence-based model bylaws.

This package contains model bylaws on:

- 🐾 Animal control, including provisions to address dangerous dogs, exotic animals, animal licensing and identification, urban chickens and bees, livestock protection, hoarding, community cat colonies and basic standards of animal care.
- 🐾 Waste and attractant management, to address unintentional feeding of wildlife not covered by provincial wildlife regulations.
- 🐾 Business licensing, including licensing standards for animal breeders, boarders, service providers and pet stores.

## About the BC SPCA

The British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA) has been protecting animals and advocating on their behalf for more than 120 years. Through its 36 branches, three veterinary hospitals, two spay and neuter clinics, one wildlife rehabilitation centre, a provincial call centre and its provincial office in Vancouver, the BC SPCA provides a wide range of services for more than 45,000 animals a year in distress and need around the province.

This document was prepared by Amy Morris, B.A., MPP in consultation with staff at the BC SPCA, municipal bylaw managers and lawyers.

For consultation and more information regarding these bylaws, email [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca) or call 1-800-665-1868.

## Mission

To protect and enhance the quality of life for domestic, farm and wild animals in British Columbia.

## Vision statement

To inspire and mobilize society to create a world in which all animals enjoy, as a minimum, five essential freedoms:

- 🐾 Freedom from hunger and thirst
- 🐾 Freedom from pain, injury and disease
- 🐾 Freedom from distress
- 🐾 Freedom from discomfort
- 🐾 Freedom to express behaviours that promote well-being.

Table of Contents

Executive summary	iii
About the BC SPCA	iii
Table of Contents	iv
Introduction	1
Standards of care including hot cars and tethering	3
Standards of care for impounded animals	7
Hoarding and animal limits	9
Dangerous dogs and aggression	11
Licensing and identification	19
Cat population control and feral cat colonies	22
Urban chickens and urban bees	25
Wildlife feeding and attractant management	29
Exotic pets and farm animals	31
Animal performances, exhibitions and display	33
Business licences for animal businesses	35



## Introduction

The BC SPCA released the first edition of its model bylaw in 2009. Since that time, new issues have emerged and better solutions have been identified. This update to the model bylaw incorporates the most recent best practices for municipal policy-based on scientific evidence.

## Legality of bylaws related to animals

Municipalities are incorporated areas. Other than the City of Vancouver, municipalities in British Columbia are governed by the *Community Charter*. A municipality has the authority to provide any service that the council considers necessary or desirable, including **prohibiting and imposing requirements in relation to animals** in 8(3)(k). This is quite broad and allows for significant discretion in regard to animals. Part 3 Division 6 of the *Community Charter* specifically permits municipalities to establish classes of animals, to seize animals and to declare dogs dangerous. In *International Bio Research v. Richmond (City)*, 2011 BCSC 471, the Supreme Court of British Columbia held that, as long as there is a “municipal purpose” as outlined in section 7 of the *Community Charter*, a municipality is justified in passing bylaws related to animals. This section highlights that municipal purpose includes providing services and laws for community benefit, and fostering the economic, social and environmental well-being of its community.

Regional Districts provide governance and the delivery of services on a region-wide basis. They serve as the local government for residents and property owners in unincorporated rural areas. The *Municipal Act* gives the Province of British Columbia authority to issue Letters Patent to each Regional District. These official documents set out the political and administrative framework for the delivery of services, including any services related to animals. The *Municipal Act* specifically mentions the ability of Regional Districts to issue licences to a person who owns, possesses or harbours a dog (524). Municipalities can make bylaws in accordance with the *Community Charter* that supersede a Letter's Patent that also applies to their area.

### Why address welfare at the municipal level?

Issues related to public health and safety and pet welfare are important to the Canadian public.

**Municipal purpose:** Each year, the Union of British Columbia Municipalities sends resolutions to the Province to ask them to address issues related to animals. More often than not, the response from the Province is that the *Community Charter* already gives municipalities the ability to address the issue locally.

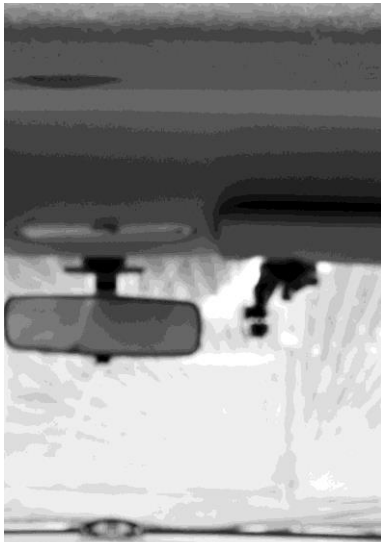
**Pilot project:** Successful bylaw pilot projects in municipalities with data on enforcement can be helpful in making the case that a province-wide approach is needed, and demonstrates the success of such an approach on a small scale.

**Ticketing authority:** The municipal authority to issue a ticket for a bylaw violation is an authority not granted to the BC SPCA. While most citizens are motivated to take action once they have adequate education, there are some who require enforcement action. Enforcement actions involving tickets can help to fund enforcement activities, and more importantly, be a strong motivator for a citizen to move to action.

**Shine light on animal abuse:** Municipalities without bylaws in place to address animal issues can also become known as a "safe haven" for people who neglect and abuse animals. The BC SPCA frequently encounters scenarios where a person facing enforcement action in one municipality for animal neglect will move to another with fewer regulatory bylaws.

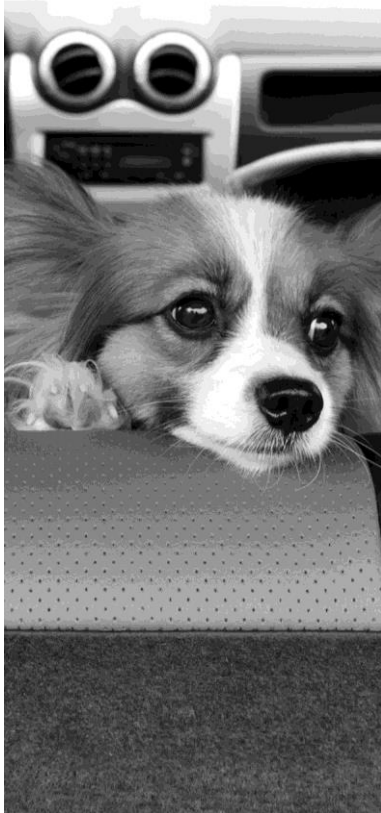
The remainder of the bylaw package provides summaries on specific issues and bylaw recommendations to address these issues.

## Standards of care including hot cars and tethering



Animals who are poorly cared for can become a serious risk to community health and safety. Animals housed in unsanitary conditions are common sources of zoonotic disease (diseases that are transferable to humans) and animals raised in inadequate environments without proper socialization (e.g., confined in crates or tethered in backyards) are more likely to exhibit aggressive behaviour.

Bylaws that require basic standards of animal care allow bylaw officers to be proactive and address these issues of concern before an incident occurs. Sixty-eight municipalities in British Columbia have already instituted bylaws that require some basic standards of animal care. The adoption of such bylaws can be used to complement the provisions on animal care contained in the *Prevention of Cruelty to Animals Act*.



### Animal neglect and cruelty including fighting

In cases of welfare issues related to cruelty and neglect, the BC SPCA recognizes the importance of partnering with bylaw officers to address issues related to irresponsible owners. The *Community Charter* gives municipalities the ability to ticket for bylaw offenses, while authorized agents responsible for enforcing the *Prevention of Cruelty to Animals Act* are not able to issue related tickets. Bylaw officers can issue tickets for offenses related to standards of care and be in communication with BC SPCA animal protection officers for follow-up as required. Contact the BC SPCA Call Centre with any concerns or questions at 1-855-622-7722.

### Tethering and confinement

The BC SPCA strongly opposes the indiscriminate chaining, or other methods of tethering dogs, without due regard for their physical and/or psychological well-being. Dogs are social animals who require and thrive on companionship and interaction with people and other animals. Dogs can suffer immense psychological damage; they can become bored, anxious or frustrated and may show signs of aggression or destruction. Peer-reviewed studies have shown that dogs increase their aggression towards other dogs when tethered<sup>1</sup>

<sup>1</sup> White, J., McBride, E.A. and Redhead, E. (2006). Comparison of tethering and group-pen housing for sled dogs. Universities Federation for Animal Welfare (UFAW) Conference 2006, London, UK, 13 Sep 2006. Accessed: <http://eprints.soton.ac.uk/55343> on November 14, 2008.

and that a significant proportion of fatal dog attacks (17%) are from dogs restrained on their own property<sup>2</sup>.

The BC SPCA recognizes that municipalities prefer to take a culturally relevant approach to regulating tethering and confinement, so as not to punish responsible owners. For ease of enforcement and to decrease safety risks to the dog and others, the BC SPCA recommends each municipality, at a minimum, include specific provisions 1.3 and 3.4 below in their bylaw.

### Animals in hot cars

Enforcing a bylaw related to animals in hot cars can be challenging. Each agency, including the police, the BC SPCA and the municipality, must balance both public expectation and resources. While the BC SPCA has the authority to remove animals in distress from vehicles, the Cruelty Investigations Department is 100% donor-funded and limited by having only 30 constables for the entire province and cannot issue tickets to guardians who are in violation of a municipal bylaw. Police and the RCMP have the ability to remove animals from vehicles and may have more agents for service delivery; however, they are often dealing with other high priority emergency response situations. Addressing the issue of animals in hot cars requires a multi-agency response, ideally with a bylaw officer attending to issue a ticket and to determine if the animal is licensed in accordance with the requirements of the licensing bylaw. Where necessary, the RCMP or the BC SPCA attends to remove the animal from the vehicle. The BC SPCA is supportive of updates to the *Community Charter* that would give bylaw officers authority to remove animals from vehicles, given the time-sensitive and serious nature of this issue.

The language of this provision (number 4 below) is written to allow for discretion based on the breed and animal type, recognizing that a dog with genetics from Egypt, for instance, will differ significantly to a dog with genetics from northern British Columbia. There is no specific temperature or amount of time that is deadly for all animals. Symptoms of heat stroke include exaggerated panting (or the sudden cessation of panting), excessive salivation, an anxious or staring expression, a rapid or erratic pulse, vomiting and diarrhea, weakness, muscle tremors, a lack of coordination, collapse, convulsions and death.

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<sup>2</sup>Sacks, J., Sinclair, L., Gilchrist, J., Golab, G.C., and Lockwood, R. (2000). Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *Journal of the American Veterinary Medical Association*, 217, 6.



### Choke, prong and shock collars

The BC SPCA does not support the use of devices and techniques that cause anxiety, fear, distress, pain or injury, such as choke chains, prong and shock collars. Recent scientific evidence demonstrates that dogs trained with choke, prong and shock collars are more likely to exhibit aggressive behaviour. Bylaws like this (6.3 below) can be enforced through the same monitoring already in place for off-leash areas and community patrols. Enforcement is best coupled with education around alternate training tools, such as front-clip harnesses and head collars.

## Bylaw

### Definitions

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Enclosure”** means a structure forming a pen suitable to confine an animal; and

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor.

### Standards of Care

1. No person shall keep any animal in the municipality unless the animal is provided with:
  - 1.1 clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal’s normal growth and the maintenance of the animal’s normal body weight;
  - 1.2 food and water receptacles which are clean;
  - 1.3 the opportunity for regular exercise sufficient to maintain the animal’s good health, including daily opportunities for social contact with people or animals, to be free of an enclosure and exercised under appropriate control; and
  - 1.4 necessary veterinary care when the animal exhibits signs of pain, injury, illness, suffering, or disease.
2. No person may keep any animal which normally resides outside or which is kept outside for extended periods of time, unless the animal is provided with outside shelter:
  - 2.1 which ensures protection from heat, cold and wet that is appropriate to the animal's weight and type of coat;
  - 2.2 which provides sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least one and a half (1.5) times the length of the animal in all directions, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
  - 2.3 which provides sufficient shade to protect the animal from the direct rays of the sun at all times;

- 2.4 which contains dry bedding that will assist with maintaining normal body temperature; and
- 2.5 which is regularly cleaned and sanitized and all excreta removed at least once per day.
- 3. No person may cause, permit or allow an animal:
  - 3.1 to be hitched, tied or fastened to a fixed object in such a way that the animal is able to leave the boundaries of the owner's property; or
  - 3.2 to be hitched, tied or fastened to a fixed object where a choke, prong or shock collar forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck; or be tethered other than with a collar that is properly fitted to the animal and attached in a manner that will not injure the animal or enable the animal to injure itself by pulling on the tether; or
  - 3.3 to be hitched, tied or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the animal; or
  - 3.4 to be hitched, tied or fastened to a fixed object unattended at any time; or
  - 3.5 to be hitched, tied or fastened to a fixed object for longer than four (4) hours within a 24 hour period.
- 4. No person shall keep an animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat or cold-related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.
- 5. No person may transport an animal in a vehicle outside of the passenger compartment or in an uncovered passenger compartment, unless it is adequately confined to a pen or cage, or secured in a body harness or other manner of fastening to prevent it from jumping, falling off the vehicle or otherwise injuring itself.
- 6. No person shall permit an animal to suffer from thermal distress, dehydration, discomfort or exertion causing unnecessary pain, suffering or injury.
- 7. Notwithstanding any other provision of this bylaw, no person shall:
  - 7.1 abandon any animal;
  - 7.2 in any way use poison, air pellet guns, bows and arrows, sling shots and the like on any animal;
  - 7.3 use choke, prong or shock collars or harsh physical or verbal corrections to train or restrain any animal;
  - 7.4 tease, torment, provoke, punch, kick or choke an animal;
  - 7.5 cause, permit or allow an animal to suffer; or
  - 7.6 train or allow any animal to fight.

## Standards of care for impounded animals



Research in the last 15 years highlights how short-term experiences can have a lasting effect on animals. In shelter situations, the care an animal receives each day is directly correlated to their physical and psychological well-being. Animals who have appropriate provisions of food and clean water, the opportunity for exercise and social enrichment, the provision of veterinary care, and separate spaces for sleeping, eating and eliminating have better outcomes than animals whose care is limited by issues related to inadequate space, staffing or budget. The *Canadian Standards of Care in Animal Shelters* is a national standard for animal impoundment facilities, which contains a list of minimum standards and best practices for the keeping of animals in a shelter environment. Facilities falling below minimum standards must take steps to rectify these deficiencies or work with a contractor who will assist them in addressing these minimum acceptable practices.

When performing euthanasia in a shelter, each individual animal must be treated with respect. A veterinarian with appropriate training and expertise for the species involved should be consulted to ensure that proper procedures are used. Any euthanasia method used in a shelter must quickly induce loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible. The euthanasia method must be reliable, irreversible and compatible with the species, age and health status of the animal. Any agent or method that is unacceptable according to the AVMA Guidelines on Euthanasia is also unacceptable for use in shelters. The identity of each animal to be euthanized must be determined with certainty beforehand, including scanning multiple times for a microchip using a universal scanner and verifying that the animal is properly designated for the procedure. An assessment must be made of each animal's size, weight and temperament so the appropriate drug dose, needle and syringe size as well as restraint method can be used.

### Bylaw

#### Definitions

**"Animal"** means any member of the Kingdom Animalia excluding humans;

**"Animal Shelter Manager"** means any person appointed by the municipality as the animal shelter manager or any contractor who has entered into an agreement with the municipality to assume the responsibilities of the animal shelter manager pursuant to this bylaw, and includes the delegates of this person;

**"Impounded"** means seized, delivered, received, or taken into the custody of the municipality or in the custody of the animal shelter manager;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this Bylaw and where the Owner is a minor, the person who is the legal guardian or has custody of the minor; and

**“Permanent Identification”** means identification for an animal in the form of a traceable tattoo or a microchip that contains the current contact information of the owner.

#### *Shelter Standards*

1. The animal impoundment facility shall ensure all “must” and “unacceptable” statements set out in the *Canadian Standards of Care in Animal Shelters: Supporting ASV Guidelines* are addressed. This document is available at (<https://www.canadianveterinarians.net/documents/canadian-standards-of-care-in-animal-shelters>).
2. The animal shelter manager shall ensure that all animals impounded under this bylaw receive sufficient food, water, shelter, exercise, social interaction and, if necessary, reasonable veterinary attention, and that the animals are not mistreated during seizure and impoundment.
3. During the impoundment period, the animal shelter manager shall provide veterinary care and pain control for an injured or ill impounded animal as may be necessary to sustain its life and relieve distress.
4. If an animal shelter manager considers that an impounded animal requires:
  - 4.1 a vaccination;
  - 4.2 flea treatment;
  - 4.3 worm treatment;
  - 4.4 examination by a veterinarian; or
  - 4.5 urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian, then the animal shelter manager can cause such care to be provided at the sole cost and expense of the animal’s owner.
5. During or following the impoundment period, the animal shelter manager must, in consultation with a veterinarian, take an animal to a veterinarian for euthanasia, where s/he reasonably believes:
  - 5.1 immediate veterinary treatment cannot prolong the animal’s life, or;
  - 5.2 prolonging the animal’s life would result in the animal suffering unduly, and;
  - 5.3 all reasonable efforts to contact the owner of the animal have failed.
6. Any euthanasia method used in a shelter must quickly induce loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible. The euthanasia method must be reliable, irreversible and compatible with the species, age and health status of the animal. Any agent or method that is unacceptable according to the AVMA Guidelines on Euthanasia is also unacceptable for use in shelters.
7. The animal shelter manager is entitled to recover from the owner the cost of veterinary care provided while the animal was impounded, in addition to any other fees due to the municipality for the redemption of the animal.

## Hoarding and animal limits

Setting a limit to the number of animals that one household can provide care for is always going to be subjective. The size and type of animal, the caregiver's capacity to provide care and the size of the caregiver's property will all play a role in how many animals for whom it is possible to provide adequate care. The BC SPCA is supportive of having a limit that allows for enforcement in hoarding situations, while not penalizing the average pet guardian.



Enforcement also plays a significant role in addressing hoarding situations. Where a family is providing adequate care and is over the limit, an animal bylaw officer can choose to use education rather than issuing a ticket or seizing animals. In some cases, a person may be providing community assistance by caring for a friend's animal temporarily. If there are no concerns regarding licensing, welfare or public safety, the BC SPCA recommends leniency for caring and responsible animal guardians.

### Bylaw

#### Definitions

**"Animal Bylaw Officer"** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**"Cat"** means the domestic cat *Felis catus*;

**"Community Cat"** means any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are exempt from licensing and are not considered to be stray or at-large;

**"Community Cat Caregiver"** means a person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter, or medical care to a community cat. However, community cat caregivers are not the owner or keeper of a community cat (see section Cat population control and feral cat colonies);

**"Dog"** means the domestic dog *Canis lupus*;

**"Licensee"** means any person or business entity who obtains a licence to operate and does operate a business that involves providing care for animals, other than a veterinary clinic, including pet stores, animal kennels, animal daycares, dog walkers and animal groomers; and

**"Small Animals"** means domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds).

#### Limit on Pets

1. No person shall keep or allow to be kept on any real property more than a total of six (6) cats and dogs over the age of twelve (12) weeks, and a reasonable number of small and aquatic animals, unless they are a licensee, community cat caregiver, veterinary clinic or animal shelter.

2. If a person is providing temporary care for more than a total of six (6) cats and dogs over the age of twelve (12) weeks, they shall notify the animal bylaw officer with the number and species of animals, reason and estimated length of time they will be providing care.



## Dangerous dogs and aggression

Dog aggression, while a natural behavior for dogs, can be a serious threat or harmful to public safety and other animals. A prevalent and divisive issue, it must be addressed if we are to create humane communities where humans and dogs co-exist and enrich each other's lives. The most effective approach to dealing with the issue of inappropriate canine aggression in our communities is to develop a coordinated strategy. Strategies for a municipality to adequately address aggression include:

- Animal control bylaws that promote spaying and neutering, make pet identification mandatory, restrict the keeping of poorly socialized backyard dogs and place the burden of responsibility for an animal's actions on the guardian, not the dog;
- Partnering with agencies that enforce provincial laws to address animal neglect, which contributes to canine aggression;
- Developing effective licensing schemes that regulate breeding facilities and pet stores, as these components of the animal sector play a critical role in the early socialization of pets;
- Registering dogs with aggressive behaviour through reporting by veterinarians, groomers, police, postal carriers, animal control officers, meter readers and humane organizations;
- Creating a centralized, accessible database for the recording of dog bite incidents;
- Requiring mandatory remediation of aggressive, vicious or dangerous dogs using humane, force free methods;
- Providing education on responsible pet guardianship, canine behaviour and dog bite prevention;
- Developing resources for guardians of dogs with aggression problems, including identifying professionals who can provide remedial measures for canine aggression that are in line with the BC SPCA's FAQ on "How to choose a dog trainer":  
<http://spca.bc.ca/dog-trainer/>

By implementing these recommended bylaws, municipalities can proactively address many of the predisposing factors to canine aggression problems in a community.



### Breed-specific restrictions are not a solution

The BC SPCA opposes breed specific restrictions, as commanding evidence<sup>345</sup> demonstrates that they do not adequately address the problem of dog aggression in a community.

Rather, the most effective way to address public safety concerns is for government, animal welfare organizations and other stakeholders to work together on multi-faceted strategies that identify and address the sources of dangerous dogs of all breeds.

The BC SPCA strongly recommends against breed banning for the following reasons:

- Breed-specific restrictions ignores the fact that aggressive behaviour can occur in any breed.
- Breed-specific restrictions do nothing to discourage irresponsible behaviour of people who breed, train, sell or possess dangerous dogs who are not named under the breed ban. To avoid breed-specific restrictions, people who want aggressive dogs will switch to other breeds or select cross-breeds that are difficult to classify.
- There are no efficient methods to determine a dog's breed in a way that can withstand legal challenge. Any breed-specific restriction inevitably results in the creation of subjective and arbitrary factors to determine breed.
- Breed-specific restrictions treads upon the rights of responsible dog guardians who cherish a non-aggressive pet whose breed may fall under the legislation.

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<sup>3</sup> Huitson, N.R. (2005). *An exploratory analysis of the emergence and implications of breed specific legislation: Knee-jerk reaction or warranted response?* (Master's thesis). Retrieved from Simon Fraser University Library.

<sup>4</sup> Clarke, N.M. & Fraser, D. (2013). Animal control measures and their relationship to the reported incidence of dog bites in urban Canadian municipalities. *Canadian Veterinary Journal* 54(2), 145-149.

<sup>5</sup> Ledger, R. A., Orihel, J.S., Clarke, N., Murphy, S., & Sedlbauer, M. (2005). Breed specific legislation: Considerations for evaluating its effectiveness and recommendations for alternatives. *Canadian Veterinary Journal*, 46, 735-743.

## Bylaw

*Adapted from City of Surrey Bylaw No. 19105*

### Definitions

**“Aggressive Behaviour”** means any behaviour by a dog that demonstrates a threat or harm directed at a person or animal and includes snarling;

**“Aggressive Dog”** means a dog that:

- a) has without justifiable provocation displayed aggressive behaviour toward a person or animal; or
- b) has without justifiable provocation caused a minor injury to a person or animal;

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Animal Bylaw Officer”** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**“Animal Shelter Manager”** means any person appointed by the municipality as the animal shelter manager or any contractor who has entered into an agreement with the municipality to assume the responsibilities of the animal shelter manager pursuant to this bylaw, and includes the delegates of this person;

**“At Large”** means:

- a) an animal located elsewhere than on the premises of the person owning or having the custody, care or control of the animal that is not under the immediate charge and control of a responsible and competent person;
- b) an animal located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person; or
- c) a vicious dog or dangerous dog that is on the premises of the owner that is not contained in an enclosure or securely confined within a dwelling;

**“Dangerous Dog”** means a dog that:

- a) has killed or seriously injured a person;
- b) has killed or seriously injured an animal while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog;
- c) has previously been deemed a vicious dog and has since attacked or caused injury to a person or animal after being deemed a vicious dog; or
- d) as defined in the Community Charter S.B.C. 2003 c. 26, as amended;

**“Dog”** means an animal of the canine species, irrespective of sex or age;

**“Dangerous Dog Enclosure”** means a fence or structure at least two (2) metres in height and two (2) metres in width, forming or causing an enclosure suitable to prevent unauthorized entry and suitable to confine a dog in conjunction with other measures taken by the owner. The enclosure must be securely enclosed and locked and designed with secure sides, top and bottom and must be designed to prevent the animal from escaping;

**"Identification"** means:

- a) a collar or tag worn by an animal which includes the name, current address and contact information of the owner;
- b) a traceable tattoo;
- c) a traceable microchip; or
- d) a valid licence tag issued by a local government in British Columbia;

**"Impounded"** means seized, delivered, received or taken into the custody of the municipality or in the custody of the animal shelter manager;

**"Guard Dog"** means a dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property;

**"Muzzle"** means a humane basket-style fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink;

**"Neuter"** means the sterilization of a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**"Owner"** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons' house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor;

**"Permanent Identification"** means identification for an animal in the form of a traceable tattoo or a microchip that contains the current contact information of the owner;

**"Seize"** includes impound and detain;

**"Serious Injury"** means a physical injury to a person or animal that consists of deep punctures, lacerations in more than one direction, broken bones or an injury requiring stitches or cosmetic surgery;

**"Spay"** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association; and

**"Vicious Dog"** means a dog that:

- a) has without justifiable provocation caused a serious injury to a person or animal; or
- b) has a known propensity, tendency or disposition to attack without justifiable provocation; or
- c) has on more than one occasion caused a minor injury to a person or animal; or
- d) has while running at large, aggressively pursued or harassed a person without justifiable provocation, or has demonstrated a propensity, tendency or disposition to do so as deemed by an animal bylaw officer or animal shelter manager.

*Aggressive Dogs*

1. If an animal bylaw officer receives a credible complaint that a dog has exhibited aggressive behaviour, that bylaw officer may issue the owner of that dog written notice of that complaint, such written notice to include the following:
  - 1.1 the date, place and circumstances of the events alleged;
  - 1.2 a warning that if the dog that is the subject of the complaint is found to have exhibited aggressive behaviour again, the dog could be deemed to be an aggressive dog; and
  - 1.3 a copy of the bylaw relating to aggressive dogs.
2. Where the owner of a dog has received a notice in the form set out in section 1 above and a bylaw officer receives another credible complaint that the dog has exhibited aggressive behaviour, the dog may be deemed to be an aggressive dog. An animal bylaw officer may issue a written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to aggressive dogs and which deems that dog to be an aggressive dog.
3. Every owner of an aggressive dog shall:
  - 3.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
  - 3.2 ensure that the dog is not running at large within the municipality at any time;
  - 3.3 keep the dog muzzled and on leash when in a designated off-leash area; and
  - 3.4 within fourteen (14) calendar days of receiving notice that their dog is an aggressive dog, ensure the dog has permanent identification and provide the permanent identification information to the municipality.
4. An owner, following a period of at least one (1) year from the date stated on the written notice deeming their dog an aggressive dog, may apply to the municipality for relief from the requirements of Section 2 provided that:
  - 4.1 the municipality has received no further complaints in regard to that dog's aggressive behaviour; and
  - 4.2 proof and documentation is provided that the owner and the dog have successfully completed a humane, force-free training course<sup>6</sup>, deemed acceptable by an animal bylaw officer as acting reasonably to address the dog's aggressive behaviour.
5. If a dog displays aggressive behavior again after relief has been granted, the requirements of section 2 shall apply in perpetuity.

*Vicious Dogs*

6. Where a dog meets the definition of a vicious dog, an animal bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to vicious dogs and which deems that dog to be a vicious dog.
7. Every owner of a vicious dog shall:

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<sup>6</sup> The Canine Good Neighbour Program offers demonstration of remediation: <http://www.ckc.ca/en/Raising-My-Dog/Responsible-Ownership/Canine-Good-Neighbour-Program>

- 7.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
- 7.2 ensure that the dog is not running at large within the municipality at any time;
- 7.3 ensure that the dog is not in a designated off-leash area in the municipality at any time;
- 7.4 keep the dog effectively muzzled to prevent it from biting another animal or human when not on the owner's property;
- 7.5 post a clearly visible sign at all points of entry onto any premises where the dog is being kept, temporarily or permanently, warning that there is a vicious dog on the premises;
- 7.6 at all times while the vicious dog is on the person's premises, keep the vicious dog securely confined indoors or confined outdoors in an enclosure; and
- 7.7 within fourteen (14) calendar days of receiving notice that their dog is a vicious dog, ensure the dog has permanent identification and provide the permanent identification information to the municipality.

#### *Dangerous Dogs*

- 8. Where a dog meets the definition of a dangerous dog, an animal bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to dangerous dogs and which deems that dog to be a dangerous dog.
- 9. The owner of any dog that has been deemed a dangerous dog by written notice may, within fourteen (14) calendar days of issuance of that written notice, request in writing that the animal bylaw officer reconsider the decision. The request for reconsideration must be accompanied by:
  - 9.1 written reasons why the dog is not a dangerous dog; and
  - 9.2 a written assessment of the dog, prepared by a dog behaviour specialist within the last six (6) months.
- 10. If the written request for reconsideration referenced is received by the municipality within the time specified in Section 8, the animal bylaw officer may provide the owner and any complainant with an opportunity to make representations regarding the dangerous dog. The bylaw manager may confirm, reverse or amend the decision designating the dog as a dangerous dog and may cancel or modify any restrictions, requirements or conditions imposed by an animal bylaw officer and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.
- 11. No person shall own or keep any dangerous dog unless the dog is licensed as a dangerous dog with the municipality by an owner who is over nineteen (19) years of age, who has paid the applicable fee, and who keeps the dog in compliance with Sections 12-14.
- 12. The owner of a dangerous dog has fourteen (14) days to come into compliance with sections 12-13 of the bylaw, from the date the dog was deemed a dangerous dog.
- 13. In order to obtain a licence for a dangerous dog, an owner of a dangerous dog shall supply the following documentation to the municipality:
  - 13.1 completion of the dog licence application;
  - 13.2 written confirmation from a licensed veterinarian that this dog has been neutered or spayed;

- 13.3 written confirmation from a humane animal trainer approved by the municipality that the services of such trainer have been retained for the purpose of providing behavioural remediation to the dog;
  - 13.4 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 (500,000) dollars, and covering the twelve (12) month period during which licensing is sought;
  - 13.5 written confirmation that the dog has permanent identification with the permanent identification information outlined on the application; and
  - 13.6 payment of the dangerous dog licence fee.
14. Every owner of a dangerous dog shall:
- 14.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
  - 14.2 ensure that the dog is not running at large within the municipality at any time;
  - 14.3 ensure that the dog is not in a designated off-leash area in the municipality at any time;
  - 14.4 keep the dog effectively muzzled to prevent it from biting another animal or human when not on the owner's property;
  - 14.5 post a clearly visible sign at all points of entry onto any premises where the dog is being kept, temporarily or permanently, warning that there is a dangerous dog on the premises;
  - 14.6 at all times while the dog is on the person's premises, keep the dog securely confined indoors or confined outdoors in an enclosure with a roof and locked entry; and
  - 14.7 have the dangerous dog photographed and the photo retained at the animal shelter for identification purposes.
15. The owner of a dangerous dog shall promptly notify the municipality's animal shelter manager if:
- 15.1 the dog is found to be running at large; or
  - 15.2 the dog's owner or place of residence changes; or
  - 15.3 the dog is given away or dies.
16. If the owner of a dangerous dog is unwilling or unable to comply with the requirements of sections 12-14, the dog may be seized and impounded for a four (4) day holding period, after which the dog may be euthanized.
17. The owner of a dangerous dog may, within four (4) days of impoundment, request the release of a dangerous dog by submitting to the animal shelter manager a letter providing proof of his or her actions of remediation to the contraventions of this bylaw. It will be at the discretion of the animal shelter manager whether the owner meets the requirements of the bylaw. The animal shelter manager must provide a written decision within five (5) days to the owner that, a. the dog may be released as the owner meets the requirements of the bylaw, b. the owner has additional time to meet the requirements of the bylaw and an assigned timeline, or c. the dog will be euthanized.

#### *Guard Dogs*

18. Every owner of a guard dog shall prevent the guard dog from leaving the property of the owner by ensuring:

- 18.1 the guard dog is confined within the premises and these premises are reasonably secure against unauthorized entry;
- 18.2 the premises are completely enclosed by means of a two (2) metre fence constructed in accordance with municipal bylaws and any gates in such fence are reasonably secured against unauthorized entry;
- 18.3 the guard dog is securely confined in an area within the premises that is adequate to ensure that the guard dog cannot escape;
- 18.4 warning signs advising of the presence of a guard dog on the premises are posted, with lettering clearly visible from the lesser of the curb line of the property and fifteen (15) metres from the premises, and posted at each driveway or entranceway to the property and at all exterior doors of the premises; and
- 18.5 before bringing the guard dog onto the premises under control of the owner, notify the animal shelter manager, the Fire Department, the Bylaw Enforcement and Licensing Services Division and the police of the address of the property which the guard dog will be guarding, the approximate hours during which the guard dog will be performing guard duties, the breed, age, sex and licence number of the guard dog and the full names, addresses and telephone numbers of the owner and any other individual who will be responsible for the guard dog.

#### *Dangerous Dog Enclosure*

- 19. No person shall keep a dog in a dangerous dog enclosure unless all of the following requirements are met:
  - 19.1 the enclosure shall be a fully enclosed structure with a minimum dimension of two (2) metres in width, by four (4) metres in length and two (2) metres in height from the grade upon which the enclosure is constructed;
  - 19.2 the location of the enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the municipality's zoning bylaw, as amended from time to time;
  - 19.3 the enclosure shall include an outside shelter that conforms to the Standards of Care section of this bylaw;
  - 19.4 if the sides are not secured to the bottom of the enclosure, then the sides shall be embedded into the ground no less than thirty (30) centimetres or as deep as may be necessary to prevent the escape of the dog from the enclosure; and
  - 19.5 the enclosure must be regularly cleaned and sanitized and all excreta removed at least once a day.

## Licensing and identification

The increase in ownership, movement and variety of animals kept as pets has resulted in problems with public safety, disease control and stray, lost and stolen animals. Carefully legislated and well-implemented licensing and identification programs help to reunite pets and owners, reduce stress to individual animals and their owners, reduce municipal daily care costs and help with issues related to theft and dangerous dogs. The percentage of animals reunited with their owners in a community is directly connected to the quality of the licensing and identification program. Companies that provide specialized online services to help with licensing can also make a significant difference in the number of animals returned to their owners, as can be seen in the community of Kingston, ON.

### Permanent identification

The BC Pet Registry is owned and operated by the BC SPCA and is the only provincial pet identification (ID) registry in British Columbia (B.C.), created solely for the purpose of ensuring that all companion animals find their way home when they stray or are lost. By investing in permanent identification, BC Pet Registry aims to reverse a trend that sees thousands of animals enter shelters in our province each year, with no way to find their way home due to a lack of any form of permanent identification.

BC Pet Registry records the permanent identification information (any microchip, tattoo and/or license) of pets across the province. This program offers a centralized, secure database for guardians to register their pets and partner agencies (veterinary clinics and animal control/rescue groups) to search the database, ensuring that lost/stray animals will return home in greater numbers than ever before. To learn more about how to access the BC Pet Registry system, contact [info@bcpetregistry.ca](mailto:info@bcpetregistry.ca).

### Cat registration and licensing

The BC SPCA cares for more than 14,000 cats each year, approximately half of whom come to us as strays. While nearly every municipality in B.C. requires that dogs be licensed, very few have instituted cat licensing. For cat welfare to be improved in any community, regulatory and educational initiatives are needed. While cat licensing alone may not solve cat welfare and control issues, it can be a significant component of any community's efforts to address them.



Cat licensing has demonstrated a number of benefits for cats and people. Among the benefits documented to date are:

- Higher return-to-owner rates, resulting in lower rehoming and/or euthanasia rates for cats.
- Reduction of cat overpopulation by offering monetary incentives for spay/neuter through differential licence fees.

Licensing also represents a municipality's best opportunity to raise revenue for animal control services and associated programming, such as spay/neuter funds.

A municipality must consider the following options when implementing registration or licensing:

- Paid vs. Free
- Mandatory vs. Voluntary
- Lifetime vs. Annual
- Tag vs. No Tag

We present two models for licensing cats, the second which also applies to dogs, and recommend that civic institutions consult with their communities to determine what the best fit is for their own community.

## Bylaw

### Definitions

**"Animal Bylaw Officer"** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**"Cat"** means the domestic cat *Felis catus*;

**"Dog"** means the domestic dog *Canis lupus*;

**"Neuter"** means the sterilization of a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**"Owner"** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons' house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor; and

**"Spay"** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

### Identification

1. Every owner of a cat or dog shall affix, and keep affixed, sufficient identification on the cat or dog by a collar, harness, traceable tattoo, microchip or other suitable device such that a person finding

the cat or dog at large in the municipality can identify and contact the owner. The form of identification used must provide a means of determining the sterilization status of the cat or dog.

2. Every owner of a cat apparently over the age of three (3) months, shall provide evidence that the cat has identification that complies with this bylaw upon request by an animal bylaw officer.

*Option 1: Mandatory free lifetime registration without tag for cats*

1. No person shall own or keep any cat apparently aged three (3) months or more within the municipality unless such a cat is registered as provided by this Bylaw.
2. Any owner of a cat must register their cat by:
  - 2.1 submitting a registration application in the form provided by the municipality;
  - 2.2 ensuring that the cat has identification and that the identification information is provided to the municipality.
3. The municipality shall keep a complete registry of all cats, indicating the dates of registration, the name and description (where relevant, photograph) of each cat, and the name and address of each owner.
4. The owner of any registered cat shall, within thirty (30) days of the owner's change of address, notify the municipality of change of address.

*Option 2: Mandatory licensing*

1. No person shall own, keep, possess or harbour any dog or cat over the age of three (3) months in the municipality unless a valid and subsisting licence for the current calendar year has been obtained for the dog or cat.
2. If a dog or cat is required to be licensed pursuant to this bylaw, the owner of the dog or cat shall apply to the municipality for a licence. Upon receipt of the application and payment of the prescribed fee, the municipality shall issue a licence and for that licence year.
3. Where a licence tag is issued, the owner of a dog or cat for which a licence has been issued under this bylaw shall affix, and keep affixed, the licence tag on the dog or cat by a collar, harness, or other suitable device.
4. Where this bylaw provides for a reduced licence fee for a dog or cat that is neutered or spayed, the application shall be accompanied by a certificate signed by a veterinarian indicating that the dog or cat has been neutered or spayed.
5. The owner of any licensed dog or cat shall, within thirty (30) days of the owner's change of address, notify the municipality of the change of address.

## Cat population control and feral cat colonies



Cats play a number of roles in our society. For some, they are companions and for others, they serve to keep rodent populations at bay. Still others see them as a nuisance for the diseases they may carry and the bird populations they threaten. Cats can bring controversy to our communities. Historically, cats participated in human life by eating the mice and rats who came for people's food scraps. Over time, cats developed bonds with humans and were gradually domesticated as pets. Many owned cats, unlike dogs, are still genetically similar to wild cats.

Cats breed prolifically, especially when a group of community cats has access to a food source. The continued growth of these groups, without any intervention, can put public safety and wildlife at risk, while the cats themselves are at risk of poor welfare. Sterilization of 80% or more of the cats in a group and continued monitoring is the only proven method of decreasing the cat population. If cats are removed from an area and the food source is still available, more cats will fill the empty space. The BC SPCA recommends that communities take steps to address their cat overpopulation issues by implementing spay and neuter programs.

Guardians who are expected to house their cats exclusively indoors (second option of Cats At Large below) need to provide behavioural enrichment to ensure their cats remain active and psychologically stimulated. For more information, visit <http://spca.bc.ca/indoor-cats-vs-outdoor-cats/>.

### Bylaw

#### Definitions

**"Animal Bylaw Officer"** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**"At Large"** means:

- a) an animal located elsewhere than on the premises of the person owning or having the custody, care or control of the animal that is not under the immediate charge and control of a responsible and competent person; or
- b) an animal located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person;

**"Cat"** means the domestic cat *Felis catus*;

**"Community Cat"** means any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are exempt from licensing and are not considered to be stray or at-large;

**“Feral Cat”** means a cat that is unsocialized to humans and has a temperament of extreme fear and resistance to contact with humans;

**“Community Cat Caregiver”** means a person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter or medical care to a community cat. However, community cat caregivers are not the owner or keeper of a community cat;

**“Community Cat Colony”** means a group of community cats that congregate, more or less, together as a unit and share the same food source;

**“Community Cat Program”** means the nonlethal process of humanely trapping, sterilizing, vaccinating where relevant to the community, providing some form of identification (ear-tip, tattoo or microchip) and returning cats to their original location; and **“Trap-Neuter-Return (TNR) Program”** means the same;

**“Eartipping”** means the removal of the ¼ inch tip of a community cat’s ear (usually left), performed while the cat is under anesthesia under the supervision of a licensed veterinarian;

**“Neuter”** means the sterilization of a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor;

**“Permanent Identification”** means identification for an animal in the form of a traceable tattoo or a microchip that contains the current contact information of the owner;

**“Spay”** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association; and

**“Trap-Neuter-Return (TNR) Program”** means the same as **“Community Cat Program”**.

#### *Cats At Large*

1. No owner shall permit a cat that is apparently over the age of six (6) months to be at large, unless such cat, if female, is spayed or if a male, is neutered.

*Or*

1. No owner shall permit a cat that is apparently over the age of six (6) months, which is owned, possessed or harboured by him or her, to be at large unless it is part of a community cat program.

#### *Community Cat Programs*

2. Trap-neuter-return shall be legal and permitted to be practiced by community cat caregivers, organizations and animal bylaw officers.
3. As a part of trap-neuter-return, spay or neuter and vaccination shall take place under the supervision of a licensed veterinarian.
4. A trapped eartipped cat, or one with permanent identification that indicates sterilization, will be released on the site where trapped unless veterinary care is required. An eartipped cat, or one with

permanent identification that indicates sterilization, received by a shelter or animal control will be returned to the location where trapped unless veterinary care is required.

5. Community cat caregivers may reclaim impounded community cats without proof of ownership solely for the purpose of carrying out trap-neuter-return and/or returning spayed or neutered community cats to their original locations.
6. A community cat caregiver who provides care to, has temporary custody of or returns a community cat to its original location while conducting trap-neuter-return is not deemed to have abandoned the cat.
7. Community cat caregivers are required to provide food, water and shelter on an ongoing basis and medical care as needed, in compliance with [Standards of Care](#) 1 and 2.

*Companion Animal Ownership*

8. Mandatory microchipping and registration do not apply to community cats.



## Urban chickens and urban bees



Local and sustainable food systems are a vital part of vibrant, healthy communities. Trade-offs can exist when permitting residents in urban areas to house hens and bees. Some of the issues include noise, swarms and attracting pests and wildlife such as flies, rodents, raccoons and bears. A well-managed system ensures that goals related to local food are met and risks are mitigated. Education is a crucial aspect of implementing bylaws with the possibility for neighbour-related conflicts (including our wild neighbours). Electric fencing, in provisions 4.14 and 6.6, may be required dependent on the bear issues in the municipality. The District of Squamish, for example, has a clear education program in place to provide guidance to residents who are interested in having hens on their property: <https://squamish.ca/our-services/animal-control/urban-hens/>.

### Bylaw

*Adapted from District of Squamish Bylaw No. 2335, City of Vancouver Bylaw No. 9150*

### Definitions

**“Animal Bylaw Officer”** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**“At Large”** means:

- a) an animal located elsewhere than on the premises of the person owning or having the custody, care or control of the animal that is not under the immediate charge and control of a responsible and competent person; or
- b) an animal located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person;

**“Bees”** mean any insect of the species *Apis mellifera*;

**“Beehive”** means a structure which houses a colony of worker bees with a queen and drones;

**“Coop”** means a covered enclosed structure to shelter hens;

**“Farm Animal”** means any domesticated livestock, poultry or insect that is adapted to British Columbia’s climate and is limited to alpacas, cattle, chickens, donkeys, ducks, European rabbits, geese, goats, honeybees, horses, llamas, pigs, quail, sheep and turkeys;

**“Hen”** means a domesticated female chicken that is at least four (4) months old;

**“Pen”** means a fully enclosed outdoor space for hens;

**“Public Place”** includes any highway, sidewalk, boulevard, public space, park or any real property owned, held, operated or managed by the municipality;

**“Rooster”** means a domesticated male chicken;

**“Urban Beekeeping”** means the keeping, owning, or maintaining of beehives on a parcel of land occupied by a resident beekeeper. This does not include land zoned for agricultural use as defined by the Zoning Bylaw;

**“Urban Hen”** means a domesticated female chicken that is at least four (4) months old that is kept on a parcel of land occupied by a resident. This does not include land zoned for agricultural use as defined by the Zoning Bylaw; and

**“Wildlife”** means any undomesticated free-ranging animal.

#### *At Large*

1. No person shall permit any farm animal to be running at large unless under the immediate care and control of a competent person.
2. Where an animal, including farm animals, defecates on a highway, public place or lands of any person other than the owner of the animal, the person having care, custody or control of the animal, including farm animals, shall immediately remove the excrement and dispose of it in a sanitary manner.

#### *Keeping of Urban Hens*

3. The keeping of up to five (5) hens is permitted provided that no neighbourhood health, environmental or nuisance problems result. Universities are not restricted to the number of hens for educational purposes.
4. A person who keeps one (1) or more hens, up to a maximum of five (5), must:
  - 4.1 be a resident of the property where the hens are kept;
  - 4.2 keep no more than five (5) hens on any parcel of land despite the number of permissible dwelling units on that parcel;
  - 4.3 not keep a rooster;
  - 4.4 ensure that all hens are kept within a secure coop from sunset to 7:00 a.m.;
  - 4.5 ensure that each hen remains at all other times in a coop or pen;
  - 4.6 not permit a hen within a residential dwelling unit or on a balcony or deck;
  - 4.7 provide a coop and a pen each with a minimum of 0.37 square metres in floor area and 0.92 metres in height per hen;
  - 4.8 provide each hen with consistent access to a nesting box and its own perch that is at least fifteen (15) centimetres long;
  - 4.9 not keep a hen in a cage unless for the purposes of transport of the hen;
  - 4.10 ensure that the coop and pen are situated in a backyard only which has a continuous fence that is in accordance to the Zoning Bylaw;
  - 4.11 ensure that the coop is situated in accordance with the accessory building setbacks identified in the Zoning Bylaw;
  - 4.12 ensure that the coop and pen are situated at least three (3) metres away from any windows or dwelling doors;
  - 4.13 ensure that the coop and pen are fully enclosed by electric fencing and situated no less than one (1) metre from the electric fencing per the Zoning Bylaw;

- 4.14 maintain each coop and pen in good repair and sanitary condition, and free from vertebrate wildlife and obnoxious smells and substances;
- 4.15 construct, situate and maintain each coop and pen such that it is secure from other animals and prevents any rodent from harbouring underneath or within it or within its walls;
- 4.16 not sell any manure or meat derived from the hens;
- 4.17 secure all hen food that is stored outdoors from wildlife;
- 4.18 ensure the timely removal of leftover food, debris and manure from each coop and pen;
- 4.19 store manure within a fully enclosed structure in a manner that does not generate excessive heat or odour; ensuring that no more than 0.085 cubic metres (3 cubic feet) is stored at a time;
- 4.20 not deposit manure in the municipality's sewage or storm drain system and remove all other manure not used for composting or fertilizing;
- 4.21 not slaughter or euthanize a hen on the property;
- 4.22 not dispose of a deceased hen other than by delivering it to a veterinarian, a landfill in a sealed bag, a farm, an abattoir or other facility with the ability to lawfully dispose of the carcass;
- 4.23 not bury a hen on the property;
- 4.24 follow biosecurity procedures recommended by the Canadian Food Inspection Agency; and
- 4.25 register the hens with the animal bylaw officer.

#### *Keeping of Urban Bees*

- 5. The keeping of beehives is permitted provided that no neighbourhood health, environmental or nuisance problems result. Universities are not restricted to the number of beehives for educational purposes.
- 6. A person who keeps urban bees must:
  - 6.1 keep no more than:
    - 6.1.1 two (2) beehives on any parcel of land under 929 square metres (10,000 square feet) in size despite the number of dwelling units permissible on that parcel;
    - 6.1.2 four (4) beehives on any parcel of land over 929 square metres (10,000 square feet) in size and under 1394 square metres (15,000 square feet) in size despite the number of dwelling units permissible on that parcel;
    - 6.1.3 six (6) beehives on any parcel of land over 1,394 square metres (15,000 square feet) in size despite the number of dwelling units permissible on that parcel;
  - 6.2 be a resident of the property where the bees are kept;
  - 6.3 ensure that the beehives are situated in a backyard only which has a continuous fence that is 1.8 metres in height so as to ensure an appropriate flight path for bees;
  - 6.4 ensure that the beehives are situated in accordance with the accessory building setbacks identified in the Zoning Bylaw;

- 6.5 ensure that the beehives are situated in such a way that reasonably prevents access by wildlife;
- 6.6 ensure that the beehives are fully enclosed by electric fencing and situated no less than one (1) metre from the electric fencing per the Zoning Bylaw;
- 6.7 ensure that the entrances to the beehives are facing away from the closest neighbouring property;
- 6.8 maintain the bees in a condition that reasonably prevents swarming and aggressive behaviour;
- 6.9 ensure that immediate action is taken to end swarming or aggressive behaviour of the bees;
- 6.10 provide sufficient water for the bees that reasonably prevents them from seeking water on adjacent parcels of land;
- 6.11 post clear, visible signage on the parcel of land warning that bees and electric fencing are present; and
- 6.12 be registered with the apiculture registration system for British Columbia, coordinated by the BC Ministry of Agriculture. Under the authority of the Provincial Bee Act, a person must not keep bees or possess beehive equipment unless the person is registered.

*Seizure and Impoundment*

- 7. An animal bylaw officer may seize and impound any animal, including farm animals, at large.





## Wildlife feeding and attractant management

Risks to human health and safety and neighbourhood conflicts associated with food-conditioned wildlife are municipal issues that can be addressed with enforcement warnings and fines. Bylaws are required in conjunction with public education to ensure residents understand their role in attracting wildlife and the consequences of increased wildlife habituation (e.g., expensive and ineffective deer culls).

Many species of wildlife can be unnaturally attracted to communities and human residences, leading to conflict.<sup>7</sup> Common examples include deer, raccoons, skunks, squirrels, gulls, crows and even seals, where feeding by residents and tourists increases habituation of wildlife. Compost, garbage, pet food and even bird feeders will attract unwanted wildlife that can become a nuisance to residents through their increased presence, noise and droppings. Further, improper waste management and wildlife feeding can lead to increased rodent activity and public health concerns.

Managing waste for, and preventing feeding of, “dangerous wildlife” (bears, cougars, wolves and coyotes) only is regulated by the Province in section 33.1 of the *Wildlife Act*. Thus, managing attractants for all other wildlife species is a municipal responsibility.

Please note, sections 9(1)(c) and 9(3)(c) of the *Community Charter* require ministerial approval prior to a Council adopting a bylaw in relation to wildlife.

Provision 4 below may be optional depending on the proximity of the community to bear activity.

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<sup>7</sup> Dubois, S. & Fraser, D. (2013). A framework to evaluate wildlife feeding in research, wildlife management, tourism and recreation. *Animals*, 3, 978-994.

## Bylaw

*Adapted from District of Squamish Bylaw No. 2053, Village of Kaslo Bylaw No. 1070 and City of Kamloops Bylaw No. 3411*

### Definitions

**“Attractant”** means any substance or material, with or without an odour, which attracts or is likely to attract animals; and without limitation includes antifreeze, paint, food products, unclean barbecues, pet food, livestock and livestock feed, beehives, bird feeders, offal, improperly maintained composts, restaurant grease barrels, accumulation of fruit in containers or on the ground;

**“Songbirds”** means any Passerine, excludes Corvidae (e.g., crows, ravens and jays) and includes hummingbirds;

**“Waste”** means any discarded or abandoned food, substance, material, or object, whether from domestic, commercial, industrial, institutional or other use; **and**

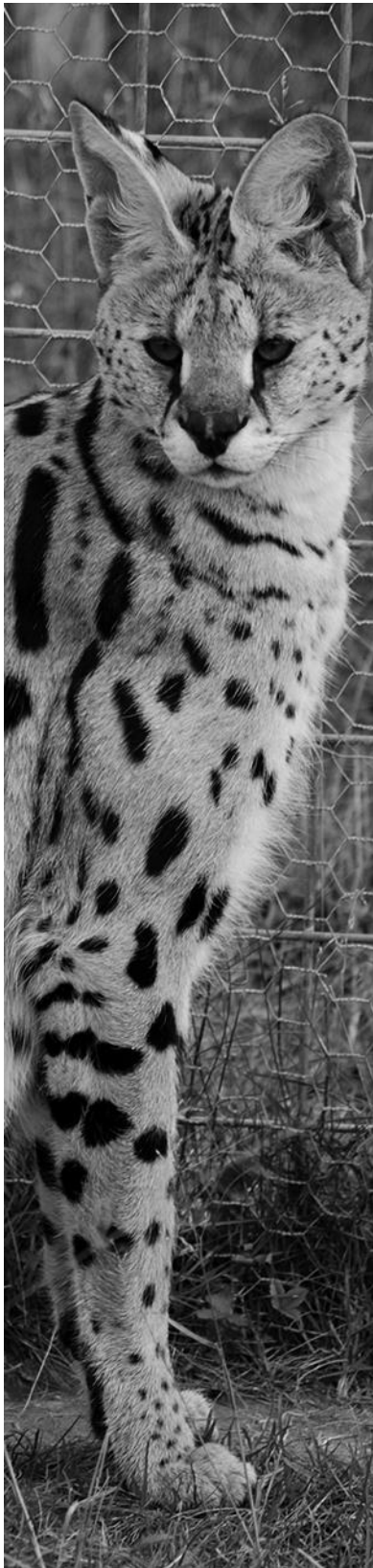
**“Wildlife”** means any undomesticated free-ranging animal, exempting songbirds for the purposes of feeding.

### Wildlife Feeding

1. No person shall knowingly or willingly feed any wildlife, or in any manner provide them or allow access to food or any other edible substance.
2. No person shall store any attractant or waste in such a manner that it is accessible to wildlife.
3. No person shall attract wildlife onto a property such that these wildlife create a nuisance for other properties.
4. No person shall feed or provide access to food for songbirds between April and September, exempting liquid feeders.



## Exotic pets and farm animals



Exotic animals present serious public health and safety risks (e.g., disease, physical injuries) and devastating environmental effects through intentional abandonment and escapes (e.g., disease, competition and predation of native species) into both terrestrial and aquatic natural habitats. Although some exotic species will eventually die from starvation or predation when released into a novel environment, others can breed and thrive (e.g., bullfrogs, red-eared slider turtles, pike, carp and other fish) which can become costly to municipal water systems, lakes and ponds.

The Province enacted changes to the *Wildlife Act* in 2008 to prohibit the sale, breeding, importation and display of certain exotic animals in the *Controlled Alien Species Regulation*. This provincial legislation does not apply to thousands of exotic animal species kept in B.C. which remain a serious concern for municipalities. For example, invertebrates (e.g., scorpions, tarantulas) are not regulated by the Province and non-venomous snakes up to 10 feet are still allowed, as are kangaroos, zebras, serval cats, maras, capybaras, large exotic raptors, 200-pound sulcata tortoises invasive fish and invertebrates among many others.

Exotic animals never become domesticated and always retain their wild instincts even if born in captivity. As such, they suffer physically and psychologically under even well-intentioned human care. They may suffer from nutritional deficiencies, suppression of natural behaviours and social structures, inability to achieve natural light/temperature/humidity requirements, and a lack of specialized veterinary care. Often “fad” or “status” pets lose their appeal as they grow and become frustrated and stressed in care, and thus become serious challenges for animal control departments and municipal shelters as no suitable sanctuaries in B.C. exist. Further, most animal control departments do not have specialized training to handle, or appropriate enclosures to house, these exotic species.

As trends in exotic pet ownership change, every year new species of exotic animals are legally brought into the province, sold, bred and sometimes displayed publically in communities. To ensure municipalities are safeguarded and animal welfare is protected, a “positive list” of “Allowable Animals” is recommended over a list of prohibited species which would need to be regularly amended. Enactment of a “positive list” with a fine structure for non-compliance would provide for clear and efficient enforcement, and can reduce nuisance complaints while protecting communities, pets, local wildlife and the environment.

Recognizing that some exotic animals are already living in communities, the intent of this bylaw is to prohibit the sale, breeding and display of exotic animals to decrease and eventually eliminate their presence in a community. The rehoming and adoption of certain rescued exotics as “Limited Animals” may be permissible to prevent abandonment. For questions regarding this bylaw in relation to specific species, please contact the BC SPCA directly at [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca) for guidance and evidence.

Please note, sections 9(1)(c) and 9(3)(c) of the *Community Charter* require ministerial approval prior to a Council adopting a bylaw in relation to wildlife.

## Bylaw

*Adapted from City of Coquitlam Bylaw No. 3838*

**“Allowable Animals”** means a non-native animal, whether domesticated or bred in captivity, that is permitted to be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to cats (*Felis catus*), dogs (*Canis lupus*), domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), farm animals, freshwater fish, gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds);

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Controlled Alien Species”** means a non-native wild animal specified in schedules 1-4 of the *Controlled Alien Species Regulation* to the *Wildlife Act*;

**“Exotic Animal”** means a non-native wild animal, whether bred in captivity or live-captured and imported from outside of Canada;

**“Farm Animal”** means any domesticated livestock, poultry or insect that is adapted to British Columbia’s climate and is limited to alpacas, cattle, chickens, donkeys, ducks, European rabbits, geese, goats, honeybees, horses, llamas, pigs, quail, sheep and turkeys; and

**“Limited Animal”** means an exotic animal that is allowed only to be owned, rehomed or adopted and is limited to bison, camels, chinchillas, degus, hedgehogs, invertebrates, medium and large birds (e.g., African grey parrots, Amazon parrots, macaws, peafowl, emus), small reptiles and amphibians under two (2) metres adult size (e.g., certain snakes, bearded dragons, frogs, salamanders), saltwater fish, sugar gliders, water buffalo and zebras.

## *Exotic Pets and Farm Animals*

1. A person must only possess allowable animals.
2. A person is not permitted to sell, breed, import or display any animal, including limited animals, with the exception of allowable animals.
3. A person who, on the date of the adoption of this bylaw, was keeping any limited animal other than an animal whose ownership in captivity violates existing Provincial or Federal statutes, such as a controlled alien species, may continue to keep that animal under the following conditions until the animal has died or been euthanized:
  - 3.1 The limited animal is kept secure at the owner’s premises except for visits to a veterinarian’s office; and
  - 3.2 The limited animal is not used in a show, circus or for entertainment or educational purposes.

## Animal performances, exhibitions and display



Keeping wild and exotic animals in captivity and using them for performances or display was a common practice globally until recently, as scientific studies have revealed the significant negative effects on their welfare state. Over time, governments have also recognized that it is difficult, and at times impossible, to provide for the physiological, emotional and behavioural needs of these animals. Further, many municipalities have had to address public safety issues when captive wild animals or exotic animals escaped their enclosures and roamed at large.

The [Standards of Care](#) section of the bylaw pertains to all animals in the municipality, including those traveling through for public shows. The language in this bylaw specifically ensures that domesticated animals are differentiated from wild or exotic animals to aid municipalities when making decisions about allowing performances and educational displays in their community, be they temporary or permanent.

We recognize that there is still much to learn about the welfare needs of some types of animals in captivity (e.g., fish and marine invertebrates), and this bylaw takes into account these gaps in existing animal welfare research.

### Bylaw

*Adapted from City of Chilliwack Bylaw No. 2653*

#### Definitions

**“Allowable Animals”** means a non-native animal, whether domesticated or bred in captivity, that is permitted to be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to cats (*Felis catus*), dogs (*Canis lupus*), domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), farm animals, freshwater fish, gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds);

**“Educational Display”** means showing animals to the public for the purposes of encouraging management and conservation of protected wild animals;

**“Farm Animal”** means any domesticated livestock, poultry or insect that is adapted to British Columbia’s climate and is limited to alpacas, cattle, chickens, donkeys, ducks, European rabbits, geese, goats, honeybees, horses, llamas, pigs, quail, sheep and turkeys; and

**“Wild or Exotic Animal”** means any native or non-native undomesticated free-ranging animal.

#### Animal Performance, Exhibition and Display

1. No person shall operate a circus, public show, exhibition, carnival or other display or performance (the “show”), whether temporary or permanent, in which any animal other than allowable animals are part of or otherwise accompanying the show.

2. No person shall operate an educational display, whether temporary or permanent, in which any wild or exotic animal, are on display, travelling with or otherwise accompanying the educational display. Exemptions include:
  - 2.1 fish;
  - 2.2 marine invertebrates;
  - 2.3 raptors, where a permit has been issued through the B.C. *Wildlife Act* Permit Regulation for 'Falconry' or 'Public Display'; or
  - 2.4 the wild or exotic animal is housed at a Global Federation of Animal Sanctuary (GFAS) Verified Sanctuary or wildlife rehabilitation facility permitted by the B.C. *Wildlife Act* Permit Regulation to keep wildlife in captivity.



## Business licences for animal businesses



### Pet stores, daycares, groomers, boarding, breeding and dog walking

Pet stores, animal kennels, daycares, dog walkers and groomers take on considerable responsibility in caring for large numbers of animals on a daily basis. Owners and purchasers of animals experience a gap in information as to the conditions where the animals are bred and housed. Bylaws for animal kennels, daycares, dog walkers, groomers and pet store businesses must adequately address both the increased level of responsibility required as well as the issues related to information asymmetry.

Domesticated species of animals can make suitable companions when guardians are able to meet their needs. Birds, fish and other exotic and wild species require a level of care that the average animal caregiver cannot provide. These animals are frequently undersocialized, do not receive adequate veterinary care and are surrendered to municipal and BC SPCA shelters, resulting in significant costs.

The below provisions are based on evidence of an individual animal's needs as well as group care and health. While they are not individually referenced, content primarily derives from:

- [CVMA: A Code of Practice for Canadian Kennel Operations. \(2007, 2017 third edition forthcoming\).](#)
- [CVMA: A Code of Practice for Canadian Cattery Operations. \(2009\).](#)
- [Canadian Standards of Care in Animal Shelters: Supporting ASV Guidelines. \(2013\).](#)

### Animal Sales

It is nearly impossible to provide for the well-being of domestic animals when breeding, transporting and housing for sale through retail stores. The BC SPCA receives regular cruelty complaints about animals dying during transport or becoming ill or depressed in-store. Reputable breeders do not sell to pet stores. We recommend municipalities adopt *Option 1* in the Sale of Animals section below.

### Bylaw

*Adapted from City of Richmond Bylaw No. 7538, City of Vancouver Bylaw No. 4450, New Westminster Bylaw No. 7546 and Maple Ridge Bylaw No. 6908*

### Definitions

**“Allowable Animals”** means a non-native animal, whether domesticated or bred in captivity, that is permitted to be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to cats

(*Felis catus*), dogs (*Canis lupus*), domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), farm animals, freshwater fish, gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds);

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Animal Kennel”** means an establishment where animals are bred, raised, trained, or boarded;

**“Animal Daycare”** means short-term daytime care for animals;

**“Animal Groomer”** means a business where one or more individuals bathes, brushes, trims and provides other grooming services for domestic pets;

**“Dog Walker”** means a business where one or more individuals provides transport and walking services for one or more dogs;

**“Inspector”** means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided;

**“Licensee”** means any person or business entity who obtains a licence to operate and does operate a business that involves providing care for animals, other than a veterinary clinic, including pet stores, animal kennels, animal daycares, dog walkers and animal groomers;

**“Licensing Officer”** means a person appointed by the municipality for the purpose of processing and issuing licences under this bylaw;

**“Neuter”** means to castrate a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**“Pet Store”** means a business which sells, at premises of any nature (including a private dwelling), live animals other than those intended for food or farming purposes, or that keeps such animals in any such premises with a view to their being sold in the course of such a business, whether by the keeper thereof or by any other person;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor; and

**“Spay”** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

#### *Business Providing Care for Animals*

1. A licensee must ensure:

1.1 that cages or other places where animals are kept:

1.1.1 are maintained in good repair;

1.1.2 are clean and sanitary;

1.1.3 are regularly disinfected and free of offensive and disagreeable odours;

- 1.1.4 are free of all animal waste, which the operator must dispose of in an appropriate manner;
- 1.1.5 are well ventilated;
- 1.1.6 are proportionate to the size and species of animal being kept within and allow room for the animal to stand to its full height, turn around with ease, and perform any other normal postural or behavioural movement without distress;
- 1.1.7 have separation between food, urination and defecation, and resting areas;
- 1.1.8 are equipped with appropriate containers for food and water;
- 1.1.9 are fitted with an impermeable floor surface sufficient to support the weight of the animal without bending;
- 1.1.10 for cats, each individual is provided with a litter box containing sufficient litter that accommodates its entire body.
- 1.2 all animals are provided with sufficient food, water, shelter, warmth, lighting, cleaning, sanitation, grooming, exercise, veterinary care and any other care necessary to maintain the health, safety and well-being of those animals.
- 1.3 incompatible species of animals are not confined in the same enclosure.
- 1.4 when housing multiple animals in an enclosure, address all issues related to age differences, size differences and protective or aggressive behaviours related to resource guarding.
- 1.5 animals have a place to hide from visual contact with other animals and humans.
- 1.6 age and species appropriate enrichment is available for the animals.
- 1.7 that no animals are handled by members of the public except under the supervision of a qualified employee and animals are not handled when hiding or sleeping unless necessary for health or medical reasons.
- 1.8 animals in transport are adequately secured, have adequate ventilation and are protected from physical conflict with other animals.
- 1.9 that any animal in the licensee's care which is ill or injured is promptly examined and treated by a qualified veterinarian and that any necessary euthanasia and disposal of an animal is performed by a veterinarian.
- 1.10 that an area is available for the segregation of animals in the licensee's care which are injured, ill, or in need of special care, treatment or attention, from other animals on the premises.
- 1.11 The licensee immediately notify the medical health officer whenever an animal in their care is, or appears to be, suffering from a disease transmittable to humans or other animals and keep the animal isolated from healthy animals until it has been determined by a veterinarian or the medical health officer that the animal is free of disease.
- 1.12 The licensee does not employ any person who has been convicted of an offence involving cruelty to animals or has had animals seized pursuant to the *Prevention of Cruelty to Animals Act*.
- 1.13 report suspected neglect or abuse to the Animal Cruelty Reporting Hotline (1-855-622-7722), including animals that arrive sick, injured or unsocialized.

- 1.14 that all persons who attend to the care of animals have the necessary skills, knowledge, training, abilities and equipment and supplies for the humane care of those animals.
- 1.15 The licensee has in place a written emergency plan for fire and earthquake, including provisions for when no staff are on site.
- 1.16 every person or individual carrying on the business of or operating an animal daycare must maintain, in English, a legible register of animals in care, which register shall contain the following information:
  - 1.16.1 the name, address and telephone number of the owner of the animal and emergency contact including the pet's registered veterinarian;
  - 1.16.2 the name, breed and species of the animal; and
  - 1.16.3 the licence tag number of the animal in care, if applicable, and provide a copy of such register to an Inspector upon request.

#### *Pet Stores and Animal Kennels*

#### 2. A licensee must:

- 2.1 pair house animals where possible to ensure adequate social development.
- 2.2 not separate any animal from its mother prior to it being weaned.
- 2.3 enact and supply inspectors with an age-appropriate written socialization plan for all animals, preventing the development of aggression and mitigating long-term fear and anxiety of unfamiliar circumstances.
- 2.4 maintain a legible register in English, which records all transactions in which animals have been acquired, sold or otherwise disposed of, and provide a copy of such register to an inspector upon request. Records must contain:
  - 2.4.1 the name and address of the person from whom the regulated agency acquired the animal;
  - 2.4.2 the date of the acquisition;
  - 2.4.3 a description of the sex and colouring of the animal, and of any tattoo, microchip number or other identifying marking;
  - 2.4.4 the date the licensee disposed of the animal; and
  - 2.4.5 if the disposition is other than by sale, the method of and reason for such disposition.
- 2.5 at the time of sale of any animal, provide the purchaser with written instructions on the proper care and feeding of the animal, including:
  - 2.5.1 appropriate diet, including any recommended dietary supplements;
  - 2.5.2 proper handling techniques;
  - 2.5.3 basic living environment and, if applicable, type of enclosure, including appropriate enclosure size, lighting, heating, humidity control, materials and planting, substrate and recommended cleaning frequency;
  - 2.5.4 exercise needs, if any;

- 2.5.5 any other care requirements necessary to maintain the health and well-being of the animal;
- 2.5.6 any human health risks associated with the handling of the animal; and
- 2.5.7 the pet store or kennel's return policy.

2.6 not give away any animal for free for any promotional purpose.

2.7 be in compliance with the most updated edition of the Canadian Veterinary Medical Association's *A Code of Practice for Canadian Kennel Operations*, *A Code of Practice for Canadian Cattery Operations* and from the Canadian Advisory Council on National Shelter Standards, the *Canadian Standards of Care in Animal Shelters*.

*Option 1: No Sale of Animals in Retail Outlets*

- 3. No person shall sell or offer for sale to the public any animal, in a pet store or other type of retail premises, with the exception of those animals offered for adoption from a recognized animal rescue society or shelter organization.

*Option 2: Restriction on Sale of Animals in Retail Outlets*

- 3. No person shall sell or offer for sale to the public in a pet store or other type of retail premises:
  - 3.1 any an unsterilized cat or rabbit; or
  - 3.2 any animals other than allowable animals.

*Information Supplied to Purchaser*

- 4. For the sale of a dog, puppy, cat, kitten or rabbit, the licensee shall provide the purchaser with:
  - 4.1 a dated and signed certificate from a veterinarian verifying the health of the animal and indicating that the animal has been de-wormed and vaccinated or inoculated for the disease(s) specified in the certificate;
  - 4.2 a description of the animal, including its species, sex, age, colour, markings, any tattoo or microchip and breed or cross-breed;
  - 4.3 the date of sale; and
  - 4.4 the name and address of the pet store or kennel, including the name of the owner of the business.

*Application and Inspection*

- 5. The licensing officer shall refuse any licence application which does not meet with all of the requirements of this bylaw.
- 6. In the event that a licence application is refused, the licensing officer shall give notice in writing to the owner by registered mail or personal delivery.
- 7. Every licensee shall permit an inspector (or its duly designated delegate) or a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals, upon production of proper identification, to enter and inspect the premises and any animals found therein at all reasonable times for the purpose of determining compliance with this bylaw.

For more information or for consultation, contact:

**Amy Morris, MPP**  
**Public Policy and Outreach Manager**

by email at [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca)  
or by phone at 1-800-665-1858



*BC SPCA (<https://spca.bc.ca>) > News Stories (<https://spca.bc.ca/news/>) > BC SPCA says Surrey bylaw 'best in the province'*

## BC SPCA says Surrey bylaw 'best in the province'

February 14, 2017

*The BC SPCA is applauding a new Animal Responsibility Bylaw that the City of Surrey approved at its council meeting Monday night. Key objectives of the new bylaw include mitigating the safety risks associated with aggressive dogs and promoting responsible dog ownership.*

*"It's extremely encouraging to see a B.C. municipality finally stepping up with a truly proactive approach to the serious problem of irresponsible dog ownership in our communities," says BC SPCA senior manager of stakeholder relations Geoff Urton, noting the new bylaw is in line with the BC SPCA's municipal model bylaw recommendations.*

*"Surrey is demonstrating real leadership with this dog ownership bylaw, which is now the best in the province, and other municipalities should take note."*

*Developed in consultation with the BC SPCA, the Canadian Veterinary Medical Association and an animal behaviourist, among others, the Animal Responsibility Bylaw is intended to modernize and update existing bylaws.*

*As a result of the updates, there are now more tools for the City to deal with dogs behaving aggressively in the community, yet there are no breed-specific restrictions, which are ineffective and do not adequately address the problem of dog aggression in a community, Urton notes.*

*"Under the old bylaw, a dog would have to physically attack an individual before it could be deemed as dangerous," says Surrey manager of bylaws and licensing services Jas Rehal.*

*"The new bylaw gives us the latitude to intervene when a dog is behaving aggressively and before a dog bite or attack occurs."*

*Key safety and welfare updates in the new bylaw include:*

- Someone must be home if dogs are outside on a chain or a cable run, preventing injury or attack from other animals;*
- A staged response to dog aggression allows the city to ask owners to address early aggression with an approved trainer before it becomes worse;*
- Dangerous dogs must have permanent identification, be actively engaged in training with an approved trainer, and be spayed or neutered;*
- Violations have been added for abandoning, teasing or tormenting an animal, causing or permitting suffering to any animal and training any animal for fighting.*

*The new bylaw was approved and given first, second and third readings Monday night and will be adopted at the Feb. 20 council meeting.*





## **ANIMAL CONTROL BYLAW**

### **BYLAW NO. 11-044**

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*.  
(Consolidated on January 1, 2015 up to Bylaw No. 14-054)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 11-044

**ANIMAL CONTROL BYLAW****A BYLAW OF THE CITY OF VICTORIA**

(Consolidated to include Bylaws No. 12-020, 12-021 and 14-054)

The purpose of this Bylaw is to consolidate, update, and introduce new regulations relating to animals.

***Contents*****PART 1 - INTRODUCTION**

- 1 Title
- 2 Definitions
- 3 Application

**PART 2 – ADMINISTRATIVE DUTIES OF THE POUNDKEEPER**

- 4 Appointing a poundkeeper
- 5 Keeping records
- 6 Monthly reporting
- 7 Money received

**PART 3 – ANIMAL WELFARE**

- 8 Animal abandonment
- 9 Basic animal care requirements
- 10 Outdoor shelter requirements
- 11 Sanitation requirements
- 12 Tying animals
- 13 Animals in an enclosed space
- 14 Transport of animals in motor vehicles
- 15 Exercising dogs from a motor vehicle or bicycle
- 16 Animal performances
- 17 Traps

**PART 4 – ANIMAL CONTROL**

- 18 Animals on private property
- 19 Dogs in public places
- 20 Other animals in public places
- 21 Requirements for keeping bees
- 22 Secure enclosure of outdoor rabbits
- 23 Animals damaging public property
- 24 Animals chasing or harassing
- 25 Limits on the number of dogs
- 26 Dogs in heat
- 27 Farm animals

**PART 5 – DANGEROUS DOGS**

- 28 Designating dangerous dogs
- 29 Control of dangerous dogs
- 30 Signage

- 31 Duties of a dangerous dog owner

#### **PART 6 – DOG LICENCES**

- 32 Obtaining dog licences  
33 Collars and licence tags

#### **PART 7 – ANIMAL NUISANCES**

- 34 Noisy dogs  
35 Animal waste  
36 Feeding wildlife

#### **PART 8 – PET STORES**

- 37 Sale of rabbits  
38 Pet store register  
39 Pet store record of sale

#### **PART 9 – SEIZING AND IMPOUNDING ANIMALS**

- 40 Authority to seize and impound  
41 Releasing an animal before its arrival at the pound  
42 Informing the owner of impoundment  
43 Redeeming an animal from the pound  
44 No liability for injury to animal  
45 Disposition of unredeemed animals  
46 Euthanization of impounded animals  
47 Prohibition against breaking into pound  
48 Prohibition against hindering the poundkeeper or officers

#### **PART 10 – PENALTIES AND ENFORCEMENT**

- 49 Provision of information  
49.1 Entering property for inspection  
50 Offences

#### **PART 11 – GENERAL PROVISIONS**

- 51 Severability  
52 Repeal  
53 Coming into force

#### **Schedule A – Dog Off Leash Areas and Times**

#### **Schedule B – Dogs-Prohibited Area in Beacon Hill Park**

#### **Schedule C – Dangerous Dog Sign**

#### **Schedule D – Fees**

#### **Schedule E – Prohibited Wildlife Feeding Area**

Under its statutory powers, including sections 8(3)(k), 47 and 48 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

## PART 1 - INTRODUCTION

### Title

- 1 This Bylaw may be cited as the "ANIMAL CONTROL BYLAW".

### Definitions

- 2 In this Bylaw

"animal"

means any member of the animal kingdom, other than a human being;

"animal control officer"

means a person designated as an animal control officer for the purposes of section 49 of the *Community Charter*;

"dangerous dog"

means a dog that has been designated as a dangerous dog under section 28;

"farm animal"

means any domesticated animal normally raised for food, milk or as a beast of burden and includes cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen but does not include poultry or bees;

"motor vehicle"

means a self-propelled vehicle other than a motorized wheelchair;

"owner"

in respect of any animal includes

- (a) a person possessing or harbouring the animal, and
  - (b) a person who has care, custody or control of the animal,
- and "owns" has a corresponding meaning;

"poundkeeper"

means

- (a) the City employee appointed pursuant to section 4(a), or
- (b) the person under contract with the City to act as a poundkeeper pursuant to section 4(b),

and includes the poundkeeper's assistants and, in the case of a contractor, employees.

### **Application**

- 3
  - (1) Sections 18 to 20 do not apply to an animal control officer acting in the course of the officer's employment.
  - (2) Sections 19(4), 32(3)(b) and 35(1) do not apply to a person with a disability with respect to a guide animal certified under the *Guide Animal Act*.
  - (3) Sections 19(1), 19(4) and 32(3)(b) do not apply to a police officer with respect to a police dog.
  - (4) Section 19 does not apply to a person with respect to a dog participating in a show, exhibition or performance that is being conducted in accordance with a permit issued by the Director of Parks, Recreation and Culture.
  - (5) Section 19 does not apply to a dangerous dog.
  - (6) Section 20 does not apply to peafowl in Beacon Hill Park.

## **PART 2 – ADMINISTRATIVE DUTIES OF THE POUNDKEEPER**

### **Appointing a poundkeeper**

- 4 Council may
  - (a) appoint, by resolution, an employee of the City to be a poundkeeper or poundkeeper's assistant, or
  - (b) enter into an agreement with a qualified contractor to act as the poundkeeper and to manage a dog licensing program for the City.

### **Keeping records**

- 5 The poundkeeper must keep the following records for each impounded animal:
  - (a) the date the animal was impounded;
  - (b) a description of the animal;
  - (c) if applicable, the place where the animal was seized;
  - (d) if applicable, the name and address of the person who brought the animal to be impounded;
  - (e) if applicable, the name and address of the person who redeems the animal and, if the person who redeems the animal is not the owner, the name and address of the owner of the animal;

- (f) the date when the animal was redeemed or otherwise disposed of;
- (g) a description of the method of and reason for the disposition;
- (h) the amount of money, if any, recovered in respect of the animal.

### **Monthly reporting**

- 6 At the end of every month the poundkeeper must submit a report to the City, containing:
- (a) the information referred to in section 5;
  - (b) a complete record of any dog bites which occurred in that month, including:
    - (i) information concerning the severity of the bite;
    - (ii) the breed of the dog;
    - (iii) the name and address of the owner of the dog, if known;
    - (iv) the name of the person bitten; and
    - (v) the details of any charges under the Bylaw.

### **Money received**

- 7
- (1) All money received by the poundkeeper pursuant to this Bylaw is the property of the City.
  - (2) The poundkeeper, if not employed by the City, must once every month pay over to the City all money received.
  - (3) On demand at any time during business hours, the poundkeeper must produce books of accounts and records for inspection by the Director of Finance or the Manager of Bylaw and Licensing Services.

## **PART 3 – ANIMAL WELFARE**

### **Animal abandonment**

- 8 The owner of an animal must not abandon the animal.

### **Basic animal care requirements**

- 9 The owner of an animal must ensure that the animal is provided with:
- (a) clean, potable drinking water;
  - (b) suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;

- (c) clean and disinfected food and water receptacles that are located so as to avoid contamination by excrement;
- (d) the opportunity for regular exercise sufficient to maintain good health; and
- (e) necessary veterinary care when the animal exhibits signs of pain, injury, illness or suffering.

### **Outdoor shelter requirements**

- 10 A person must not keep an animal outside, unless the animal is provided with a shelter that provides
- (a) protection from heat, cold and wet that is appropriate to the animal's weight and type of coat,
  - (b) sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position, and
  - (c) protection from the direct rays of the sun.

### **Sanitation requirements**

- 11 A person must not keep an animal in a shelter, pen, cage or run unless the shelter, pen, cage or run is clean, sanitary and free from wild vermin.

### **Tying animals**

- 12 (1) A person must not hitch, tie or fasten an animal to a fixed object by a rope, chain or cord that is directly tied around the animal's neck or to a choke collar.
- (2) A person must not hitch, tie or fasten an animal to a fixed object as the primary means of confinement for an extended period of time.

### **Animals in an enclosed space**

- 13 (1) A person must not confine an animal in an enclosed space, vehicle or vessel unless the person provides sufficient ventilation and water to prevent the animal from distress.
- (2) If a person confines an animal in an enclosed space, vehicle or vessel that is stationary, the person must ensure that the space, vehicle or vessel is in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.

### **Transport of animals in motor vehicles**

- 14 A person must not transport an animal in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the animal is adequately confined or secured in a body harness or other manner of fastening that is

adequate to prevent the animal from jumping or falling off the vehicle or otherwise injuring itself.

### **Exercising dogs from a motor vehicle or bicycle**

- 15 (1) A person must not exercise a dog by allowing it to run next to a moving motor vehicle.
- (2) A person must not exercise a dog by allowing it to run next to a bicycle unless the dog is attached to the bicycle by an apparatus that allows the person to retain two-handed control of the bicycle at all times.
- (3) Subsection (2) does not apply to a person exercising a dog in an off leash area if:
- (a) the dog is not being held; and
  - (b) bicycle riding is allowed in the area.

### **Animal performances**

- 16 (1) A person must not operate or carry on a public show, exhibition, carnival or performance in which animals are required to perform tricks, fight or otherwise participate for the amusement or entertainment of an audience.
- (2) Despite subsection (1), a person may operate or carry on:
- (a) an exhibition or performance involving horses or in which individuals ride horses or ponies;
  - (b) an exhibition involving dogs;
  - (c) a display or showing of animals in an agricultural fair or pet show; or
  - (d) an event that is conducted in accordance with a permit issued by the Director of Parks, Recreation and Culture;
- if the person does not use or treat any animal in an inhumane manner for profit or advantage.

### **Traps**

- 17 A person must not use, set or maintain a trap or device that is designed to capture an animal by the foot or leg.

## **PART 4 – ANIMAL CONTROL**

### **Animals on private property**

- 18 (1) The owner of an animal must not allow the animal to be on any private lands or premises without the consent of the occupier or owner of the lands or premises.

- (2) Subsection (1) does not apply to a person who keeps bees.

### **Dogs in public places**

- 19 (1) The owner of a dog must not allow the dog to be in a public place unless the dog is firmly held on
- (a) a leash not exceeding 2.4 m in length, or
  - (b) a retractable lead not exceeding 8 m in length when fully extended,
- by a person competent to restrain the dog.
- (2) Despite subsection (1), the owner of a dog may allow the dog to be in an off leash area of a park shown on a map included in Schedule A without being firmly held if
- (a) the dog is in the area during the times listed in Column 2 of the table in Schedule A opposite the name of the park in Column 1,
  - (b) the dog is under the effective control of a competent person,
  - (c) the off leash area is not being used under a permit issued by the Director of Parks, Recreation and Culture, and
  - (d) the off leash area has not been closed by the Director of Parks, Recreation and Culture.
- (3) For the purposes of paragraph (2)(b), a dog is under the effective control of a person if
- (a) the person can see the dog, and
  - (b) when the person calls the dog, the dog returns to the person within three calls.
- (4) Despite subsection (1), the owner of a dog must not allow the dog to be in any of the following public places during the times specified:
- (a) all times in that part of Beacon Hill Park shown as a dogs-prohibited area on the map in Schedule B;
  - (b) all times in Pioneer Square;
  - (c) all times in Ross Bay Cemetery;
  - (d) from June 1 to August 31 on Gonzales Beach;
  - (e) all times in playground areas that
    - (i) surround slides, swings, structures for climbing and other similar equipment for children's use, and

- (ii) are covered with sand, wooden chips or rubberized surfacing;
- (f) all times on the all-weather sports field, known as Finlayson Field, in Topaz Park.

### **Other animals in public places**

- 20 (1) The owner of a snake or other reptile must not allow the snake or other reptile to be in a public place unless the animal is securely confined in a cage or other container.
- (2) The owner of an animal other than a dog or reptile must not allow the animal to be in any public place unless the animal is under the direct control of a competent person.
- (3) An owner of a cat or rabbit must not cause the animal to be in an off leash area of a park shown on a map included in Schedule A.

### **Requirements for keeping bees**

- 21 (1) A person who keeps bees must
  - (a) provide adequate water for the bees on the person's property,
  - (b) maintain the bees in a condition that will reasonably prevent swarming, and
  - (c) keep hives at least 7.6 m away from each property line, unless there is a solid fence or hedge at least 1.8 m tall parallel to the property line.
- (2) The Fence Bylaw applies to a fence erected in accordance with paragraph (1)(c).

### **Secure enclosure of outdoor rabbits**

- 22 A person must not keep rabbits in an outdoor pen, cage or run, unless the pen, cage or run is securely enclosed to prevent escape.

### **Animals damaging public property**

- 23 The owner of an animal must not allow the animal to damage or destroy any building, structure, tree, shrub, plant, or turf in a public place.

### **Animals chasing or harassing**

- 24 The owner of an animal must not allow the animal to chase, harass, molest, attack, injure or kill a person or animal.

### **Limits on the number of dogs**

- 25 (1) A person must not keep more than 4 dogs on one parcel of land, unless

- (a) the dogs are kept within the M-2 Zone, Light Industrial District or the M-3 Zone, Heavy Industrial District as defined in the Zoning Regulation Bylaw, or
- (b) the dogs are kept only during business hours on premises where a registered veterinarian practices veterinary medicine.
- (2) For the purpose of subsection (1) a parcel of land subdivided pursuant to the *Strata Property Act* remains a single parcel of land.
- (3) Notwithstanding subsections (1) and (2) the occupier of each apartment in an apartment building under whatever form of land title, may keep one dog.

### **Dogs in heat**

- 26 (1) Except as permitted by subsection (2), the owner of a female dog in heat must confine her within a building or kennel until she is no longer in heat.
- (2) The owner of a female dog in heat may allow the dog to leave the building or kennel in order to urinate or defecate on the person's private lands if the person
  - (a) firmly holds the dog on a leash, and
  - (b) immediately returns the dog to the building or kennel upon completion of the urination or defecation.

### **Farm animals**

- 27 (1) A person must not keep a
  - (a) farm animal,
  - (b) rooster, or
  - (c) peafowl.
- (2) The prohibition in subsection (1) does not apply to:
  - (a) a person who is licensed to operate a business using a horse drawn sightseeing vehicle pursuant to the Vehicles for Hire Bylaw with respect to horses used in the business;
  - (b) the Beacon Hill Farm Society with respect to farm animals and peafowl kept at the Beacon Hill Children's Farm; and
  - (c) a person who brings a farm animal into the City for an event conducted in accordance with a permit issued by the Director of Parks, Recreation and Culture.

## **PART 5 – DANGEROUS DOGS**

### **Designating dangerous dogs**

- 28     (1)     An animal control officer may designate a dog as a dangerous dog if the dog
- (a)     bites a human or animal without provocation,
  - (b)     has a known propensity, tendency or disposition to attack a human or animal without provocation, or
  - (c)     has previously been designated as a dangerous dog and endangers the safety of a human or animal.
- (2)     A designation under subsection (1) may be for any time period that an animal control officer considers appropriate, considering
- (a)     the circumstances of the incident,
  - (b)     the severity of the incident, and
  - (c)     any previous incidents.
- (3)     After designating a dog as a dangerous dog, an animal control officer must inform the owner of the dog in writing of
- (a)     the designation and its length, and
  - (b)     the responsibilities of the owner of a dangerous dog.

### **Control of dangerous dogs**

- 29     (1)     Except as allowed under subsection (2) and subject to subsection (3), the owner of a dangerous dog must not allow the dangerous dog to be in a public place or on any private lands and premises unless the dog is
- (a)     firmly held by a person competent to restrain the dog on a leash not exceeding 2.4 m in length, and
  - (b)     properly fitted with a humane basket muzzle that allows the dog to pant and drink.
- (2)     A person may allow a dangerous dog to be in areas of private lands or premises that are exclusively owned or occupied by that person so long as the dog is securely confined
- (a)     indoors,
  - (b)     on a deck that is no less than 3 m above ground level, or
  - (c)     in a rear yard and inside a pen, enclosure or fenced area that

- (i) is adequately constructed to prevent the dog from escaping,
  - (ii) is locked to prevent casual entry by another person, and
  - (iii) has been inspected and approved by an animal control officer.
- (3) A person must not allow a dangerous dog to be
  - (a) on school grounds,
  - (b) within 30 m of any playground apparatus, or
  - (c) in any of the public places listed in section 19(4) during the times specified in that section.

### **Signage**

- 30 (1) The owner of a dangerous dog must display a sign in the form prescribed in Schedule C at each entrance to
- (a) the property and building in or upon which the dog is kept, and
  - (b) any deck, pen, enclosure or fenced area used to securely confine the dog.
- (2) A sign displayed in accordance with subsection (1) must be
- (a) attached so that it cannot be removed easily by passersby, and
  - (b) visible and capable of being read from any adjacent sidewalk, street or lane.
- (3) A person must not deface or remove a sign that is required to be displayed under subsection (1).

### **Duties of a dangerous dog owner**

- 31 The owner of a dangerous dog must
- (a) allow an animal control officer or the poundkeeper to photograph the dog, on demand,
  - (b) within two working days of moving to a new residence, provide an animal control officer or the poundkeeper with the owner's new address,
  - (c) within two working days of selling or giving away the dog, provide an animal control officer or the poundkeeper with the name, address and telephone number of the new owner,
  - (d) within two working days of the death of the dog, provide an animal control officer or the poundkeeper with a veterinarian's certificate of the death, and

- (e) immediately advise an animal control officer or the poundkeeper if the dog is loose or has bitten or attacked any person or animal.

## **PART 6 – DOG LICENCES**

### **Obtaining dog licences**

- 32
- (1) The owner of a dog over the age of 4 months must hold a valid licence issued by the City for the dog.
  - (2) Every licence expires on December 31 of the calendar year for which the licence is issued.
  - (3) A person may obtain a licence for a dog by
    - (a) applying to the City for a licence, and
    - (b) paying the fee prescribed in Schedule D.
  - (4) Despite paragraph (3)(b), a person may obtain a licence for a dog without paying the prescribed fee if
    - (a) the dog has been sterilized within the 12 months prior to the application for a licence, the person provides proof of sterilization, and a free licence has not previously been issued for that dog under this subsection, or
    - (b) the person holds a valid licence for the dog issued in another jurisdiction and surrenders the licence tag from the other jurisdiction.
  - (5) A person who obtains a licence on or after March 1 must pay the late purchase fee prescribed in Schedule D in addition to the licence fee.
  - (6) The late purchase fee provided for in subsection (5) does not apply to a person who obtains a licence for a dog that was purchased or acquired in the calendar year for which the licence is issued.
  - (7) An owner may obtain a replacement licence tag if a valid licence tag is lost or destroyed by paying the fee prescribed in Schedule D.

### **Collars and licence tags**

- 33
- (1) A licence consists of a written receipt and a licence tag designed to be attached to a dog collar.
  - (2) The owner of a dog over the age of 4 months must not allow the dog to be anywhere except on premises normally occupied by the owner unless the dog wears a collar with a valid licence tag attached to the collar.

- (3) If a dog does not wear a collar to which the licence tag is attached in a conspicuous place, it shall be presumed not to be licensed until the contrary is proven.
- (4) A person must not remove a collar or licence tag from a dog, unless that person is
  - (a) the owner,
  - (b) a person authorized by the owner,
  - (c) the poundkeeper, or
  - (d) an animal control officer.

## **PART 7 – ANIMAL NUISANCES**

### **Noisy dogs**

- 34 In addition to the requirements of the Noise Bylaw the owner of a dog must not allow the dog to bark, howl or cry
  - (a) continuously for ten minutes or more without significant periods of rest,
  - (b) sporadically for a cumulative total of 15 or more minutes within 1 hour, or
  - (c) otherwise in such a manner as to cause a nuisance.

### **Animal waste**

- 35 (1) The owner of a dog must not allow the dog to defecate
  - (a) in a public place, or
  - (b) on any private property other than the property of the owner
 unless the owner immediately removes the excrement and lawfully disposes of it.
- (2) A person who grooms an animal in a public place must remove and lawfully dispose of any hair or other debris that result from the grooming process.

### **Feeding wildlife**

- 36 (1) A person must not intentionally feed or leave food out for the purposes of feeding
  - (a) deer,
  - (b) raccoons,
  - (c) squirrels, or

- (d) feral rabbits.
- (2) A person must not intentionally feed or leave food out for the purposes of feeding
  - (a) rock doves (pigeons),
  - (b) crows, or
  - (c) gulls
 within the area outlined in black on the map in Schedule E.
- (3) Subsections (1) and (2) do not apply to a person who is engaging in hunting or trapping wildlife in accordance with the *Wildlife Act* and its regulations.

## PART 8 – PET STORES

### Sale of rabbits

- 37 A pet store operator must not sell or give away a rabbit unless the rabbit has been spayed or neutered.

### Pet store register

- 38 A pet store operator must
- (a) keep and maintain a pet store register in the pet store containing a record of each transaction in which the operator acquires or disposes of a rabbit, cat or dog, including the following information:
    - (i) the name and address of the person from whom the operator acquired the animal;
    - (ii) the date of the acquisition;
    - (iii) the animal's date of birth;
    - (iv) a description of the sex and colouring of the animal, and of any tattoo, microchip number, or other identifying marking;
    - (v) the date the operator disposed of the animal;
    - (vi) if the disposition is other than by sale, the method of and reason for the disposition;
  - (b) produce the pet store register for inspection by an animal control officer or bylaw officer,
  - (c) provide copies of any entries required by an animal control officer or bylaw officer, and

- (d) retain each transaction recorded in the pet store register for at least 12 months from the date of the transaction.

### **Pet store record of sale**

- 39 At the time of the sale of an animal, a pet store operator must
- (a) provide the purchaser with a written record of sale including the following information:
    - (i) the date of sale;
    - (ii) the name and address of the pet store;
    - (iii) a description of the animal;
    - (iv) a description of any tattoo, microchip number, or other identifying marking;
    - (v) the breed or cross breed, if applicable; and
  - (b) if the animal is a dog or cat, provide the purchaser with
    - (i) a health certificate from a registered veterinarian, and
    - (ii) a record of medical treatment, vaccinations and de-worming.

## **PART 9 – SEIZING AND IMPOUNDING ANIMALS**

### **Authority to seize and impound**

- 40 (1) An animal control officer may seize
- (a) a dog if the owner does not hold a valid licence for the dog as required by section 32(1),
  - (b) an animal that is in a public place in contravention of sections 19, 20 or 29,
  - (c) an animal that is on any private lands or premises without the consent of the occupier or owner of the lands or premises, or
  - (d) an animal that is on unfenced land and not securely tethered or contained.
- (2) The poundkeeper shall impound any animal seized under subsection (1) and delivered to the pound by an animal control officer and may impound any animal brought to the pound by any other person.

**Releasing an animal before its arrival at the pound**

- 41 (1) If the owner or the agent of the owner appears and claims an animal that has been seized at any time before the animal has been taken to the pound, an animal control officer must release the animal to the owner or agent if the person
- (a) proves ownership of the animal to the satisfaction of the animal control officer or, in the case of an agent, satisfies the animal control officer of the agent's authority to redeem the animal,
  - (b) pays any applicable licence fees, and
  - (c) pays to the animal control officer half of the applicable impoundment fee set out in Schedule D.
- (2) Subsection (1) does not apply if the animal that has been seized is a dangerous dog.

**Informing the owner of impoundment**

- 42 If the poundkeeper knows the name and address of the owner of an animal which has been impounded, the poundkeeper will inform the owner verbally or by mail within 24 hours of the impoundment.

**Redeeming an animal from the pound**

- 43 (1) The owner of an impounded animal or the owner's agent may redeem the animal from the pound by
- (a) proving ownership of the animal to the satisfaction of the poundkeeper or, in the case of an agent, satisfying the poundkeeper of the agent's authority to redeem the animal, and
  - (b) paying to the poundkeeper
    - (i) any applicable licence fees,
    - (ii) the applicable impoundment fees prescribed in Schedule D,
    - (iii) the applicable maintenance fees prescribed in Schedule D for each day or part of a day that the animal was impounded,
    - (iv) the costs of any special equipment, resources or boarding facilities required to seize, impound or maintain the animal, and
    - (v) any veterinary costs incurred in respect of the animal during the impoundment period.
- (2) Despite subsection (1), the poundkeeper may detain a dangerous dog for a period of up to 14 days before allowing the owner or the owner's agent to redeem the animal.

**No liability for injury to animal**

- 44 No provision of this Bylaw shall be construed as making the poundkeeper, an animal control officer or the City liable to the owner of any animal for injury to, sickness or death of the animal.

**Disposition of unredeemed animals**

- 45 (1) An animal becomes the property of the City if it is not redeemed within 96 hours after
- (a) its impoundment, or
  - (b) the expiration of an impoundment period set under section 43(2).
- (2) If an animal becomes the property of the City under subsection (1), the poundkeeper may
- (a) sell it on behalf of the City,
  - (b) give it away, or
  - (c) put it to death in a humane manner.

**Euthanization of impounded animals**

- 46 The poundkeeper may have an impounded animal humanely euthanized at any time if
- (a) a registered veterinarian certifies that the animal is suffering from an infectious or contagious disease, or
  - (b) the poundkeeper is satisfied that the animal has been so seriously injured that its death is imminent.

**Prohibition against breaking into pound**

- 47 A person must not
- (a) break open or in any manner directly or indirectly aid or assist in breaking open the pound,
  - (b) enter the pound without the permission of the poundkeeper, or
  - (c) take or release any animal from the pound without the consent of the poundkeeper.

**Prohibition against hindering the poundkeeper or officers**

- 48 (1) A person must not hinder, delay or obstruct
- (a) the poundkeeper,

- (b) an animal control officer, or
- (c) a bylaw officer

in the performance of their duties under this Bylaw.

- (2) Without limiting the generality of subsection (1), a person must not
  - (a) release an animal from a trap set by an animal control officer, or
  - (b) tamper with, damage, move or remove a trap set by an animal control officer.

## **PART 10 – PENALTIES AND ENFORCEMENT**

### **Provision of information**

- 49      (1) If a person occupies premises where a dog is kept or found, the person must provide the following information when requested by an animal control officer, bylaw officer or police officer:
- (a) the person's name, address and telephone number;
  - (b) if the person is not the dog owner, the dog owner's name, address and telephone number;
  - (c) the number of dogs kept on the premises;
  - (d) the breed, sex, age, name and general description of each dog kept on the premises;
  - (e) whether each dog kept on the premises is licensed.
- (2) If a person has apparent custody of a dog, the person must provide the following information when requested by an animal control officer, bylaw officer or police officer:
- (a) the person's name, address and telephone number;
  - (b) if the person is not the dog owner, the dog owner's name, address and telephone number;
  - (c) the place where the dogs owned or in the custody of the person are kept;
  - (d) the breed, sex, age, name and general description of each dog owned or in the custody of the person;
  - (e) whether each dog owned or in the custody of the person is licensed.

### Entering property for inspection

- 49.1** In accordance with section 16 of the *Community Charter* but without limiting section 49 of the *Community Charter* an animal control officer at reasonable times may enter onto and into real property to inspect and determine whether the requirements and prohibitions of this Bylaw are being complied with.

### Offences

- 50 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.

## PART 11 – GENERAL PROVISIONS

### Severability

- 51 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Bylaw.

### Repeal

- 52 The following bylaws are repealed:
- (a) Bylaw No. 92-189, the “Animal Control Bylaw”, and
  - (b) Bylaw No. 79-89, the “Animal Protection Bylaw.”

### Coming into force

- 52 (1) Except for Part 8, this Bylaw comes into force on the date of adoption.
- (2) Part 8 comes into force on January 1, 2012.

READ A FIRST TIME the	<b>21<sup>st</sup></b>	day of	<b>July</b>	2011
AMENDED the	<b>25<sup>th</sup></b>	day of	<b>August</b>	2011
READ A SECOND TIME the	<b>25<sup>th</sup></b>	day of	<b>August</b>	2011
AMENDED the	<b>13<sup>th</sup></b>	day of	<b>October</b>	2011
READ A THIRD TIME the	<b>13<sup>th</sup></b>	day of	<b>October</b>	2011
ADOPTED on the	<b>27<sup>th</sup></b>	day of	<b>October</b>	2011

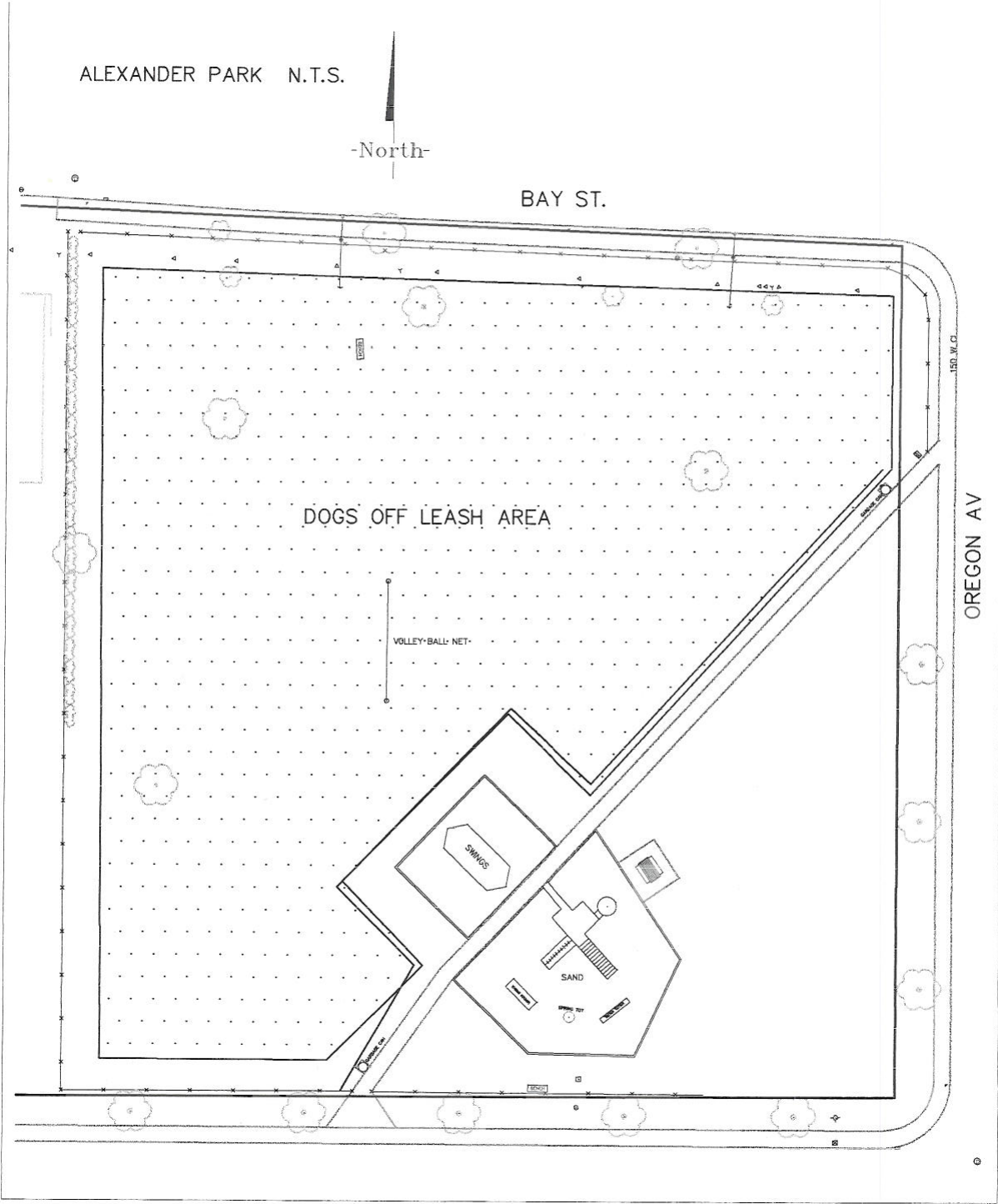
**“ROBERT G. WOODLAND”**  
CORPORATE ADMINISTRATOR

**“DEAN FORTIN”**  
MAYOR

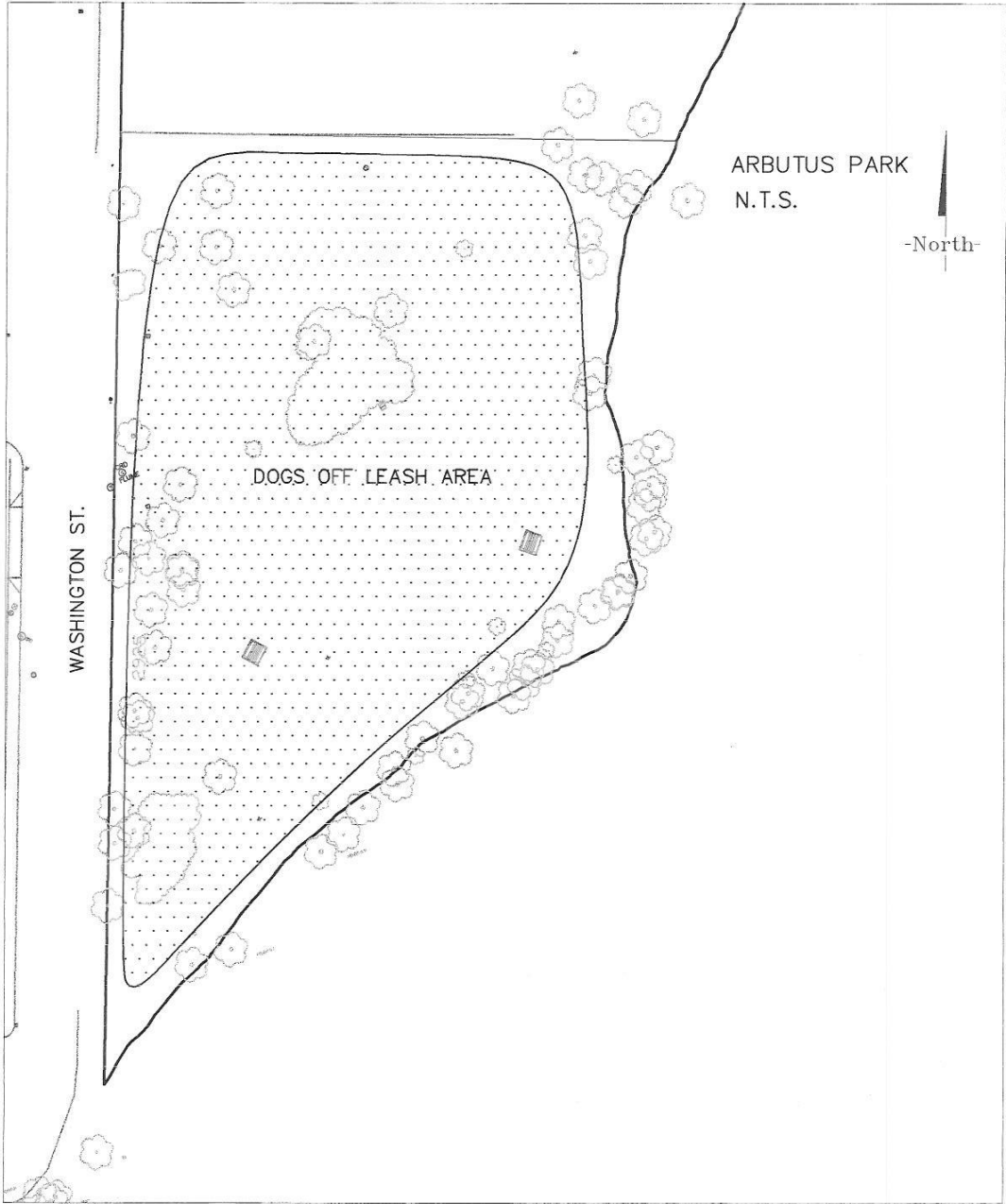
**Schedule A****Dog Off Leash Areas and Times (Section 19(2))**

<b>Column 1</b> <b>Park</b>	<b>Column 2</b> <b>Times</b>
Alexander Park	all days 6:00 a.m. - 10:00 a.m. & 4:00 p.m. - 10:00 p.m.
Arbutus Park	all days 6:00 a.m. - 10:00 p.m.
Banfield Park	all days 6:00 a.m. – 9:00 a.m. & 5:00 p.m. - 10:00 p.m. April 1 to Sept. 30 all days 6:00 a.m. - 10:00 p.m. Oct. 1 to March 31
Beacon Hill Park south of Dallas Road, from Douglas Street to Clover Point Park	all times
Clover Point Park	all times
Gonzales Beach	all times Sept 1 to May 31
Oswald Park	all days 6:00 a.m. - 10:00 p.m.
Pemberton Park	all days 6:00 a.m. - 10:00 p.m.
Redfern Park	all days 6:00 a.m. - 10:00 a.m. & 4:00 p.m. - 10:00 p.m.
Songhees Hilltop Park	all days 6:00 a.m. - 10:00 p.m.
Topaz Park – Off leash area	Monday to Friday 6:00 a.m. - 10:00 a.m. & 4:00 p.m. - 10:00 p.m. Saturday & Sunday 6:00 a.m. – 8:00 a.m. & 5:00 p.m. - 10:00 p.m.
Topaz Park – Alternate off leash area	all days 6:00 a.m.-10:00 p.m.
Vic West Park	all days 6:00 a.m.-10:00 p.m.

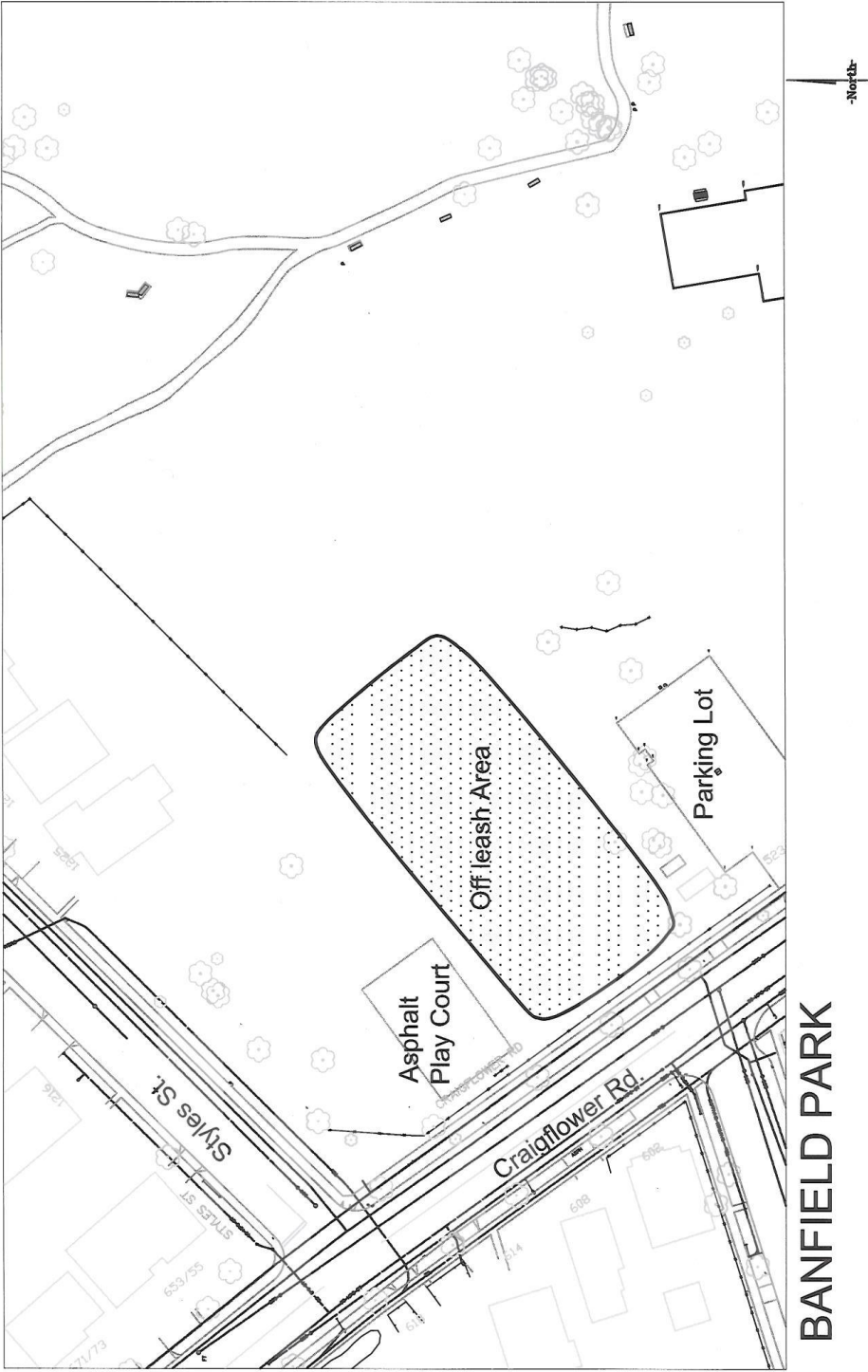
Map of Off Leash Area  
Alexander Park



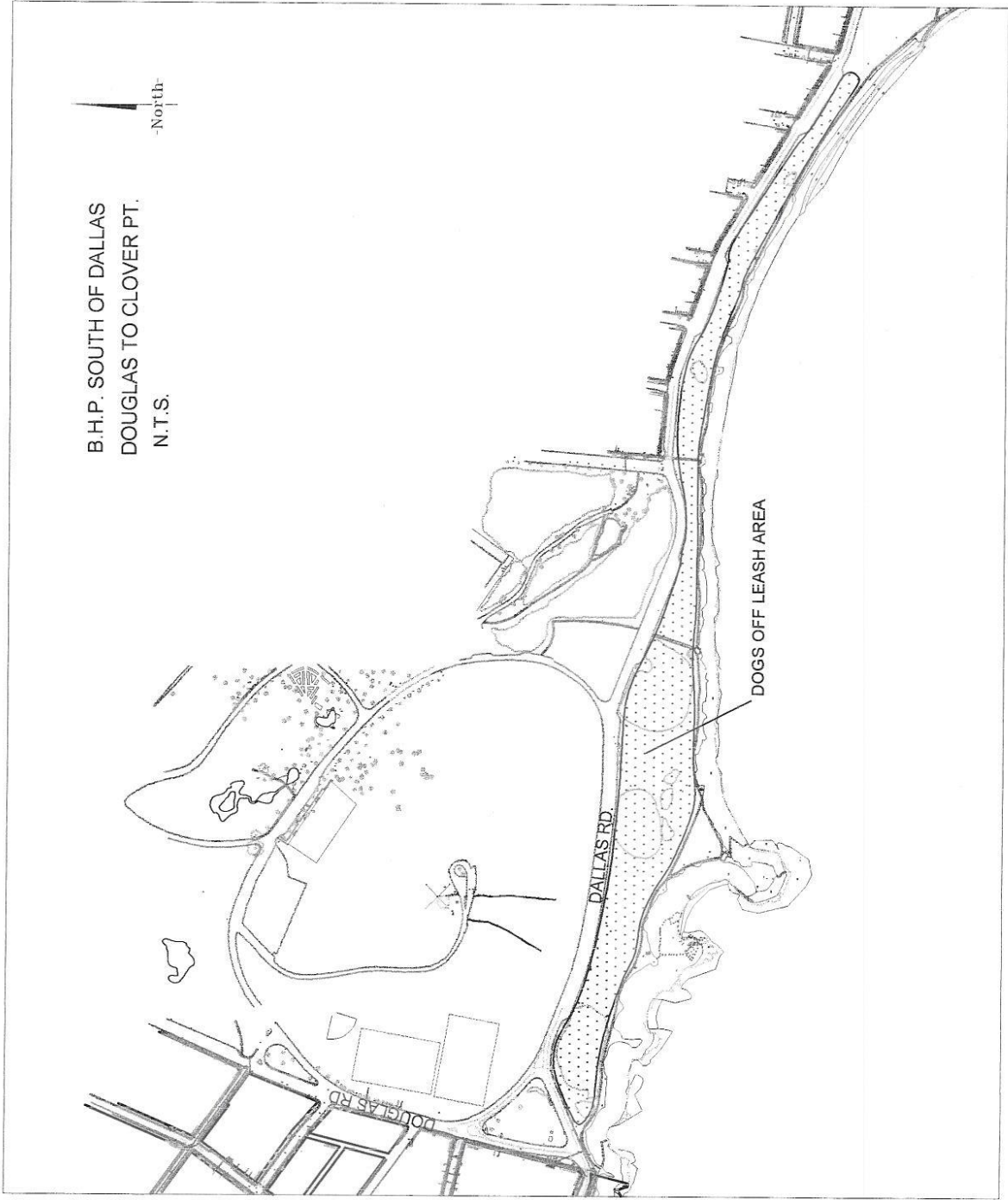
Map of Off Leash Area  
Arbutus Park



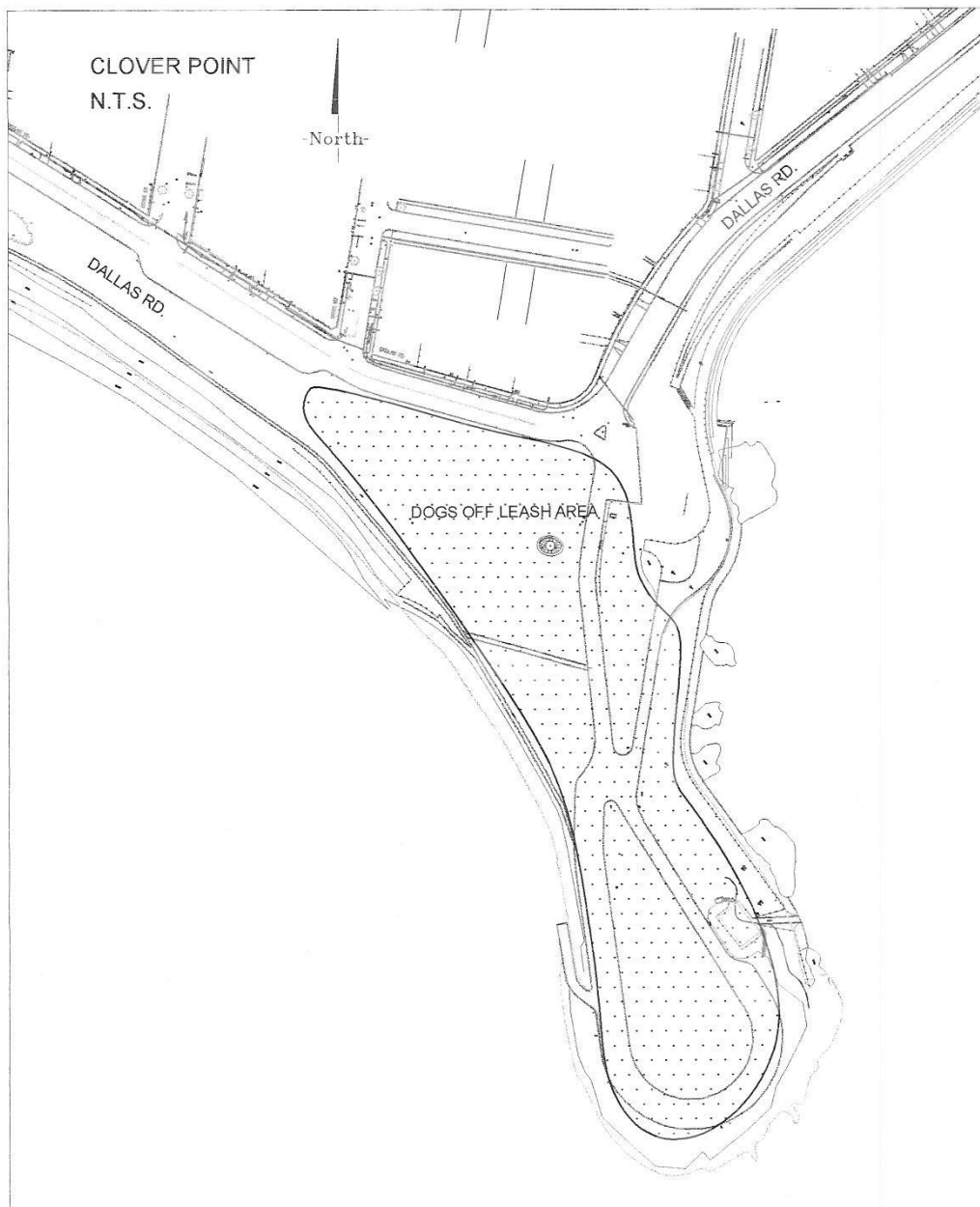
Map of Off Leash Area  
Banfield Park



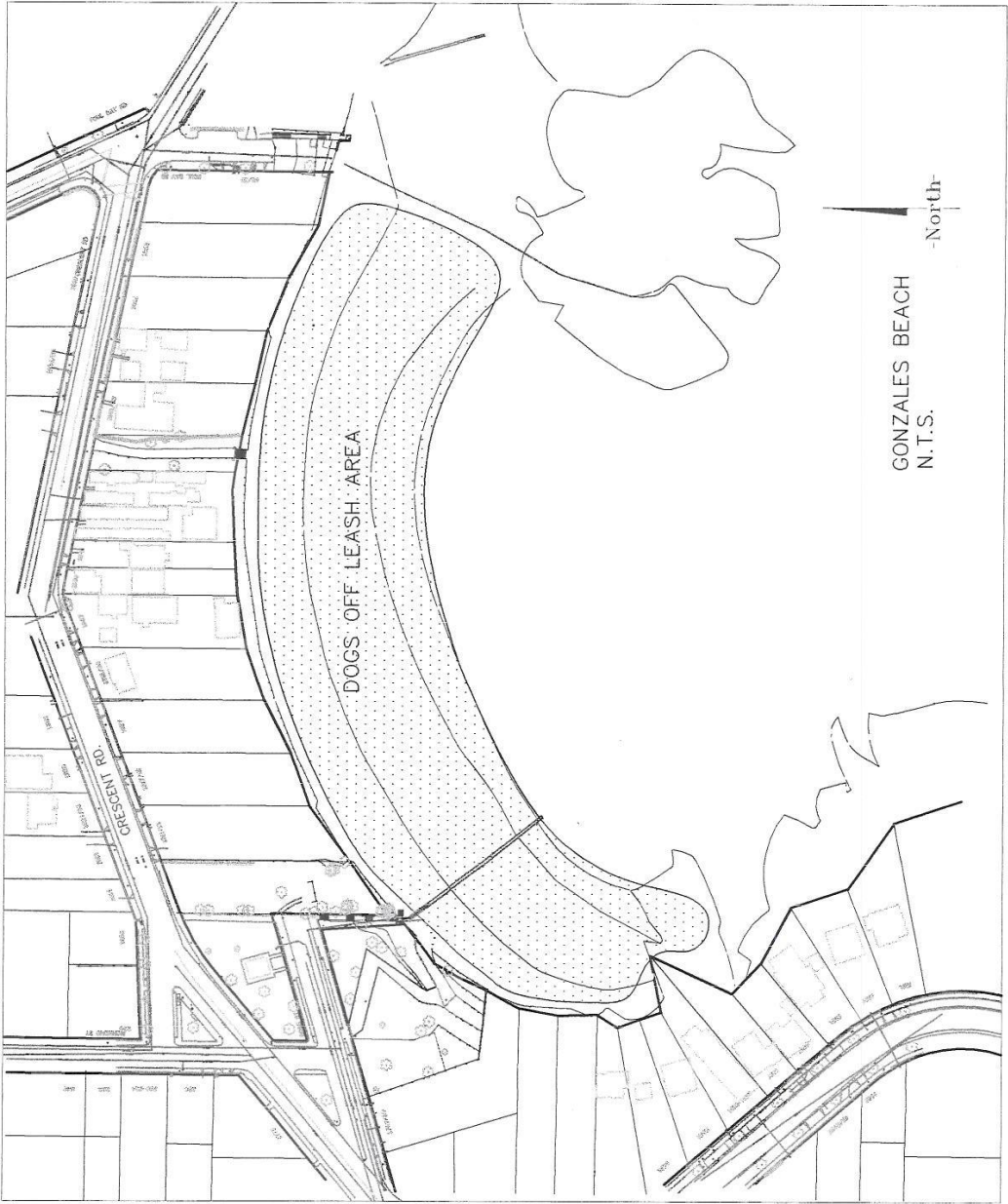
**Map of Off Leash Area  
Beacon Hill Park  
south of Dallas Road  
from Douglas Street to Clover Point Park**



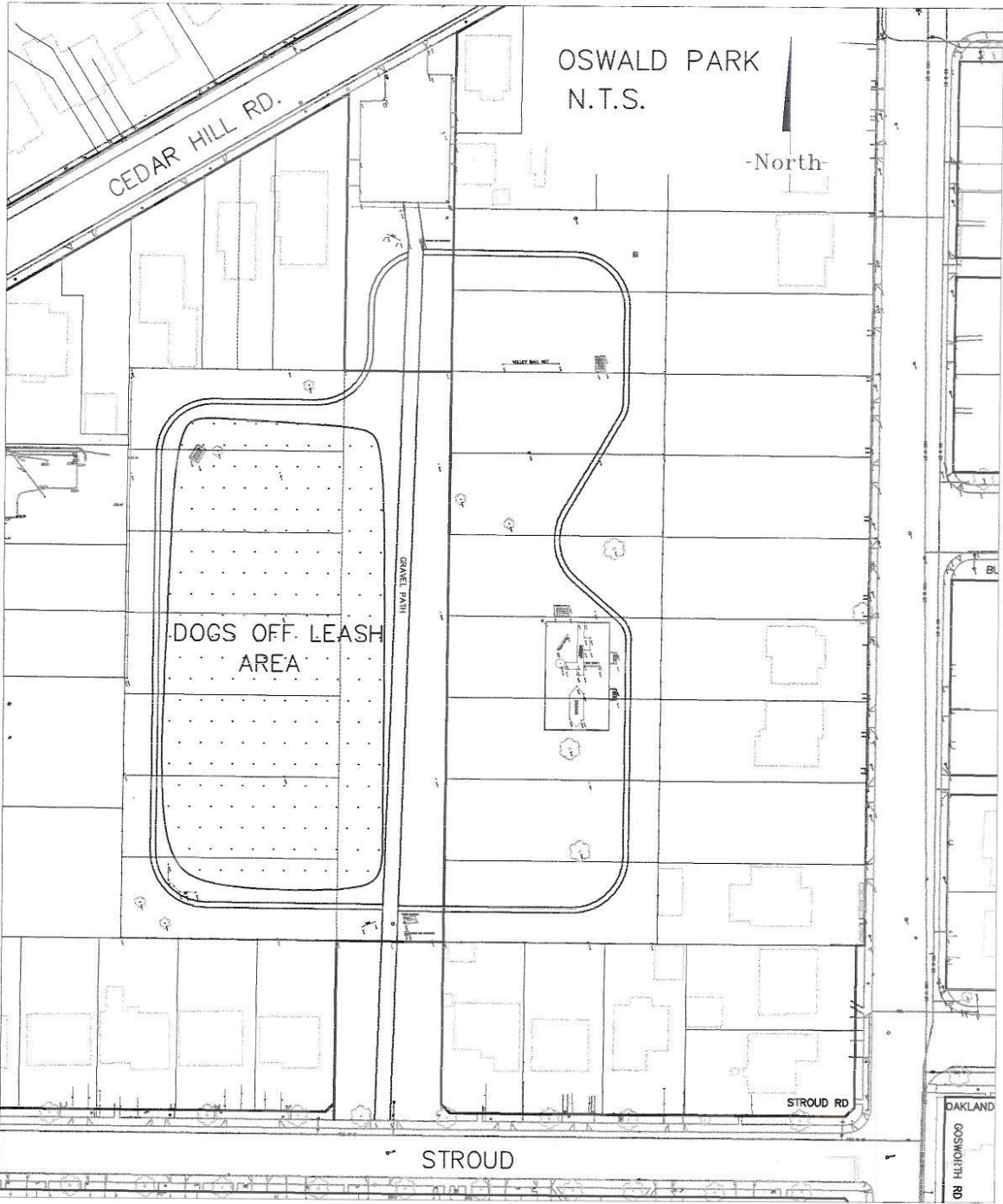
**Map of Off Leash Area  
Clover Point Park**



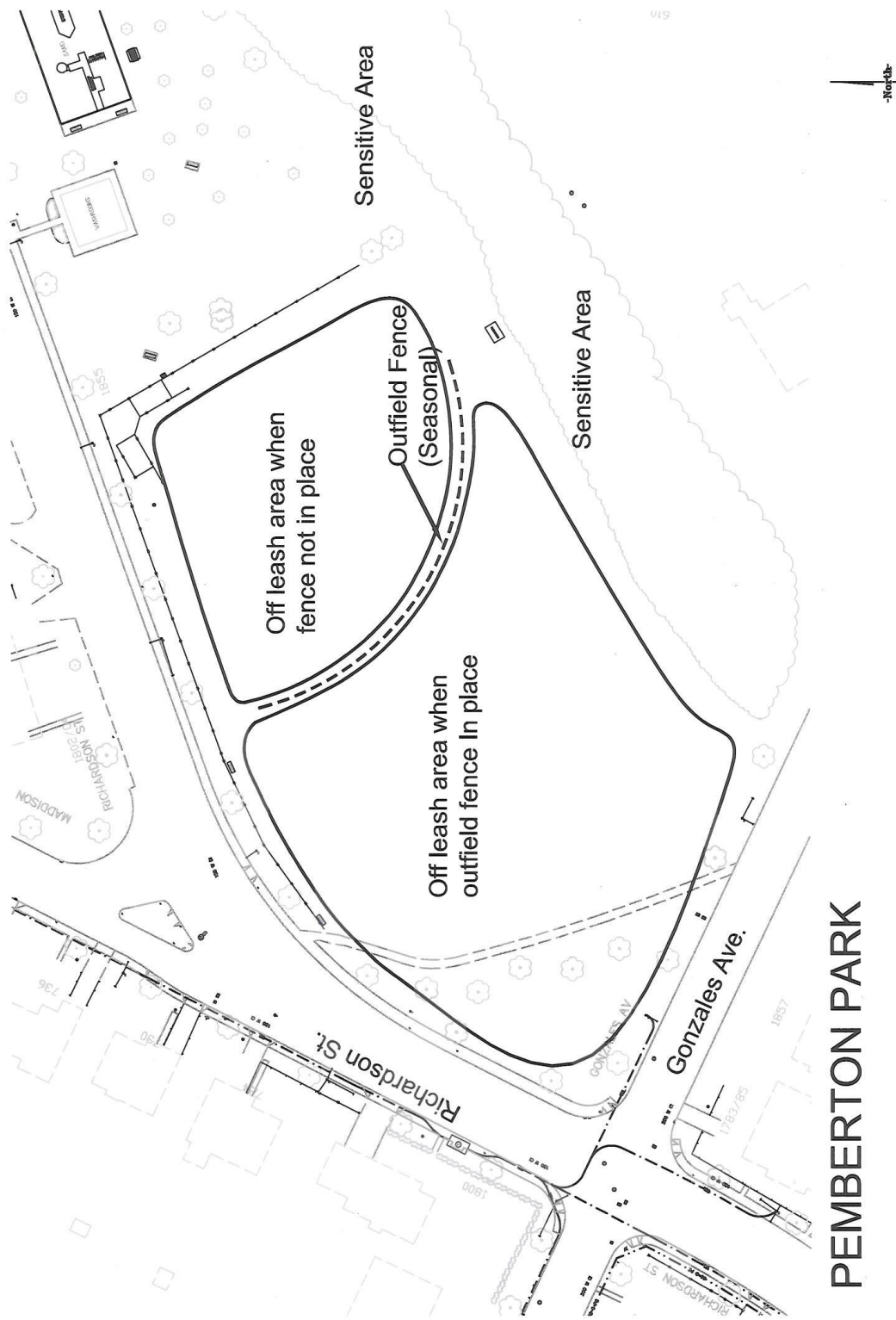
Map of Off Leash Area  
Gonzales Beach



Map of Off Leash Area  
Oswald Park



Map of Off Leash Area  
Pemberton Park

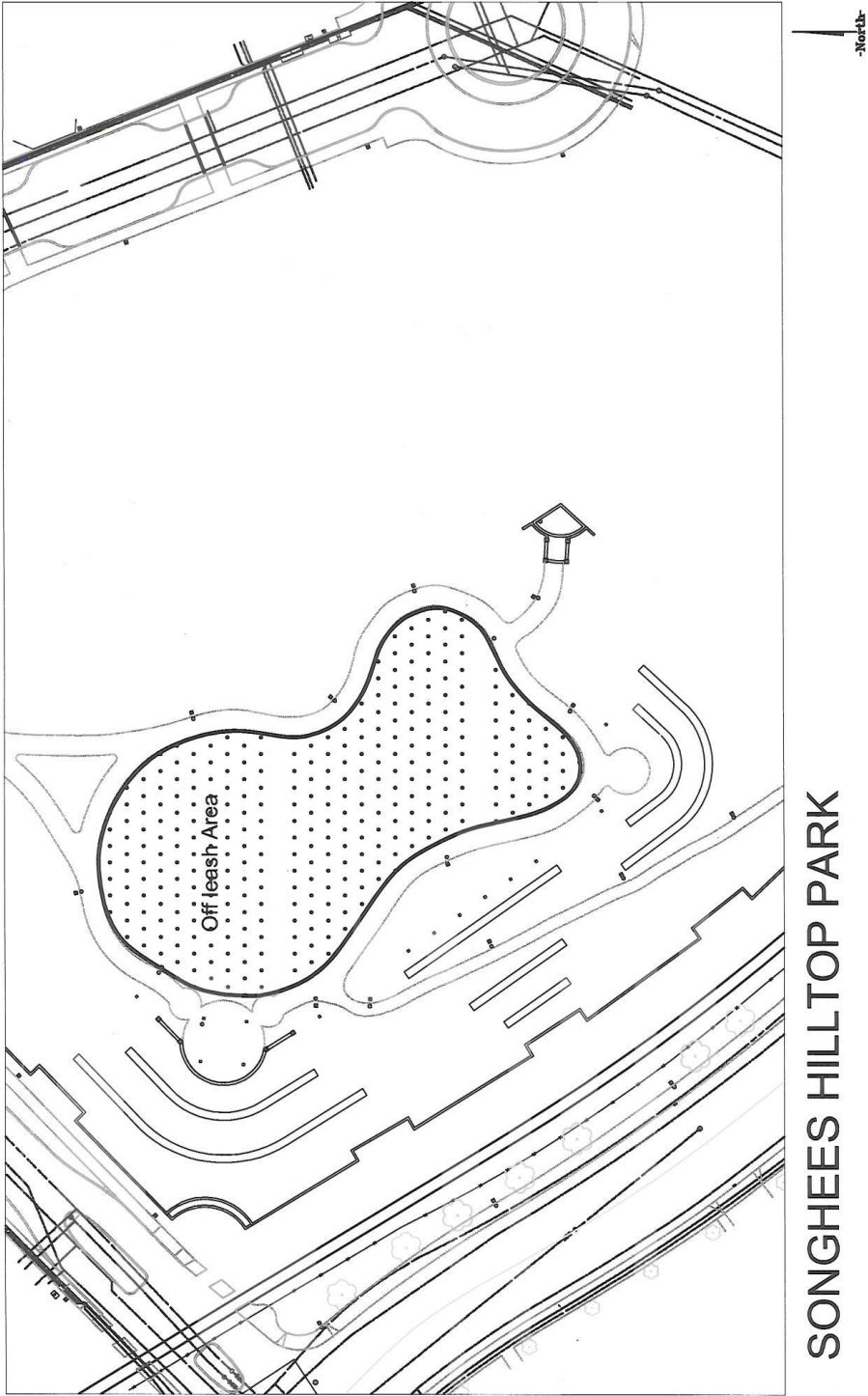


Bylaw current to January 1, 2015. To obtain latest amendments, if any, contact Legislative Services at 250-361-0571.

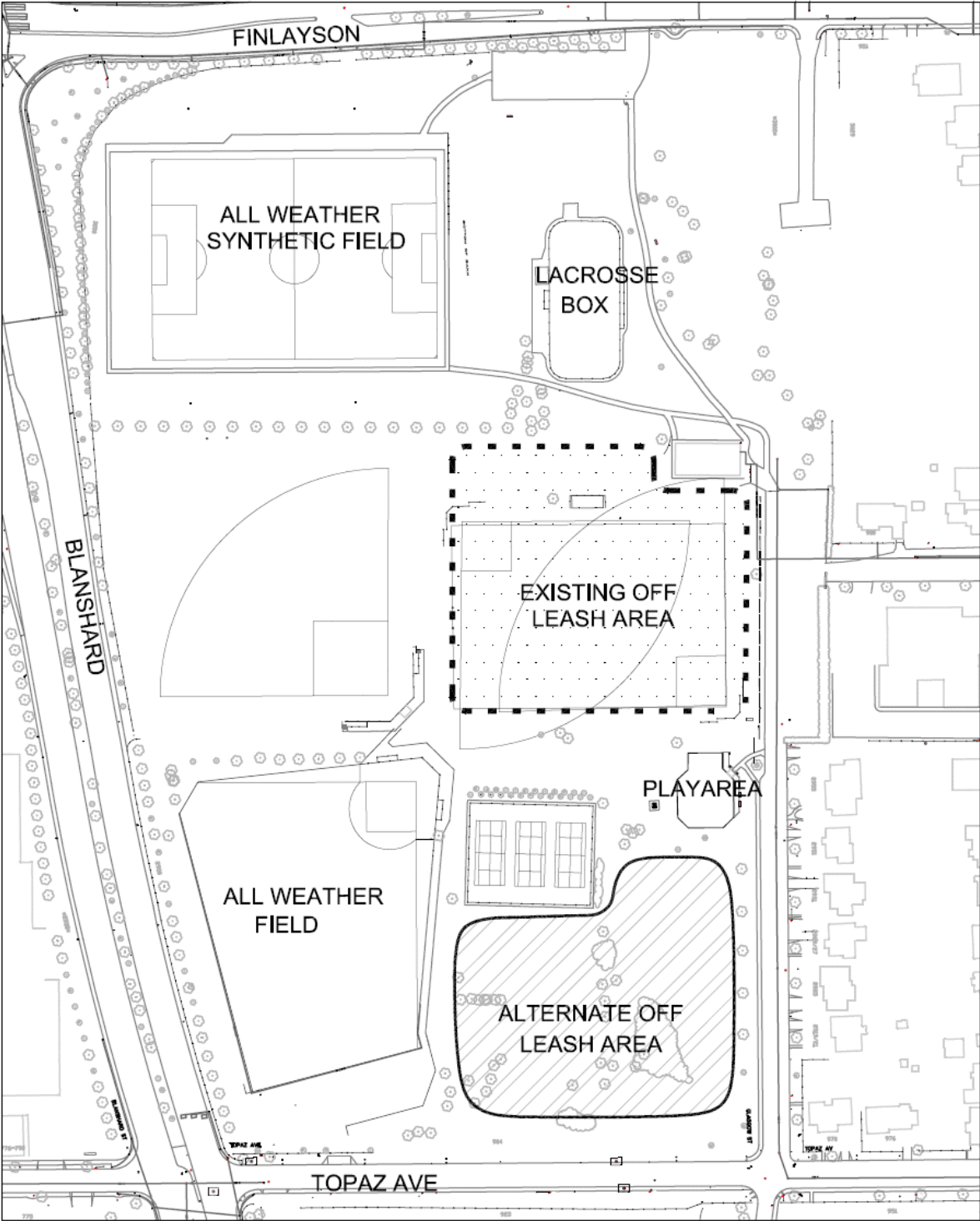
Map of Off Leash Area  
Redfern Park



Map of Off Leash Area  
Songhees Hilltop Park



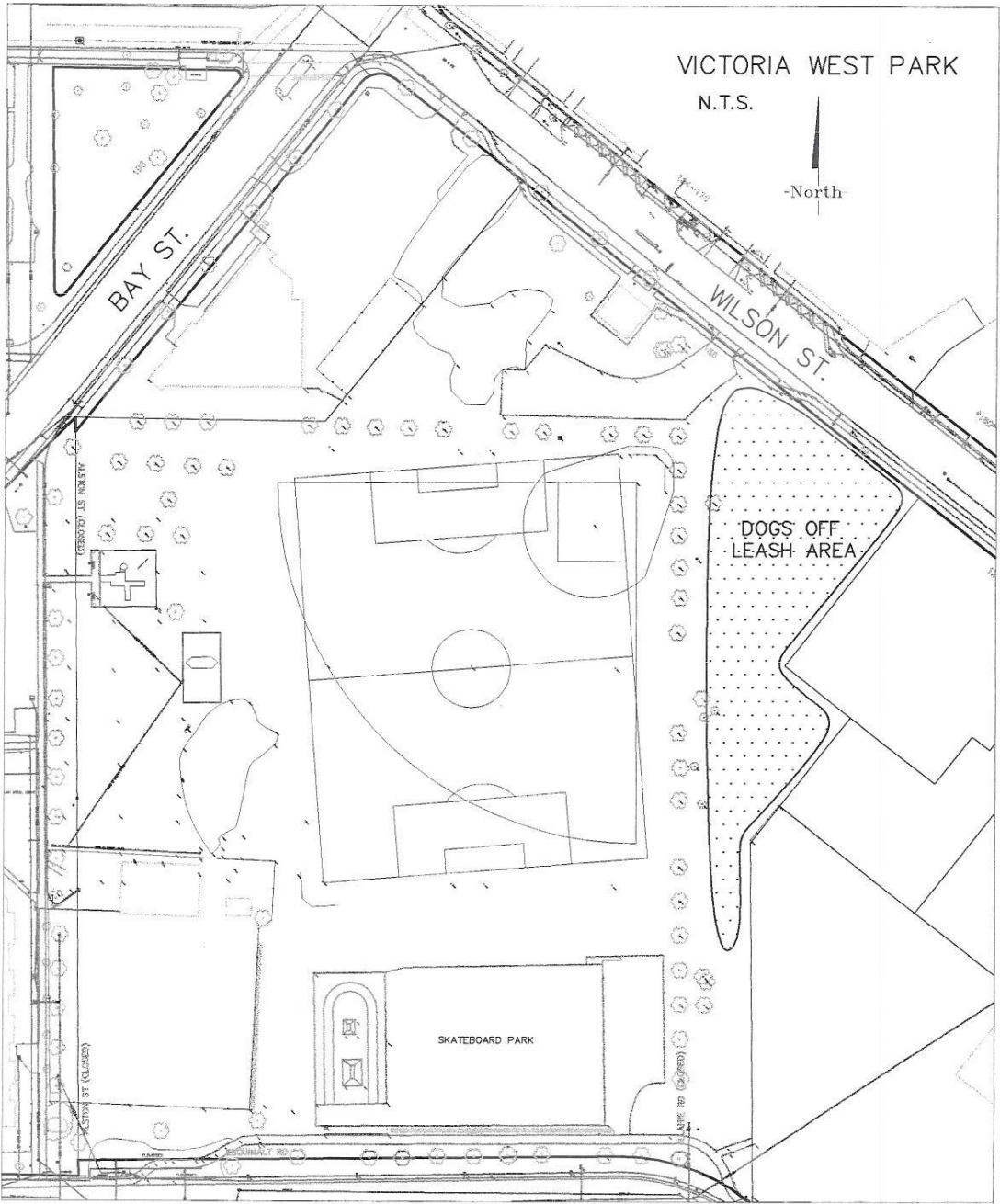
Map of Off Leash Area and Alternate Off Leash Area  
Topaz Park



MAP OF OFF LEASH AREA TOPAZ PARK

North

Map of Off Leash Area  
Vic West Park



BEACON HILL PARK  
DOGS PROHIBITED AREAS  
N.T.S.

DOGS PROHIBITED AREA

Dallas Road

Circle Drive

Pond

Park Building

Park Entrance

0 50 100 METRES

**Schedule C**  
**Dangerous Dog Sign (Section 30(1))**

**WARNING**  
**DANGEROUS DOG ON PREMISES**



**Schedule D****Fees****Dog licence fees (Section 32)**

<b>Description</b>	<b>Fee</b>
1. Sterilized dog licence	\$30.00
2. Unsterilized dog licence	\$40.00
3. Late purchase	\$20.00
4. Replacement licence tag	\$5.00

**Impoundment fees (Section 43(b)(ii))**

<b>Description</b>	<b>Fee</b>
5. Call out fee for all impounds conducted between 5:00 p.m. and 9:00 a.m.	\$50.00
6. Licensed dog	
(i) First impound	\$50.00
(ii) Second impound	\$100.00
(iii) Third and subsequent impound	\$150.00
7. Unlicensed dog	
(i) First impound	\$100.00
(ii) Second impound	\$200.00
(iii) Third and subsequent impound	\$300.00
8. Cat	\$25.00

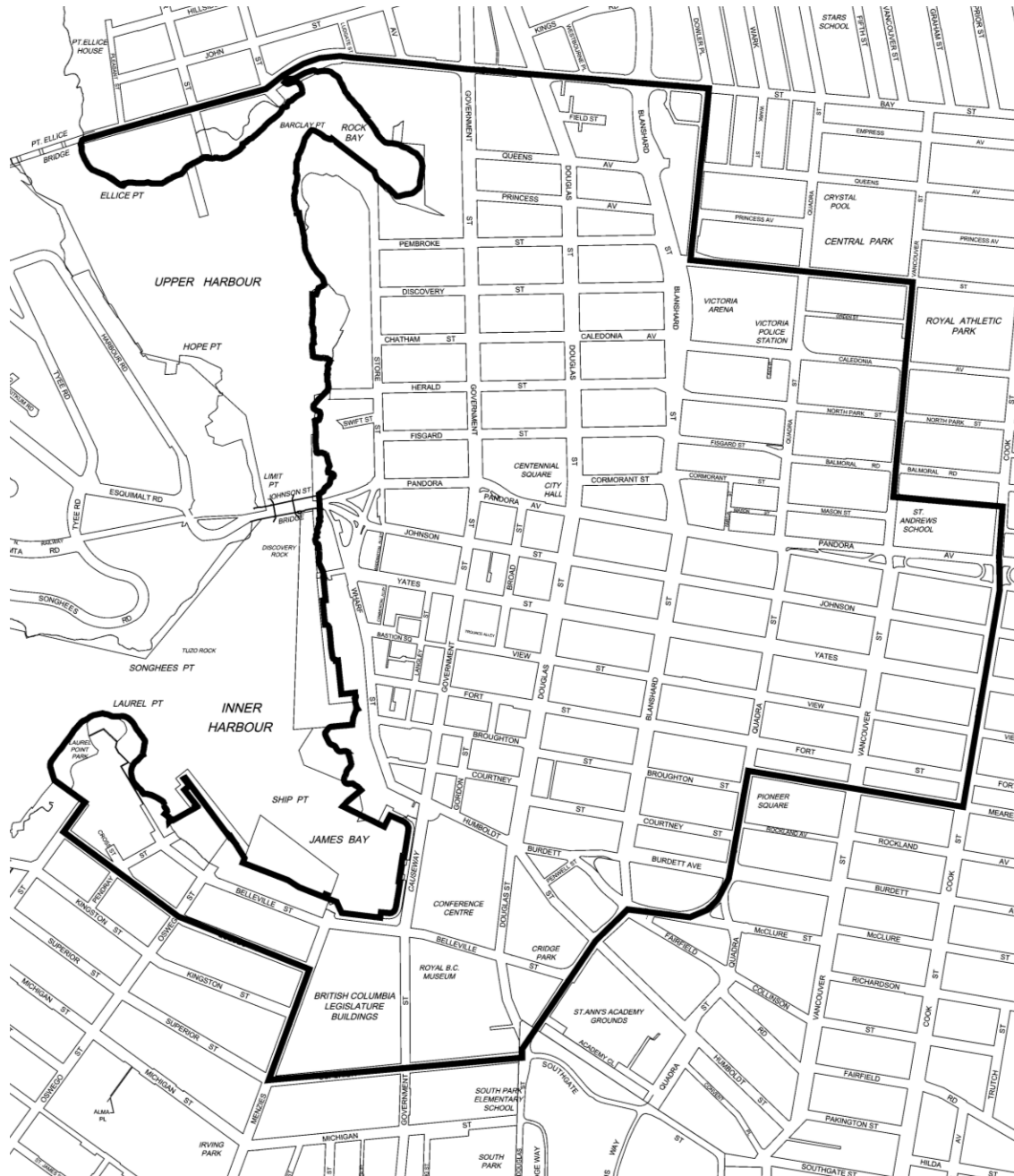
<b>Description</b>	<b>Fee</b>
9. Bird, rabbit, rodent or other animal	\$10.00

**Maintenance fees (Section 43(b)(iii))**

<b>Description</b>	<b>Fee</b>
10. Dog	\$15.00
11. Cat	\$10.00
12. Bird, rabbit, rodent or other animal	\$5.00

## Schedule E

## Prohibited wildlife feeding area (Section 36(2))





## CORPORATE REPORT

NO: R015

COUNCIL DATE: February 6, 2017

**REGULAR COUNCIL****TO: Mayor & Council****DATE: February 1, 2017**

**FROM: Manager, Bylaw Enforcement &  
Licensing Services  
City Solicitor**

**FILE: 3900-20-19105****SUBJECT: Dog Responsibility Bylaw Review****RECOMMENDATION**

The Bylaw Enforcement & Legal Services Divisions recommend that Council:

1. Receive this report as information;
2. Authorize the City Clerk to bring forward the related Bylaw, attached as Appendix "I", for the required readings by Council;
3. Approve amendments and authorize the City Clerk to bring forward the "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508", as documented in Appendix "II" of this report for the required readings by Council; and
4. Approve amendments and authorize the City Clerk to bring forward the "Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691", as documented in Appendix "III" of this report for the required readings by Council.

**BACKGROUND**

At the June 27, 2016 Council meeting, Council passed the following motion: "Council requests staff to engage canine behaviour experts and review the Dangerous Dog Bylaw, Dog Responsibility Bylaw and current procedures with respect to animal control and report back to Council."

The purpose of this report is to update Council on the review's findings, as well as to obtain approval for repealing the current Dog Responsibility Bylaw with an updated and modernized Animal Responsibility Bylaw; which would also include our Pound Bylaw, and as a result strengthen our toolkit with regards to dogs behaving aggressively in the community.

## DISCUSSION

The issues surrounding managing companion animals in any community are complex; although fortunately, there is solid existing data which can provide guidance. Our goal is to promote responsible dog ownership, better prevent dog bites and mitigate risks associated with aggressive dogs. This can be done through increasing the accountability of dog owners and therefore increasing the sense of public safety with respect to dogs.

Our initial review focused on Breed Specific Legislation (BSL). Our analysis within the communities in which BSL has been implemented provided little evidence to suggest that breed bans have had a positive impact on dog attacks. They impart a misleading sense of security and suggest that there is a simple solution to a complex community issue. Studies in other municipalities suggest that BSL has a tendency to compromise rather than enhance public safety.

Staff engaged in a thorough review of existing bylaws and procedures related to aggressive dogs, which included conducting an environmental scan of best practices. As part of this review, staff also consulted with experts, other municipalities, and organizations such as the BC Society for the Prevention of Cruelty to Animals (BCSPA), Canadian Veterinary Medical Association (CVMA), and the American Veterinary Medical Association (AVMA). In addition to these organizations, staff also engaged dog behaviour expert, Dr. Rebecca Ledger, who has served in court as an expert witness in animal cruelty and aggression cases. Dr. Ledger provided an expert opinion on BSL and reviewed our current Dog Responsibility Bylaw and dog control procedures, attached as Appendix "IV". Based on the resulting information from these consultations, our recommendation is to not proceed with Breed Specific Legislation.

Many complaints received are the result of unleashed dogs engaging in inappropriate behaviour which then has the opportunity to escalate into a potentially dangerous situation as the dog owner(s) have limited control over their pet. Increasing the penalties associated with off leash violations is one of a series of recommendations. Strengthening enforcement for the basic compliance with leash rules is the first intervention opportunity we have.

The City of Surrey already has a strong evidence based approach to managing animals. We will continue to adjust our systems to ensure we are recording the most beneficial data to allow for ongoing improvements related to aggressive incidents – for example, breed type and existence and severity of injuries reported.

Our review has lead us to recommend the repealing of our existing Dog Responsibility Bylaw and Pound Bylaw and replacing them with a new Animal Responsibility Bylaw which will provide residents with a clear understanding of the rules and regulations with respect to dogs. Our new proposed bylaw will also be in line with the BC SPCA's municipal model bylaw recommendations, attached as Appendix "V".

The following list highlights some of the key changes that are being proposed:

- Adding new definitions to ensure clarity and enforceability;
- Creating new offense categories to handle aggressive behaviours that occur while a dog is on leash or in a permitted off leash area;

- Penalties for aggressive behaviour ranging from \$200 for failing to post a warning sign regarding a guard dog on property, to \$1000 for an un-muzzled dangerous dog, thereby including the ability for officers to write multiple penalties;
- Implementing a tiered system of registering dogs – normal, aggressive, vicious, and dangerous, thus providing officers tools to address problematic animal behavior prior to a dangerous event;
- Requirements for owners of dogs that are defined as aggressive, vicious or dangerous, ranging from seeking the assistance of a qualified professional trainer, muzzling restrictions, confinement specifications and signage on the property;
- Adding penalties including escalated licensing fees for the relevant classification of dog ranging from the annual license fee of \$43.00 for an altered normal dog, to \$500 for a dangerous dog annual license fee;
- Increasing penalties associated with dogs running at large from \$200 to \$300;
- Including authority for officers to eject a dog(s) from an off leash area;
- Including requirements around the keeping of “Guard Dogs”;
- Creating an investigative toolkit for reported aggressive dog behaviour;
- Creating a checklist and annual inspection process for dogs on the registry;
- Providing additional training for staff with respect to dog aggression in order to support consistent application of the bylaw;
- Implementing additional data points to ensure holistic information is captured for every incident investigated; and
- Repealing Dog Responsibility Bylaw No. 13880 and Pound Bylaw No. 1669 for ease of use and consistency; implementing a modern Animal Responsibility Bylaw.

## NEXT STEPS

If approved by Council, staff will continue to review all other animal control procedures and policies as they apply to other domestic animals.

The Surrey Animal Resource Centre will also initiate a Responsible Pet Ownership campaign which will provide community outreach regarding humane education opportunities, volunteer training and develop partnerships within the City, as well as with other organizations that will enhance the impact and knowledge sharing opportunities. As an example of some of the activities we will be presenting at the upcoming Focus on Seniors Forum, providing material online and in print supporting happy, healthy pet relationships. The shelter’s social media, event and local print materials will be aligned on this strategic theme for the year. The Surrey Animal Resource Centre is a hub for connecting residents with services, other agencies and information for responsible pet ownership. Early interventions such as these and the subsequent relationship developed with the shelter staff and volunteers are expected to decrease the number of conflicts we see related to inappropriate canine behaviour in public spaces.

## SUSTAINABILITY CONSIDERATIONS

Implementing a modern Animal Responsibility Bylaw will support the Public Safety theme in the Sustainability Charter 2.0 – **Public Safety and Wellness**.

## CONCLUSION

Based on the above discussion, the Bylaw Enforcement and Legal Services Divisions recommend that Council:

- Authorize the City Clerk to bring forward the related Bylaw, attached as Appendix "I", for the required readings by Council;
- Approve amendments and authorize the City Clerk to bring forward the "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508", as documented in Appendix "II" of this report for the required readings by Council; and
- Approve amendments and authorize the City Clerk to bring forward the "Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691", as documented in Appendix "III" of this report for the required readings by Council.



Jas Rehal, CPA, CMA  
Manager, By-law Enforcement & Licensing Services



Craig MacFarlane  
City Solicitor

cc: City Manager

Appendix "I": Surrey Animal Responsibility Bylaw, 2017, No. 19105

Appendix "II": Proposed Amendments to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508

Appendix "III": Proposed Amendments to the Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691

Appendix "IV": Dr. Ledger's Report

Appendix "V": BC SPCA's Model Municipal Bylaw 2015

Appendix "VI": Letter of Support and Position Statement from the BC SPCA

CITY OF SURREY

BYLAW NO. 19105

Surrey Animal Responsibility Bylaw, 2017, No. 19105

A Bylaw to regulate the keeping of dogs and other animals within the City and to provide for fixing, imposing and collecting licence fees from and the issuance of licences to a person who owns, possesses, harbours, or who has charge of a dog.

.....

WHEREAS it is deemed expedient to regulate the keeping of dogs and other animals within the City of Surrey and to provide for the fixing, imposing and collecting of licence fees from and the issuance of licences to a person who owns, possesses, harbours or who has charge of a dog;

NOW THEREFORE the Council of the City of Surrey, pursuant to the powers vested in it by Part 2, Division 1 and Part 3, Division 6 of the *Community Charter* S.B.C. 2003 c. 26, as amended, ENACTS AS FOLLOWS:

**Title**

1. This Bylaw may be cited for all purposes as the "Surrey Animal Responsibility Bylaw, 2017, No. 19105"

**Definitions**

2. In this Bylaw:

"**Aggressive Behaviour**" means any behaviour by a Dog that unduly intimidates a person or Animal and includes snarling, growling or pursuing a person or Animal in a threatening manner;

**"Aggressive Dog"** means a Dog that:

- (a) Has without justifiable provocation displayed Aggressive Behaviour toward a person or Animal; or
- (b) Has without justifiable provocation caused a Minor Injury to a person or Animal;

**"Animal"** means any Animal excluding humans and wildlife;

**"Animal Control Officer"** means any person appointed by council as an Animal Control Officer or Bylaw Enforcement Officer, and includes a peace officer;

**"Animal Shelter Manager"** means any person appointed by the City as the Animal Shelter Manager or his or her authorized representative;

**"Attack"** means a sustained assault on a person or Animal;

**"Bylaw Manager"** means the manager of the Bylaw Enforcement and Licensing Services Division for the City, or designate;

**"Companion Animal"** means an Animal kept for companionship to a person rather than utility, profit or burden and which is lawfully kept upon residential property;

**"Choke Collar"** means a slip collar or chain that may constrict around the Animal's neck as a result of pulling on one end of the collar or chain, and includes pinch or prong collars but does not include a martingale collar;

**"City"** means the City of Surrey;

**"Council"** or **"City Council"** means the municipal council of the City of Surrey;

**"Dangerous Dog"** means a Dog that:

- (a) has killed or Seriously Injured a person;
- (b) has killed or Seriously Injured an Animal, while in a Public Place or while on private property, other than property owned or occupied by the person responsible for the Dog;
- (c) has previously been deemed a Vicious Dog and has since Attacked or caused injury to a person or Animal after being deemed a Vicious Dog; or
- (d) as defined in the *Community Charter S.B.C. 2003 c. 26*, as amended;

**"Dog"** means an Animal of the canine species, irrespective of sex or age;

**"Enclosure"** means a fence or structure at least 2 metres in height and 2 metres in width, forming or causing an Enclosure suitable to prevent unauthorized entry and suitable to confine a Dog in conjunction with other measures taken by the Owner. The Enclosure must be securely enclosed and locked and designed with secure sides, top and bottom and must be designed to prevent the Animal from escaping;

**"Identification"** means

- (a) a collar or tag worn by an Animal which includes the name, current address and contact information of the Owner;
- (b) a traceable tattoo;
- (c) a traceable microchip; or
- (d) a valid license tag issued by a local government in British Columbia;

**"Impounded"** means Seized, delivered, received, or taken into the custody of the City or in the custody of the Animal Shelter Manager;

**"Guard Dog"** means a Dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property;

**"Guide Dog"** means

- (a) a Guide Dog as defined in the Guide Dog And Service Dog Act S.B.C. 2015, c.17, as amended; or
- (b) a Dog designated as a Guide Dog pursuant to Section 14 of this Bylaw;

**"Leash"** means a rope, chain, cord, or leather strip no longer than 2 metres, attached to the collar or harness of a Dog, capable of controlling and restraining the activity of the Dog;

**"License Year"** means the period from January 1 to December 31 in any year;

**"Minor Injury"** means a physical injury to a person or Animal that consists of pinches, minor localized bruising, scratches, shallow punctures or lacerations in one direction only;

**"Muzzle"** in reference to a Dog means a humane basket style fastening or covering device that is strong enough and well-fitted enough to prevent the Dog from biting, without interfering with the breathing, panting or vision of the Dog or with the Dog's ability to drink;

**"Neuter"** means the sterilization of a male Animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**"Owner"** includes a person owning, possessing, harbouring or having charge of an Animal or permitting an Animal to remain about the persons' house or premises or to whom a licence for an Animal has been issued pursuant to this Bylaw and where the Owner is a minor, the person who is the legal guardian or has custody of the minor;

**"Park"** means "Park" as defined in the "Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480", as amended.

**"Parks Manager"** means "General Manager" as defined in the "Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480", as amended.

**"Permanent Identification"** means identification for an Animal in the form of a traceable tattoo or a microchip that contains the current contact information of the Owner;

**"Police Service Dog"** means any Dog owned by the Royal Canadian Mounted Police or any municipal police department while on duty, including while engaged in training exercises and under the supervision of a member of the Royal Canadian Mounted Police or any municipal police department;

**"Public Place"** includes any highway, sidewalk, boulevard, public space, Park or any real property owned, held, operated or managed by the City;

**"Run at Large"** means:

- (a) an Animal located elsewhere than on the premises of the person owning or having the custody, care or control of the Animal that is not under the immediate charge and control of a responsible and competent person;
- (b) an Animal located upon a highway or other Public Place, including a school ground, Park or public beach, that is not secured on a Leash to a responsible and competent person; or
- (c) a Vicious Dog or Dangerous Dog that is on the premises of the Owner that is not contained in an Enclosure or securely confined within a dwelling;

and **"Running at Large"** has a corresponding meaning;

**"Seize"** includes impound and detain;

**"Serious Injury"** means a physical injury to a person or Animal that consists of deep punctures, lacerations in more than one direction, broken bones or an injury requiring stitches or cosmetic surgery;

**"Service Dog"** means:

- (a) a Service Dog as defined in the Guide Dog And Service Dog Act S.B.C. 2015, c.17, as amended; or
- (b) a Dog designated as a Service Dog pursuant to Section 14 of this Bylaw;

**"Spay"** means the sterilization of a female Animal by removing the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**"Unlicensed Dog"** means any Dog over the age of three (3) months that is not licensed by the City or is not wearing a valid and subsisting licence tag issued by a local government within British Columbia;

**"Vicious Dog"** means a Dog that:

- (a) has without justifiable provocation caused a Serious Injury to a person or Animal; or
- (b) has a known propensity, tendency or disposition to Attack without justifiable provocation; or
- (c) has on more than one occasion caused a Minor Injury to a person or Animal; or
- (d) has while Running at Large, aggressively pursued or harassed a person without justifiable provocation or has a demonstrated a propensity, tendency or disposition to do so as deemed by an Animal Control Officer or Animal Shelter Manager.

### **Possession of Animals**

3. No person shall keep or allow to be kept on any real property more than six (6) Companion Animals, consisting of not more than three (3) Dogs over the age of eight (8) weeks and not more than five (5) cats over the age of twelve (12) weeks.

**Prohibited Animals:**

4. Except as provided in Section 5 of this Bylaw, no person shall:
  - (a) breed;
  - (b) possess;
  - (c) exhibit for entertainment or educational purposes; or
  - (d) display in public;either on a temporary basis or permanent basis, any prohibited Animal outlined in Schedule "A" to this Bylaw.
5. Section 4 does not apply to:
  - (a) the premises of a City facility used for keeping Impounded Animals;
  - (b) the premises of any police department;
  - (c) premises operated by The British Columbia Society for the Prevention of Cruelty to Animals;
  - (d) the premises of a veterinarian licensed by the College of Veterinarians of BC, providing the veterinarian is providing temporary care for a prohibited Animal;
  - (e) premises that keep prohibited Animals for which a valid permit is in place pursuant to the Wildlife Act, RSBC 1996, c. 488; or
  - (f) premises that keep Animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care.

**Exemption for Police Service Dogs**

6. This Bylaw does not apply to a Police Service Dog while under active duty.

## Dog Licences

7. No person shall own, keep, possess or harbour any Dog over the age of three (3) months in the City unless a valid and subsisting licence for the current calendar year has been obtained for the Dog under this Bylaw.
8. If a Dog is required to be licensed pursuant to this Bylaw, the Owner of the Dog shall apply to the City for a licence by the prescribed process set out by the Bylaw Manager and pay the fee set out in Schedule "B" to this Bylaw, and upon receipt of the application and payment of the prescribed fee, the City may issue a numbered Dog licence and corresponding numbered licence tag for that Licence Year.
9. An Owner shall immediately notify the Bylaw Manager of any change with respect to any information provided in an application for a licence under this Bylaw.
10. No person shall give false information when applying for a licence pursuant to this Bylaw.
11. Every licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.
12. The licence fees set out in Schedule "B" to this Bylaw shall be reduced by one-half in respect of an application for a licence made on or after August 31st.
13. The Owner of a Dog for which a licence and corresponding licence tag have been issued under this Bylaw shall affix, and keep affixed, the licence tag on the Dog by a collar, harness, or other suitable device, unless the Dog is validly licenced by another local government in British Columbia and is wearing valid Identification.
14. The Owner of a Guide Dog or Service Dog is exempt from the licensing fees in Schedule "B" to this Bylaw.

15. The Owner of a Dog may apply to an Animal Control Officer or authorized representative, in a form acceptable to the Animal Control Officer or Animal Shelter Manager, to have that Dog designated as a Guide Dog or Service Dog for the purposes of this Bylaw and, upon receiving and reviewing an application under this section, the Animal Control Officer or Animal Shelter Manager may at his or her discretion, acting reasonably:
  - (a) reject the application; or
  - (b) approve the application and designate that Animal as a Guide Dog or Service Dog.
16. The Owner of a Dog for which a licence and corresponding licence tag have been issued under this Bylaw may obtain a replacement licence tag upon satisfying the City that the original licence tag has been lost or stolen and upon payment of the replacement licence fee set out in Schedule "B" to this Bylaw.
17. Where this Bylaw provides for a reduced licence fee for a Dog that is Neutered or Spayed, the application shall be accompanied by a certificate signed by a qualified veterinarian indicating that the Dog has been Neutered or Spayed.

### **Aggressive Dogs**

18. Where a Dog meets the definition of an Aggressive Dog, an Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the requirements of this Bylaw with respect to Aggressive Dogs and which deems that Dog to be an Aggressive Dog.
19. Every Owner of an Aggressive Dog shall:
  - (a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;
  - (b) ensure that the Dog is not Running at Large within the City at any time;
  - (c) keep the Dog Muzzled when in a designated off-leash area; and

- (d) within thirty (30) calendar days of receiving notice that their Dog is an Aggressive Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the City.
20. An Owner, following a period of at least one year from the date stated on the written notice deeming their Dog an Aggressive Dog, may apply to the City for relief from the requirements of Section 19 provided that:
- (a) the City has received no further complaints in regard to that Dog's Aggressive Behaviour; and
  - (b) proof and documentation is provided that the Owner and the Dog have successfully completed a course deemed acceptable to an Animal Control Officer acting reasonably to address the Dog's Aggressive Behaviour.
21. If a Dog displays Aggressive behavior again after relief has been granted pursuant to Section 20, the requirements of Section 19 shall apply in perpetuity.

### **Vicious Dogs**

22. Where a Dog meets the definition of a Vicious Dog, an Animal Control Officer may issue written notice to the Owner of that Dog advising the Owner of the requirements of this Bylaw with respect to Vicious Dogs and which deems that Dog to be a Vicious Dog.
23. Every Owner of a Vicious Dog shall:
- (a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;
  - (b) ensure that the Dog is not Running at Large within the City at any time;
  - (c) ensure that the Dog is not in a designated off-leash area in the City at any time;
  - (d) keep the Dog effectively Muzzled to prevent it from biting another Animal or human when not on the Owner's property;

- (e) post a clearly visible sign at all points of entry onto any premises where the Dog is being kept, temporarily or permanently, warning that there is a Vicious Dog on the premises;
- (f) at all times while the Vicious Dog is on the person's premises, keep the Vicious Dog securely confined indoors or confined outdoors in an Enclosure;
- (g) within thirty (30) calendar days of receiving notice that their Dog is a Vicious Dog ensure the Dog has Permanent Identification and provide the Permanent Identification information to the City.

### **Dangerous Dogs**

- 24. Where a Dog meets the definition of a Dangerous Dog, an Animal Control Officer may issue written notice to the Owner of that Dog advising the Owner of the requirements of this Bylaw with respect to Dangerous Dogs and which deems that Dog to be a Dangerous Dog.
- 25. The Owner of any Dog that has been deemed a Dangerous Dog by written notice, may within fourteen (14) calendar days of issuance of that written notice, request in writing that the Bylaw Manager reconsider the decision. The request for reconsideration must be accompanied by:
  - (a) written reasons why the Owner of the Dog believes the Dog is not a Dangerous Dog; and
  - (b) a written assessment of the Dog, prepared by a Dog behaviour specialist within the last six (6) months.
- 26. If the written request for reconsideration referenced is received by the City within the time specified in Section 25, the Bylaw Manager may provide the Owner and any complainant with an opportunity to make representations regarding the Dangerous Dog. The Bylaw Manager may confirm, reverse or amend the decision designating the Dog as a Dangerous Dog and may cancel or modify any restrictions, requirements or conditions imposed by an

Animal Control Officer and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.

27. No person shall own or keep any Dangerous Dog unless this Dog is licensed as a Dangerous Dog with the City by an Owner who is over nineteen (19) years of age, who has paid the applicable fee indicated in Schedule "B", and who keeps the Dog in compliance with Sections 29 and 30.
28. In order to obtain a licence for a Dangerous Dog, an Owner of a Dangerous Dog shall supply the following documentation to the City:
  - (a) completion of the Dog license application;
  - (b) written confirmation from a licensed veterinarian that this Dog has been Neutered or Spayed;
  - (c) written confirmation from an Animal trainer approved by the City that the services of such trainer have been retained for the purpose of providing behavioural remediation to this Dog;
  - (d) written confirmation that the Owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by this Dog in an amount not less than five hundred thousand dollars, and covering the twelve month period during which licensing is sought;
  - (e) written confirmation that the Dog has Permanent Identification with the Permanent Identification information outlined on the application; and
  - (f) payment of the Dangerous Dog license fee as outlined in Schedule "B".
29. Every Owner of a Dangerous Dog shall:
  - (a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;
  - (b) ensure that the Dog is not Running at Large within the City at any time;
  - (c) ensure that the Dog is not in a designated off-leash area in the City at any time;

- (d) keep the Dog effectively Muzzled to prevent it from biting another Animal or human when not on the Owner's property;
  - (e) post a clearly visible sign at all points of entry onto any premises where the Dog is being kept, temporarily or permanently, warning that there is a Dangerous Dog on the premises;
  - (f) at all times while the Dog is on the person's premises, keep the Dog securely confined indoors or confined outdoors in an Enclosure;
  - (g) within thirty (30) calendar days of receiving notice that their Dog is a Dangerous Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the Animal Control Officer; and
  - (h) have the Dangerous Dog photographed and the photo retained at the Animal shelter for Identification purposes.
30. The Owner of a Dangerous Dog shall promptly notify the City's Bylaw Manager if:
- (a) the Dog is found to be Running at Large; or
  - (b) the Dog's place of residence changes, is given away or dies.
31. If the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of Sections 28 through 30, this Dog may be Seized and Impounded for a fourteen (14) day holding period, after which the Dog may be euthanized.
32. The Owner of a Dangerous Dog may, within fourteen (14) calendar days of Impoundment, request the release of a Dangerous Dog by submitting to the Animal Shelter Manager a letter providing proof of his or her actions of remediation to the contraventions of this Bylaw, as outlined in Sections 28 and 29.

## **Guard Dogs**

33. Every Owner of a Guard Dog shall prevent the Guard Dog from leaving the property of the Owner by ensuring:
- (a) the Guard Dog is confined within the premises and these premises are reasonably secure against unauthorized entry;
  - (b) the premises are completely enclosed by means of a two (2) metre fence constructed in accordance with City bylaws and any gates in such fence are reasonably secured against unauthorized entry;
  - (c) the Guard Dog is securely confined in an area within the premises that is adequate to ensure that the Guard Dog cannot escape;
  - (d) post warning signs advising of the presence of a Guard Dog on the premises, with lettering clearly visible from the lesser of the curb line of the property and 15 (fifteen) metres from the premises, and posted at each driveway or entranceway to the property and at all exterior doors of the premises; and
  - (e) before bringing the Guard Dog onto the premises under control of the Owner, notify the Animal Shelter Manager, the Fire Department, the Bylaw Enforcement and Licensing Services Division, and the police of the address of the property which the Guard Dog will be guarding, the approximate hours during which the Guard Dog will be performing guard duties, the breed, age, sex and licence number of the Guard Dog and the full names, addresses and telephone numbers of the Owner and any other individual who will be responsible for the Guard Dog while it is on guard duty.

## **Animal Responsibility Regulations and Prohibitions**

34. No Owner shall keep or harbour any Animal which by its howling, barking, or cries unduly disturbs the peace, quiet, rest or tranquility of persons in the surrounding neighbourhood or the public at large.
35. No Owner or person having the custody, care or control of an Animal, shall allow or suffer the Animal to Run at Large in the City.

- 35.1 The Parks Manager may designate and post precise locations and dates where Dogs are not permitted within a Park. No Owner or person having the custody, care or control of a Dog shall allow the Dog to be within a park in a designated "no dogs permitted" area.
36. No Owner shall permit or allow an Animal to:
  - (a) bite, aggressively harass, or chase other Animals, bicycles, automobiles or vehicles;
  - (b) display Aggressive Behaviour towards a person or Animal;
  - (c) bite a person or other Animal, causing Minor Injury, whether on the property of the Owner or not; or
  - (d) cause Serious Injury or death to a person or animal.
37. When in a designated off-leash area, every Owner of a Dog, may allow their Dog to be off-leash provided that the Owner:
  - (a) carry a Leash;
  - (b) keep the Dog in view at all times;
  - (c) keep the Dog under control;
  - (d) immediately remove feces and dispose appropriately; and
  - (e) immediately Leash the Dog if it displays any Aggressive Behaviour.
38. Every Owner of an intact female Dog shall, at all times when the Dog is in heat, keep the Dog securely confined within a building or an Enclosure.
39. Every Owner shall, at all times when his or her Animal is off the premises of the Owner, immediately remove or cause to be removed any feces deposited by the Animal and dispose of the feces in a sanitary manner.
40. Every Owner of a diseased Animal must, where the disease poses a threat to the health or safety of a person or Animal, ensure that the diseased Animal does not leave the property or premises of the Owner other than for the purpose of a visit to a veterinarian, in which case

the Animal must be transported in a manner so as to ensure that it does not come into contact with another person or Animal.

41. A person who finds and takes possession of an Animal in the City shall immediately provide the Animal Shelter Manager with:
  - (a) a description and photograph of the Animal where possible; and
  - (b) if the Animal is wearing Identification, the information contained on the Identification.

### **Care of Animals**

42. No Owner shall keep any Animal in the City unless the Animal is provided with:
  - (a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the Animal's normal growth and the maintenance of the Animal's normal body weight;
  - (b) food and water receptacles which are clean;
  - (c) the opportunity for regular exercise sufficient to maintain the Animal's good health, including daily opportunities to be free of an Enclosure and exercised under appropriate control; and
  - (d) necessary veterinary care when the Animal exhibits signs of pain, injury, illness, suffering, or disease.
43. No Owner shall keep any Animal outside unless the Animal is provided with outside shelter:
  - (a) which ensures protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat;
  - (b) which provides sufficient space to allow any Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least two (2) times the length of the Animal in all directions, and at least as high as the Animal's height measured from

the floor to the highest point of the Animal when standing in a normal position plus 10%;

- (c) which provides sufficient shade to protect the Animal from the direct rays of the sun at all times;
- (d) which contains bedding that will assist with maintaining normal body temperature; and
- (e) which is regularly cleaned and sanitized and all excreta removed and properly disposed of at least once a day.

44. No Owner shall cause, permit, or allow a Dog:

- (a) to be hitched, tied, or fastened to a fixed object in such a way that the Dog is able to leave the boundaries of the Owners property;
- (b) to be hitched, tied, or fastened to a fixed object where a Choke Collar forms part of the securing apparatus, or where a rope or cord is tied directly around the Dog's neck; or be tethered other than with a collar that is properly fitted to that Dog and attached in a manner that will not injure the Dog or enable the Dog to injure itself by pulling on the tether;
- (c) to be hitched, tied, or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the Dog;
- (d) to be hitched, tied, or fastened to a fixed object unattended at any time; or
- (e) to be hitched, tied, or fastened to a fixed object for longer than four (4) hours within a 24 hour period.

45. No Owner of any Dog shall keep a Dog in an Enclosure unless all of the following requirements are met:

- (a) the dimensions of the Enclosure must be in accordance with the requirements set out in this Bylaw;
- (b) the location of the Enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the "Surrey Zoning By-law, 1993, No. 12000", as amended;

- (c) the Enclosure shall include an outside shelter that conforms to Section 43 of this Bylaw;
  - (d) the Enclosure must be regularly cleaned and sanitized and all excreta removed at least once a day; and
  - (e) the Owner of any Dog shall ensure that such Dog is not confined to an Enclosure in excess of ten (10) hours within any twenty four (24) hour period.
46. No Owner shall keep an Animal confined in an Enclosure, or an enclosed space including, but not limited to a motor vehicle, without sufficient ventilation to prevent the Animal from suffering discomfort or heat related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the Animal from direct rays of sun at all times.
47. No Owner may transport an Animal in a vehicle outside of the passenger compartment or in an uncovered passenger compartment unless it is adequately confined to a pen or cage or unless it is secured in a body harness or other manner of fastening to prevent it from jumping or falling off the vehicle or otherwise injuring itself.
48. Notwithstanding any other provision of this Bylaw, no person shall:
- a. abandon any Animal;
  - b. tease, torment, or provoke an Animal;
  - c. cause, permit or allow an Animal to suffer; or
  - d. train or allow any Animal to fight.

#### **Abilities of an Animal Control Officer**

49. An Animal Control Officer may Seize:
- (a) any Unlicensed Dog; or
  - (b) any Animal found to be Running at Large contrary to this Bylaw.

50. The Animal Control Officer may, where necessary, employ the use of lures, baits, nets, tranquilizer guns, sonic and mechanical devices or any other means of apprehending Animals.

### **Obstruction**

51. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer in carrying out the duties and powers of an Animal Control Officer under this Bylaw.
52. Every occupier of premises where any Animal is kept or found and every person where encountered, having at that time the apparent custody of an Animal, shall immediately, upon demand made by an Animal Control Officer or a peace officer, truthfully and fully supply the following information:
  - (a) his or her name;
  - (b) the number of Animals owned or kept by him or her, their breed, sex, and general description;
  - (c) the place where such Animals are kept; and
  - (d) whether the Animals are currently licensed or registered.

### **Standard of Care**

53. Any Animal Impounded may be provided with the basic Animal care provisions described in this Bylaw and with the requirements set out in A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, 2007).
54. The Animal Shelter Manager may ensure that all Animals Seized under this Bylaw receive sufficient food, water, shelter, and, if necessary, reasonable veterinary attention, and that the Animals are not mistreated during Seizure and Impoundment.

55. During the Impoundment period, the Animal Shelter Manager may:
- (a) provide such veterinary care for an injured or ill Impounded Animal as may be necessary to sustain its life; and
  - (b) be entitled to recover from the Owner, the cost of veterinary care provided while the Animal was Impounded, in addition to any other fees due to the City for the redemption of the Animal.
56. If an Animal Shelter Manager considers that an Impounded Animal requires:
- (a) a vaccination;
  - (b) flea treatment;
  - (c) worm treatment;
  - (d) examination by a veterinarian; or
  - (e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian, then the Animal Shelter Manager may cause such care to be provided at the sole cost and expense of the Animal's Owner.
57. The Animal Shelter Manager shall be entitled to demand and receive the daily boarding fees found in Schedule "C", over and above all other charges.
58. During the Impoundment period, the Animal Shelter Manager may euthanize any Animal deemed to be seriously ill or injured for humane reasons.

### **Retention of Animal**

59. The Animal Shelter Manager may retain the Animal for a period of not less than ninety six (96) hours.
60. Where an Animal is Seized pursuant to this Bylaw, the Animal Shelter Manager may screen for Identification.

### **Redemption and Costs**

61. An Owner of an Animal Seized under this Bylaw, or any person authorized in writing on the Owner's behalf, may redeem the Animal at any time prior to its adoption, euthanasia, or disposal under this Bylaw upon:
- (a) delivery to the Animal Shelter Manager of evidence satisfactory to the Animal Shelter Manager of Ownership of the Animal;
  - (b) payment of the Impoundment and maintenance fees, costs, and charges incurred in respect of the Seizure and boarding of the Animal as set out in Schedule "C" to this Bylaw;
  - (c) the payment for the actual costs incurred for the veterinary care of the Animal; and
  - (d) licensing or registration of the Animal with the City and payment of the current requisite licence or registration fee if the Animal is required to be licensed or registered pursuant to this Bylaw and is not licensed or registered.

### **Failure to Redeem**

62. After an Animal has been Impounded for longer than ninety six (96) hours, the Animal Shelter Manager may direct that the Animal:
- (a) be offered to the general public for adoption;
  - (b) be placed with any person or organization deemed acceptable by the Animal Shelter Manager; or
  - (c) be euthanized.

63. The Animal Shelter Manager may, pursuant to this Bylaw, put up for adoption any Animal Impounded under the following conditions:
- (a) no dog, cat or rabbit shall be adopted unless it is reproductively sterile and it is vaccinated; and
  - (b) no dog, cat or rabbit shall be adopted unless it has an acceptable form of Permanent Identification.
64. Where the Owner of an Animal has been determined and all reasonable efforts to contact such Owner have been made, but the Owner does not claim the Animal, the Owner shall be responsible for payment of the fees described in Schedule "C" to the City.
65. No person shall take or release any Animal from the Animal shelter without the consent of the Animal Shelter Manager.
66. The Animal Shelter Manager may accept an Animal from the Owner of such Animal for the purpose of having the Animal euthanized or otherwise disposed of upon payment of the required fee listed in Schedule "C".
67. The Owner of any dead Companion Animal may request the service of an Animal Control Officer to pick up and dispose of the dead Companion Animal. Upon receipt of the cremation and pick up fee specified in Schedule "C", the Animal Control Officer may pick up and dispose of the dead Companion Animal.

#### **Right of Refusal to Release from Impoundment**

68. Upon reasonable grounds, the Animal Shelter Manager has the right to refuse to any person the release or adoption of any Animal for any of the following reasons:
- (a) to protect the safety of the public from the Animal;
  - (b) to protect the safety of the Animal from the public;
  - (c) to protect the health and welfare of the Animal from the individual;

- (d) if the person is under nineteen (19) years of age; or
  - (e) for any reason, such that the Animal Shelter Manager does not feel that the individual has the ability to responsibly care for the Animal.
69. An Owner whose Animal was refused release pursuant to Section 68 may request that the Animal Shelter Manager reconsider the decision to retain the Animal by notifying the Animal Shelter Manager within fourteen (14) calendar days of the date of the decision. Such a request must be in writing and must include the reasons why the Owner believes the decision should be reconsidered.
70. Upon receipt of a completed request the Animal Shelter Manager may:
- (a) if he or she has not already done so, give the Owner written reasons for the refusal to release the Animal; and
  - (b) reconsider the refusal to release the Animal and may uphold or overturn the original decision.
71. If, within fourteen (14) calendar days after the decision to retain was made or confirmed, an Animal that was refused release pursuant to Section 68 is not claimed by its Owner and the applicable requirements of Section 68 are not satisfied, the Animal shall be deemed to have been surrendered to the City and the Animal Shelter Manager may cause the Animal to be made available for adoption or otherwise disposed of, including by euthanasia.

### **Offences and Penalties**

72. Any written notice issued by the City as provided for in this Bylaw shall be considered effective fourteen (14) calendar days after the written notice was sent by the City via regular mail.
73. Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of the Bylaw shall be guilty of an offence under this Bylaw and shall be liable on summary conviction to a penalty of not less than fifty dollars

(\$50.00) and not more than two thousand dollars (\$2,000.00) or to imprisonment for not more than six months or to both. If the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. Nothing in this section shall restrict the City's ability to enforce this Bylaw in any other manner permitted by law.

### **Severability**

74. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

### **Repeal**

75. The "Surrey Dog Responsibility By-law, 1999, No. 13880" and all amendments thereto are hereby repealed.
76. The "Surrey Pound By-law, 1958, No. 1669" and all amendments thereto are hereby repealed.

PASSED FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED THIRD READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Schedule "A"**LIST OF PROHIBITED ANIMALS**

1. all nonhuman primates
2. all felidae, except the domestic cat
3. all canidae, except the domestic Dog
4. all ursidae (bears)
5. all proboscidea (elephants)
6. all pinnipedia (seals, walrus)
7. all marsupials
8. all edentates (anteaters)
9. all xenartha (such as sloths, armadillos, and tamanduas)
10. all monotremata (spiny anteater and platypus)
11. all venomous or poisonous reptiles and amphibians
12. all reptiles and amphibians over 2 feet adult size
13. all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
14. all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
15. all hyenidae (hyenas)
16. all hyracoidean (hyraxes)
17. all erinaceidae (tenrecs and hedgehogs)
18. all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
19. all procyonidae (raccoons, coatimundis)

20. all viverridae (civets and genets)
21. all herpestidae (mongooses)
22. all cetacea (whales, porpoises, dolphins)
23. all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
24. all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
25. all lagomorphs (rabbits and hare), except the domestic rabbit
26. all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus  
the budgie, cockatiel, lovebird, finch, and canary; and
27. all saltwater fish.

**Schedule "B"**

**LICENCING:**

**Dogs**

- a) Neutered male or Spayed female \$43.00
- b) Other than (a) above \$70.00
- c) Guard Dog/Aggressive Dog \$132.00
- d) Vicious Dog \$200.00
- e) Dangerous Dog \$500.00
- f) Guide Dog/Service Dog \$0.00
- g) Police Services Dog \$0.00
- h) New licences issued from August 1 to December 31 of any given year shall be subject to a fee equal to 50% of the above noted fees. This does not apply to renewals or to Dogs eligible to be licensed prior to August 1.
- i) Persons over the age of 65 shall be subject to a fee equal to 50% of the above noted fees. Replacement of licence \$5.00

Schedule "C"

**IMPOUNDMENT (Release to Owner):**

**DOGS**

- 1) Unlicensed \$108.00
- 2) Licensed
  - a) Spayed or Neutered \$32.25
  - b) Not Spayed or Neutered \$47.25
  - c) Aggressive or Guard Dog \$300.00
  - d) Vicious Dog \$500.00
  - e) Dangerous Dog \$1000.00
  - f) A Dog where it has caused injury while Running at Large \$1000.00
  - g) Dangerous Dog where it has caused injury while Running at Large \$5000.00

**CATS AND OTHER SMALL ANIMALS**

**Cats**

- a) Spayed or Neutered \$10.00
- b) Not Spayed or Neutered \$50.00

Other Small Domestic Animals \$10.00

## **LIVESTOCK**

- a) stallion or bull...\$500.00
- b) horse or cow...\$200.00
- c) goat or sheep...\$50.00
- d) rabbit, goose, chicken or other fowl...\$10.00
- e) in addition to these fees the Owner(s) of the Animal(s) shall be liable for any hauling fees incurred by the Animal Shelter Manager and any other extraordinary costs, due and payable upon reclamation.

## **ADOPTION OF ANIMALS**

- a) Puppy (up to and including 1 year of age) \$250.00
- b) Dog (over 1 year up to and including 7 years of age) \$200.00 (plus license fee if applicable)
- c) Dog (over 8 years of age) \$80.00 (plus license fee if applicable)
- d) Cat (up to and including 7 years of age) \$150.00
- e) Cat (over 8 years) \$80.00
- f) Small Animals \$5.00-\$40.00

## **BOARDING OF ANIMALS:**

- a) Rate per Day
- b) Cat \$6.50
- c) Dog \$16.00

- d) Stallion, horse, mule, ass, boar, billy goat, ram, goat, sheep, swine, bull, cow or other bovine Animal \$15.00
- e) for each rabbit, goose, chicken or other fowl \$5.00
- f) for Animals other than those listed above \$10.00

**EUTHANASIA:**

- a) 0 – 50 lbs \$100.00
- b) 21 – 50 lbs \$150.00
- c) 51 – 100+ lbs \$200.00

**CREMATION SERVICES:**

General Cremations – no ashes returned

- a) 0 – 20 lbs \$50.00
- b) 21 – 50 lbs \$75.00
- c) 51 – 75 lbs \$100.00
- d) 76 – 100 lbs \$125.00
- e) 101 + lbs \$150.00

Animal Pick Up Fee \$50.00 per pick up

CITY OF SURREY

BYLAW NO. 19106

A bylaw to amend the provisions of "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508", as amended.

.....

The Council of the City of Surrey, ENACTS AS FOLLOWS:

1. "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508" as amended, is hereby further amended as follows:
  - a) Schedule 1 is amended as follows:
    - i. Section 3 is deleted in its entirety and replaced with the following:
      3. Surrey Animal Responsibility Bylaw, 2017, No. 19105
        - Manager, Bylaw Enforcement and Licensing Services
        - Bylaw Enforcement Officer
        - Animal Shelter Manager
        - Animal Control Officer
        - Member of the Royal Canadian Mounted Police
    - ii. Section 21 is deleted in its entirety.
  - b) Schedule 4 is deleted in its entirety and replaced with a new Schedule 4 attached hereto and forming part of this Bylaw.
  - c) Schedule 22 is deleted in its entirety.
2. This Bylaw shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization Bylaw, 1994, No. 12508, Amendment Bylaw, 2017, No. 19106".

PASSED FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED THIRD READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**SCHEDULE 4 TO BY-LAW NO. 12508**

<u>SURREY ANIMAL RESPONSIBILITY BYLAW,</u> <u>2017, No. 19105</u>	<u>SECTION</u>	<u>FINE</u>
1. Keeping of excessive companion animals	3	\$200.00
2. Keeping of prohibited animal	4	\$450.00
3. Fail to licence	7	\$200.00
4. Falsify information on licence application	10	\$200.00
5. Failure to affix dog licence tag	13	\$200.00
6. Aggressive dog improperly leashed	19 (a)	\$300.00
7. Aggressive dog at large	19 (b)	\$300.00
8. Aggressive dog not muzzled in off-leash area	19 (c)	\$300.00
9. Aggressive dog without permanent identification	19 (d)	\$150.00
10. Vicious dog improperly leashed	23 (a)	\$450.00
11. Vicious dog at large	23 (b)	\$450.00
12. Vicious dog in off-leash area	23 (c)	\$450.00
13. Vicious dog not muzzled	23 (d)	\$450.00
14. Vicious dog warning sign not posted	23 (e)	\$200.00
15. Vicious dog not in enclosure	23 (f)	\$200.00
16. Vicious dog without permanent identification	23 (g)	\$200.00
17. Keeping dangerous dog	27	\$1000.00
18. Dangerous dog improperly leashed	29 (a)	\$450.00
19. Dangerous dog at large	29 (b)	\$1000.00
20. Dangerous dog in off-leash area	29 (c)	\$1000.00
21. Dangerous dog not muzzled	29 (d)	\$1000.00
22. Dangerous dog warning sign not posted	29 (e)	\$450.00
23. Dangerous dog not in enclosure	29 (f)	\$450.00
24. Dangerous dog without permanent identification	29 (g)	\$450.00
25. Fail to provide photograph of dangerous dog	29 (h)	\$450.00
26. Fail to notify of dangerous dog at large	30 (a)	\$450.00
27. Fail to notify of dangerous dog location change	30 (b)	\$450.00
28. Fail to prevent unauthorized entry	33 (a)	\$200.00
29. Fail to fence property adequately	33 (b)	\$200.00
30. Fail to confine guard dog	33 (c)	\$450.00

31. Fail to post guard dog warning sign	33 (d)	\$200.00
32. Fail to register guard dog	33 (e)	\$200.00
33. Fail to prevent excessive animal noise	34	\$200.00
34. Animal at large	35	\$300.00
35. Dog in prohibited area	35.1	\$300.00
36. Chase, threaten or bite	36 (a)	\$450.00
37. Aggressive behaviour to person or animal	36 (b)	\$300.00
38. Dog causes minor injury	36 (c)	\$450.00
39. Dog causes serious injury	36 (d)	\$1000.00
40. Failure to have leash	37 (a)	\$200.00
41. Fail to control dog	37 (c)	\$200.00
42. Fail to remove feces in off-leash area	37 (d)	\$200.00
43. Fail to leash and remove dog	37 (e)	\$200.00
44. Fail to confine dog in heat	38	\$200.00
45. Fail to remove animal feces	39	\$200.00
46. Fail to confine diseased animal	40	\$200.00
47. Fail to provide food/water	42 (a)	\$200.00
48. Fail to clean receptacles	42 (b)	\$200.00
49. Fail to provide exercise	42 (c)	\$200.00
50. Fail to provide vet care	42 (d)	\$200.00
51. Fail to meet shelter standards	43 (a)	\$200.00
52. Shelter space inadequate	43 (b)	\$200.00
53. Shelter shade inadequate	43 (c)	\$200.00
54. Shelter bedding inadequate	43 (d)	\$200.00
55. Fail to clean shelter	43 (e)	\$200.00
56. Dog tied to object improperly	44 (a)	\$450.00
57. Dog confined by neck	44 (b)	\$450.00
58. Dog tether of insufficient length	44 (c)	\$450.00
59. Dog tied unattended	44 (d)	\$450.00
60. Dog tied for over four hours	44 (e)	\$450.00
61. Enclosure space inadequate	45 (a)	\$450.00
62. Improper location of enclosure	45 (b)	\$200.00
63. Failure to include shelter within enclosure	45 (c)	\$200.00
64. Fail to clean dog enclosure	45 (d)	\$200.00
65. Dog confined in enclosure too long	45 (e)	\$200.00

66. Inadequate ventilation	46	\$450.00
67. Improperly confined for transport	47	\$450.00
68. Abandon an animal	48 (a)	\$450.00
69. Tease, torment or provoke an animal	48 (b)	\$450.00
70. Cause or permit animal suffering	48 (c)	\$450.00
71. Cause or permit animal fighting	48 (d)	\$450.00
72. Obstruction of animal control officer	51	\$300.00

CITY OF SURREY

BYLAW NO. 19109

A bylaw to amend the provisions of "Surrey Bylaw Notice Enforcement  
Bylaw, 2016, No. 18691", as amended.

.....

The Council of the City of Surrey, ENACTS AS FOLLOWS:

1. "Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691", as amended, is hereby further amended as follows:
  - a) Schedule A is amended as follows:
    - i. Part 2 is deleted in its entirety and replaced with a new Part 2, attached hereto and forming part of this Bylaw.
    - ii. Part 17 is deleted in its entirety.
2. This Bylaw shall be cited for all purposes as "Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691, Amendment Bylaw, 2017, No 19109".

PASSED FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED THIRD READING on the \_\_\_\_ day of \_\_\_\_\_, 2017.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the  
Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

Part 2						
A1	A2	A3	A4	A5	A6	A7
Bylaw No.	Section	Description	Penalty	Early Payment Penalty	Late Payment Penalty	Compliance Agreement Available (50% of Penalty)
<b>Surrey Animal Responsibility Bylaw</b>						
19105	3	Keeping of excessive companion animals	\$200.00	\$150.00	\$250.00	Yes
19105	4	Keeping of prohibited animal	\$450.00	\$400.00	\$500.00	Yes
19105	7	Fail to licence	\$200.00	\$150.00	\$250.00	Yes
19105	10	Falsify information on licence application	\$200.00	\$150.00	\$250.00	Yes
19105	13	Failure to affix dog licence tag	\$200.00	\$150.00	\$250.00	Yes
19105	19 (a)	Aggressive dog improperly leashed	\$300.00	\$250.00	\$350.00	Yes
19105	19 (b)	Aggressive dog at large	\$300.00	\$250.00	\$350.00	Yes
19105	19 (c)	Aggressive dog not muzzled in off-leash area	\$300.00	\$250.00	\$350.00	Yes
19105	19 (d)	Aggressive dog without permanent identification	\$150.00	\$100.00	\$200.00	Yes
19105	23 (a)	Vicious dog improperly leashed	\$450.00	\$400.00	\$500.00	Yes
19105	23 (b)	Vicious dog at large	\$450.00	\$400.00	\$500.00	Yes
19105	23 (c)	Vicious dog in off-leash area	\$450.00	\$400.00	\$500.00	Yes
19105	23 (d)	Vicious dog not muzzled	\$450.00	\$400.00	\$500.00	Yes
19105	23 (e)	Vicious dog warning sign not posted	\$200.00	\$150.00	\$250.00	Yes
19105	23 (f)	Vicious dog not in enclosure	\$200.00	\$150.00	\$250.00	Yes
19105	23 (g)	Vicious dog without permanent identification	\$200.00	\$150.00	\$250.00	Yes
19105	29 (a)	Dangerous dog improperly leashed	\$450.00	\$400.00	\$500.00	Yes
19105	29 (e)	Dangerous dog warning sign not posted	\$450.00	\$400.00	\$500.00	Yes
19105	29 (f)	Dangerous dog not in enclosure	\$450.00	\$400.00	\$500.00	Yes
19105	29 (g)	Dangerous dog without permanent identification	\$450.00	\$400.00	\$500.00	Yes
19105	29 (h)	Fail to provide photograph of dangerous dog	\$450.00	\$400.00	\$500.00	Yes
19105	30 (a)	Failure to notify of dangerous dog at large	\$450.00	\$400.00	\$500.00	Yes

19105	30 (b)	Failure to notify of dangerous dog location change	\$450.00	\$400.00	\$500.00	Yes
19105	33 (a)	Fail to prevent unauthorized entry	\$200.00	\$150.00	\$250.00	Yes
19105	33 (b)	Fail to fence property adequately	\$200.00	\$150.00	\$250.00	Yes
19105	33 (c)	Fail to confine guard dog	\$450.00	\$400.00	\$500.00	Yes
19105	33 (d)	Fail to post guard dog warning sign	\$200.00	\$150.00	\$250.00	Yes
19105	33 (e)	Fail to register guard dog	\$200.00	\$150.00	\$250.00	Yes
19105	34	Fail to prevent excessive animal noise	\$200.00	\$150.00	\$250.00	Yes
19105	35	Animal at large	\$300.00	\$250.00	\$350.00	Yes
19105	35.1	Dog in prohibited area	\$300.00	\$250.00	\$350.00	Yes
19105	36 (a)	Chase, threaten or bite	\$450.00	\$400.00	\$500.00	Yes
19105	36 (b)	Aggressive behaviour to person or animal	\$300.00	\$250.00	\$350.00	Yes
19105	36 (c)	Dog causes minor injury	\$450.00	\$400.00	\$500.00	Yes
19105	37 (a)	Failure to have leash	\$200.00	\$150.00	\$250.00	Yes
19105	37 (c)	Fail to control dog	\$200.00	\$150.00	\$250.00	Yes
19105	37 (d)	Fail to remove feces in off-leash area	\$200.00	\$150.00	\$250.00	Yes
19105	37 (e)	Fail to leash and remove dog	\$200.00	\$150.00	\$250.00	Yes
19105	38	Fail to confine dog in heat	\$200.00	\$150.00	\$250.00	Yes
19105	39	Fail to remove animal feces	\$200.00	\$150.00	\$250.00	Yes
19105	40	Fail to confine diseased animal	\$200.00	\$150.00	\$250.00	Yes
19105	42 (a)	Fail to provide food/water	\$200.00	\$150.00	\$250.00	Yes
19105	42 (b)	Fail to clean receptacles	\$200.00	\$150.00	\$250.00	Yes
19105	42 (c)	Fail to provide exercise	\$200.00	\$150.00	\$250.00	Yes
19105	42 (d)	Fail to provide vet care	\$200.00	\$150.00	\$250.00	Yes
19105	43 (a)	Fail to meet shelter standards	\$200.00	\$150.00	\$250.00	Yes
19105	43 (b)	Shelter space inadequate	\$200.00	\$150.00	\$250.00	Yes
19105	43 (c)	Shelter shade inadequate	\$200.00	\$150.00	\$250.00	Yes
19105	43 (d)	Shelter bedding inadequate	\$200.00	\$150.00	\$250.00	Yes
19105	43 (e)	Fail to clean shelter	\$200.00	\$150.00	\$250.00	Yes
19105	44(a)	Dog tied to object improperly	\$450.00	\$400.00	\$500.00	Yes
19105	44 (b)	Dog confined by neck	\$450.00	\$400.00	\$500.00	Yes
19105	44 (c)	Dog tether of insufficient length	\$450.00	\$400.00	\$500.00	Yes
19105	44 (d)	Dog tied unattended	\$450.00	\$400.00	\$500.00	Yes
19105	44 (e)	Dog tied for over four hours	\$450.00	\$400.00	\$500.00	Yes
19105	45 (a)	Enclosure space inadequate	\$450.00	\$400.00	\$500.00	Yes
19105	45 (b)	Improper location of enclosure	\$200.00	\$150.00	\$250.00	Yes
19105	45 (c)	Failure to include shelter within enclosure	\$200.00	\$150.00	\$250.00	Yes

19105	45 (d)	Fail to clean dog enclosure	\$200.00	\$150.00	\$250.00	Yes
19105	45 (e)	Dog confined in enclosure too long	\$200.00	\$150.00	\$250.00	Yes
19105	46	Inadequate ventilation	\$450.00	\$400.00	\$500.00	Yes
19105	47	Improperly confined for transport	\$450.00	\$400.00	\$500.00	Yes
19105	48 (a)	Abandon an animal	\$450.00	\$400.00	\$500.00	Yes
19105	48 (b)	Tease, torment or provoke an animal	\$450.00	\$400.00	\$500.00	Yes
19105	48 (c)	Cause or permit animal suffering	\$450.00	\$400.00	\$500.00	Yes
19105	48 (d)	Cause or permit animal fighting	\$450.00	\$400.00	\$500.00	Yes
19105	51	Obstruction of animal control officer	\$300.00	\$250.00	\$350.00	Yes



## Review of Current Animal Control Legislation & Evidence-based Animal Control Recommendations for the City of Surrey

November 2016

Dr Rebecca Ledger  
Animal Behaviour & Welfare Consulting



# Table of Contents

Page	
4	Executive Summary
6	Part (1)
6	1.1 The efficacy and enforceability of Breed Specific Legislation
7	1.2 What is Breed Specific Legislation?
10	1.3 Types of Breed Specific Legislation
14	1.4 BSL in Canada
16	1.5 Evidence for the efficacy of Breed Specific Legislation
20	1.6 Summary of evidence for the effectiveness of Breed Specific Legislation
21	1.7 Enforcement of Breed Specific Legislation
26	Part (2)
26	Bylaw Review and Recommendations
30	Part (3)
30	Best practices and other feedback
32	3.1 Considering the level of provocation in dog bites
33	3.2 Rehabilitation and the possibility of a retraction of a 'dangerous dog' designation
34	3.3 Restrictions on the importation of aggressive dogs into the City of Surrey
36	3.4 Restrictions on the ownership of dogs by irresponsible individuals
37	3.5 Education
38	3.6 Research and Data Collection
40	Contact information

# Executive Summary

This report is in 3 parts:

## Part (1)

### Justification for Breed-specific legislation: Efficacy and enforceability of BSL

Thousands of people and dogs live together in the City of Surrey, and thus conflict inevitably arises between people, dogs and other domestic animals. Existing City of Surrey Bylaws seek to minimize the extent of this conflict by way of legislation and enforcement that restricts the ownership of dogs with a high propensity to act aggressively. This legislation is based on individual dog behaviour, and not breed-specific traits.

In light of public pressure arising from the media's coverage of various dog attacks in the Lower Mainland, and also elsewhere across Canada, the City of Surrey have been asked by some constituents to consider whether 'breed specific legislation' (BSL) is a necessary amendment to current animal control legislation.

While BSL is intended to reduce the number of people and animals that are injured by dogs, opponents of BSL have raised concerns regarding a) its lack of efficacy (i.e. that BSL does not lead to a reduction in dog bites, serious or otherwise), b) challenges with enforcement and, c) the welfare consequences for dogs that are targeted by BSL (arising from off-leash restrictions, muzzling orders, neutering requirements, and the seizure, incarceration and euthanasia of individuals based on appearance etc).

Following a review of the most relevant peer-reviewed scientific literature on the subject, it is concluded that, currently, no data exists to support the implementation of breed specific legislation.

## Part (2)

### Bylaw review and recommendations

The City of Surrey's Dog Responsibility By-law, 1999, No. 13880 By-law seeks "to regulate the keeping of dogs within the City and to provide for fixing, imposing and collecting license fees from and the issuance of licenses to a person who owns, possesses, or harbours a dog."

The Bylaw provides definitions of terms that are relevant to the responsible control of dogs, and requirements for the licensing and safe management of dogs. This second part of the report provides makes recommendations for amendments to this existing legislation.

In addition, recommendations are made below regarding additional Sections to the Bylaw, which would seek to minimize the importation, breeding and irresponsible management of aggressive dogs.

## Part (3)

### Best practices and other generalized feedback

The City of Surrey is concerned regarding the incidence of serious and non-serious dog bite attacks on people and other animals. In order to reduce the incidence of such cases beyond what is achieved under current legislation and enforcement, the following practices may be considered:

- 1) Taking into account provocation and the general health of a dog when applying dangerous dog legislation.
- 2) Rehabilitation and the possibility of a retraction of a 'dangerous dog' designation in successfully rehabilitated dogs.
- 3) Restrictions on the importation of aggressive dogs into the City of Surrey.
- 4) Restrictions on the ownership of dogs by irresponsible individuals.
- 5) Education resources for animal control officers, dog owners, trainers, veterinarians, children and non-dog owners. Plus, the development of park etiquette and a Code of Practice for safe interactions with dogs.
- 6) Research and data collection, to evaluate risk factors for dog bites in the City of Surrey, and to monitor the effectiveness of dog bite preventions strategies.

## Part (1)

# 1.1 The efficacy and enforceability of Breed Specific Legislation

The aim of breed specific legislation (BSL) is to reduce the incidence of dog bites to people and domestic animals, by restricting the breeding and keeping of specific dog breeds that are thought to be the most dangerous.

Currently, BSL has been implemented or is under consideration in various municipalities across British Columbia, and the rest of Canada.

However, opponents of BSL have raised concerns regarding a) its poor enforceability, b) its lack of efficacy and, c) the welfare consequences for dogs and people that are targeted by BSL.

The concerns expressed by stakeholders are contentious, in part because the evidence for the enforceability and effectiveness of BSL is not clear-cut.

According to published research, the efficacy of BSL varies depending on the source of the data, the demographic characteristics of the area under study, the level of enforcement in situations where BSL is implemented, and importantly, the quality of the bite incidence data that is reported.

Furthermore, the attitudes of community members to BSL are often influenced by

media reports of aggressive dog attacks that tend to identify specific breeds as being mostly responsible.

This creates challenges for the City of Surrey, and other Municipalities, who are looking to reduce the number of dog bites using strategies that are humane, fair, effective, evidence-based, and that can be clearly justified to community members.

The first section of this report describes the evidence that is available regarding the efficacy and enforceability of BSL.

Based on this, recommendations are provided regarding whether the City of Surrey should implement BSL in their Municipality.



## 1.2 What is Breed-Specific Legislation?

The UK was one of the first countries in the world to introduce breed-specific legislation (The Home Office, Dangerous Dogs Act, 1991). As is the case with other jurisdictions that have enacted BSL, the legislation has been implemented as a result of a perceived over-representation of these breeds being responsible for serious bites to people and other animals.

Across the world, breed specific legislation varies in terms of the breeds that are targeted and the requirements for keeping those breeds. Breeds are often identified based on public perceptions regarding the aggressiveness and potential risk associated with each breed, rather than empirical data regarding dog bites.



Some factors common to many of these breeds include:

- a) Their size and strength: These are all medium to large sized dogs, that are physically capable of inflicting serious injury on a human or other animal.
- b) Many of these breeds are considered 'Molossier-type' dogs. These include large, muscular, solid-built dogs that were originally bred to be guardians and protectors of livestock.
- c) Some of these breeds have been and are presently bred and trained by some individuals in some areas for protection and fighting.
- d) Within their jurisdictions, these aggressiveness of these breeds has been widely reported by local media, and led to a public perception that they are over-represented in dog bite statistics.

***The following 46 breeds have been included in BSL across Europe, Australasia and North America:***

## **A**

**Alaskan Malamute** (Malaysia)

**American Bulldog** (Denmark, Malaysia, Singapore)

**American pit bull terrier** (Republic of Ireland, Australia, Manitoba, Denmark, Malaysia, Malta, New Zealand, Puerto Rico, Singapore, Spain)

**American Staffordshire terrier** (Manitoba, Denmark, Germany, Malaysia, Norway, Portugal, Puerto Rico, Romania, Singapore, Spain)

**Australian Dingo** (Bermuda)

## **B**

**Ban Dog** (Republic of Ireland, Romania)

**Belgian Shepherd** (Malaysia)

**Belgian Malinois** (Romania)

**Boerboel** (Romania, Singapore)

**Bull Mastiff** (Republic of Ireland, Bermuda, Singapore)

**Bull Terrier** (Germany, Israel, Singapore, Spain)

## **C**

**Caucasian Shepherd Dog** (Denmark)

**Central Asian Shepherd Dog** (Denmark)

**Czechoslovakian Wolfdog** (Norway)

## **D**

**Doberman Pinscher** (Republic of Ireland, Romania, Singapore)

**Dogo Argentino** (UK, Australia, Denmark, Israel, Manitoba, Malta, New Zealand, Norway, Portugal, Puerto Rico, Romania, Singapore, Spain)

**Dogue de Bordeaux** (Malaysia)

## **E**

**East European Shepherd** (Malaysia)

**Estrela Mountain Dog** (Malaysia)

**English Bull Terrier** (Republic of Ireland)

## **F**

**Fila Brasileiro** (UK, Australia, Denmark, Israel, Malaysia, Malta, New Zealand, Norway, Portugal, Singapore)

**German Shepherd** (Republic of Ireland, Malaysia, Romania, Singapore)

**Giant Schnauzer** (Romania)

## J

**Japanese Akita** (Republic of Ireland, Bermuda, Malaysia, Singapore)

**Japanese Tosa** (UK, Australia, Denmark, Malta, Republic of Ireland, Malaysia, New Zealand, Romania, Singapore, Turkey)

## K

**Kai Ken** (Malaysia)

**Kangal** (Denmark)

**Komondor** (Romania)

**Kuvasz** (Romania)

## M

**Miniature Bull Terrier** (Malaysia)

## N

**Neopolitan Mastiff** (Malaysia, Romania, Singapore)

## O

**Ovcharka** (Malaysia)

## P

**Perro de Presa Canario or Pressa Canerio** (Australia, Malaysia, Romania, Singapore)

**Perro de Presa Mallorquin** (Malaysia)

**Pit bull terrier** (UK, Australia, Brazil, Bermuda, Ecuador, France, Germany, Israel, Ontario, Norway, Venezuela, Poland, Manitoba, Puerto Rico, Romania, Singapore, Turkey)

## R

**Rafeiro do Alentejo** (Malaysia)

**Rhodesian Ridgeback** (Republic of Ireland)

**Rottweiler** (Republic of Ireland, Ecuador, Israel, Malaysia, Portugal, Romania, Singapore)

**Russo-European Laika** (Malaysia)

## S

**Sarplaninac** (Denmark)

**South Russian Shepherd** (Denmark)

**Staffordshire bull terrier** (Republic of Ireland, Bermuda, Germany, Israel, Malaysia, Portugal, Puerto Rico, Manitoba, Romania, Spain)

## T

**Tibetan Mastiff** (Malaysia)

**Tornjak** (Denmark)

**Tosa Inu** (Israel, Norway, Portugal)

## W

**Wolf hybrids** (Norway)

## 1.3 Types of Breed Specific Legislation



### ***Breed specific legislation is highly variable between jurisdictions.***

- Whereas some jurisdictions have BSL, others do not.
- Whereas legislation in some jurisdictions distinguishes between breeds according to their perceived aggressiveness and strength, others do not.
- Whereas BSL is strictly enforced in some jurisdictions, on other places it is not.
- Whereas BSL is strictly enforced in some jurisdictions, on other places it is not, until such time that there is a complaint made against a dog for being aggressive.
- Where BSL does exist, it can take different forms:

## Types of restriction

- Possession may be defined as the keeping, harboring, ownership, exercise control over, transport, transfer and other types of possession of certain breeds.
- The possession of restricted breeds may be banned completely, often termed ‘an outright ban’. The ban may include the ownership of dogs born within the jurisdiction and / or dogs imported from outside of the jurisdiction.
- Some jurisdictions have a grandfathering clause, which allows dogs living with their owners in a specific location, to keep their dogs until a defined period (such as until the death of the dog).
- Restriction may allow an individual to own a restricted breed under certain conditions.
- Legislation often refers to the prohibition of the ‘sale, acquisition, advertisement or giving away’ of certain breeds.

## Identification

Dogs may need to be identified using permanent and / or temporary means. These may include:

- A valid dog license
- A collar and tag, with contact information and vaccination details
- Microchip
- Tattoo
- Photographed and / or registered with a database
- DNA analysis

## Physical health

- Annual health examination
- Up to date on required vaccinations

## Breeding restrictions

- Male and female dogs must be neutered or spayed by a specified age, to prevent the breeding of these dogs.
- Intact dogs must not be bred from.
- Any puppies bred to restricted breeds must be reported to the restricted dog registry or equivalent, and removed from the jurisdiction by a specified age.

## Restrictions of re-homing and adoptions

- Registered breeders, hobby breeders, individuals, breed rescue groups and rescue shelters may not re-home individuals identified as being of a restricted breed (within or outside of the jurisdiction).
- The number of restricted dogs owned by an individual or that reside at a single address may be limited.
- The death, departure from the jurisdiction or birth of any offspring of the dog must be reported to the restricted dog registry or equivalent.

## Muzzling requirements

The dog must be muzzled:

- At all times when outside of the owners' home
- At all times when off of the owner's property
- At all times when either on or off of the owner's property



## Containment restrictions

- Dogs will not be allowed to stray or to be at large.
- The size and construction (materials, security etc), of confinement for the dog may be specified.
- This containment may include details of the security of rooms in which the dog is kept, entrances into the home, pens in the dog's yard, and fencing around the yard itself.
- Features, such as the pen being 'child-proof' and 'escape-proof' may also be specified.
- Notify the restricted dog registry or equivalent should the dog escape, stray / be at large.

## Leashing requirements

- The dog may need to be kept on leash at specified locations, such as at all times when the dog is off of the owner's property.
- The maximum length of a leash on which the dog may be walked may be specified.
- The person(s) permitted to walk the dog may be restricted (e.g. names individuals, individuals of a certain age, individuals with a certain level of competency etc).

## Signage

A sign may need to be posted on the dog's home, to notify or warn the public that a 'dangerous dog' lives at this address.

## Training and licensing

- Dogs must be licensed in their jurisdiction on required databases
- Owners and dogs may need to undergo training and assessment in order to be permitted to walk together.
- Dogs may not be trained or used in dog fighting.

## Liability insurance and bonds

Owners may be required to have liability insurance and / or to place bonds, in order to keep their dog.

## 1.4 BSL in Canada

**There is no federal breed specific legislation in Canada. However, all of Ontario and Winnipeg, Manitoba have BSL.**

In **Ontario**, since 2005, no person shall

- (a) own a pit bull;
- (b) breed a pit bull;
- (c) transfer a pit bull, whether by sale, gift or otherwise;
- (d) abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario or a designated body;
- (e) allow a pit bull in his or her possession to stray;
- (f) import a pit bull into Ontario; or
- (g) train a pit bull for fighting.

Pit bulls are "grandfathered" if they were owned by an Ontario resident on August 29, 2005, or born in Ontario within 90 days after August 29, 2005. These dogs are subject to the following regulation and control:

1) Pit bulls must be muzzled and kept on a leash no more than 1.8 meters long when in public or not on enclosed property

2) Pit bulls must be spayed or neutered unless a veterinarian certifies the dog is physically unfit to be anesthetized

3) Pit bulls are automatically euthanized if a court finds they have bitten, attacked, or posed a menace, or if their owners are found to be in violation of the law or a related court order.

4) Pit bull owners are entirely liable for any and all damage caused by a bite or an attack.

A document purporting to be signed by a member of the College of Veterinarians of Ontario stating that a dog is a pit bull within the meaning of this Act is receivable in evidence in a prosecution for an offence under this Act as proof, in the absence of evidence to the contrary, that the dog is a pit bull for the purposes of this Act, without proof of the signature and without proof that the signatory is a member of the College.

In **Winnipeg**, Manitoba, "Pit Bull dogs" (including the Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, Dogo Argentino, or any dog which has the appearance and physical characteristics predominantly conforming to CKC or AKC standards for these breeds breeds), within the City of Winnipeg, is and shall be conclusively deemed a dangerous dog.

No person shall keep or harbour any Pit Bull dog regardless of age on or after June 1, 1990, except where the owner

has a valid dangerous dog license for that dog which has been issued prior to that date

### **Penalties for non-compliance with BSL**

Penalties for non-compliance with BSL may include:

- Forfeiture of bonds
- Fines
- Criminal charges
- Confiscation or euthanasia of the dog



## 1.5 Evidence for the efficacy of breed specific legislation

The efficacy of breed specific legislation has been reported by formal peer-reviewed published journals and scientific proceedings, media reports, and other non-peer reviewed sources, including pro and anti-BSL activist websites.

The peer-reviewed data provides mixed views on the efficacy of BSL in its ability to reduce the incidence of people and other dogs that are seriously bitten by dogs. However, overall, the majority of evidence suggests that BSL is not effective.

### Key studies

#### Ireland

The aim of this study was to examine the efficacy of the current breed specific legislation in Ireland by investigating all dog bite hospital admissions throughout Ireland since that legislation was introduced. In years 1998-2013, a total of 3164 human hospitalisations (admissions for dog bite) occurred in Ireland. Incidence of hospitalisations increased over this period ( $P < 0.001$ ). The authors concluded that present BSL is not effective as a dog bite mitigation strategy in Ireland and may be contributing to a rise in hospitalisations.

*Ó Súilleabháin, P.Ó. (2015). Human hospitalisations due to dog bites in Ireland (1998–2013): Implications for current breed specific legislation. The Veterinary Journal. 204. 357-359.*

## Spain

Dog bite-related incidents from Aragón (Spain) were analyzed from 1995 to 2004, with the aim of assessing the impact of the Spanish Dangerous Animals Act on the epidemiology of dog bites. Data from the non-legislated (1995 to 1999) and the legislated period (2000 to 2004) were compared in 2 different areas. According to the results, the legislation in force did not exert a significant effect on the incidence of dog bites. Furthermore, dogs on the dangerous breeds list were involved in a small proportion of the incidents both before and after the introduction of legislation.

*Rosado, B., Garcia-Belenguer, S., Leon, M., Palacio, J. (2007). Spanish dangerous animals act: Effect on the epidemiology of dog bites. Journal of Veterinary behaviour Clinical Applications and Research. 2, 166-174*

## Italy

The study considered 662 clinical dog bites cases collected from behaviour veterinarians in Italy. The authors compared the number of bites in relation to numbers of individuals within the population of each breed. The results indicated that the breeds included in Italy's BSL were not over-represented in this data.

*Cattarossi, D. & Martuzzi F. 2007. Cani Mordaci In Italia: Indagine Sulle le razze di appartenenza e considerazioni sulla normativa vigente. Veterinaria, Anno 21, n. 2, Aprile 2007*

## The Netherlands

Data were collected from dog bite victims (1078) and dog owners (6139) using Internet surveys. Several breeds and breed groups were over- and under-represented in the biting population and there was a mismatch between risk indices and the then-current Dutch breed specific legislation. The authors concluded that dog bite mitigation strategies should not be based on attack records (since this would lead to the rejection of a significant proportion of the canine population) but on the circumstances of the incidents. And, that preventative measures should focus on a better understanding of how to handle dogs.

*Cornelissen, J.M., and Hopster, H. (2010). Dog bites in The Netherlands: a study of victims, injuries, circumstances and aggressors to support evaluation of breed specific legislation. The Veterinary Journal. 186. 292-8.*

## Germany

Berlin's BSL was enacted in September 2004. This study analyzed dog bite data in incidents involving dog and human victims, in Berlin from 1998 to 2004.

- Of the total population of 107,804 dogs in Berlin in 2004, 0.9% were involved in bite incidents with humans.
- The authors concluded that it is more effective to support activities which include the training of abilities of the dog owners.

*Kuhne, F., Struwe, R. (2006). Dangerous dogs in Berlin in comparison to the dog population – ways to reduce the dangerousness of dogs. Berl Munch Tierarztl Wochenschr. 119. 445-55.*

## Canada (Winnipeg)

Winnipeg, Manitoba introduced BSL by banning pit-bull type dogs in 1990. Differences in the incidence of dog-bite injury hospitalisations (DBIH) pre-BSL and post-BSL were compared from 1984-1990 and 1990-2006 in 16 urban and rural jurisdictions with pit-bull bans. At the provincial level, there was a significant reduction in DBIH rates from the pre-BSL to post-BSL period (3.47 to 2.84 per 100000 person-years) respectively.

However, the Ledger et al study reported the following with regards this same time period.

“While the number of people bitten by dogs in Winnipeg decreased following the introduction of a pit bull ban (310 bites in 1989, down to 166 bites in 2003) (3,4), the city simultaneously embarked on a \$70 000 to \$90 000 per annum education and advertising campaign to increase public awareness about dog bites and promote responsible dog ownership (personal communication, Tim Dack, City of Winnipeg). Consequently, it is difficult to determine the extent to which BSL contributed to the observed reduction in dog bites. Furthermore, as only 9% (28/310) of dog bites in 1989 were from “pit-bill terrier types,” it is doubtful that more than 1/5th of this decline is attributable to BSL.”

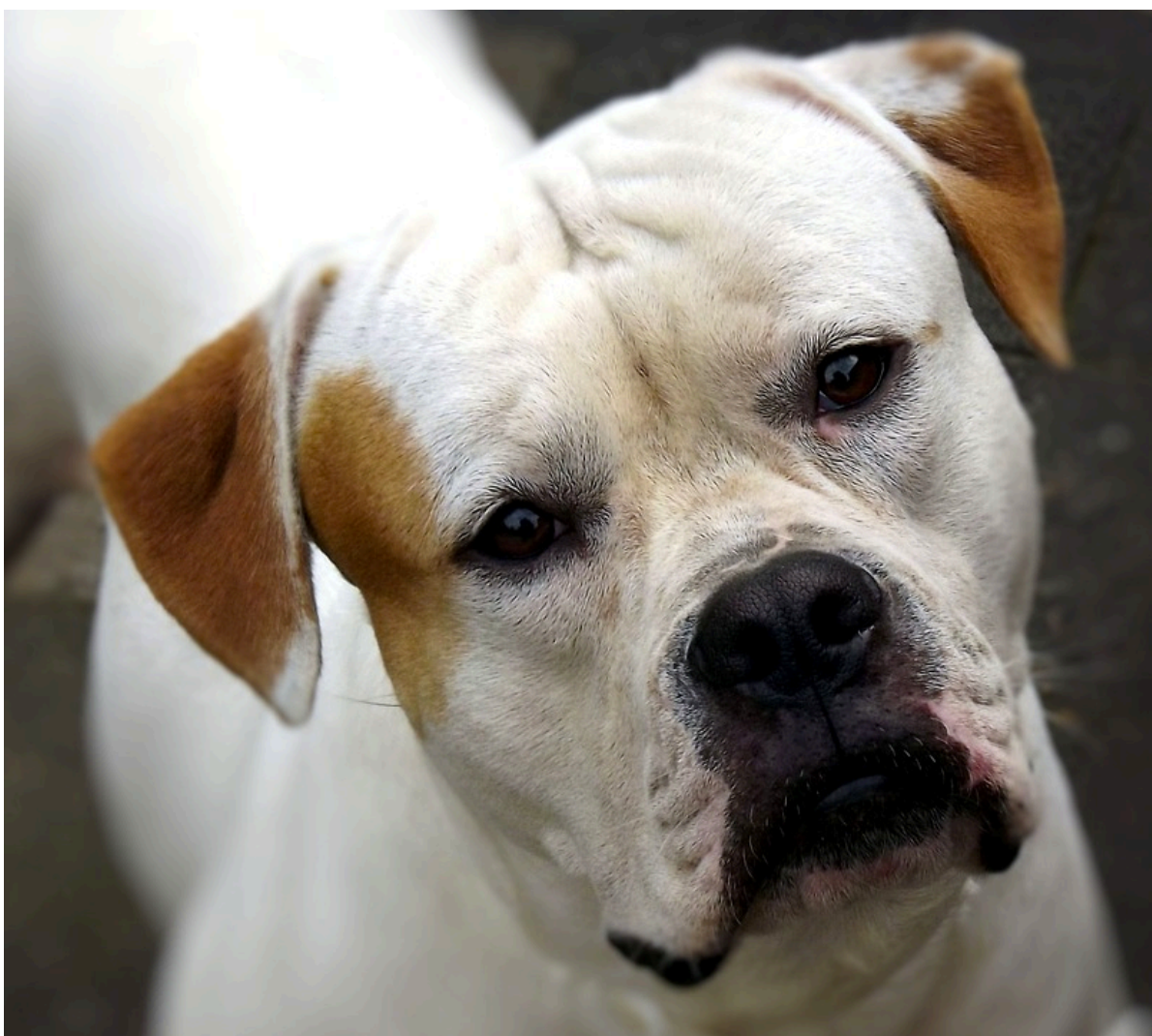
*Ledger RA, Orihel JS, Clarke N, Murphy S, Sedlbauer M. (2005). Breed specific legislation: considerations for evaluating its effectiveness and recommendations for alternatives. The Canadian Veterinary Journal. 46(8):735-743.*

*Raghaven, M., Martens, P.J., Chateau, D., Burchill, C. (2013). Effectiveness of breed specific legislation in decreasing the incidence of dog-bite injury hospitalizations in people in the Canadian province of Manitoba. Injury Prevention. 19, 177-83*

## UK

This study examined the frequency and severity of dog-bite injuries at a Dundee hospital Accident and Emergency Department, before and after implementation of the Dangerous Dogs Act (DDA). In the 3-month period before the DDA was implemented, 99 cases of dog bites were reported, 3% of which were from pit bulls. When the number of dog bites were examined in a 3-month period 2 years after the ban was implemented, there was no change in the number of reported dog bites (99 cases), and the number of cases involving pit bulls was similar (5% of bites).

*Klassen, B., Buckley, J.R., Esmail, A. (1996). Does the Dangerous Dogs Act protect against animal attacks: a prospective study of mammalian bites in the Accident and Emergency department. Injury. 27, 89-91*



## 1.6 Summary of evidence for the effectiveness of BSL in reducing dog bites to humans and other animals

1. The data overwhelmingly suggest that BSL is ineffective at reducing the incidence of dog bites to humans.
2. Most studies report dog bite incidents to humans, not dogs. The effect that BSL has on the incidence of dog bites to other dogs is largely unstudied.
3. Most dog bite data is derived from hospital admissions and dog bite reports to Municipalities. Data regarding the incidence of un-reported bites and the breeds responsible for those bites is not reported.
4. The breeds that are targeted by BSL appear to make up a small proportion of all reported dog bites. Hence, the conceivable impact that BSL may have on the incidence of dog bites overall, will also likely be small.
5. While each study trends towards the same conclusions, there are nevertheless differences between studies regarding the breeds that are listed under their BSL, the nature of the BSL that is enacted, and the level of enforcement. This suggests that the conclusions that are drawn from these studies cannot necessarily be fully generalized to the City of Surrey.

## 1.7 Enforcement of BSL

**Considering that there is a lack of peer-reviewed evidence to support the effectiveness of BSL, a discussion of the enforceability of BSL is possibly a moot point. However, considering there is still potential for Municipalities to consider implementing BSL regardless of the evidence, the following issues regarding the challenges associated with enacting BSL should also be taken into account.**

### 1) Identifying which breeds are aggressive

**Studies tend not to identify pit bull type dogs as being at an increased risk of biting people, compared with other breeds.**

There are very few Canadian studies that identify which breeds BSL should target, based on their 'aggressiveness' and potential to cause serious injury. The following studies are of some relevance because they report how often certain breeds are reported as having bitten.

However, it is important to note that very few studies report the proportion of dogs that bite with a breed. As a result, some breeds may appear to be more dangerous, simply because they are more numerous in the population under examination. Unless the population size of each breed is also known, then it is not possible to determine whether some breeds are indeed more aggressive than others.

#### a) Fatal dog attacks in Canada

An electronic search of media reports in the Canadian Newsstand database, for the years 1990 to 2007, identified 28 fatalities from dog-bite injuries. Predominant factors in this case series were owned, known dogs; residential location; children's unsupervised access to area with dogs; and rural/remote areas, including aboriginal reserves in the prairies. A

higher proportion of sled dogs and, possibly, mixed-breed dogs in Canada than in the United States caused fatalities, as did multiple dogs rather than single dogs. Free-roaming dog packs, reported only from rural communities, caused most on-reserve fatalities.

*Raghavan, M. (2008). Fatal dog attacks in Canada, 1990–2007. The Canadian Veterinary Journal, 49(6), 577–581.*



## **b) Biting characteristics of Canadian dogs**

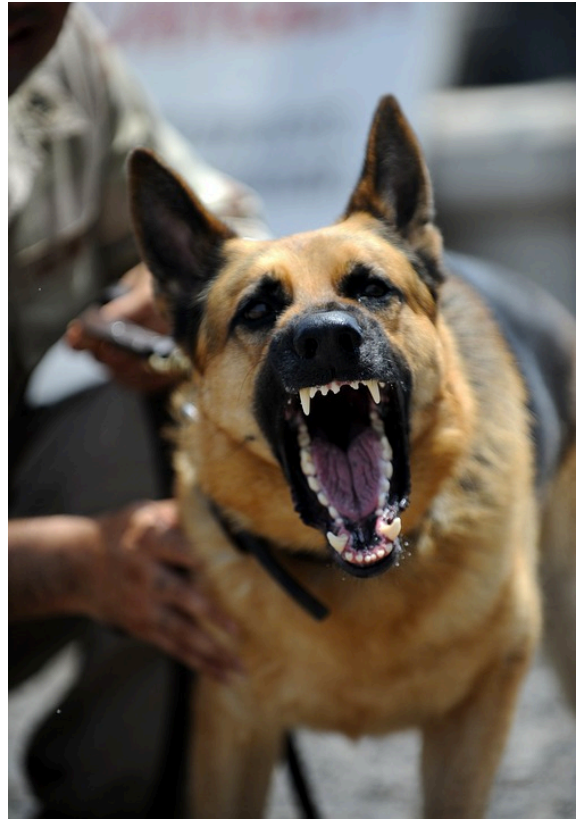
The characteristics of 227 biting dogs, their homes, and their victims were gathered in a detailed telephone survey of general veterinary clientele in the Canadian provinces of New Brunswick, Nova Scotia, and Prince Edward Island. All of the dogs had bitten either someone living in the same household, or someone who was a frequent visitor and was well known to the dog. There were 117 male and 110 female dogs included in this case series. Significantly more female dogs were neutered ( $P=0.03$ ), 58% of the dogs were purebred, and the most commonly reported breed was the Labrador Retriever ( $n=15$ ).

*A case series of biting dogs: characteristics of the dogs, their behaviour, and their victims (2001). Guy, N.C et al. Applied Animal Behaviour Science, Volume 74, Issue 1, 43 – 57*

### c) A Review of BSL in Canada

In 2003, Calgary reported that 0.84% of German shepherds and their crosses bit a human, compared with 1.14% of Rottweilers and their crosses, and 3.86% of pit bulls. When considering total aggressive incidents (bites, chase/threats, damage to property, damage to other animals, human injury), 1.9% of German shepherd dogs and their crosses were involved, compared with 4.8% of rottweiler and their crosses, and 14.88% of the pit bulls.

*Ledger RA, Orihel JS, Clarke N, Murphy S, Sedlbauer M. (2005). Breed specific legislation: considerations for evaluating its effectiveness and recommendations for alternatives. The Canadian Veterinary Journal. 46(8):735-743*



### d) The aggressiveness of pit bulls re-homed from Canadian rescues

This study followed 40 pit bulls and 42 similar-sized dogs of other breeds at an animal shelter. Three pit bulls and two dogs of other breeds were euthanized because of aggression toward people at the shelter, and the remaining 77 dogs were re-homed. Of these, one pit bull and ten dogs of other breeds were returned to the shelter because of alleged aggression. For the dogs that were retained for at least two months, owner

reports of aggression in various situations (to strangers, to other dogs, etc) were similar for the two groups. Pit bull adopters were more likely to be under the age of 30, to rent (rather than own) their home, and to be adopting their first dog, perhaps because of a bias against pit bulls among older adopters. The study provided no evidence of greater aggression or poorer care among adopted pit bulls compared to dogs of other breeds.

*A MacNeil-Allcock, NM Clarke, RA Ledger & D Fraser (2011). Aggression, behaviour, and animal care among pit bulls and other dogs adopted from an animal shelter. Animal Welfare, 20(4), 463-468.*

## 2) Identification of restricted breeds

**The Kennel Club (UK), the Canadian Kennel Club and the American Kennel Club provide breed standards for many but not all of the 46 breeds that have been listed within BSL.**

### **Incomplete breed standards**

'Pit bull-type breeds' are those most commonly discussed with regards to BSL in Canada. However, of these breeds, a Canadian breed standard exists for the Staffordshire bull terrier only. This makes the reliable identification of other 'pit bull breeds' potentially erroneous.

### **Differences in phenotype and genotype**

Studies into the ability of animal professionals to identify pit bull dogs based on their appearance has further indicated that animal adoption agencies are not able to reliably identify restricted dog breeds based on their appearance.

For example, a US study compared how shelter workers identified the breed of 20 dogs, with the dogs' DNA identities. The results indicated that only 25% of the dog breeds identified by shelter workers were supported by the DNA analysis results.

According to the study authors, "the discrepancies between opinions of adoption agencies and identification by DNA analysis suggest that it would be worthwhile to re-evaluate the reliability of breed identification, as well as the justification of current public and private policies pertaining to specific dog breeds."

*Voith V, Mitsouras K, Irizarry, K (2009). Comparison of Adoption Agency Breed Identification and DNA Identification of Dogs. Journal of Applied Animal Welfare Science. 12(3).*

### 3) Unfair restriction of the ‘false-positives’

The majority of dogs within any breed cannot be considered aggressive. Therefore, BSL would unfairly target many dogs for which restrictions are not necessary.

#### Concerns from owners of targeted breeds

Many owners of these ‘false-positive dogs’ have voiced their concerns regarding the welfare implications for themselves and their dogs, should BSL be implemented. These concerns include:

- a) Should BSL prohibit the keeping of restricted breeds, then these dogs would likely be unnecessarily euthanized.
- b) Should BSL require that restricted breeds could not be transferred to new owners, then these dogs would also likely be unnecessarily euthanized.
- c) Should BSL require that restricted breeds be leashed and muzzled in public, then these restrictions may lead to the following welfare concerns:

- *A lack of exercise and playtime with other dogs, should dogs be required to always be kept on leash.*
- *A lack of opportunities for oral-focused activities in muzzled dogs, such as chewing sticks, retrieving balls, playing with other dogs.*
- *The potential for physical injury to occur from wearing a muzzle for prolonged periods.*
- *The welfare implications are most substantial in the cases of dogs being deprived of off-leash play. In my experience, based on having worked with hundreds of dogs that require to be muzzled in public, the welfare impact of wearing a muzzle is less significant than these previously listed concerns, and can be tolerated by almost all dogs. This assumes that dogs are trained using humane techniques to wear humane basket-style muzzles.*

## Part (2)

### 2.1 Bylaw review and recommendations

The City of Surrey's Dog Responsibility By-law, 1999, No. 13880 By-law seeks "to regulate the keeping of dogs within the City and to provide for fixing, imposing and collecting license fees from and the issuance of licenses to a person who owns, possesses, or harbours a dog."

The Bylaw provides definitions of terms that are relevant to the responsible control of dogs, and requirements for the licensing and safe management of dogs. To follow are insights into how some of these terms and management requirements may be interpreted, and recommendations for amendments.

## Definitions

### "Dog"

"Dog" means an animal of the canine species, irrespective of sex or age.

*Consider instead:*

"Dog" means an animal of the canine species *Canis familiaris*, irrespective of sex or age.

### "Dangerous Dog"

"Dangerous Dog" means a dog which meets any one or more of the following conditions: (a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;

*Consider instead:*

"Dangerous Dog" means a dog which meets any one or more of the following conditions: (a) a dog that has **aggressively** attacked and caused **serious** injury to a person **without justifiable provocation**, or has demonstrated a propensity, tendency or disposition to do so, **as deemed by a qualified Animal Control Officer**;

(b) a dog that, while running at large, has attacked, bitten, killed or caused injury to a domestic animal;

*Consider instead:*

(b) a dog that, while running at large, has **aggressively** attacked and caused **serious** injury to a domestic animal **without justifiable provocation**, or has demonstrated a propensity, tendency or disposition to do so, **as deemed by a qualified Animal Control Officer**;

(c) a dog that, while running at large, has aggressively pursued or harassed a

person;

*Consider instead:*

(c) a dog that, while running at large, has **aggressively** pursued or harassed a person **without justifiable provocation, or has demonstrated a propensity, tendency or disposition to do so, as deemed by a qualified Animal Control Officer;**

(d) a dog that, while running at large, has aggressively pursued or harassed a domestic animal;

*Consider instead:*

(d) a dog that, while running at large, has **aggressively pursued or harassed a domestic animal without justifiable provocation, or has demonstrated a propensity, tendency or disposition to do so, as deemed by a qualified Animal Control Officer;**

(e) a dog with a known propensity to attack or injure a person without provocation;

*Consider instead:*

**(e) a dog with a known propensity to attack or aggressively injure a person without provocation, as deemed by a qualified Animal Control Officer;**

(f) a potentially dangerous dog:

*Consider instead:*

**(f) deleting this.**

(i) that has been impounded 3 times within the previous 24 months;

*Consider instead:*

**(i) deleting this.**

(ii) for which the owner has received a municipal ticket for running at large 3 times within the previous 24 months; or -  
3 -

*Consider instead:*

**(ii) deleting this.**

(iii) for which the total number of impounds and tickets totals 3 within the previous 24 months.

*Consider instead:*

**(iii) deleting this.**

## "Enclosure"

"Enclosure" means a fence or structure of at least 6 feet in height and 4 feet in width, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the dangerous dog. The enclosure must be securely enclosed and locked and designed with secure sides, top and bottom and must be designed to prevent the animal from escaping from the enclosure.

*Consider instead:*

"Enclosure" means a fence or structure of at least 6 feet in height and **6 feet** in width, forming or causing an enclosure suitable to prevent the entry of any persons other than the owner and those **adults** authorized by the owner, and suitable to confine a dangerous dog in conjunction with other measures which may be taken by the owner or keeper. **Delete reference to tethering.** The enclosure must be securely enclosed and locked and designed with secure sides, top and bottom and must be designed to prevent the animal from escaping from the enclosure.

**The enclosure should provide physical conditions that are necessary in order**

to ensure that the thermal, auditory, visual, olfactory, physical and emotional welfare of the animal is good. Clean drinking water and suitable enrichment devices should be supplied at all times. The dog should not be exposed to direct sunlight, wind or precipitation. The dog should be removed from the enclosure and exercised as needed for elimination. Feces and urine should be cleaned within 2 hours. The dog should not be left in the enclosure for more than 3 hours without being removed for at least 1 hour, and for no more than 6 hours in any 24 hour period.

### "Impounded"

"Impounded" means seized, delivered, received, or taken into the Pound, or in the custody of the Poundkeeper, as provided in this By-law or in Surrey Pound By-law, 1958, No. 1669, as amended.

### "Leash"

"Leash" means a rope, chain, cord, leather strip or other device attached to the collar of a dog capable of controlling and restraining the activity of the dog in a manner which conforms to requirements of this By-law.

*Consider instead:*

"Leash" means a rope, chain, cord, leather strip or other device **no longer than 2.5m**, attached to the collar **or harness** of a dog, capable of controlling and restraining the activity of the dog in a manner which conforms to requirements of this By-law.

### "License Inspector"

"License Inspector" means the City Solicitor, or designate, who is authorized to enforce the provisions of this By-law.

### "Owner"

"Owner" includes a person owning, possessing, harbouring or having charge of a dog or permitting a dog to remain about the person's house or premises and, where the owner is a minor, the person responsible for the custody of the minor.

*Consider instead:*

"Owner" includes an **adult person** owning, possessing, harbouring or having charge of a dog or permitting a dog to remain about the person's house or premises. **Delete reference to minors.**

### "Potentially Dangerous Dog"

"Potentially Dangerous Dog" means a dog regardless of age, sex or breed, which is running at large.

*Consider instead:*

"Potentially Dangerous Dog" means a dog regardless of age, sex or breed, which is running at large **and behaving aggressively towards people or domestic animals.**

### "Poundkeeper"

"Poundkeeper" means the person appointed from time to time by Council for the purpose of enforcing and carrying out the provisions of Surrey Pound By-law, 1958, No. 1669, as amended, and

includes an assistant poundkeeper or a person appointed by the Council to carry out the provisions of this By-law.

### **"Pound"**

"Pound" means a building or enclosure established as a pound by the Council.

### **"Run at Large"**

"Run at Large" with reference to a dog means:

(a) a dog located elsewhere than on the premises of the person owning or having the custody, care or control of the dog that is not under the immediate charge and control of a responsible and competent person;

(b) a dog located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person; or

(c) a dangerous dog that is on the premises of the owner that is not contained in an enclosure or securely confined within a dwelling; and "running at large" has a corresponding meaning. A dog without a leash located in a designated "off leash" area within a park is not "running at large" for the purposes of this By-law provided that the dog is otherwise under the immediate charge and control of a responsible and competent person.

#### *Consider instead:*

"Run at Large" with reference to a dog means:

(a) a dog located elsewhere than on the premises of the person owning or having the custody, care or control of the dog that is not under the immediate charge and control of a responsible and competent person;

(b) a dog located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person; or

(c) **a dangerous dog that is on the premises of the owner that is not contained in an enclosure or securely confined within a dwelling; and "running at large" has a corresponding meaning. Needs to be discussed and clarified.**

A dog without a leash located in a designated "off leash" area within a park is not "running at large" for the purposes of this By-law provided that the dog is otherwise under the immediate charge and control of a responsible and competent person, **and within 100m of this person.**

### **"Unlicensed dog"**

"Unlicensed dog" means a dog for which the license for the current year has not been paid, or to which the tag required by this By-law is not attached.

#### *Consider instead:*

"Unlicensed dog" means a **resident** dog for which the **City of Surrey** license for the current year has not been paid, or to which the tag required by this By-law is not attached.

## Part (3)

# Best practices and other feedback

**The City of Surrey is concerned regarding the incidence of serious and non-serious dog bite attacks on people and other animals. In order to reduce the incidence of such cases beyond what is achieved under current legislation and enforcement, the following practices may be considered.**

### Background on aggression

Aggression is a normal, functional behaviour that all dogs are capable of displaying. However, individual dogs vary in terms of their propensity to display aggressive behaviour.

Aggressive behaviour in dogs is primarily characterized by growling, lunging, snapping and biting behaviour. Aggressive behaviour can occur out of personal defense (such as when the dog feels threatened and afraid), the protection of other individuals that the dog feels a sense to protect (such as family members, a bitch's own puppies), or in the protection of the dog's resources (for example, food, toys, sleeping area, territory).

Dogs with a predisposition for aggressive behaviour may be diagnosed with a specific behavioural disorder by a veterinarian who specializes in behaviour, or a qualified clinical companion animal behaviourist working with a veterinarian.

### Genetics

Anxiety, fearfulness, reactivity, assertiveness, impulsivity and predatory traits have neurological foundations that are partly heritable in dogs.

As such, anxious, fearful, reactive, assertive, impulsive and predatory dogs are likely to have offspring that share similar temperament characteristics.

These temperament traits can be significant factors in a dog's predisposition to display aggressive behaviour toward humans and other animals.

## Maternal stress

The degree of stress versus comfort that bitches experience during their gestation can have significant effects on the behaviour of their offspring.

The poor emotional health and social deprivation that breeding bitches experience in puppy-mill type situations is thought to be a significant factor in the poor emotional health and behaviour of dogs that are bred by puppy mills.

## Socialization

Inadequate or inappropriate socialization of puppies during the sensitive period (5-12 weeks of age) can lead to these individuals becoming anxious, fearful, impulsive and subsequently aggressive, as adults.

## Other factors

Personality traits can vary over time, depending on various factors. As such, an increase in a dog's predisposition to display aggressive behaviour can occur at any age under specific prevailing conditions:

- Poor maternal rearing style
- Exposure to punishment based training techniques
- Experience to singular or multiple traumatizing events at any age
- Age (natural changes in behavioural development from puppy to senior years)
- Seasonal changes
- A lack of appropriate physical exercise and mental stimulation
- Pain
- Injury
- Disease
- Diet
- Toxicity
- Medications

## 3.1 Considering the level of provocation in dog bites

In most cases, aggression is a behavioural response to a stimulus that the dog perceives to be threatening.

Aggression functions in its early stages to warn threats to back off (staring, tensing, growling, snarling, raised hackles).

When threats do not back off, or when they are unavoidable, a dog may lunge and bite at the source of the threat.

Some aggressive actions are considered 'justified', that is the dogs aggressive

response is considered appropriate or proportionate to the degree to which it felt threatened,

Conversely, at other times, aggressive behaviour is considered excessive and disproportionate to the level of provocation.

This concept of provocation should be considered as part of any updates to the City of Surrey's existing Animal Control legislation.



## 3.2 Rehabilitation and the possibility of a retraction of a 'dangerous dog' designation

**Aggressive behaviour in dogs can often be addressed through the treatment of underlying medical disorders, diet, socialization and the implementation of positive-based rehabilitation programs.**

Currently, 'dangerous dog' designations are considered life-long, without any possibility of a retraction of the designation without going through appeal process in Court. These appeal processes are costly for the City and for the owner of the dog who pursues such a case. As such, a process by which a dangerous dog designation can be retracted without the need for Court intervention could be advantageous.

**In order for dangerous dogs to qualify for a 'pardon', the following would need to be demonstrated:**

- a) A behavioural diagnosis, made by a veterinarian or qualified clinical companion animal behaviourist working with a veterinarian.*
- b) A treatment plan, developed by a veterinarian or qualified clinical companion animal behaviourist working with a veterinarian.*
- c) Evidence of the dog owner's full compliance with the treatment plan.*
- d) Evidence that the dog has successfully completed the treatment plan, and that the behavioural diagnosis no longer applies.*
- e) Annual re-assessments of the dog by a veterinarian or qualified clinical companion animal behaviourist working with a veterinarian.*
- f) Liability insurance and bond in place for the lifetime of the dog.*

### **3.3 Restrictions on the importation of aggressive dogs into the City of Surrey**

**Many individuals in British Columbia adopt their dogs from other countries. A growing number of rescue organizations now specialize in the importation of rescue dogs from shelters in the US, Mexico, Asia, India, and Eastern Europe.**

**Reports from many animal professionals in BC indicate that some of these imported dogs behave aggressively towards people and other animals, and that the owners of these dogs were not made aware of this aggressive predisposition at the time of adoption.**

**It is speculated that:**

- These dogs may have a higher than average predisposition for aggressive behaviour, due to being poorly socialized, health and genetic factors;
- These dogs are inadequately screened for aggression problems prior to importation;
- There is a lack of disclosure to new owners of these imported dogs;
- Aggressive dogs are placed into incompatible homes, where the risk of a dog behaving aggressively is high (e.g. inexperienced homes, presence of children, lack of access to necessary training and rehabilitation).

**As such, restrictions on the importation of these high-risk aggressive dogs into high-risk homes may be necessary. This could be achieved by:**

- Development of regulations governing rescue groups that import dogs into BC.
- Licensing of rescue groups that import dogs into BC.
- Evidence of the evidence-based behavioural assessment of imported dogs prior to entering BC.
- Evidence that new owners of imported dogs have full disclosure and support to manage the behavioural problems in these dogs.
- To ensure that new owners of imported dogs agree to managing their dogs in a manner



## 3.4 Restrictions on the ownership of dogs by irresponsible individuals

Currently, enforcement of dangerous dog legislation occurs once an aggressive dog has bitten and then reported to Animal Control.

While the restrictions then applied are generally successful in preventing the same dog from biting again (pers. comm. Kim Morosevich), nevertheless, this is a reactionary approach to dealing with aggressive dogs.

Something that makes BSL appealing to many people is its proactive stance to reducing dog bites. While BSL does not appear to be effective in reducing the incidence of dog bites, other proactive measures may be beneficial.

Hundreds of aggressive dogs are successfully managed by responsible owners, even in the absence of a 'dangerous dog' designation.

Likewise, many aggressive dogs are irresponsibly managed by their owners, and as such, these dogs go on to bite and cause serious injury or even death to people and other animals in our

community. The likelihood of serious injury or death from a dog bite is most likely in cases where the dog is large and powerful, so called 'powerful breeds'.

There are two key ways in which the role of irresponsible owners in dog bite incidents can be managed:

- a) To restrict ownership of 'powerful breeds' by those owners who are deemed 'irresponsible dog owners'. These may include owners who have possessed 'dangerous dogs' previously, or those whose dogs have caused serious injury to a person or other animal.
- b) To require education and licensing of all owners of 'powerful breeds.'



## 3.5 Education

**There is a wealth of peer-reviewed evidence to show that education is successful in reducing the incidence of dog bites.**

Educational resources (training, booklets, webinars, talks & seminars etc), that teach how to interact safely with dogs, how to manage aggressive dogs and how to select a pet dog that an owner can safely manage, should be developed for all community members.

**Examples include:**

- *Dog behaviour training for Animal Control Officers and support staff (assessment and management of behavioural problems, in dogs)*
- *Behaviour training for dog owners (the selection, socialization, training and management of behavioural problems, in dogs)*
- *Development of an evidence-based 'Code of Conduct' for dogs in off-leash areas.*



## 3.6 Data collection

The variability of dog bite statistics, dog demographics and BSL effectiveness data across Canada and beyond, highlights the unique, prevailing factors that can exist from one City to the next. As such, in order for the City of Surrey to fully understand the risk factors for dog bite in their Municipality, and for the success of various dog bite reduction programs to be evaluated, some basic data should be routinely collected.

### Dog population demographics

What is the profile of dogs living in the City of Surrey?

- Breed • Age • Sex • Neuter status • Breeder • Age of acquisition • Diet • Training • Health
- Vaccination history • Exercise • Lifestyle

### Dog bite demographics

What is the profile of dangerous dogs living in the City of Surrey?

- Breed • Age • Sex • Neuter status • Breeder • Age of acquisition • Diet • Training • Health
- Vaccination history
  - Why do these dogs bite?
    - Circumstances of the attack
    - Seriousness of injury
    - Level of provocation
    - Previous history of aggression
    - Other traits of this dog

### Dog owner population demographics

What is the profile of dog owners living in the City of Surrey?

- Income • Age • Sex • Marital status • Experience of dog ownership • Experience of owning dangerous dogs • Other pets present at home • Lifestyle • Occupation • Home type

## **Dangerous dog owner demographics**

What is the profile of dog owners living in the City of Surrey?

Income • Age • Sex • Marital status • Experience of dog ownership • Experience of owning dangerous dogs • Other pets present at home • Lifestyle • Occupation • Home type

## **Other risk factors**

Proximity to off-leash areas • Availability of dog trainers • Knowledge level of veterinarian • Pet Insurance, etc.

## Contact information

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# Model Animal Responsibility Bylaw

## *The Foundation of a Safe, Humane Community*



**BCSPCA**  
SPEAKING FOR ANIMALS

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# Contents

Executive Summary ..... 2

The BC SPCA ..... 2

Introduction..... 3

Dangerous Dogs and Breeding Banning ..... 4

Licensing and Identification..... 6

Cat Licensing ..... 7

Basic Standards of Animal Care ..... 7

Exotic Animals ..... 8

**Bylaw: Animal Control Bylaw** ..... 10

Kennels, Catteries & Pet Stores..... 26

**Bylaw: Kennel and Cattery Licensing** ..... 27

**Bylaw: Pet Store Licensing** ..... 30

Pet Overpopulation & Spay/Neuter..... 35

**Bylaw: Animal Population Control and Spray/Neuter Fund**..... 37

Appendix: Review of Municipal Animal Bylaws in BC ..... 40

## Executive Summary

Public health and safety are key concerns for every municipality and the prominence of recent incidents involving cat overpopulation, dangerous dogs and exotic animals has created expectations for regulators to proactively address these issues. The BC SPCA has dedicated its expertise as British Columbia's oldest and Canada's largest animal welfare organization to designing this package of model bylaws that will help municipalities address the root causes of animal-related issues in their communities. BC SPCA staff and volunteers with expertise in animal control, animal behaviour and welfare, wildlife management, and the legal system collaborated on the production of these model bylaws. This package contains model bylaws on:

- Animal Control, including provisions on dangerous dogs, exotic animals, animal licensing and identification, and basic standards of animal care.
- Business Licensing, including licensing standards for dog kennels, catteries, and pet stores.
- Spay/Neuter, in order to address aggression in male dogs and reduce pet overpopulation.



## The BC SPCA

The British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA) has been protecting animals and advocating on their behalf for 113 years. Through its 37 branches, three veterinary hospitals, one wildlife rehabilitation centre and its provincial office in Vancouver, the BC SPCA provides a wide range of services for over 45,000 animals in distress and need around the province.

The BC SPCA was created under the auspices of the provincial Prevention of Cruelty to Animals Act, and is the only animal welfare organization in BC which has the authority to enforce laws relating to animal cruelty and to prepare cases for Crown Counsel for the prosecution of individuals who inflict suffering on animals.

As the largest animal welfare organization in Canada, the BC SPCA has earned respect for its evidence-based approach to providing services that enhance the quality of life of animals, their owners, and the communities they live in.

This places the BC SPCA in a unique position to provide expertise, knowledge, and recommendations to local government on the effective management of all animals within the community. BC SPCA animal specialists are available to provide expert advice on a variety of community animal management topics, including:

- dangerous dogs
- animal control and pound operation
- exotic animals
- pet overpopulation
- animal licensing and identification
- urban wildlife management

## Introduction

The keeping of companion animals creates challenges and opportunities for those who are responsible for the care and control of these animals, as well as for other members of the community. Management of companion animals in a municipality is important for public health and safety, but also for the welfare of the animals themselves.

Bylaws should form the foundation of effective community animal management by enabling regulatory control of certain activities, and by facilitating programming that encourages responsible companion animal ownership.

A review of existing bylaws in British Columbia's 43 largest municipalities conducted by the BC SPCA in 2015 (see Appendix A for the full review) indicated that most BC municipalities are lacking adequate bylaws for the regulation of:

- Dangerous dogs
- Identification of companion animals
- Ownership, sale, and exhibition of exotic or wild animals
- Basic requirements for animal care
- Companion animal population control
- Licensing of kennels, catteries, and pet stores.

Some municipalities can be commended for introducing enhanced bylaws that go further than the rudimentary animal control bylaws generally relied on. These are summarized below.

### Animal Control and Identification

Out of 162 municipalities and 27 regional districts:

- 76 municipalities and 3 regional districts require the confinement of female dogs in heat.
- 24 municipalities require permanent identification, registration or licensing of cats.
- 13 municipalities place restrictions on the ownership of unsterilized cats.

### Basic Standards of Care and Housing:

Out of 162 municipalities and 27 regional districts:

- 61 municipalities and 3 regional districts require animals are provided with basic standards of care such as food, water, and veterinary care.
- 50 municipalities and 2 regional districts require that animals kept outdoors are provided with adequate shelter.
- 43 municipalities and 1 regional district prohibit inadequate or dangerous tethering.

- 29 municipalities and 2 regional districts limit length of time or prohibit tethering.
- 43 municipalities and 2 regional districts require adequate ventilation, for animals, particularly in cars.
- 32 municipalities and 2 regional districts require adequate attachment for the transportation of animals, particularly in the rear of trucks.

### Kennel Facilities:

Out of 162 municipalities and 27 regional districts:

- 83 municipalities and 5 regional districts allow for the licensing of dog kennel establishments within their animal control bylaw or dog kennel bylaw.
- 58 municipalities and 6 regional districts have dog kennel care guidelines outlined within their animal control bylaw or dog kennel bylaw.
- 22 municipalities have cat breeder or cattery licensing outlined within their animal control bylaw

### Exotic/Wild Animals and Animal Performances

- 17 municipalities ban the sale of certain wild or exotic species
- 34 municipalities ban the ownership of certain wild or exotic species
- 30 municipalities place restrictions on exhibitions involving wild or exotic species
- 19 municipalities are entirely without any bylaws that restrict either animal performances or the sale or ownership of certain wild or exotic species.

This package contains a set of model bylaws derived mainly from existing bylaws that are proving effective in protecting public safety and ensuring animal welfare in other jurisdictions. These bylaws focus on the root causes of animal aggression, which are strongly linked to the factors that may compromise the well-being of animals in a community.

The BC SPCA strongly encourages all municipalities in BC to consider adopting these model bylaws as part of the comprehensive approach needed to address companion animal issues in any community.

The BC SPCA is also available to provide limited free consulting services to local government where additional assistance may be required. If desired, the BC SPCA can provide in-depth analysis and consulting on a fee for service basis.

## Dangerous Dogs

Dog aggression towards people and other animals is a serious threat to public safety. This issue must be addressed if we are to create humane communities where humans and dogs co-exist and enrich each other's lives.

By implementing the bylaws included in this package, municipalities can proactively address many of the predisposing factors to canine aggression problems in a community, including:

### **Remediation and sterilization of dangerous dogs:**

Dogs that have acted aggressively, regardless of breed, should be neutered and provided with behavioural remediation by certified dog behaviour specialists.

**Standards of housing and care:** Dogs are more likely to become dangerous if they live with guardians who do not provide them with proper training, socialization, medical care and adequate living conditions. Dogs that are suffering from unresolved health problems may be experiencing pain, discomfort, and stress causing them to act aggressively.

**Oversight of dog breeders:** Dog breeders have a large influence on the temperament of dogs in our community as they choose which animals will have offspring and are responsible for the early experience and socialization of puppies.

Fearful and aggressive dogs are more likely to have aggressive offspring than other dogs, regardless of the breed. Dogs are also more likely to be aggressive if they are raised by breeders who do not provide them with proper socialization or who sell them without proper matching or education.

**Spay/Neuter:** Unneutered males are involved in 70-76% of dog bite incidents. Unspayed females encourage roaming and aggressive behaviour in males, regardless of breed.

Successful models for managing canine aggression exist in other countries. They focus on legislation, education and the development of resources that facilitate the remediation of aggressive dogs.

The BC SPCA proposes that the most effective approach to dealing with the issue of inappropriate canine aggression in our communities is to develop a coordinated strategy based on the models as described in this package. Strategies should include:

1. Animal control bylaws that promote spaying and neutering, make pet identification mandatory, restrict the keeping of unsocialized backyard dogs and place the burden of responsibility for an animal's actions on the guardian, not the dog;
2. Creation of tougher laws to address animal neglect, which contributes to canine aggression;
3. Development of effective licensing schemes that regulate breeding facilities and pet stores, as these components of the animal sector play a critical role in the early socialization of pets;
4. Registration of aggressive dogs through reporting by veterinarians, groomers, police, postal carriers, animal control officers, meter readers, and humane organizations;
5. Creation of a centralized, accessible database for the recording of dog bite incidents;
6. Mandatory remediation of dangerous dogs by certified specialists;
7. Commitment to education on responsible pet guardianship, canine behaviour and dog bite prevention;
8. Development of resources for guardians of dogs with aggression problems, including the certification of specialists who can provide remedial measures for canine aggression.

## Breed Specific Restrictions is Not a Solution

The BC SPCA opposes breed specific restrictions, as commanding evidence demonstrates that it does not adequately address the problem of dog aggression in a community<sup>1,2</sup>.

Rather, the most effective way to address public safety concerns is for government, animal welfare organizations and other stakeholders to work together on multi-faceted strategies that identify and address the sources of dangerous dogs of all breeds.

The BC SPCA strongly recommends against breed banning for the following reasons:

1. Breed specific restrictions ignores the fact that aggressive behaviour can occur in any breed and therefore does not protect the public. In fact, the type of dog most commonly banned, the pit-bull terrier, is responsible for an extremely small proportion of reported bites, as indicated by numerous studies<sup>1,3</sup>, and in contrast to the perception resulting from the media's undue emphasis on publicity of pitbull bites.
2. Breed specific restrictions do nothing to discourage irresponsible behaviour by people who breed, train, sell or possess dangerous dogs that are not named under the breed ban.
3. There are no efficient methods to determine a dog's breed in a way that can withstand legal challenge. Any breed ban bylaw inevitably results in the creation of subjective and arbitrary factors to determine breed.
4. In order to avoid breed specific restrictions, people who want aggressive dogs simply switch to other breeds or select cross-breeds that are difficult to classify. Some jurisdictions have now banned upwards of 30 breeds in order to follow these trends, placing great burdens on enforcement.
5. It is impossible to reliably estimate the number of dogs of a particular breed at any given time, making budgeting for the enforcement of breed legislation nearly impossible.
6. Breed specific restrictions treads upon the rights of responsible dog guardians who cherish a non-aggressive pet whose breed may fall under the legislation.



## Licensing and Identification



Licensing and identification are the two cornerstones of an effective animal control system. No animal control system can be effective without the introduction of such schemes for all companion animals within a municipality. The Companion Animal Welfare Council<sup>6</sup> provides the following guidance on the benefits of permanent identification for companion animals:

“ Identification of animals has been demonstrated to be important for the control of animal movement associated with disease control, prevention of theft, and the identification and recovery of strays, lost and stolen animals.

This increase in efficiency in the tracking of animals, animal disease and the return of lost animals decreases costs to society and improves the welfare of both animal and guardian.

Over the last few decades there has been an increase in the ownership, movement and variety of companion animals, both within the UK and across international borders. This poses a potential for increased risks for intra- and inter-specific disease, irresponsible ownership, and accidental loss of companion animals.

There was a consensus of opinion from the evidence that Companion Animal Identification had benefits for the animal, the owner and society at large. These benefits included:

- Reuniting pets and owners.
- Reduction in the numbers of animals euthanized due to not being claimed by owners who cannot trace them.
- Reduction of stress to the individual animal that may be misplaced.
- Reduction of stress to the individual owner whose animal may be displaced
- Tracing owners of animals that have been injured or killed.
- Reducing costs to local authorities and animal welfare organizations of holding stray animals.
- Increases responsible ownership, such as control of the animal and its behaviour.
- Detection of fraudulent activities such as misappropriation or misrepresentation.
- Tracing and prediction of disease patterns.”

It has also been documented that municipal animal control agencies that use microchip scanners euthanize half as many animals as those that do not (euthanasia rates of 11% and 25%, respectively)<sup>7</sup>. The use of registration or licensing has also served to increase the value of cats in the community and reunite more cats with their guardians.

The BC SPCA's experience from more than 100 years of animal control and sheltering indicates that these results are fully applicable in BC.



## Cat Licensing

The BC SPCA cares for over 20,000 cats each year, approximately half of which come to us as strays. While nearly every municipality in BC requires that dogs be licensed, very few have instituted cat licensing. For cat welfare to be improved in any community, regulatory and educational initiatives are needed. While cat licensing alone may not solve cat welfare and control issues, it can be a significant component of any community's efforts to address them.

Where it has been adopted, in municipalities as close as Calgary, cat licensing has demonstrated a number of benefits for cats and people. Among the benefits documented to date are:

- Higher return-to-owner rates, resulting in lower rehoming and or euthanasia rates for cats.
- Reduction of cat overpopulation by offering monetary incentives for spay/neuter through differential licence fees.
- Wide support from the general public for animal control services funded by animal guardians, rather than taxpayers.

Greater control of cats may have further benefits to public health and the environment. Cats can carry cryptosporidia and 30 other zoonoses (diseases borne by animals that can infect humans). Wild birds also suffer from uncontrolled cats — cat attacks are a leading cause for bird admittance to BC wildlife rehabilitation centres. After habitat loss, cats are believed to be the top source of mortality to native populations of birds and small mammals in Canada.

Licensing also represents a municipality's best opportunity to raise revenue for animal control services and associated programming, such as spay/neuter funds (outlined on p. 25).

Certain challenges exist with cat licensing, primarily due to the many differences between cats and dogs. Guardians who house their cats exclusively indoors need to provide behavioural enrichment to ensure their cats remain active and psychologically stimulated. Despite these challenges, and in consideration of the fact that no licensing system can achieve 100% compliance, cat licensing may afford considerable benefits.

## Basic Standards of Animal Care

Animals that are poorly cared for can become serious risks to community health and safety. Animals housed in unsanitary conditions are common sources of zoonotic disease, and animals raised in inadequate environments without socialization (e.g. confined in crates or tethered in back-yards) are at risk of developing aggressive temperaments.

Dogs are social animals who crave and thrive on companionship and interaction with people and other animals. Left for hours, days, or months on a chain, dogs suffer immense psychological damage. They can become aggressive, anxious and neurotic and feel naturally defensive due to their confinement.

Peer-reviewed studies have shown that dogs increase their aggression towards other dogs when tethered<sup>4</sup> and that a significant proportion of fatal dog attacks (17%) are from dogs restrained on their own property<sup>5</sup>.

Bylaws that require basic standards of animal care allow animal control officers to be proactive and address these issues of concern before an incident occurs. Fourteen of BC's 25 largest municipalities have already instituted bylaws that require some basic standards of animal care.

The BC SPCA encourages the adoption of such bylaws, which can be used to complement the provisions on animal care contained in the BC Prevention of Cruelty to Animals Act.



## Exotic Animals

The legal trafficking of exotic animals (non-native wild animals, whether live-captured or captive-bred) is a global industry worth billions of dollars annually. Exotic/wild animals are captured and taken far from their natural wild habitats or are bred specifically for sale to pet owners in countries around the world, including Canada.

The introduction of exotic animals into urban communities raises a number of serious public health, public safety and animal welfare concerns. Exotic/wild animals should not be kept at pets for a variety of well-documented reasons:

### Risks to Public Safety:

1. Exotic animals can present special risks to humans and other animals if not handled properly due to exotic pathogens. For example, Centers for Disease Control statistics show over 74,000 cases of salmonella poisoning from reptiles and amphibians in the United States each year, many of which are from animals kept as pets<sup>8</sup>.
2. Exotics still retain their natural predatory and defensive instincts, making them dangerous or unsuitable to living

in an environment with other animals and humans. Even in play, many exotics can unwittingly harm another animal or human.

### Risks to the Environment:

1. Escaped or released exotics may breed with local species, diluting the gene pool and introducing exotic diseases. For example, in 2003, a shipment of Gambian rats from Africa escaped and introduced the potentially fatal disease Monkeypox into North America.
2. Escaped or released exotics can disturb natural indigenous ecologies. The devastating effects of releasing exotic catfish, toads, red-eared slider turtles, bullfrogs, and other species into local environments, for example, have been well documented.
3. Many wild-caught exotics are captured through partial or whole destruction of their environment.

### Risks to Animal Welfare:

1. Exotics are often acquired as "status" pets, without due consideration being given to their specialized needs.

2. Exotics have food/housing/maintenance needs that cannot be provided by the average guardian. Few exotic guardians recognize the specialized needs of exotics or can provide the full Five Freedoms\* for their exotic pets.
3. Many new exotic "fad" pets are introduced into the pet trade each year that are not domesticated animals but wild caught or captive bred and suffer from confinement or improper care.
4. Relatively few veterinarians possess the training/experience to address the medical needs of exotics.
5. Exotic pet guardians often attempt to change the nature of their companion animal by surgically removing teeth/claws, leaving the animals potentially stressed and defenseless.
6. Exotics have specialized behaviours some of which their new guardians try to forcibly alter, with devastating effects on the animals' well being. Many nocturnal exotics, for example, are forced to adapt to the diurnal lives of their human keepers.
7. Many exotics become unwanted a few months after the novelty of the pet wears off. Few resources exist to take in these unwanted pets as most zoos, animal shelters, and wildlife sanctuaries do not have the capacity to take in unwanted exotic pets. The result is poor animal welfare, a high rate of euthanasia, and widespread abandonment of these animals.

\* The Five Freedoms is a concept first developed in 1965 by The Brambell Committee, formed by the UK government to examine the conditions on commercial farms. Now internationally recognized, the Five Freedoms are considered applicable to all animals. The BC SPCA's Five Freedoms (adapted from the original list) are:

1. Freedom from hunger and thirst;
2. Freedom from pain, injury and disease;
3. Freedom from distress;
4. Freedom from discomfort;
5. Freedom to express behaviours that promote well-being.

The BC SPCA's Five Freedoms form the basis of the Society's Charter and describe conditions that must be fulfilled in order to prevent the suffering of all animals in human care.

## References:

- <sup>1</sup> Klaassen B, Buckley JR, Esmail A. 1996. Does the Dangerous Dogs Act protect against animal attacks: a prospective study of mammalian bites in the Accident and Emergency Department. *Injury*. 27: 89-91.
- <sup>2</sup> Ledger RA, Orihel JS, Clarke N, Murphy S, Sedlbauer M. 2005. Breed specific legislation: Considerations for evaluating its effectiveness and recommendations for alternatives. *Canadian Veterinary Journal*. 46:735-743.
- <sup>3</sup> Duffy DL, Hsu Y, Serpell JA. Breed differences in canine aggression. 2008. *Applied Animal Behaviour Science*. 114: 441-460
- <sup>4</sup> White, J., McBride, E.A. and Redhead, E. (2006) Comparison of tethering and group-pen housing for sled dogs. At, Universities Federation for Animal Welfare (UFAW) Conference 2006, London, UK, 13 Sep 2006. Accessed at: <http://eprints.soton.ac.uk/55343> on November 14, 2008.
- <sup>5</sup> Sacks, J, Sinclair, L, Gilchrist, J, Golab, GC, Lockwood, R.2000. Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *Journal of the American Veterinary Medical Association*. 217: 6.
- <sup>6</sup> Report on the Identification and Registration of Companion Animals. 2002. Companion Animal Welfare Council. Available at: [www.cawc.org.uk/documents/CAWCReplD%26Registration02final.pdf](http://www.cawc.org.uk/documents/CAWCReplD%26Registration02final.pdf)
- <sup>7</sup> Independent market research conducted by Market & Opinion Research International Ltd (MORI) on behalf of the Dogs Trust, 2000.
- <sup>8</sup> United States Centers for Disease Control. 2005. Salmonellosis Associated with Pet Turtles --- Wisconsin and Wyoming, 2004. Accessed at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5409a3.htm> on November 14, 2008.

## Animal Control Bylaw

Municipality Name

BYLAW NO. \_\_\_\_\_

A BYLAW TO REGULATE THE KEEPING OF DOGS, CATS, and OTHER DOMESTIC ANIMALS IN MUNICIPALITY NAME

NOW THEREFORE the Council of \_\_\_\_\_ in open meeting assembled enacts as follows:

### Title

1. This Bylaw may be cited for all purposes as "Animal Control Bylaw, No. \_\_\_\_\_".

### Interpretation <sup>1,2,3,4,5,6,10</sup>

2. In this Bylaw:

"Animal" means any member of the Kingdom Animalia excluding humans;

"Animal Control Officer" means any person appointed by council as an animal control officer or bylaw enforcement officer, and includes a peace officer and the Animal Shelter Manager;

"Animal Shelter Manager" means any person appointed by the Municipality as the Animal Shelter Manager or any contractor who has entered into an agreement with the Municipality to assume the responsibilities of the Animal Shelter Manager pursuant to this Bylaw, and includes the delegates of this person;

"At Large" means an animal in or upon a public place or in or upon the lands or premises of any person other than the owner of the animal without the express or implied consent of that person;

"Companion Animal" means an animal kept for companionship to a person rather than utility, profit or burden and which is lawfully kept upon residential property;

"Choke Collar" means a slip collar or chain that may constrict around the animal's neck as a result of pulling on one end of the collar or chain, and includes Pinch or Prong collars but does not include a Martingale collar;

"Council" means the municipal council of \_\_\_\_\_;

"Dangerous Dog" means a dog that

- (a) has killed or seriously injured a person;
- (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;

"Enclosure" means a structure forming a pen suitable to confine a dog;

"Guard Dog" means a dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property;

"License Year" means the period from January 1 to December 31 in any year;

"Municipality" means the municipality of \_\_\_\_\_;

"Owner" means any person

- (a) to whom a licence for a dog or cat has been issued pursuant to this Bylaw;
- (b) to whom a breeders' licence for a dog or cat has been issued pursuant to this Bylaw; or
- (c) who owns, is in possession of, or has the care and control of any animal;

"Permanent Identification" means identification for an animal in the form of a traceable tattoo or a microchip that contains the contact information of the Owner;

"Police Services Dog" means any dog owned by the Royal Canadian Mounted Police or any municipal police department while on duty, including while engaged in training exercises and under the supervision of a member of the Royal Canadian Mounted Police or any municipal police department.

"Public Place" includes any highway and any real property owned, held, operated or administered by the Municipality or Province;

"Responsible Person" or "Person Responsible" means, in relation to any animal, a person who

- (a) is the Owner of any animal; or
- (b) is keeping, harbouring, or sheltering any animal;

provided that, where the animal is under the care, custody, or control of a person under the age of nineteen (19) years or is being kept or harboured by a person, under the age of nineteen (19) years, the custodial parent or legal guardian of such child will be deemed, for the purpose of this bylaw, to be the Responsible Person;

"Seize" includes impound and detain;

"Spay/neuter" means the sterilization of a female animal by removing the ovaries or of a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

"Special Needs Assistance Animal" means

- (a) a special needs animal as defined in the Guide Animal Act, RSBC 1996, c 177; or
- (b) an animal designated as a Special Needs Assistance Animal pursuant to section 13 of this Bylaw;

"Unlicensed Dog" means any dog over the age of three (3) months that is not licensed by the Municipality or is not wearing a valid and subsisting licence tag.

#### Possession of Animals <sup>4,9</sup>

3. No person shall keep or allow to be kept on any real property more than six (6) companion animals, consisting of not more than three (3) dogs over the age of eight (8) weeks and not more than five (5) cats over the age of twelve (12) weeks, except in the lawful operation of an animal clinic, dog boarding facility, animal shelter or rescue, dog or cat breeder, animal daycare facility, animal grooming facility, cattery, or pet store as provided for within the Municipality's Kennel and Cattery Licensing Bylaw or Pet Store Licensing Bylaw and providing the use is specifically permitted within the Municipality's zoning bylaw.

#### Prohibited Animals <sup>5</sup>

4. Except as provided in section 5 of this bylaw, no person shall:

- (a) breed;
- (b) possess;
- (c) exhibit for entertainment or educational purposes; or
- (d) display in public;

either on a temporary basis or permanent basis, any prohibited animal outlined in Schedule "A" to this Bylaw.

5. Section 4 does not apply to:

- (a) The premises of a (local government) facility used for keeping impounded animals;
- (b) The premises of any police department;
- (c) Premises operated by The British Columbia Society for the Prevention of Cruelty to Animals;
- (d) The premises of a veterinarian licensed by the College of Veterinarians of BC, providing the veterinarian is providing temporary care for a prohibited animal;

- (e) Premises that keep prohibited animals for which a valid permit is in place pursuant to the Wildlife Act, RSBC 1996 c 488;
- (f) Premises that keep animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care; or
- (g) Premises of an aquarium or zoological park, which is accredited by the Canadian Association of Zoological Parks and Aquaria.

### **Exemption for Police Service Dogs**

- 6. This Bylaw does not apply to a Police Service Dog.

### **Dog Licences <sup>1,2</sup>**

- 7. No person shall own, keep, possess or harbour any dog over the age of three (3) months in the Municipality unless a valid and subsisting licence for the current calendar year has been obtained for the dog under this Bylaw.
- 8. The requirement in section 7 does not apply to a dog that is kept in the Municipality for less than one (1) month in a calendar year.
- 9. If a dog is required to be licensed pursuant to this Bylaw, the Owner of the dog shall apply to the Municipality for a licence on the prescribed form provided by the Municipality and pay the fee set out in Schedule "B" to this Bylaw, and upon receipt of the application and payment of the prescribed fee, the Municipality shall issue a numbered dog licence and corresponding licence tag for that licence year.
- 10. Every licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.
- 11. The licence fees set out in Schedule "B" to this Bylaw shall be reduced by one-half in respect of an application for a licence made on or after August 1st.
- 12. The Owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw shall affix, and keep affixed, the licence tag on the dog by a collar, harness, or other suitable device.
- 13. The Owner of a Special Needs Assistance Animal is exempt from the licensing fees in the Schedule "B" to this Bylaw.
- 14. The Owner of an animal may apply to the Animal Control Officer, in a form acceptable to the Animal Control Officer, to have that animal designated as a Special Needs Assistance Animal for the purposes of this Bylaw and, upon receiving and reviewing an application under this section, the Animal Control Officer shall:
  - (a) reject the application; or
  - (b) approve the application and designate that animal as a special needs assistance animal.
- 15. The Owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw may obtain a replacement licence tag upon satisfying the Municipality that the original licence tag has been lost or stolen and upon payment of the replacement licence fee set out in Schedule "B" to this Bylaw.
- 16. Where this Bylaw provides for a reduced licence fee for a dog that is neutered or spayed, the application shall be accompanied by a certificate signed by a qualified veterinarian indicating that the dog has been neutered or spayed.

### **Dangerous Dogs <sup>1,2,5,6,7</sup>**

- 17. No person shall own or keep any Dangerous Dog unless this dog is licensed as a Dangerous Dog with the Municipality by an Owner who is over the age of nineteen (19), who has paid the applicable fee indicated in Schedule "B", and who keeps the dog in compliance with sections 21 and 22.

18. In order to obtain such licence, an Owner of a Dangerous Dog shall supply the following documentation to the municipality:
  - (a) completion of the dog license application;
  - (b) written confirmation from a licensed veterinarian that this dog has been neutered;
  - (c) written confirmation from an animal trainer approved by the municipality that the services of such trainer have been retained for the purpose of providing behavioural remediation to this dog;
  - (d) written confirmation that the Owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by this dog in an amount not less than five hundred thousand dollars, and covering the twelve month period during which licensing is sought. The policy shall contain a provision requiring the Municipality to be named as an additional insured, such that the Municipality will be notified by the insurer if the policy is cancelled or terminated or expires;
  - (e) written confirmation that the dog has Permanent Identification with the identification information outlined on the application; and
  - (f) payment of the dangerous dog license fee as outlined in Schedule "B".
19. If an Animal Control Officer, based on his or her own knowledge or observations or a written complaint, has reasonable grounds to believe that a dog:
  - (a) has, without provocation, aggressively pursued, attacked or bitten another animal or a person; or
  - (b) has been trained for or is owned, possessed or harboured, primarily or in part, for the purpose of fighting;the Animal Control Officer may, without limiting the powers available to him or her pursuant to any applicable legislation, designate the dog to be a Dangerous Dog. Upon making such a designation pursuant to this section, the Animal Control Officer must deliver to the dog's Owner a letter advising that the dog has been designated as Dangerous Dog and informing the Owner of the right to request reconsideration of that decision in accordance with section 20. The letter shall be deemed to be delivered if mailed to the address on the most recent licence for that dog or the address where the dog is known or believed to reside or left with an adult person at the address on the most recent licence for that dog or the address where the dog is known or believed to reside.
20. The Owner of any dog that has been designated as a Dangerous Dog, may within fourteen (14) calendar days of delivery of the letter notifying of the Dangerous Dog designation, request that the Animal Control Officer reconsider the decision. The request for reconsideration must be accompanied by written reasons why the Owner of the dog believes the dog is not a Dangerous Dog and a written assessment of the dog, prepared by a dog behaviour specialist approved by the municipality within the last six (6) months. The Animal Control Officer, after providing the Owner and any complainant with an opportunity to make representations regarding the dog, may confirm or reverse the decision designating the dog as a dangerous dog and may cancel or modify any restrictions, requirements or conditions imposed by an Animal Control Officer and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.
21. Every Owner of a Dangerous Dog must at all times keep the dog:
  - (a) securely confined indoors such that the dog cannot escape; or
  - (b) in an Enclosure which prevents the entry into the Enclosure of children under 12 years old and prevents the animal from escaping the Enclosure; or
  - (c) properly fitted with a humane basket muzzle, on a leash not longer than one metre and under the immediate control of a competent person at least nineteen (19) years of age and skilled in animal control.
22. The Owner of a Dangerous Dog shall display a sign declaring in legible writing and with a recognizable symbol that the dog is dangerous at each entrance to the property and building in which this dog is kept.
23. The Owner of a Dangerous Dog shall promptly notify the Municipality's animal control department if:
  - (a) the dog is found to be At Large; or
  - (b) the dog moves, is given away or dies.

24. If the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of sections 17, 18, and 21-23, this dog may be seized and impounded for a fourteen (14) day holding period, after which the dog may be euthanized by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia.
25. The Owner of a Dangerous Dog may, within fourteen (14) days of impoundment, request the release of a Dangerous Dog by submitting to the Animal Shelter Manager a letter providing proof of his or her actions of remediation to the contraventions of this Bylaw, as outlined in section 21.

### **Guard Dogs <sup>2,5</sup>**

26. Every Owner of a Guard Dog must:
  - (a) prevent the dog from leaving the property of the owner by ensuring:
    - i. the dog is confined within the premises and these premises are reasonably secure against unauthorized entry;
    - ii. the premises are completely enclosed by means of a two (2) meter fence constructed in accordance with Municipality bylaws and any gates in such fence are reasonably secured against unauthorized entry; or
    - iii. the dog is securely confined in an area within the premises that is adequate to ensure that the dog cannot escape;
  - (b) post warning signs advising of the presence of a guard dog on the premises, with lettering clearly visible from the lesser of the curb line of the property and 50 (fifty) feet from the premises, and posted at each driveway or entrance-way to the property and at all exterior doors of the premises; and
  - (c) before bringing the dog onto premises under control of the of the Owner, notify the Animal Control Manager, the Fire Department, the Animal Control Officer, and the police of the address of the property which the Guard Dog will be guarding, the approximate hours during which the Guard Dog will be performing guard duties, the breed, age, sex and dog licence number of the dog and the full names, addresses and telephone numbers of the Owner and any other individual who will be responsible for the Guard Dog while it is on guard duty.

### **Regulations for the Keeping of Cats <sup>1,2,4,6,7,8</sup>**

#### *Identification*

27. Every Owner of a cat shall affix, and keep affixed, sufficient identification on the cat by a collar, harness, traceable tattoo, microchip or other suitable device such that a person finding the cat at large in the Municipality can identify and contact the owner. The form of identification used must indicate the sterilization status of the cat.
28. Every Responsible Person for a cat apparently over the age of six (6) months, shall upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such cat has identification in accordance with section 27 of this bylaw.

#### *Spay/Neuter*

##### **Option 1: Mandatory Spay/Neuter of all Cats**

*This option is ideal if the community has a severe cat overpopulation problem. It must be coupled with a low-income spay/neuter fund and strong enforcement. This should also be coupled with differential impoundment fees and some form of registration with identification.*

29. No person shall own, keep, possess or harbour any cat apparently over the age of six (6) months in the Municipality unless
  - (a) the cat has been spayed or neutered by a veterinarian; or
  - (b) a valid and subsisting breeder's licence for the current licence year has first been obtained for the intact cat under this bylaw.
30. The requirement in section 29 does not apply to a cat that is kept in the Municipality for less than one month in a calendar year and which is not allowed or permitted to be At Large in the Municipality.

31. The Owner of an intact cat may apply to the Municipality for a breeder's licence on the prescribed form provided by the Municipality and pay the fee set out in Schedule "B" to this Bylaw, and upon receipt of the application and payment of the prescribed fee, the Municipality shall issue a breeder's licence to that Owner for that cat.
32. Every breeder's licence issued under this Bylaw shall expire on the 31<sup>st</sup> day of December in the calendar year in which the licence was issued.
33. No Person Responsible for an intact cat shall permit or allow it to be At Large in the Municipality.

#### Option 2: Mandatory Spay/Neuter of Free-Roaming Cats

*This option is less strict. It is good to use if the community has a moderate to small cat overpopulation problem. It must be coupled with enforcement. It should also be coupled with differential impoundment fees and some form of registration with identification.*

29. No Responsible Person shall suffer or permit a cat that is apparently over the age of six (6) months, which is owned, possessed or harboured by him or her, to be At Large, unless such cat, if female, is spayed or if a male, is neutered.

Sections 30-33 are unused.

#### Registration or Licensing

*The use of registration or licensing has demonstrated the following benefits: increasing the value of cats in the community and reuniting more cats with their guardians. There are many models of cat registration in B.C. A municipality must consider the following options when implementing registration or licensing:*

- Paid vs. Free
- Mandatory vs. Voluntary
- Lifetime vs. Annual
- Tag vs. No Tag

*We recommend that civic institutions consult with their communities to determine what the best fit is for their own community. We present three sample models below.*

#### Option 1: Mandatory Free Lifetime Registration without Tag

34. No person shall own or keep any cat apparently aged six (6) months or more within the Municipality unless such a cat is registered as provided by this Bylaw.
35. Any Owner of a cat must register their cat by:
  - (a) submitting a registration application in the form provided by the Municipality;
  - (b) ensuring that the cat has identification and that the identification information is provided to the Animal Control Officer.
36. The Municipality shall keep a complete registry of all cats, indicating the dates of registration, the name and description (photograph) of each cat, and the name and address of each Owner.
37. The Owner of any registered cat shall, within thirty (30) days of Owner's change of address, notify the Municipality of change of address.

Sections 38-40 are unused.

#### Option 2: Mandatory Cat Licensing

To sections 7-16, simply modify "dog" to say "dog or cat".

Sections 34-40 are then unused.

**Issuance of Licence or Permit <sup>6</sup>**

41. An Animal Control Officer may refuse to issue, suspend, revoke or cancel a licence or permit if the applicant for or holder of the licence or permit:
  - (a) has been convicted of an offence involving cruelty to an animal; or
  - (b) in the opinion of the Animal Control Officer, has failed to comply with any of the requirements of sections 51-57 regarding the Prohibition of Cruelty to Animals; or
  - (c) has failed to pay any fines or fees imposed on him or her pursuant to this bylaw.
42. On request, the Animal Control Officer must provide the Owner with written reasons for refusing to issue or for suspending, revoking or cancelling a permit or licence.
43. An Owner whose animal licence or permit was refused, suspended, revoked, or cancelled pursuant to section 41 may request that the Animal Control Officer reconsider the decision by notifying the Animal Shelter Manager within fourteen (14) days of the date of the decision. Such a request must be in writing and must include the reasons why the owner believes the decision should be reconsidered. Upon receipt of a completed request:
  - (a) the Animal Control Officer must, if he or she has not already done so, give the Owner written reasons for the detention; and
  - (b) the Animal Shelter Manager must reconsider the refusal, suspension, revocation, or cancellation of the licence or permit and may uphold or overturn the original decision.
44. The applicant may re-apply at any time if and once the conditions for refusal, suspension, revocation, or cancellation of the licence or permit have changed.

**Animal Control Regulations and Prohibitions <sup>1,2,3,6</sup>**

45. No Responsible Person shall permit or allow a dog or cat to:
  - (a) howl or bark excessively where such howling or barking causes or tends to cause annoyance to persons in the neighbourhood or vicinity;
  - (b) be At Large in the Municipality;
  - (c) be in a Public Place unless the dog or cat is in a carrier or kept on a leash, chain or tether not exceeding 183 centimetres (six feet) in length and the dog is under the immediate care and control of a Responsible Person and unless the area is designated as an off-leash area by the Municipality;
  - (d) be tethered, tied, attached or otherwise fastened by any means to any traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails, or any other object, in such a way as to obstruct the public or create a nuisance;
  - (e) bite, aggressively harass, or chase other animals, bicycles, automobile or vehicles;
  - (f) chase or otherwise threaten a person, whether on the property of the Responsible Person or not, unless the person chased, or threatened is a trespasser on the property of the Responsible Person;
  - (g) bite a person or other animal, whether on the property of the Responsible Person or not; or
  - (h) attack a person or other animal, whether on the property of the Responsible Person or not, causing severe injury or death.
46. Every Responsible Person for an intact female dog or cat shall, at all times when the dog or cat is in heat, keep the dog or cat securely confined within a building or enclosure capable of preventing the escape of the dog or cat and the entry of other dogs or cats.
47. Every Responsible Person shall, at all times when his or her dog or cat is off the premises of the Responsible Person, immediately remove or cause to be removed any feces deposited by the dog or cat, and dispose of the feces in a sanitary manner.

48. Every Person Responsible for a diseased animal must, where the disease poses a threat to the health or safety of a person or animal, ensure that the diseased animal does not leave the property or premises of the Owner other than for the purpose of a visit of a veterinarian, in which case the animal must be transported in a manner so as to ensure that it does not come into contact with another person or animal.
49. No person other than the Owner of a Companion Animal shall remove any form of identification on or affixed to the Companion Animal.
50. A person who finds and takes possession of a Companion Animal At Large in the Municipality shall immediately provide the Animal Shelter Manager with a description and photo where possible and provide a name and address for contact by the Owner of the Companion Animal.

#### **Standards of Care for Animals** <sup>1,3,6,10,11,14</sup>

51. No person shall keep any animal in the Municipality unless the animal is provided with:
  - (a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
  - (b) food and water receptacles which are clean;
  - (c) the opportunity for regular exercise sufficient to maintain the animal's good health, including daily opportunities to be free of an Enclosure and exercised under appropriate control; and
  - (d) necessary veterinary care when the animal exhibits signs of pain, injury, illness, suffering, or disease.
52. No person may keep any animal which normally resides outside or which is kept outside for extended periods of time, unless the animal is provided with outside shelter:
  - (a) which ensures protection from heat, cold and wet that is appropriate to the animal's weight and type of coat;
  - (b) which provides sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least two (2) times the length of the animal in all directions, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
  - (c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times;
  - (d) which contains bedding that will assist with maintaining normal body temperature; and
  - (e) which is regularly cleaned and sanitized and all excreta removed and properly disposed of at least once a day.
53. No person may cause, permit, or allow an animal:
  - (a) to be hitched, tied, or fastened to a fixed object in such a way that the animal is able to leave the boundaries of the Responsible Person's property; or
  - (b) to be hitched, tied, or fastened to a fixed object where a choke collar forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck; or be tethered other than with a collar that is properly fitted to that dog and attached in a manner that will not injure the animal or enable the animal to injure itself by pulling on the tether; or
  - (c) to be hitched, tied, or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the animal; or
  - (d) to be hitched, tied, or fastened to a fixed object unattended at any time; or
  - (e) to be hitched, tied, or fastened to a fixed object for longer than four (4) hours in within a 24 hour period; or
  - (f) to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.
54. No person shall keep an animal confined in an Enclosure, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from direct rays of sun at all times.

55. No person may transport a dog in a vehicle outside of the passenger compartment or in an uncovered passenger compartment unless it is adequately confined to a pen or cage or unless it is secured in a body harness or other manner of fastening to prevent it from jumping or falling off the vehicle or otherwise injuring itself.
56. Notwithstanding any other provision of this Bylaw, no person shall:
  - (a) abandon any animal;
  - (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, and the like on any animal;
  - (c) tease, torment, or provoke an animal;
  - (d) cause, permit or allow an animal to suffer; or
  - (e) train or allow any animal to fight.
57. No Responsible Person for any dog shall keep such dog in an Enclosure unless all of the following requirements are met:
  - (a) the enclosure shall be a fully enclosed structure with a minimum dimension of two (2) metres in width, by four (4) metres in length, and two (2) metres in height from the grade upon which the enclosure is constructed;
  - (b) the location of the Enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the Municipality's zoning bylaw, as amended from time to time;
  - (c) the Enclosure shall include an outside shelter that conforms to section 52 of this Bylaw;
  - (d) if the sides are not secured to the bottom of the Enclosure, then the sides shall be embedded into the ground no less than thirty (30) centimeters or as deep as may be necessary to prevent the escape of the dog from the Enclosure;
  - (e) the Enclosure must be regularly cleaned and sanitized and all excreta removed at least once a day; and
  - (f) the Responsible Person for any dog shall ensure that such dog is not confined to an Enclosure in excess of ten (10) hours within any twenty four (24) hour period.

#### **Establishment of Animal Shelter and Animal Shelter Manager <sup>1,6</sup>**

58. The land and premises located at \_\_\_\_\_, are hereby established as the animal shelter.
59. The Municipality may enter into an agreement with any person to operate the animal shelter as Animal Shelter Manager or to act as Animal Control Officer for the Municipality or both.
60. The Animal Shelter Manager shall maintain records which include:
  - (a) a description of every animal seized under this Bylaw, including a licence or registration number if any, and the date and time each animal is received by the animal shelter;
  - (b) the name of the person or persons taking or sending any animal to be impounded;
  - (c) the date and time each animal impounded was redeemed, sold, euthanized, or otherwise disposed of by the Animal Shelter Manager;
  - (d) the name of every person redeeming any animal and the amount paid by that person;
  - (e) the name of every person purchasing any impounded animal and the amount paid by that person; and
  - (f) the amount of impoundment and maintenance fees, costs, and charges connected with each impounded animal.

#### **Abilities of an Animal Control Officer <sup>1,5,6,11,13</sup>**

61. An Animal Control Officer may seize:
  - (a) any Unlicensed Dog or unregistered cat;
  - (b) any Dangerous Dog not secured or muzzled in accordance with section 21;
  - (c) any animal found to be At Large contrary to this bylaw; and
  - (d) any animal that is, or appears to be, suffering.

62. When an animal is not on a Responsible Person's property, the Animal Control Officer may, where necessary, employ the use of lures, baits, nets, tranquilizer gun, sonic and mechanical devices or any other means of apprehending animals provided always that such methods are applied humanely.
63. An Animal Control Officer shall immediately convey any animal seized and liable to impoundment under this Bylaw to the animal shelter.

### Obstruction <sup>1,12</sup>

64. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer or any person employed by the Animal Control Officer in carrying out the duties and powers of an Animal Control Officer under this Bylaw.
65. Every occupier of premises where any animal is kept or found and every person where encountered, having at that time the apparent custody of an animal, shall immediately, upon demand made by an Animal Control Officer or a peace officer, truthfully and fully supply the following information:
  - (a) his or her name;
  - (b) the number of animals owned or kept by him or her, their breed, sex, and general description;
  - (c) the place where such animals are kept; and
  - (d) whether the animals are currently licensed or registered.

### Impoundment <sup>1,2,4,5,6</sup>

#### *Standard of Care*

66. Any animal impounded shall be provided with the basic animal care provisions described in sections 51-57 of this bylaw and with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association, 2007).
67. The Animal Shelter Manager shall ensure that all animals seized under this Bylaw receive sufficient food, water, shelter, and, if necessary, reasonable veterinary attention, and that the animals are not mistreated during seizure and impoundment.
68. During the impoundment period, the Animal Shelter Manager shall:
  - (a) provide such veterinary care for an injured or ill impounded animal as may be necessary to sustain its life; and
  - (b) be entitled to recover from the Owner, the cost of veterinary care provided while the animal was impounded, in addition to any other fees due to the Municipality for the redemption of the animal.
69. If an Animal Shelter Manager considers that an impounded animal requires:
  - (a) a vaccination;
  - (b) flea treatment;
  - (c) worm treatment;
  - (d) examination by a veterinarian; or
  - (e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian,
 then the Animal Shelter Manager can cause such care to be provided at the sole cost and expense of the animal's Owner.
70. During the impoundment period, the Animal Shelter Manager may euthanize, by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia, any animal deemed to be seriously ill or injured for humane reasons and in prior consultation with a veterinarian, if all reasonable efforts to contact the owner of the animal have failed.

*Retention of Animal*

71. The Animal Shelter Manager shall retain the animal for a period of not less than ninety six (96) hours.
72. Where an animal is seized pursuant to this Bylaw, the Animal Shelter Manager shall screen for identification and micro-chips. The Animal Shelter Manager shall make every effort to identify and notify the Owner of the animal of the fact that the animal has been seized and that the animal will be adopted, euthanized or otherwise disposed of by the Animal Shelter Manager after the expiration of ninety six (96) hours from the date the animal was seized unless the animal is redeemed before that time.
73. Where the Owner of an animal which has been seized under this Bylaw is not known to, and cannot be identified by, the Animal Shelter Manager, the Animal Shelter Manager shall cause notice of the seizure to be posted on the public notice boards at the animal shelter, and, if the technology is available, on a website. Such notice shall set out the particulars of the seized animal, the date of seizure, and that the animal will be sold, euthanized, or otherwise disposed of by the Animal Shelter Manager after the expiration of ninety six (96) hours from the date of the notice unless the animal is redeemed before that time.

*Redemption and Costs*

74. An Owner of an animal seized under this Bylaw, or any person authorized in writing on the Owner's behalf, may redeem the animal at any time prior to its adoption, euthanasia, or disposal under this Bylaw upon:
  - (a) delivery to the Animal Shelter Manager of evidence satisfactory to the Animal Shelter Manager of ownership of the animal;
  - (b) payment of the impoundment and maintenance fees, costs, and charges incurred in respect of the seizure and boarding of the animal as set out in Schedule "C" to this bylaw; and
  - (c) licensing or registration of the animal with the Municipality and payment of the current requisite licence or registration fee if the animal is required to be licensed or registered pursuant to this bylaw and is not licensed or registered.

*Failure to Redeem*

75. After an animal has been impounded for longer than ninety six (96) hours, the Animal Shelter Manager may direct that the animal:
  - (a) be offered to the general public for adoption if the animal is neither a diseased animal nor a dangerous dog;
  - (b) be placed with any person or organization deemed acceptable by the Animal Shelter Manager; or
  - (c) after reasonable attempts have been made to place the animal, be euthanized by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia.
76. The Animal Shelter Manager may, pursuant to section 75(a) of this Bylaw, put up for adoption any animal impounded under the following conditions:
  - (a) no dog, cat, or rabbit shall be adopted unless it is reproductively sterile and is vaccinated;
  - (b) the Animal Shelter Manager may make it a condition of adoption that the person demonstrate that he or she will be a responsible pet owner; and
  - (c) the Animal Shelter Manager may make it a condition of adoption of an animal, that the animal has an acceptable form of Permanent Identification.
77. Where the Owner of an animal has been determined and all reasonable efforts to contact such Owner have been made, but the Owner does not claim the animal, he or she shall be responsible for payment to the Municipality the fees described in Schedule "C".
78. No person shall take or release any animal from the animal shelter without the consent of the Animal Shelter Manager.

79. The Animal Shelter Manager may accept a dog or cat from the Owner of such animal for the purpose of having the animal euthanized or otherwise disposed of upon receiving a fee from that person which is sufficient to cover the costs of that service.
80. The owner of any dead Companion Animal may request the service of an Animal Control Officer to pick up and dispose of the dead companion animal. Upon receipt of the destruction and pick up fee specified in Schedule "C", the Animal Control Officer may pick up and dispose of the dead companion animal.

#### **Right of Refusal to Release from Impoundment <sup>3,6</sup>**

81. Upon reasonable grounds, the Animal Shelter Manager has the right to refuse to any person the release or adoption of any animal for any of the following reasons:
  - (a) to protect the safety of the public from the animal;
  - (b) to protect the safety of the animal from the public;
  - (c) to protect the health and welfare of the animal from the individual;
  - (d) if the person is under nineteen (19) years of age; or
  - (e) if the person is apparently under the influence of alcohol or a drug, such that the Animal Shelter Manager does not feel that the individual has the cognitive ability to accept responsibility for the animal.
82. An Owner whose animal was detained pursuant to section 82 may request that the Animal Shelter Manager reconsider the decision to detain the animal by notifying the \_\_\_\_\_ within fourteen (14) days of the date of the decision. Such a request must be in writing and must include the reasons why the Owner believes the decision should be reconsidered. Upon receipt of a completed request:
  - (a) the Animal Shelter Manager must, if he or she has not already done so, give the Owner written reasons for the detention; and
  - (b) reconsider the detention and may uphold or overturn the original decision.
83. If, within fourteen (14) days after the decision to detain was made or confirmed, an animal detained pursuant to section 82 is not claimed by its Owner and the applicable requirements of section 83 are not satisfied, the animal shall be deemed to have been surrendered to the Municipality and the Animal Shelter Manager may cause the animal to be made available for adoption or otherwise disposed of.

#### **Offences and Penalties <sup>1,6</sup>**

84. Any person, other than an Animal Control Officer acting in good faith in the course of his or her duties, who causes, permits or allows anything to be done in contravention or violation of this bylaw or who neglects or fails to do anything required to be done pursuant to this bylaw commits an offence is subject to a minimum fine of fifty dollars (\$50.00) and shall upon summary conviction be liable to a fine of not more than two thousand dollars (\$2,000.00) or to imprisonment for not more than six months or to both. If the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. Nothing in this section shall restrict the Municipality's ability to enforce this Bylaw in any other manner permitted Bylaw.
85. This Bylaw is designated pursuant to section 264 of the Community Charter, SBC 2003, c26 as a bylaw that may be enforced by means of a ticket in the form prescribed.
86. Animal Control Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw by means of a ticket pursuant to section 264 of the Community Charter.

**Severability <sup>1</sup>**

87. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

**Repeal <sup>1</sup>**

88. "The Previous Bylaw, No. \_\_\_\_" and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS \_\_\_\_\_.

READ A SECOND TIME THIS \_\_\_\_\_.

READ A THIRD TIME THIS \_\_\_\_\_.

APPROVED AND FINALLY ADOPTED THIS \_\_\_\_\_.

### Schedule A

#### LIST OF PROHIBITED ANIMALS

1. all nonhuman primates
2. all felidae, except the domestic cat
3. all canidae, except the domestic dog
4. all ursidae (bears)
5. all proboscidea (elephants)
6. all pinnipedia (seals, walrus)
7. all marsupials
8. all edentates (anteaters)
9. all xenartha (such as sloths, armadillos, and tamanduas)
10. all monotremata (spiny anteater and platypus)
11. all venomous or poisonous reptiles and amphibians
12. all reptiles and amphibians over 2ft adult size
13. all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
14. all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
15. all hyenidae (hyenas)
16. all hyracoidean (hyraxes)
17. all erinaceidae (tenrecs and hedgehogs)
18. all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
19. all procyonidae (raccoons, coatimundis)
20. all viverridae (civets and genets)
21. all herpestidae (mongooses)
22. all cetacea (whales, porpoises, dolphins)
23. all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
24. all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
25. all lagomorphs (rabbits and hare), except the domestic rabbit
26. all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, love-bird, finch, and canary; and
27. all saltwater fish.

### Schedule B <sup>3</sup>

#### LICENCING:

- (a) Dogs or cats
  - (i) Neutered male or Spayed female \$XX.00
  - (ii) Other than (i) above \$XX.00
  - (iii) Guard Dog/Dangerous Dog \$XXX.00
  - (iv) Special Needs Assistance Animal \$0
  - (v) Police Services Dog \$0

- (vi) New licences issued from August 1 to December 31 of any given year shall be subject to a fee equal to 50% of the above noted fees. This does not apply to renewals or to dogs eligible to be licensed prior to August 1.
- (b) Cat breeder license \$XX.00
- (c) Replacement of licence \$X.00

### Schedule C <sup>3</sup>

#### IMPOUNDMENT (Release to Owner or sale):

##### DOGS

	Licensed
(a) Spayed or Neutered	\$XX.00
(b) Not Spayed or Neutered	\$XXX.00
(c) Dangerous Dog	\$XXX.00
(d) Pups under six (6) months of age	\$XX.00

##### CATS AND OTHER SMALL ANIMALS

(a) Cats	
Spayed or neutered	\$XX.00
Not spayed or neutered	\$XX.00
(b) Other Small Domesticated Animals	\$XX.00

##### ADOPTION OF ANIMALS

Dog	\$XXX.00 (plus license fee if applicable)
Puppy (under 6 months of age)	\$XXX.00 (plus license fee if applicable)
Cat	\$XXX.00 (plus license/registration fee if applicable)
Kitten	\$XXX.00 (plus license/registration fee if applicable)
Small Animals	\$X.00-\$XX.00

##### BOARDING OF ANIMALS:

##### Rate per Day

(a) Cat	\$XX.00
(b) Dog	\$XX.00

##### GROOMING:

Bathing Et Dryer Usage	\$XX.00
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##### EUTHANASIA:

(a) 0 – 20 lbs	\$XX.00
(b) 21 – 50 lbs	\$XX.00
(c) 51 – 75 lbs	\$XX.00
(d) 76 – 100 lbs	\$XXX.00
(e) 101 + lbs	\$XXX.00

## CREMATION SERVICES:

## General Cremations – no ashes returned

(f)	0 – 20 lbs	\$XX.00
(g)	21 – 50 lbs	\$XX.00
(h)	51 – 75 lbs	\$XX.00
(i)	76 – 100 lbs	\$XXX.00
(j)	101 + lbs	\$XXX.00

Pick Up Fee      \$XX.00 per pick up

## Schedule D

FINES: Outline if desired.

## Sources:

1. City of Port Alberni, British Columbia. Bylaw 4593. A bylaw to regulate the keeping of dogs and other animals in the city of Port Alberni.
2. City of Coquitlam, British Columbia. Bylaw 4240. A Bylaw to regulate the care and control of animals and to establish and operate a municipal animal shelter in the City of Coquitlam.
3. City of Terrace, British Columbia. Bylaw 1894-2007, 1977-2011. A Bylaw to provide for animal control, licencing, protection of and protection from, domestic animals.
4. District of Mission, British Columbia. Bylaw 1782-1988. Dog Licensing and Animal Control and Impounding Bylaw.
5. The Corporation of the Village of Valemont, British Columbia. Bylaw 667. A bylaw to provide for the regulation, control and licensing of dogs and other animals within the Village of Valemont.
6. The Corporation of Delta, British Columbia. Bylaw 6893. A Bylaw to regulate the licencing of dogs and the control of animals within Delta.
7. The City of Kamloops, British Columbia. Bylaw 34- 11. Animal Control Bylaw.
8. The Town of Port McNeill, British Columbia. Bylaw 632. A Bylaw to provide for the impounding and regulation of animals and for licensing thereof.
9. The Corporation of the City of Penticton, British Columbia. Bylaw 2011-04. A bylaw to provide for the licensing and control of dogs within the corporation of the City of Penticton.
10. City of Cranbrook, British Columbia. Bylaw 3555. A Bylaw to provide for the licensing and control of animals within the City of Cranbrook.
11. The Corporation of the District of Kent, British Columbia. Bylaw 1396. Animal Control Regulation Bylaw.
12. The Corporation of the District of Oak Bay, British Columbia. Bylaw 4013. A Bylaw to provide for the licensing and controlling of animals in the Municipality of Oak Bay.
13. Regional District of East Kootenay, British Columbia. Bylaw 2095. A Bylaw to regulate the keeping of dogs within Electoral Areas E and F.
14. The Corporation of the City of Nelson, British Columbia. Bylaw 2333. Being a Bylaw to Licence and regulate Dogs and Cats and Other Animals and to Establish a Municipal Pound.

## Kennels, Catteries & Pet Stores

The majority of companion animals originate from commercial breeders, yet few animal guardians know just what standards are adhered to in the facilities into which their animals are born. Similarly, most pets, including dogs, cats and other small animals, are bought from retail pet stores, where living conditions can be highly variable.

Providing adequate standards of care for young animals in breeding and retail facilities is crucial for their future health and temperament, as so much physiological and behavioural development occurs in the animal's first months.

While many breeders and pet store owners are conscientious animal managers, adequacy of animal housing and sanitation are not guaranteed, nor is access to adequate food, water, and veterinary care. Inadequate animal management and sanitation can create serious public health and safety concerns, both for community members in the pet store's direct vicinity, as well as for individuals who purchase sick and poorly socialized animals.

The operation of retail outlets where animals are kept and sold demands precise attention to detail and a commitment to animal welfare. A pet store's success in meeting commu-

nity expectations is largely dependant upon the knowledge, training, skill, and integrity of the store's management and staff.

Requirements for licensing of dog breeding and boarding kennels is well established among municipalities in British Columbia. However, few kennel licensing bylaws in BC stipulate requirements for basic animal care, such as those outlined in the Code of Practice for Canadian Kennel Operators.

Requiring that breeders and pet stores meet these basic standards of animal care and sanitation provides a municipality with greater control over the source of animals in a community. Potential public health and safety problems that originate from irresponsible breeders or animal retailers can be identified early and remedied before an incident occurs.

The BC SPCA encourages all levels of government to consider strategies that make sense for their greater community, including breeder and pet store inspections and licensing, mandatory identification of cats and dogs, commercial pet sales bans, and import and transport restrictions.



## KENNEL AND CATTERY LICENSING BYLAW

The text of this model bylaw is adapted from the content of various existing municipal bylaws<sup>1, 2</sup>.

### 1. Interpretation

- (1) In this Bylaw, unless the context otherwise requires:
  - (a) "Animal" means any member of the Kingdom Animalia excluding humans
  - (b) "Cat" means a male or female domesticated cat.
  - (c) "Cattery" means any establishment which houses more than 3 cats, or in which any number of cats are kept for breeding and/or boarding purposes.
  - (d) "Dog" means a male or female domesticated dog.
  - (e) "Identifying tag or badge", in relation to a dog or cat, means a tag or badge which clearly displays information indicating the licensed kennel or cattery at which it was born and any other information required by law, rule or regulation,
  - (f) "Inspector" means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.
  - (g) "Kennel" means any establishment which houses more than 3 dogs, or in which any number of dogs are kept for commercial breeding and/or boarding purposes.
  - (h) "Licensed animal seller" means a premises licensed under the Sale of Live Animals Bylaw.
  - (i) "Licensing officer" shall mean a person appointed by the municipality for the purpose of processing and issuing licences under this bylaw.
  - (j) "Owner" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.

### 2. Licence Requirements

- (1) No person shall own, operate, manage, control, supervise or have on any property a kennel or cattery that has not been licensed with the municipality.
- (2) When applying for a licence, any person who owns or operates a kennel or cattery shall pay the applicable fee indicated in Schedule 1 and shall supply the following documentation to the municipality:
  - (a) written confirmation from The British Columbia Society for the Prevention of Cruelty to Animals or a licensed veterinarian that the applicant has complied with sub-section (4) of this bylaw, with any associated costs borne by the applicant;
  - (b) a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for kennel or cattery purposes. The site plan must also specify the distance which separates the kennel or cattery buildings, structures, dog runs and facilities from all property lines and all buildings, including any residential buildings situated on the adjacent properties;
  - (c) a list of the maximum dogs or cats to be kept at the subject property, including both purebreds and non-purebreds, and verification of current rabies vaccination for each dog and cat
  - (d) a sworn affidavit by the owner or operator and by each member of staff that (s)he has never been convicted of an offense pertaining to cruelty towards or neglect of an animal;
  - (e) Certificate of Insurance or Covernote, confirming the issuance of a Commercial General Liability or like policy, having third party liability limits of no less than 2 million dollars, covering the property on which the kennel or cattery is located and its operations.

- (f) Confirmation from \_\_\_\_\_ [insert name of body responsible for septic and/or sewage systems], that the property on which the kennel or cattery is to be operated has an operable septic and/or sewage system, suitable for the purpose of operation a kennel or cattery, as applicable.
- (3) All kennels and catteries shall comply with the basic animal care requirements set out in section 8 of the Animal Control Bylaw and with the requirements set out in A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, 2007) and shall sign a declaration to that effect.
- (4) A licence issued under the provisions of this bylaw may be suspended or revoked from any owner or operator of a kennel or cattery who fails to comply with a bylaw of the municipality.
- (5) An inspector (or its duly designated delegate) or a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals shall be permitted to enter and inspect any building, structure, run or facility, or part thereof, used for the kennel or cattery and any animals found therein at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this bylaw.
- (6) An inspector (or its duly designated delegate) or a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals who finds that the owner or operator of a kennel or cattery does not comply with this bylaw shall issue a written warning and may subsequently order that the animals be seized and impounded by the pound keeper, should compliance not be rectified within the timeline indicated in the warning.
- (7) The licensing officer shall refuse any licence application, which does not meet with all of the requirements of this Bylaw.
- (8) In the event that a licence application is refused, the licensing officer shall give notice in writing to the owner by registered mail or personal delivery.

### **3. Municipal Confirmation**

- (1) Prior to the issuance of any licence, the licensing officer shall obtain confirmation from the municipality that:
  - (a) there have been no bylaw violations during the previous licensing year;
  - (b) a site inspection has been conducted to verify the information on the site plan and the maximum number of dogs or cats to be kept at the kennel or cattery; and
  - (c) the site plan and type of kennel or cattery meets the applicable municipal zoning requirements.

### **4. Changes to Site Plan**

- (1) After the issuance of a licence, the owner shall apply in writing to the licensing officer for approval of any changes which would alter the site plan filed with the licence application. The application for changes shall include a revised site plan.
- (2) Upon receipt of a revised site plan, the licensing officer shall obtain the municipal clearances as set out Section 3(1) of this Bylaw and may consult with The British Columbia Society for the Prevention of Cruelty to Animals or the veterinarian that provided clearance for the initial application if deemed appropriate.
- (3) Upon receipt of a revised site plan, the Licensing Officer may consult with the \_\_\_\_\_ [insert name of body responsible for septic and/or sewage systems] that provided clearance for the initial application, if deemed appropriate.
- (4) Notice of approval or refusal of a site plan change shall be given by the licensing officer in writing by registered mail or personal delivery.

### **5. Expiry of licence and renewal**

- (1) Every licence issued pursuant to this Bylaw shall expire on the \_\_\_\_ day of \_\_\_\_ in the year succeeding the date of issue, and every application for renewal of a licence shall be finalized on or before the same date.

## 6. Special provisions for breeding establishments

- (1) No bitch shall:
  - (a) be mated if it is less than one year old;
  - (b) give birth to more than six litters; and
  - (c) give birth before the end of the period of twelve months beginning with the day on which it last gave birth.
- (2) Accurate records in a form prescribed by the municipality shall be kept at the kennel and made available for inspection there by any officer of the municipality, or any a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals or licensed veterinarian, authorized by the local authority to inspect the premises.

## 7. Sale of Dogs and Cats from Kennels and Catteries

- (1) The keeper of a licensed kennel or cattery shall not:
  - (a) sell a dog or cat other than at a licensed breeding establishment or to a licensed pet store,
  - (b) sell a dog or cat other than to a licensed pet store knowing or believing that the person who buys it intends that it should be sold (by her/him or any other person),
  - (c) sell a dog or cat which is less than eight weeks old otherwise than to the keeper of a licensed pet store, (d) sell to the keeper of a licensed pet store a dog or cat which was not born at a licensed kennel or cattery,
  - (d) sell to the keeper of a licensed pet store a dog or cat which, when delivered, is not wearing a collar with an identifying tag or badge, or
  - (e) advertise the sale of a dog or cat without providing their license number in the advertisement.
- (2) In proceedings against any person under Section 7 of this bylaw it shall be a defence for that person to show that (s)he took all reasonable steps and exercised all due diligence to avoid committing the offence.

## 8. Offenses and Fines

- (1) Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than \$1,000.00 and not more than \$5,000.00 for each offence.
- (2) Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

## SCHEDULE 1

License fees shall be determined by each municipality.

### Sources:

1. The Corporation of the Township of Perth East, Ontario. Bylaw 75-2001. Kennel & Boarding Facility Licensing Bylaw.
2. Town of Markham, Ontario. Bylaw 2005-254. Animal control bylaw.

## PET STORE LICENSING BYLAW

The text of this model bylaw is adapted from the content of various existing municipal bylaws<sup>1, 2</sup>.

### 1. Interpretation

- (1) In this Bylaw, unless the context otherwise requires:
  - (a) "Animal" means any member of the Kingdom Animalia excluding humans
  - (b) "Inspector" means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.
  - (c) "Licensee" means any person or business entity which obtains a licence to operate and does operate a business that involves the selling of live animals other than those intended for food or farming purposes
  - (d) "Licensing officer" means a person appointed by the municipality for the purpose of processing and issuing licences under this bylaw.
  - (e) "Neuter" means to castrate a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.
  - (f) "Pet store" means a business which sells, at premises of any nature (including a private dwelling), live animals other than those intended for food or farming purposes, or that keeps such animals in any such premises with a view to their being sold in the course of such a business, whether by the keeper thereof or by any other person
  - (g) "Prohibited animal" means any animal listed in Schedule 1 of this bylaw
  - (h) "Owner" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.
  - (i) "Spay" means the sterilization of a female animal by removing the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

### 2. Licensing of Pet Stores

- (1) Every person who keeps a pet store shall upon the approval of the municipality, obtain, no later than the date established by the municipality in each year, a licence to operate such premises.
- (2) The municipality may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet store, and on payment of such fee as may be currently in force, grant a licence to that person to sell live animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.
- (3) Every licensee and each member of staff will provide a sworn affidavit that (s)he has never been convicted of an offense pertaining to cruelty towards or neglect of an animal.
- (4) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

### 3. Duties of Pet Store Operator – General

- (1) A licensee of a pet store must:
  - (a) ensure that each animal in the pet store is provided with sufficient water, food, shelter, warmth, lighting, cleaning, sanitation, exercise, grooming, veterinary care, and any other care required to maintain the health, safety, and well-being of the animal;

- (b) prohibit any member of the public, except under the supervision of an employee, from handling any animal in the pet store;
- (c) ensure that every dog, cat, or rabbit sold has been spayed or neutered prior to sale.

#### **4. Duties of Pet Store Operator – Cages and Enclosures**

- (1) A licensee of a pet store must:
  - (a) maintain each enclosure in the pet store in good repair;
  - (b) keep each enclosure in a clean and sanitary condition;
  - (c) disinfect each enclosure and keep it free of offensive or disagreeable odours;
  - (d) keep each enclosure free of all animal waste;
  - (e) keep each enclosure appropriately ventilated to maintain acceptable air quality and humidity;
  - (f) keep each enclosure suitably lit;
  - (g) cause each enclosure to be proportionate in size to the size and species of animal contained or confined in it, and to allow room for the animal to stand to its full height, turn around with ease, and perform any other normal postural or behavioural movement;
  - (h) equip each enclosure with a clean water source accessible at all times by any animal contained or confined in it, and with a food container suitable for the species of animal;
  - (i) cause each enclosure which contains or confines a cat to:
    - (i) have a floor with an impermeable surface
    - (ii) be able to support the weight of a cat without bending
    - (iii) include a litter pan made from non-absorbent material or a disposable pan containing sufficient litter;
  - (j) cause each enclosure which contains or confines more than one cat to include an elevated platform or surface of adequate size to hold the number of cats in the enclosure;
  - (k) cause each enclosure which contains or confines a dog to:
    - (i) have a floor with an impermeable surface, and
    - (ii) be able to support the weight of a dog without bending;
  - (l) cause each enclosure which contains or confines a bird to:
    - (i) consist of materials which are impervious to moisture
    - (ii) have a removable and impermeable bottom
    - (iii) contain more than one perch, mounted so as to encourage flight between each perch,
    - (iv) be of sufficient size and dimension to enable all birds perched in the enclosure at the same time to sit
    - (v) be of sufficient size and dimension to enable all birds perched in the enclosure at the same time to extend their wings fully in every direction.

#### **5. Duties of Pet Store Operator – Veterinary Care**

- (1) A licensee of a pet store must:
  - (a) promptly cause a veterinarian to examine and treat any ill or injured animal in the pet store;
  - (b) ensure a veterinarian directly supervises any necessary euthanasia of any animal in the pet store and any disposal of any dead animal from the pet store, or cause a veterinarian to undertake such euthanasia and disposal;
  - (c) post in a conspicuous place, and make accessible to all employees of the pet store, the name and telephone number of a veterinarian whom an employee may contact, to provide all necessary health-related services.

## 6. Duties of Pet Store Operator – Segregation of Ill or Injured Animals

(1) A licensee of a pet store must:

- (a) provide an area in the pet store for the segregation, from other animals, of any animal who is injured, ill, or in need of special care, treatment, or attention;
- (b) if an animal in the pet store is, or appears to be, suffering from a disease transmittable to humans or other animals:
  - (i) if a veterinarian is not available, cause any person qualified and experienced in the care and treatment of the species concerned to examine and treat the animal promptly, and, when a veterinarian is available, comply with subsection 5(1),
  - (ii) if instructed to do so by a veterinarian after examination of such an animal, notify the Medical Health Officer, and
  - (iii) isolate such an animal from healthy animals until a veterinarian or the Medical Health Officer has determined that such animal is free from the disease in question;
- (c) upon receipt of confirmation from a veterinarian or the Medical Health Officer, that an animal:
  - (i) has a disease, not permit such animal to come into contact with, or be in danger of transmitting the disease to, other animals, or
  - (ii) is suffering from an incurable disease, make arrangements to have it immediately euthanized and disposed of in a manner approved by the Medical Health Officer.

## 7. Duties of Pet Store Operator – Pet Store Register

(1) A licensee of a pet store must:

- (a) keep and maintain a legible pet store register in the pet store containing record of each transaction in which the licensee has acquired or disposed of an animal, except for an animal owned by and sold for The British Columbia Society for the Prevention of Cruelty to Animals or other animal welfare organization, including the following information:
  - (i) the name and address of the person from whom the licensee acquired the animal,
  - (ii) the date of the acquisition,
  - (iii) a description of the sex and colouring of the animal, and of any tattoo, microchip number, or other identifying marking,
  - (iv) the date the licensee disposed of the animal, and
  - (v) if the disposition is other than by sale, the method of and reason for such disposition;
- (b) produce the pet store register referred to in subsection (a) for inspection at the request of a the Inspector and provide copies of any entries required by the Inspector;
- (c) retain each transaction recorded in the pet store register for at least 12 months from the date of the transaction;
- (d) at the time of the sale of an animal, provide the purchaser with a written record of sale including the following information:
  - (i) a description of the animal,
  - (ii) the date of sale,
  - (iii) the name and address of the pet store,
  - (iv) a description of the animal, including its species, sex, age, colour and markings,
  - (v) a description of any tattoo,
  - (vi) the breed or cross breed, if applicable, and
  - (vii) a record of all vaccinations;
- (e) at the time of the sale of an animal, except for an animal owned by and sold for The British Columbia Society for the Prevention of Cruelty to Animals or other animal welfare organization, provide the purchaser with a current certificate indicating the proof and date of inoculation and de-worming.

## 8. Duties of Pet Store Operator – Information Provided to Purchasers

- (1) A licensee of a pet store must:
  - (a) at the time of the sale of an animal, provide the purchaser with written instructions on the proper care and feeding of the animal, including:
    - (i) appropriate diet including any special dietary needs,
    - (ii) proper handling techniques,
    - (iii) basic living environment and type of enclosure, if applicable, including appropriate temperature, lighting, humidity control, or other requirements specific to the animal,
    - (iv) any exercise needs, and
    - (v) any other care requirements to maintain the health and well-being of the animal.

## 9. Pet Store Operator – Prohibitions

- (1) A licensee of a pet store must not:
  - (a) confine incompatible species of animals in the same enclosure;
  - (b) separate any animal from its mother prior to it being weaned, except for birds which the licensee separates for the purpose of hand feeding;
  - (c) sell, offer to sell, or display to the public:
    - (i) any animal which suffers from or exhibits signs of an infectious or contagious disease, a nutritional deficiency, parasitism, fractures, or congenital deformities, or
    - (ii) any prohibited animal listed in Schedule 1.
  - (d) sell any animal to a person whom he has reasonable cause to believe to be under the age of sixteen years;
  - (e) sell animals other than on premises licensed under this bylaw;
  - (f) sell a dog or cat without the identifying tag or badge issued by the breeder from which the dog or cat was obtained;
  - (g) give away any animal for free for any promotional purpose.

## 10. Refusal of Licence

- (1) The licensing officer shall refuse any licence application, which does not meet with all of the requirements of this bylaw.
- (2) In the event that a licence application is refused, the licensing officer shall give notice in writing to the owner by registered mail or personal delivery.

## 11. Expiry of licence and renewal

- (1) Every licence issued pursuant to this Bylaw shall expire on the ----- day of ----- in the year succeeding the date of issue, and every application for renewal of a licence shall be finalized on or before the same date.

## 12. Inspection

- (1) Every person who owns or operates a pet store shall permit an inspector (or its duly designated delegate) or a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals to enter and inspect the pet store and any animals found therein at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this bylaw.

### 13. Offenses and Fines

- (1) Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than \$250.00 and not more than \$2,000.00 for each offense.
- (2) Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

### SCHEDULE 1

#### LIST OF PROHIBITED ANIMALS

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears)
- all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenartha (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all reptiles and amphibians over 2ft adult size
- all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
- all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
- all hyenidae (hyenas)
- all hyracoidean (hyraxes)
- all erinaceidae (tenrecs and hedgehogs)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
- all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
- all cetacea (whales, porpoises, dolphins)
- all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit
- all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, lovebird, finch, and canary
- all saltwater fish

#### Sources:

1. City of Richmond, British Columbia. Bylaw 7538, Part 12. Animal Control Regulation.
2. City of Vancouver, British Columbia. Bylaw 4450-23.2

## Pet Overpopulation & Spay/Neuter

As the main safety net for unwanted animals in BC, the BC SPCA takes in and cares for nearly 26,000 animals each year. The vast majority of these animals are either strays or the sad result of an unwanted litter or a home with too many animals.

As BC's population of residents grows, so does the number of unwanted companion animals. With a provincial growth in human population of 2% per year, the BC SPCA face a continual struggle to shelter increasing numbers of unwanted animals. This struggle is simply unsustainable — our safety net is bulging. Solutions are needed now to stop pet overpopulation in its tracks.

Companion animal overpopulation is an issue of significant relevance to municipal government for health and safety reasons and also as a matter of fiscal sustainability. As our population grows, so does the work load of animal control departments — and the control, housing, and euthanasia of unwanted animals are costly budget items. Municipalities that have invested in proactive strategies for reducing pet overpopulation have realized new financial efficiencies in their operational costs.

Efforts to reduce overpopulation have traditionally focused on sterilization (spay/neuter) programs. The BC SPCA and other animal welfare organizations have focused our efforts on three strategies:

1. Subsidizing the costs of sterilization for members of the public;
2. Sterilizing animals that come into our care; and
3. Educating the public to encourage voluntary compliance with sterilization.



This model bylaw package includes four bylaw initiatives that municipalities can implement to address pet overpopulation in BC:

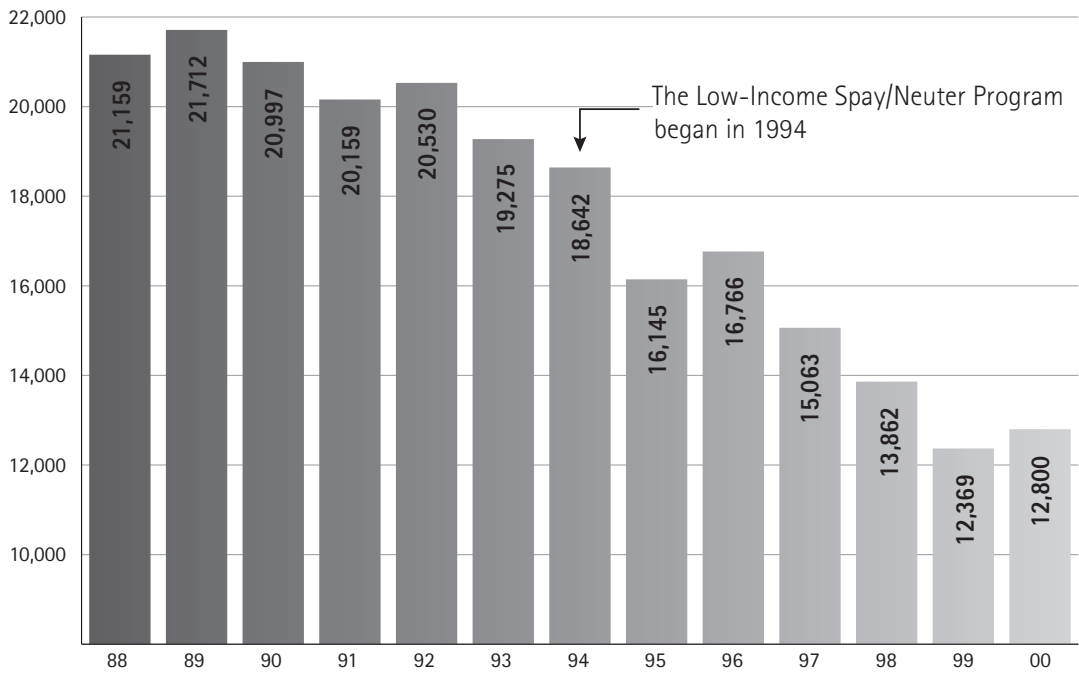
1. The creation of a municipal spay/neuter fund, which provides a subsidy for the spay/neuter of animals who are owned by low-income residents, or who are in the possession of a registered charity that cares for homeless animals. This program is described in more detail in the following pages.
2. Higher licensing fees for unsterilized animals, which provides a financial incentive for guardians to spay or neuter their animals (Schedule 1 of the Animal Control Bylaw — p. 14).
3. Requirements for breeders to be licensed, which discourages casual or "backyard" breeding (Kennel & Cattery Licensing bylaw — p. 17).
4. Requirements for pet stores to sell only spayed or neutered animals (Section 3.1(b) of the Pet Store Licensing bylaw — p. 20).

Spay/neuter subsidy programs have proven to be the most effective method of combating pet overpopulation in a number of U.S. municipalities and states. For example, New York, New Hampshire, and Delaware have created funds to subsidize spay/neuter costs mainly for low-income citizens, thereby targeting accidental breeding, and are reporting outstanding results.

The New Hampshire fund has been in place for 20 years, and accordingly provides a good opportunity to study its impact. Within five years of its introduction, shelter intake in the state had dropped by an incredible 30% (see following page for statistical charts). The New Hampshire program is funded by a small surcharge on all dog licences.

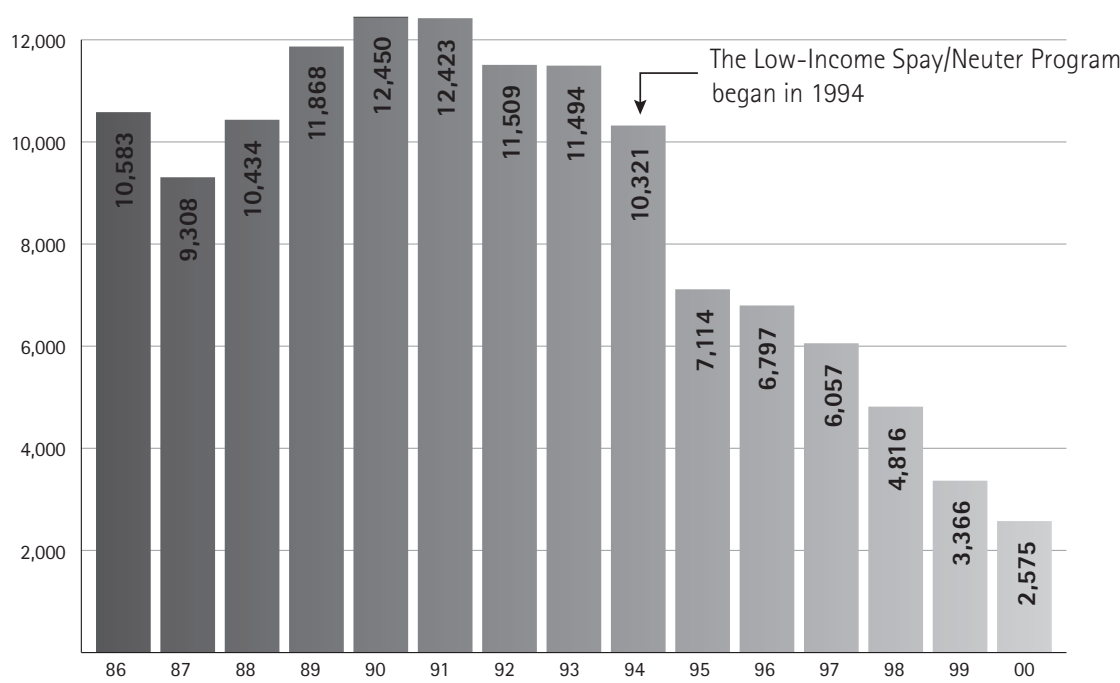
The model bylaw provided in the following section is based upon the strategies in place in the states of New Hampshire and Delaware, two states that have taken a similar approach and have found great success to date.

SHELTER INTAKE New Hampshire Shelters, 1988 through 2000



Source: New Hampshire Federation of Humane Organizations, Inc.

CATS AND DOGS EUTHANIZED New Hampshire Shelters, 1986 through 2000



Source: New Hampshire Federation of Humane Organizations, Inc.

## ANIMAL POPULATION CONTROL AND SPAY/NEUTER FUND

The text of this model bylaw is adapted from the content of existing legislation in two US states<sup>1, 2</sup>.

### 1. Interpretation

- (1) In this Bylaw, unless the context otherwise requires:
  - (a) "Abandoned/free roaming/homeless/stray/unwanted animal" means a cat or dog with no known owner or not wanted by its owner or that may be deserted by its owner.
  - (b) "Administrator" means an officer designated by the municipality of \_\_\_\_.
  - (c) "Animal" means any member of the Kingdom Animalia excluding humans.
  - (d) "Animal Shelter" means a public or private facility which includes a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.
  - (e) "Cat" means a male or female domesticated cat.
  - (f) "Dog" means a male or female domesticated dog.
  - (g) "Owner" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.
  - (h) "Spay/neuter" means the sterilization of a female animal by removing the ovaries or of a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

### 2. Animal Population Control Program

- (1) This bylaw recognizes the economic hardships associated with animal population control, the problems associated with homeless animals, and the societal impacts associated with failing to address these problems and establishes a program focused upon addressing dog and cat population control by providing a means by which population control measures may be financed.
- (2) The purpose of the Animal Population Control Program is to assist low-income residents and low-income communities. The Animal Population Control Program's goals include minimization of:
  - (a) population growth among stray and unwanted cats and dogs; and
  - (b) stray and unwanted cats and dogs entering animal shelters; and
  - (c) cat and dog euthanasia rates; and
  - (d) animal-inflicted injuries to humans (e.g. bites); and
  - (e) threats to public health and safety (e.g. from rabies and vehicular accidents).

### 3. Funding

- (1) A Spay/Neuter Fund shall be established for the purpose of funding the Animal Population Control Program.
- (2) All monies received by the Administrator in accordance with the authority provided by this bylaw shall be deposited into a separate, non-lapsing account and shall be dedicated for use by the Administrator exclusively for veterinarian reimbursement and administration costs associated with the Program and set forth in this section
- (3) All interest earnings shall be credited to the assets of the Fund and shall become part of the Fund.
- (4) Any balance remaining in the Fund at the end of any fiscal year shall be carried forward for the next fiscal year for this Program.

(5) The Fund shall be created from a combination of the following:

- (a) a \_\_\_\_-dollar surcharge shall be added to each licence sold [or alternatively, to each rabies shot administered] in the municipality of \_\_\_\_\_ on or after January 1, \_\_\_\_.
- (b) The surcharge shall be deposited in the Fund's account and shall become part of the Fund's corpus.

[The BC SPCA recommends that a \$5-10 surcharge be added, unless licensing compliance in the municipality is strong enough to support an adequate fund with a lower surcharge rate. Alternatively, a surcharge can be added only to the licence fee for unsterilized animals, and at a higher rate (e.g. \$10-20.)]

(6) Soliciting and accepting funds from public or private sources:

- (a) The Administrator is authorized to solicit and accept donations, grants, gifts, and bequests of money, property or personal services from individuals and/or organizations including, but not limited to, private foundations or alliances, non-public agencies, institutions, organizations or businesses. All funds generated shall be retained by the Administrator in order to defray costs associated with the Animal Population Control Program and any volunteer and community service activities and events of the Animal Population Control Program. Funds received will not be used for employee salaries or benefits. All funds received are subject to audit by the municipality
- (b) Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Administrator if it sufficiently appears by the will, conveyance or other writing that the party making the same intended to pass and convey thereby to the Administrator, the property, estate or interest therein expressed or described.
- (c) Any property, real or personal, acquired by the Administrator on behalf of the Animal Population Control Program may be used solely for purposes related to the goals of the Animal Population Control Program or, at the discretion of the Administrator, sold at public auction to raise funds to support the Animal Population Control Program.
- (d) All money donated or bequeathed to the Administrator or otherwise received hereunder shall be deposited with the Secretary of Finance and shall be appropriated semi-annually to the Administrator for purposes of the Animal Population Control Program.

#### 4. Eligibility

(1) The proceeds of the Spay/Neuter Fund outlined in this Subchapter shall be available to those parties qualifying for participation under the following eligibility requisites:

- (a) a person must be an adult (18 years or older) and:
  - i. be a resident of the municipality of \_\_\_\_\_; and
  - ii. be the owner or keeper of the cat or dog being spayed or neutered by a participating veterinarian or clinic and shall; and
  - iii. establish proof of being a recipient of one (1) of the following income assistance programs: [eligible programs, such as Canada Income Assistance, to be determined by the municipality]; and
  - iv. establish further proof of identity through photo identification; or
- (b) an organization which establishes proof of being an animal welfare, animal rescue and/or animal humane organization registered as a charity and operating in the municipality of \_\_\_\_\_;

(2) The first two (2) year's fiscal allotment shall be divided by the Administrator as follows:

- (a) 75% of the funding shall be dedicated to subsidizing the cost of sterilizing domesticated animals owned by those participants qualifying under the terms set forth in section 4(1)(a) above.
- (b) 25% of the funding shall be dedicated to subsidizing the cost of sterilizing those abandoned/free-roaming/homeless/stray/feral/unwanted animals located in communities by participants qualifying under 4(1)(b) above.

- (3) An individual seeking a low-income subsidy pursuant to the requisites of 4(1)(a) shall be limited to three such procedures per fiscal year and shall be ineligible to seek additional funding by participating in the Program under the terms set forth in 4(1)(b) above.
- (4) Those organizations participating in the Program subject to the parameters of 4(1)(b) above shall be limited to a maximum of 25 spay/neuter/inoculation procedures per fiscal year per organization.
- (5) The division of the Program's fiscal allotment established above shall be re-evaluated by the Administrator after two (2) years.

## 5. Enforcement, Violations, and Penalties

- (1) The Administrator shall adopt regulations pursuant to this bylaw relative to:
  - (a) Format and content of all forms required under this bylaw;
  - (b) Proof of eligibility under 4(1).
  - (c) Administration of the Fund established under 4(2).
  - (d) Any other matter necessary for the administration of the Animal Population Control Program and Spay/Neutering Fund established under this bylaw.
- (2) Any person who knowingly falsifies proof of eligibility for, or participation in, any program established under bylaw, or who knowingly furnishes any licensed veterinarian with inaccurate information concerning ownership of a cat or dog submitted for sterilization, or who falsifies an animal sterilization certificate shall be guilty of an unclassified misdemeanor and shall be subject to a minimum mandatory fine, which shall not be subject to suspension, of \$250.00.
- (3) All fines collected in association with this section shall be deposited in and become a part of the Fund, shall be invested with the proceeds thereof and the monies earned therefrom, together with other interest income generated by the Fund shall be disbursed according to the guidelines and process elaborated in Section 4 above.

## 6. Program Administration

- (1) The Administrator shall administer the Program and shall be responsible for:
  - (a) distributing, collecting and compiling all forms, including but not limited to, veterinarian participation agreements, sterilization and immunization certifications, and creating a database there from for enforcement and accountability purposes; and
  - (b) maintaining a list of participating veterinarians; and
  - (c) determining keeper/owner eligibility; and
  - (d) collecting co-payments; and
  - (e) obtaining the maximum number of spay/neuter/inoculation procedures available to the Program's financial parameters per calendar year.
- (2) Veterinarian reimbursement shall be through the Administrator.

### Sources:

- 1. State of New Hampshire. Title XL: Agriculture, Horticulture, and Animal Husbandry – Chapter 437-A. Animal Population Control legislation.
- 2. State of Delaware. Title 3. Agriculture. Domestic and Foreign Animals, Birds, Reptiles and Insects. Ch. 82 – Rabies Control in Animals and Human Population. Subchapter II – Animal Population Control Program and Spay/Neuter Fund.

## APPENDIX – REVIEW OF MUNICIPAL ANIMAL BYLAWS IN BC

### Animal Control: Dogs vs. Cats

The table below lists bylaws in existence in B.C.'s 25 largest municipalities, plus an additional 18 municipalities with BCSPCA Branches. Each bylaw imposes various restrictions on the ownership of dogs and cats.

BYLAW NUMBERS BY MUNICIPALITY (e.g. # 0000)					
Municipality	Dog Licensing <sup>A</sup>	Cat Registration, Licensing, or Man- datory ID	Dog May Not Roam at Large	Cat May Not Roam at Large	Unsterilized Cat May Not Roam At Large <sup>B</sup>
100 Mile House	1131	-	1131	1131	-
Abbotsford	268	-	1132	1132	-
Burnaby	9609		9609		
Campbell River	3261	-	3261	-	-
Chilliwack	3400	-	3400	-	-
Comox	1322	-	1322	-	-
Coquitlam	4240	4240	4240	-	4240
Courtenay	1897	-	1897	-	-
Cranbrook	3555	-	3555	-	-
Dawson Creek	4122	-	4122	-	-
Delta	6893	6893	6893	-	6893
Fort St. John	1437	-	1437	-	-
Grand Forks	-	-	-	-	-
Kamloops	3442	3411	3442	-	-
Kelowna <sup>C</sup>	366	-	366	-	-
City of Langley	2622	-	2622	-	-
Maple Ridge	4524	5756	4524	-	5756
Mission	1782	1782	1782	-	1782
Nanaimo	4923	-	4923	-	-
Nelson	2333	-	2333	2333	-
New Westminster	7037	7037	7037	7037	7037
North Cowichan	2856	-	2856	-	-
North Vancouver	8113	7105	8113	-	7105
Parksville	1284	-	1284	-	-
Penticton	4	-	4	-	-
Port Alberni	4593	-	4593	-	4593
Port Coquitlam	3670	-	3670	-	-
Port Moody	2677	2677	2677	-	2677
Powell River	1979	-	1979	-	-
Prince George	7771	-	7771	7771	-
Prince Rupert	3250	-	3250	3250	-
Quesnel	1700	-	1700	-	-
Richmond	7932	7932	7932	-	7932

## BYLAW NUMBERS BY MUNICIPALITY (e.g. # 0000)

Municipality	Dog Licensing <sup>A</sup>	Cat Registration, Licensing, or Man- datory ID	Dog May Not Roam at Large	Cat May Not Roam at Large	Unsterilized Cat May Not Roam At Large <sup>B</sup>
Saanich	8556	-	8556	-	-
Salmon Arm	2398	-	2398	-	-
Squamish	2124	-	2124	-	-
Surrey	13880	13548	1669	1669	13548
Trail	2436	-	2436	-	-
Vancouver	9150	-	9150	-	-
Vernon <sup>D</sup>	2466	-	2466	-	-
Victoria	11044	-	11044	11044	-
West Vancouver	4545	-	4545	-	-
Williams Lake	2102	-	2102	-	-

A All but 4 of the listed municipalities offer discounted licences for dogs that have been spayed or neutered. The municipalities that do not are Alberni-Clayoquot, Nanaimo, North Cowichan, and Powell River.

B These bylaws prohibit owner/guardians from allowing non-sterilized cats to run at large, and require (with the exception of the District of Mission) that non-sterilized cats be licensed as breeding animals.

C Regional District of Central Okanagan

D Regional District of North Okanagan

### Animal Control: Dogs vs. Cats

Research on the human relationship with animals has revealed that dogs are more highly valued in society than cats. In British Columbia, the amount of cats that enter our BC SPCA shelters is almost always higher than the amount of dogs. In one community, our shelters took in 6 times the number of cats as dogs in 2011. Across our entire shelter system, we receive 1.6 times as many cats as dogs.

Across B.C. in 2014, approximately 72% of stray dogs are reclaimed by owners from the BC SPCA. On the contrary, approximately 14% of stray cats are reclaimed by their owners. This is evidence of both cat overpopulation and the low value of cats in our society. Many cat owners do not have identification for their cats because they stay indoors and owners do not think it is possible for their cat to get lost. However, a study in 2007 found that 41 per cent of people looking for their lost cats considered them to be "indoor only" pets. The same study also found that lost neutered cats were significantly more likely to be recovered than were lost sexually intact cats. This means that lost, sexually intact cats are contributing to cat overpopulation.

Municipal bylaws have the power to change these figures. Enforced mandatory cat identification, one time registration, and annual licensing, have all been shown to increase the reclaim rates of cats. Enforced mandatory spay/neuter with a low-cost spay/neuter fund, when paired with bylaws that prohibit the roaming of unsterilized cats, has led to a demonstrated decrease in cat overpopulation in many communities. Providing cats with breakaway collars and a visible ID tag has also been successful in reuniting cats with their homes.

Municipalities must take responsibility for cat overpopulation or the problem will become even worse. The costs of coping with cat overpopulation are much higher than initiating programs to have all pets spayed or neutered. In New Hampshire, it is estimated that the state's program to end pet overpopulation has resulted in savings to taxpayers of \$3.23 for every dollar spent on the subsidized sterilization program.

## Basic Standards of Care and Housing

The table below lists bylaws in existence in BC's 25 largest municipalities, plus an additional 18 municipalities with BCSPCA Branches. Each bylaw imposes different requirements for the care and housing to be provided for any animal within the municipality.

### BYLAW NUMBERS BY MUNICIPALITY (e.g. # 0000)

Basic Animal Care and Housing Requirements to be Provided By:

Municipality	Basic Care <sup>A</sup>	Outdoor Shelter <sup>B</sup>	Choke Safety <sup>C</sup>	Ventilation <sup>D</sup>	Transportation <sup>E</sup>
Burnaby	9609	9609	9609	9609	9609
Coquitlam	4240	4240	4240	4240	4240
Cranbrook	3555	3555	3555	3555	3555
Dawson Creek	4122	4122	4122	-	-
Delta	6893	6893	6893	6893	6893
Kamloops	3411	-	-	-	-
Kelowna	-	-	366 <sup>F</sup>	-	-
City of Langley	2622 <sup>G</sup>	2622 <sup>G</sup>	2622 <sup>G</sup>	2622 <sup>G</sup>	-
Maple Ridge	4524	4524	4524	4524	4524
Nelson	-	-	2333 <sup>F</sup>	-	-
New Westminster	7037	7037	7037	7037	7037
North Cowichan	-	-	-	-	-
North Vancouver	8113	8113	8113	8113	8113
Penticton	4G	4G	4 <sup>G</sup>	-	-
Powell River	1979	1979	1979	1979	-
Port Alberni	4593	-	-	-	-
Prince Rupert	3250	3250	3250	3250	3250
Quesnel	1700	-	-	-	-
Richmond	7932	7932	7932	7932	-
Saanich	8556	8556	8556	8556	-
Squamish	2124	2124	-	2124	-
Surrey	1669	1669	1669	1669	1669
Vancouver	9150	-	9150	9150	9150
Victoria	11044	11044	11044	11044	11044
West Vancouver	4545	4545	4545	4545	4545
Williams Lake	2102	-	-	-	-

A typical bylaw in this category:

<sup>A</sup> Mandates that an animal is given sufficient water, food, exercise, and veterinary care.

<sup>B</sup> Mandates standards for the temperature, size, and cleanliness of an outdoor shelter.

<sup>C</sup> Mandates that animals are not tethered with choke, chain, or prong collar, or a rope or cord tied around the neck of the animal.

<sup>D</sup> Mandates that an animal kept in an enclosed space, including a vehicle, has adequate ventilation.

<sup>E</sup> Mandates that an animal outside the passenger compartment of a vehicle be confined or secured.

<sup>F</sup> These bylaws differ from the norm: they require that, if an animal is tethered, it is on a lead of at least 3m.

<sup>G</sup> These bylaws apply only to dogs.

Many BC municipalities are entirely without bylaws that designate basic standards of care and housing for animals in any form. Of those surveyed, they include:

100 Mile House	Campbell River	Fort St. John	Nanaimo	Port Moody	Trail
Abbotsford	Chilliwack	Grand Forks	Parksville	Prince George	Vernon
	Comox	Mission	Port Coquitlam	Salmon Arm	

## Tethering Standards

Many dogs in B.C. are left tied up outside. Some just during the day, others for their entire lives. The CVMA *Code of Practice for Canadian Kennel Operations* states that the "tethering of dogs (i.e., chains or ropes used to tie the animal to an immovable object such as a stake or building) as a primary method of confinement is not acceptable" (CVMA, 2007). The Association of Shelter Veterinarians' *Guidelines for Standards of Care in Animal Shelters* states, "tethering is an unacceptable method of confinement for any animal" (Association of Shelter Veterinarians, 2010).

In British Columbia, there is no provincial law against the permanent tethering of animals. Some municipalities have taken the lead on creating bylaws which provide for the welfare of animals. These initiatives regulate the time, type, and method of tethering.

- In Port Hardy, Pemberton, Valemont, and Sechelt, one may tether a dog a maximum of 6 hours in a 24-hour period.
- In Oliver, one may tether a dog at a maximum of 6 hours straight and 9 hours in a 24-hour period.
- In Delta, Surrey and the 4 municipalities of the Central Okanagan Regional District (Kelowna, Lake Country, Peachland and West Kelowna) one may tether a dog a maximum of 4 hours in a 24-hour period.
- In Lions Bay and New Westminster, one may **not** tether **unattended dogs**.
- In Burnaby and Terrace, one may **not** tether **unattended dogs for more than 1 hour in a day**.
- In Chilliwack, Dawson Creek, Harrison Hot Springs Northern Rockies, Qualicum Beach, Squamish and the Capital Regional District (including Highlands, Langford, Sidney, North Saanich, Sooke and Victoria), one may not keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for **an extended period of time**.
- In Chetwynd, no animal may be hitched, tied, fastened to a fixed object or confined to an area on **unoccupied property**.
- In Whistler, one may tether a dog for 23 hours out of every 24 hours.

In the remaining 133 municipalities and 25 regional districts in BC, there are no limits on the time an animal is tethered.

The BC SPCA strongly opposes the indiscriminate chaining, or other methods of tethering dogs, without due regard for their physical and/or psychological well being.

We understand that some people like to spend time in their yard with their dog on a long lead. Responsible animal guardians should not be punished by restrictive bylaws. However, no dog should go unmonitored on a lead: there are documented cases of strangulation, injury to limbs due to entanglement, and escape. We support the bylaws enacted in Lions Bay and New Westminster and encourage all municipalities to adopt bylaws that prevent the cruel tethering of dogs.

## Wild/Exotic Animals and Animal Performances

In 2009, the B.C. Ministry of Environment introduced the *Controlled Alien Species (CAS) Regulation* (S.6.4–6.5 *Wildlife Act*) that controls the breeding, shipping and possession of over 1,200 alien animals (i.e., exotic animals in B.C.) that pose a risk to the health or safety of humans.

The table below lists the existing animal bylaws in 65 B.C. municipalities, including the largest and those that have a BC SPCA branch.

		Exotic/Wild Animal Restrictions Bylaw Number, Section (Date)		
Municipality	Sale	Ownership	Performance or Entertainment	Other
100 Mile House		#1131, (2008)		
Abbotsford		#1132-7, (2002) <sup>2</sup> #2210, (2013) <sup>2</sup>	#1132-7.2,(2002)	Staff Report No. EDP091, 2013-sale of turtles
Burnaby	#9609, (1991)	#9609, (1991)	#9609, (1991)	
Campbell River	#3250-6.3, (2013)	#3250-12.1, (2013)		
Creston		#1406-2, (1997) <sup>3</sup>		
Central Saanich		#1471-8, (2003)		
Chilliwack		#1206-38, (2013)	#2653,(1999)	
Coquitlam	#3838, (2009)	#3838, (2009) <sup>6</sup>	#3838, (2009)	
Courtenay	#1897, (1996)	#1897,(1996)	#1897, (1996)	
Cranbrook		#3761,(2012) <sup>1</sup> #3555-606 <sup>1</sup>		
Delta	#1745, (1971) <sup>3</sup>		#4884, (1992)	
Esquimalt		#2495-65,(2002)	#2495-19, (2002) <sup>5</sup> #2494-64, (2002) <sup>5</sup>	Council considering a draft updated Animal Control Bylaw, #2841 (07- 2014)
Fort St. James		#833-5.4, (2006) <sup>1</sup>		
Grand Forks			#1885, (2009)	
Highlands			#1465-311, (2008)	
Kamloops	#34-37,(2009)	#34-11, (1981) <sup>1</sup> #34-37, (2009) <sup>1</sup>	#34-37, (2009)	
Kaslo		#2001, (2010) <sup>3</sup>		
Kelowna		#1028, (2003) <sup>4</sup>	#1028, (2003) <sup>4</sup>	
Langley (City)	#2916-36, (2014) <sup>3</sup>			
Langley (Township)	#3641, (1994)		#3461, (1994)	
Maple Ridge	#6908-9, (2012)	#6908-9, (2012) <sup>1</sup>	#6908-9, (2012)	
Nanaimo			#4504, (1992)	
New Westminster	#7586-10.9, (2013)	#7586-10.9, (2013)	#7586-10.8, (2013)	
North Cowichan		#2856-46-47, (1995) <sup>3</sup>	#3048-50, (2000) <sup>5</sup>	
North Saanich		#751-8, (1993) <sup>1</sup>	#932, (1993) <sup>5</sup>	
North Vancouver	#7040-13, (1998)	#1661, (1944)	#7584, (2004)	

Exotic/Wild Animal Restrictions Bylaw Number, Section (Date)				
Municipality	Sale	Ownership	Performance or Entertainment	Other
North Vancouver (District)			#6423, (1992)	
Oak Bay		#4013-20, (1999)	#4013-25, (1999)	
Parksville			#199, No.1114, (1992)	
Port Coquitlam		#3670, (2009) <sup>3,6</sup>		
Powell River		#1979, (2003) <sup>2</sup>		
Prince George			#8101, (2007)	
Richmond	#7538-12.8.1, (2007)	#7932, (2005) <sup>1</sup>		
Saanich		#8556, (2004) <sup>1</sup>	#6669, (1991) <sup>5</sup>	
Salmon Arm			#2929, (1999)	
Sidney		#1965, (2010) <sup>1</sup>	#1668, (2001)	
Sooke		#392-51, (2009)		
Surrey	#8369-(1985) <sup>3</sup> #15199,(2003)	#1669, (1958) <sup>1</sup>	#11767,(1994)	
Tofino		#866, (2001) <sup>2</sup>		
Vancouver	#5156, (2013)	#9150-7, (2014)	#6940, (1992)	
Victoria			#92-189, (1992) <sup>3</sup>	
View Royal		#614-8.16, (2005)		
West Vancouver	#4455-7.7, (2005) <sup>3</sup>	#4545, (2008)	#4455-7.5, (2005) <sup>5</sup>	
White Rock	#1510,(1989) <sup>3</sup>	#1959-7,(2012)		
Whistler		#1555-24A, (2001)		
Williams Lake			#1523-0800,(1995) <sup>5</sup>	

## Footnotes:

<sup>1</sup> = Ownership of wild or exotic animals may be permitted by meeting requirements in bylaw, or by having a licence/permit, or with approval from council/Bylaw Enforcement Officer

<sup>2</sup> = Ownership of exotic animals or wild animals permitted on agriculturally zoned land

<sup>3</sup> = Prohibits/restrictions for only specific animal species group(s)

<sup>4</sup> = Regional or Central District of area

<sup>5</sup> = Permits the use of animals in a public performance only when a fee is paid, or have a licence/permit, or approval by Park Board/Commission/bylaw for specific species or public performance (e.g., rodeo, circus)

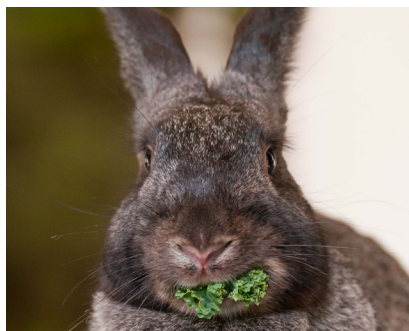
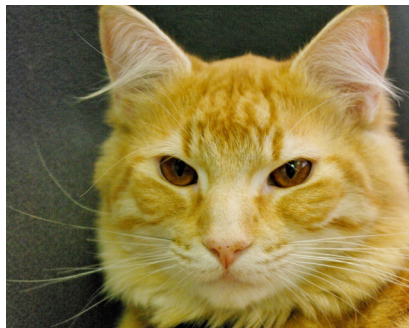
<sup>6</sup> = Grandfathering clause

Many BC municipalities are entirely without bylaws that restrict either animal performances or the sale or ownership of exotic/wild animals and rely solely on CAS for legislation. They include the following 19 municipalities:

Alberni-Clayoquot RD	Metchosin	Saltspring Island
Colwood	Nelson	Sechlet
Comox	Penticton	Squamish
Fort St. John	Port Alberni	Trail
Gibsons	Port Moody	Vernon
Haida Gwaii	Prince Rupert	
Langford	Quesnel	

# BCSPCA

SPEAKING FOR ANIMALS



1245 East 7th Avenue  
Vancouver BC V5T 1R1  
E-mail: [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca)  
Tel: 604.681.7271  
Fax: 604.681.7022  
Web: [www.spca.bc.ca](http://www.spca.bc.ca)



November 22, 2016

Jas Rehal  
City of Surrey  
13450 104<sup>th</sup> Ave  
Surrey, BC, Canada  
V3T 1V8

Dear Jas Rehal:

**Re: City of Surrey Dog Licensing & Responsibility Bylaw**

Thank you for your request regarding the BC SPCA's position on breed specific legislation. Our official position is enclosed, and can also be accessed at: <http://www.spca.bc.ca/assets/documents/welfare/position-statements/dangerous-dogs.pdf>. I have included some additional context here for your consideration specific to Surrey's animal control bylaw and have also enclosed our complete Model Animal Responsibility Bylaw for reference.

As an evidence-based organization, the BC SPCA strives to ensure our positions reflect current peer-reviewed scientific studies relevant to our field. In this context, a recent study by Voith (2013)<sup>1</sup> found that breed labels assigned to dogs of unknown origin are often inaccurate. According to Voith in an earlier 2009 study<sup>2</sup>, "*The discrepancy between breed identifications based on opinion and DNA analysis, as well as concerns about reliability of data collected based on media reports, draws into question the validity and enforcement of public and private policies pertaining to dog breeds.*"

The BC SPCA does not support breed specific legislation, and evidence indicates that where enacted, it proves ineffective at addressing the serious underlying problem of inattentive and reckless dog owners.

A more effective approach with demonstrated efficacy at decreasing dog bites is to a) encourage responsible dog guardianship through a proactive education and licensing program and b) having a graduated scale for assessing dogs involved in bite incidents, such as in the City of New Westminster.

We believe the bylaw in New Westminster is highly effective because although it may only be a small infraction, dogs that display any aggressive behaviour receive a designation. The guardian of the animal may later apply for an appeal to remove the

<sup>1</sup> Voith, V.L., Trevejo, R., Dowling-Guyer, S., Chadik, C., Marder, A., Johnson, V., & Irizarry, K. (2013). Comparison of Visual and DNA Breed Identification of Dogs and Inter-Observer Reliability. *American Journal of Sociological Research*, 3(2), 17-29.

<sup>2</sup> Voith, V.L., Ingram, E., Mitsouras, K., & Irizarry, K. (2009). Comparison of adoption agency breed identification and DNA breed identification of dogs. *Journal of Applied Animal Welfare Science*, 12(3), 253-262.

designation once they have proof of having worked with a trainer to adequately address the aggressive behaviour.

The City of Surrey already offers graduated license costs for spayed and neutered dogs. This differential has proven to be effective policy. With a targeted canvassing and appropriate education messaging, it can ensure more dogs are neutered, subsequently decreasing aggression and the likelihood of bites for all breeds.

The City of Surrey also has animal care standards within its animal control bylaws, and you should be congratulated for this. These, when enforced, can also provide prevention of dog bites. Dogs suffering with untreated medical issues, severely matted hair, or a lack of adequate food, water, and shelter and kept primarily on a tether with no exercise or social interaction are in vulnerable states and may be at more risk of biting.

I look forward to furthering dialogue on these matters to help arrive at an updated bylaw that will best protect the residents of Surrey and their animal companions. For additional questions, please contact my lead staff on this matter, policy and outreach officer, Amy Morris, at [amorris@spca.bc.ca](mailto:amorris@spca.bc.ca) or 604-647-5503.

Sincerely,

A handwritten signature in black ink that reads "Craig Daniell". The signature is written in a cursive, flowing style.

Craig Daniell  
Chief Executive Officer



**BRITISH COLUMBIA  
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

**POSITION STATEMENT**

**DANGEROUS DOGS AND PUBLIC SAFETY**

The BC SPCA recognizes that inappropriate aggression by dogs against people and other animals is a serious threat to public safety, and that this issue must be addressed if we are to create humane societies where humans and dogs co-exist and enrich each other's lives. The BC SPCA opposes breed banning as a strategy for addressing incidents of aggression and reducing dog bites. Rather, the Society believes that the most effective way to address public safety concerns is for humane organizations, other animal stakeholder organizations, municipalities and the provincial government to work together on multi-faceted strategies that identify and address dangerous dogs of all breeds.

*Approved by the Board of Directors – October 2004*

**BACKGROUND**

**SUGGESTED STRATEGIES**

Successful models for dealing with canine aggression do exist in other countries. These models focus on legislation, education and the creation of remedial resources for aggressive dogs. The BC SPCA believes the most effective approach to dealing with the issue of inappropriate canine aggression in our communities is to develop an approach based on these models. Strategies may include:

**Legislation**

- Development and enforcement of harmonized animal control bylaws which promote spaying and neutering, make pet identification mandatory, restrict the keeping of backyard dogs and place the burden of responsibility for an animal's actions on the guardian, not the dog;
- Creation of tougher laws to address the animal neglect that contributes to canine aggression;
- Development of effective licensing schemes that regulate breeding facilities, pet shops, trainers and others in the animal sector who influence canine behaviour;
- Registration of aggressive dogs through reporting by veterinarians, groomers, police, postal carriers, animal control officers, meter readers, and humane

organizations;

- Creation of a centralized, accessible database that accurately records dog bite incidents;
- Promotion of mandatory remediation by certified specialists for dogs reported as dangerous;

### **Education and remediation**

- Commitment to education on responsible pet guardianship, canine behaviour and dog bite prevention;
- Creation of resources for guardians of dogs with aggression problems, including the identification and certification of specialists who can provide remedial measures for canine aggression.

*Note:* It is essential that sufficient resources be allocated to ensure that the strategies outlined above can be implemented and enforced effectively.

### **ADDRESSING THE ROOT CAUSES OF AGGRESSION**

The BC SPCA believes it is important that any approach to the issue of dangerous dogs consider the range of factors which play a key role in canine aggression, including:

- **Genetic factors:** Fearful and aggressive dogs are more likely to have aggressive offspring than other dogs, regardless of the breed.
- **Sexual status:** Un-neutered males are involved in 70-76 % of dog bite incidents. Un-spayed females encourage roaming and aggressive behaviour in males, regardless of breed.
- **Early experience:** Puppies are more likely to be aggressive if they are raised by irresponsible breeders who do not provide them with proper socialization and who later sell or give them away to people without proper matching or guardian education.
- **Later socialization, training and proper care:** Dogs are more likely to become dangerous if they live with irresponsible guardians who do not provide them with proper training, socialization, medical care and adequate living conditions.
- **Victim behaviour:** Some people get bitten because they are unfamiliar with canine behaviour and do not behave safely around dogs.
- **Lack of remedial expertise:** There is currently a lack of certified specialists available for pet guardians who are seeking help to remediate aggressive behaviour in their dog.
- **Unaddressed pain, injury and disease.**

## BREED SPECIFIC LEGISLATION

The BC SPCA opposes breed specific legislation as a strategy for reducing inappropriate aggression and dog bites for the following reasons:

- Breed specific legislation ignores the fact that aggressive behaviour can occur in any breed and therefore does not protect the public.
- There are no efficient methods to determine a dog's breed in a way that can withstand legal challenge or be a foolproof method for deciding whether a guardian is in compliance or violation of laws. Any breed ban bylaw inevitably results in the creation of subjective, arbitrary factors to determine breed.
- Popularity of breeds changes over time -- what is identified as a "dangerous breed" today, may be different tomorrow. Some countries with breed laws now have upwards of 30 breeds on record, all of which require enforcement.
- People who want aggressive dogs simply switch to another breed or select a cross-breed that cannot effectively be identified as belonging to or looking like a specific breed. Breed specific restrictions in bylaws do nothing to discourage irresponsible behaviour by individuals who breed, train, sell or possess dangerous dogs not covered by the breed specific legislation.
- There is no reliable way to identify the number of dogs of a particular breed in the canine population at any given time making financial planning for enforcement of breed legislation nearly impossible.
- Breed specific legislation treads upon the rights of responsible dog guardians who cherish a non-aggressive pet whose breed may fall under the legislation. Conversely, the guardian of an aggressive pet whose breed does not fall within the legislation will not be subject to appropriate legislative remedies.

***Background updated – November 2013***





#### MAIN MENU

- [Home \(https://duncan.ca/\)](https://duncan.ca/)
- [Residents \(https://duncan.ca/residents/\)](https://duncan.ca/residents/)
- [Visitors \(https://duncan.ca/visitors/\)](https://duncan.ca/visitors/)
- [Business \(https://duncan.ca/businesses/\)](https://duncan.ca/businesses/)
- [City Hall \(https://duncan.ca/city-hall/\)](https://duncan.ca/city-hall/)

🏠 [Home \(https://duncan.ca\)](https://duncan.ca/) » [Residents \(https://duncan.ca/residents/\)](https://duncan.ca/residents/) » **Animal Control**

## Animal Control

Coastal Animal Control Services of BC is contracted to the City to administer and enforce regulations of the Animal Control Bylaw.

Inquiries, concerns and complaints regarding animals should be directed to Coastal Animal Control Services. Common issues include:

- Attacking or aggressive dogs
- Barking dogs
- Neglected or stray dogs
- Injured dogs
- Unlicensed dogs
- Dogs tied up outside for more than 2 hour within a 24 hour period
- Dogs off-leash outside of an off-leash area
- Dogs kept outside without appropriate shelter to protect the dog from heat, cold and wet

For more information about Animal Control, check out [Fast Facts – Animal Control \(https://duncan.ca/download/animal-control-in-duncan-fast-facts/\)](https://duncan.ca/download/animal-control-in-duncan-fast-facts/) in Duncan or view the [Animal Regulation & Impounding Bylaw \(https://duncan.civicweb.net/filepro/documents/37448\)](https://duncan.civicweb.net/filepro/documents/37448).

### Contact Information

Coastal Animal Control Services is located at 2202 Herd Road

Phone: (T:250-748-3395)

Email: [cacs@telus.net \(mailto:cacs@telus.net\)](mailto:cacs@telus.net)

Website: [www.coastalanimalservices.com \(http://www.coastalanimalservices.com\)](http://www.coastalanimalservices.com)

### Concerned about a dog in a hot car?

If you see a dog confined in an enclosure, including a motor vehicle, without adequate ventilation to prevent the dog from suffering distress, contact nearby businesses first to alert their customers, or, in a park or non-commercial area, call out to see if the owner is nearby. In a residential area, door-knocking is recommended. If the owner cannot readily be found, please call Coastal Animal Control at (T: 250-748-3395) first, then, try the RCMP non-emergency line (T: 250-748-5522), or the Animal Cruelty Hotline (T: 1-855-622-7722). Record any information about the state the animal is in, and whether or not the windows are down or there is a water source, to report to the SPCA.

**Note:** A dog in distress is defined as excessively panting or drooling; the dog's tongue has turned a dark purple or grey which indicates the dog's internal temperature has risen to a dangerous degree; the dog is behaving frantically – pawing at the window, or trying to stick its nose out; loss of bowels; lethargic and unresponsive behavior.

### Dog Licensing

It is mandatory for every dog, over 4 months old, to be licensed yearly, and to wear the tag on their collar. The licences are valid for the calendar year from January to December. Dog licence fees offset the costs of animal control and provide an accurate form of identification. Licences can be purchased at City Hall, 200 Craig Street (T: 250-746-6126), Coastal Animal Control Services of BC Ltd., 2202 Herd Road (T: 250-748-3395), or [online \(https://remote.duncan.ca/vadimopen/Home.aspx\)](https://remote.duncan.ca/vadimopen/Home.aspx).

### Licensing Fees

Description	Paid by January 31st	Paid After January 31st
Neutered Male Dog; in respect of which the applicant produces a certificate of neutering signed by a veterinarian;	\$16.00	\$26.00
Spayed Female Dog; in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian or which is marked in a manner satisfactory to the Animal Control Officer so as to indicate that it has had an ovario-hysterectomy	\$16.00	\$26.00
Unneutered Male or Unspayed Female Dog	\$35.00	\$50.00
Dog Deemed Aggressive	\$200.00	\$340.00
Replacement licence or licence tag	\$5.00	\$5.00

### Off-Leash Area

The City provides an area where dog owners may exercise their dogs off-leash. The off-leash dog park is located at [Rotary Park \(https://duncan.ca/visitors/parks-recreation/rotary-park/\)](https://duncan.ca/visitors/parks-recreation/rotary-park/).

### Cats

No person shall keep more than six (6) companion animals, consisting of not more than three (3) dogs and no more than five (5) cats over the age of 12 weeks.

Owners must affix, and keep affixed, sufficient identification on the cat by a collar, harness, traceable tattoo, or other suitable device so that a person finding the cat at-large can identify and contact the owner and every owner of an outdoor cat must have the cat spayed or neutered.

Anyone wishing to feed ownerless cats may do so subject to the following:

- Register with a City recognized organization with the TNR (trap, neuter and return) program
- Provide evidence, in writing, of a plan for the care, feeding and mandatory spaying/neutering, tattooing, and vaccination of each ownerless cat to the TNR organization, with copies to Coastal Animal Control and the SPCA for their records;
- Feeding stations can only be placed on private property for up to 45 minutes maximum, once per day, to prevent attracting rodents and unwanted animals to the feeding stations;
- Outdoor shelter must be provided for any ownerless cat; and
- The total number of cats, whether kept as a companion animal, or ownerless cats without identification, cannot exceed five (5) cats per lot.

For more information about ownerless cats, please visit [Cowichan Cat Rescue \(http://cowichancatrescue.org/\)](http://cowichancatrescue.org/).

### Hens

A person may apply to the Manager of Planning for a licence for one or more back yard hens by completing and submitting an application to the City. Certain zoning restrictions apply and there are also specific siting requirements for a coop or pen.

### Relevant Information and Application

- [Backyard Hens – Application \(https://duncan.ca/download/backyard-hen-application/\)](https://duncan.ca/download/backyard-hen-application/)
- [Backyard Hens – Checklist \(https://duncan.ca/download/backyard-hens-checklist/\)](https://duncan.ca/download/backyard-hens-checklist/)
- [Backyard Hens – Information Package \(https://duncan.ca/download/backyard-hens-information-package/\)](https://duncan.ca/download/backyard-hens-information-package/)

### Other Animals

To report sightings of bears, cougar, or wounded wildlife, call the Provincial Conservation Officer at 1-877-952-7277

Should you have problems with rats, mice, raccoons, etc., call a pest control company. Additional information on rat control and prevention can be found in the [City of Duncan Rat Brochure \(https://duncan.ca/download/rat-brochure/\)](https://duncan.ca/download/rat-brochure/).

*Last updated on: Dec 4th, 2017*

## RESIDENTS

[Animal Control \(https://duncan.ca/city-hall/finance/animal\\_control/\)](https://duncan.ca/city-hall/finance/animal_control/)

[Boulevard Maintenance \(https://duncan.ca/residents/boulevard-maintenance/\)](https://duncan.ca/residents/boulevard-maintenance/)

[Building Permits & Inspection \(https://duncan.ca/city-hall/building-permits-inspection/\)](https://duncan.ca/city-hall/building-permits-inspection/)

[Bylaw Enforcement \(https://duncan.ca/city-hall/corporate-services/bylaw-enforcement/\)](https://duncan.ca/city-hall/corporate-services/bylaw-enforcement/)

[Bylaws & Policies \(https://duncan.ca/city-hall/bylaws-policies/\)](https://duncan.ca/city-hall/bylaws-policies/)

[Do I Live in the City of Duncan? \(https://duncan.ca/visitors/jurisdictions/\)](https://duncan.ca/visitors/jurisdictions/)

[Emergency Preparedness \(https://duncan.ca/residents/emergency-preparedness/\)](https://duncan.ca/residents/emergency-preparedness/)

[Garbage, Recycling, Organics, Yard Waste & Glass \(https://duncan.ca/garbage-recycling/\)](https://duncan.ca/garbage-recycling/)

[Home Owner Grant \(https://duncan.ca/city-hall/finance/home-owner-grant/\)](https://duncan.ca/city-hall/finance/home-owner-grant/)

[Issue Reporting Form \(https://duncan.ca/city-hall/forms-applications/city/\)](https://duncan.ca/city-hall/forms-applications/city/)

[Parking \(https://duncan.ca/residents/parking/\)](https://duncan.ca/residents/parking/)

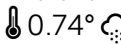
[Parks \(https://duncan.ca/visitors/parks-recreation/\)](https://duncan.ca/visitors/parks-recreation/)

[Property Taxes \(https://duncan.ca/city-hall/finance/property-taxes/\)](https://duncan.ca/city-hall/finance/property-taxes/)

[Transit System \(https://duncan.ca/visitors/transit-information/\)](https://duncan.ca/visitors/transit-information/)

[Water and Sewer Utilities \(https://duncan.ca/residents/water-and-sewer/\)](https://duncan.ca/residents/water-and-sewer/)

CURRENT WEATHER  
  
 1.5°  
 FEW CLOUDS

TOMORROW  
  
 0.74°  
 LIGHT SNOW

**[RESIDENTS \(HTTPS://DUNCAN.CA/RESIDENTS/\)](https://duncan.ca/residents/)** ▶

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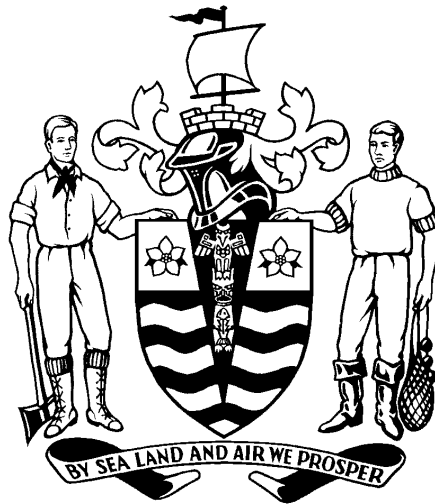
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# CITY OF VANCOUVER BRITISH COLUMBIA



## ANIMAL CONTROL BY-LAW NO. 9150

This By-law is printed under and  
by authority of the Council of  
the City of Vancouver

(Consolidated for convenience only  
to January 1, 2016)

## ANIMAL CONTROL BY-LAW

### TABLE OF CONTENTS

#### SECTION 1 INTERPRETATION

- 1.1 Name of By-law
- 1.2 Definitions
- 1.3 Table of contents
- 1.4 Schedules
- 1.5 Severability

#### SECTION 2 ADMINISTRATION

- 2.1 Establishing the pound
- 2.2 Assisting with by-law enforcement

#### SECTION 3 DOG LICENCES

- 3.1 No keeping of dog without licence
- 3.2 Applying for licence
- 3.3 Paying for licence
- 3.4 Waiving licence fee
- 3.5 Wearing dog tag
- 3.6 No removing of dog tag

#### SECTION 4 CONTROL OF DOGS

- 4.1 No running at large
- 4.2 Leashing dogs
- 4.3 Muzzling aggressive dogs
- 4.4 No running at bathing beach
- 4.5 Securing aggressive dogs on private property
- 4.6 Limiting number of dogs
- 4.7 Confining dogs in heat
- 4.8 Confining dogs with communicable diseases
- 4.9 Removing excrement
- 4.10 Removing excrement from owner's property
- 4.11 Securing dogs in vehicles
- 4.12 Barking or howling
- 4.13 Upsetting or breaking into refuse container
- 4.14 Biting or attacking persons or domestic animals

SECTION 5  
KEEPING OF DOGS

- 5.1 Giving basic care to dogs
- 5.2 Tethering dogs
- 5.3 Enclosing dogs

SECTION 6  
IMPOUNDMENT OF DOGS

- 6.1 Seizing dogs under this By-law
- 6.2 Seizing dogs under Parks Control By-law
- 6.3 Delivering dogs without tags
- 6.4 Impounding dogs
- 6.5 Detaining impounded dogs
- 6.6 Destroying dogs for humane reasons
- 6.7 Caring for dogs
- 6.8 Disposing of dogs
- 6.9 Reclaiming dogs

SECTION 7  
REGULATION OF ANIMALS

- 7.1 Controlling other animals
- 7.2 Prohibition against keeping certain domestic animals
- 7.3 Prohibition against keeping certain exotic or wild animals
- 7.4 Exceptions to prohibitions
- 7.5 Prohibition against keeping excessive numbers of certain animals
- 7.6 Housing for animals
- 7.7 Seizing other animals under this by-law
- 7.8 Seizing other animals under Parks Control By-law
- 7.9 Impounding other animals
- 7.10 Detaining impounded other animals
- 7.11 Caring for other animals
- 7.12 Destroying other animals for humane reasons
- 7.13 Disposing of other animals
- 7.14 Reclaiming other animals
- 7.15 Registration of hens
- 7.16 Keeping of hens

SECTION 8  
DISPOSITION SERVICES

- 8.1 Removing carcasses
- 8.2 Delivering carcasses
- 8.3 Picking up carcasses from private persons
- 8.4 Picking up carcasses from veterinarians

SECTION 9  
CHARGES AND FEES

- 9.1 Charging for impoundment
- 9.2 Charging fees for services
- 9.3 Adoption fees

SECTION 10  
OFFENCES AND PENALTIES  
AND ENFORCEMENT

- 10.1 No removing impounded animals
- 10.2 No interfering with Poundkeeper
- 10.3 Offences under By-law
- 10.4 Fine for offence
- 10.5 Fine for continuing offence
- 10.6 Fines for particular offences

SECTION 11  
REPEAL AND ENACTMENT

- 11.1 Repeal
- 11.2 Force and effect

SCHEDULES

Schedule A - Animal Control Fees and Charges

Schedule B - Prohibited Animals

BY-LAW NO. 9150

A By-law to establish a pound and  
to license and regulate dogs and other animals

[Consolidated for convenience only,  
amended to include By-law No. 11372,  
effective January 1, 2016]

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

SECTION 1  
INTERPRETATION

Name of By-law

1.1 The name of this By-law, for citation, is the "Animal Control By-law".

Definitions

1.2 In this By-law:

"aggressive dog" means:

- (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;

"Chief License Inspector" means the person appointed by Council as Chief License Inspector;

"dog" means an animal of the canine species regardless of age or sex;

"hen" means a domesticated female chicken that is at least four months old;

"impound" means to take into custody, confine, and hold;

"keep" means to own, possess, or harbour a dog, cat, or other animal;

"other animal" means any animal, including any mammal, bird, reptile or amphibian, except a dog or domestic cat;

"police officer" means a peace officer or constable as provided under the *Police Act* employed by the Vancouver Police Board;

"pound" means buildings, yards, enclosures, and other facilities for holding and disposing of such animals as the Poundkeeper, a police officer, or a person authorized

by the Park Board may seize under this By-law or under a by-law enacted by the Park Board;

“Poundkeeper” means the Manager of Animal Control or such other person appointed under this By-law to enforce and carry out its provisions, and includes any assistant to the Poundkeeper appointed under this By-law; and

“run at large”, with reference to a dog, means:

- (a) being elsewhere than on the property of 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 charge and control of a responsible person, or
- (b) being on a bathing beach or in the water adjacent to a bathing beach whether under the immediate charge and control of a responsible person or not.

### **Table of contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

### **Schedules**

1.4 The schedules attached to this By-law form part of this By-law.

### **Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

## **SECTION 2 ADMINISTRATION**

### **Establishing the pound**

2.1 The city has established and maintained, and will continue to maintain, a pound.

### **Assisting with by-law enforcement**

2.2 The Chief License Inspector may appoint a person to enforce and carry out the provisions of this By-law, and such assistants as the Chief License Inspector may determine.

## **SECTION 3 DOG LICENCES**

### **No keeping of dog without licence**

3.1 A person must not keep a dog that is older than three months unless such person has acquired an annual licence for the dog, and has paid the annual licence fee.

### **Applying for licence**

3.2 A person who keeps a dog must apply for an annual license, when the person acquires the dog, on the form and in the manner specified by the Chief License Inspector, and must renew the license annually on or before the expiry of the one year anniversary of issuance of the previous license.

### **Paying for licence**

3.3 A person who applies for a license to keep a dog must pay to the City the annual fee specified in Part 1 of Schedule A of this By-law, except that if the applicant does not pay the annual fee within 30 days after the due date, the applicant must pay an additional \$10.00.

### **Waiving licence fee**

3.4 If the Chief License Inspector is satisfied that a dog has been specially trained to guide or assist a person who is disabled, and if such a person applies for a licence to keep the dog, no fee is payable under section 3.3.

### **Wearing dog tag**

3.5 A person who keeps a dog must ensure that the dog at all times wears a collar to which is attached a tag furnished by the Chief License Inspector.

### **No removing of dog tag**

3.6 Except with the authority of the person who keeps the dog, a person must not remove the tag required by section 3.5 from a dog's collar or from elsewhere on the dog's body.

3.7 One tag shall be provided by the Chief License Inspector when the dog is licensed for the first time. A replacement tag shall be provided upon payment of the fee set out in Schedule "A", Part 1 - Replacement Dog Tag.

## **SECTION 4 CONTROL OF DOGS**

### **No running at large**

4.1 A person who keeps a dog must not permit, suffer, or allow the dog to run at large.

### **Leashing dogs**

4.2 A person who keeps a dog must not permit, suffer, or allow the dog to be on a street or other public place unless the dog is under the immediate charge and control of a competent person by means of a leash that is not more than 2.5 m long or another by-law allows the dog to be off-leash under certain circumstances.

### **Muzzling aggressive dogs**

4.3 In addition to complying with section 4.2, 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, except when the dog is participating in an event sanctioned by the Canadian Kennel Club.

#### **No running at bathing beach**

4.4 Despite sections 4.2 and 4.3, a person who keeps a dog must not permit, suffer, or allow the dog to be on a bathing beach or in the water adjacent to a bathing beach unless the Parks Control By-law otherwise allows.

#### **Securing aggressive dogs on private property**

4.5 A person who keeps an aggressive dog must, at all times while the dog is on property owned or controlled by such person, securely confine the dog, either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping or from biting a domestic animal or human being.

#### **Limiting number of dogs**

4.6 Except for a person licensed under the License By-law as a kennel keeper, a person must not keep more than three dogs at any one time or at any one place or property in the city.

#### **Confining dogs in heat**

4.7 A person who keeps a female dog must confine and house the dog during the period it is in heat.

#### **Confining dogs with communicable diseases**

4.8 A person who keeps a dog, and who knows or suspects that the dog has a communicable disease, must:

- (a) isolate the dog, during the period such person knows or suspects that the dog has a communicable disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law;
- (b) seek the assistance of a veterinarian; and
- (c) follow the orders of such veterinarian, the Poundkeeper, and any government officials who have authority to issue such orders.

#### **Removing excrement**

4.9 A person who keeps a dog, or a person who has care, custody or control of a dog, except for a service dog in the company of a handler who is physically disabled or a guide dog in the company of a handler who is blind, must immediately remove any excrement deposited by the dog, and deposit it in a suitable refuse container.

#### **Removing excrement from owner's property**

4.10 Section 4.9 does not apply to excrement deposited by a dog on property owned by or in the exclusive possession of a person who keeps, or who has care, custody or control, of the dog.

#### **Securing dogs in vehicles**

4.11 A person who keeps a dog, or a person who has care, custody or control of a dog, must not keep the dog in a vehicle unless such person secures the dog in a manner that prevents the dog from falling or being thrown out of the vehicle.

#### **Barking or howling**

4.12 A person who owns or occupies premises must not permit, suffer, or allow the sound of a barking or howling dog that a person not on the same premises can easily hear and that disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of such person.

#### **Upsetting or breaking into refuse container**

4.13 A person who keeps a dog, or a person who has care, custody or control of a dog, must not permit, suffer, or allow the dog to upset or break into a refuse container on a street or other public place.

#### **Biting or attacking persons or domestic animals**

4.14 A person who keeps a dog must not permit, suffer, or allow the dog to bite, attack or injure a person or domestic animal.

### **SECTION 5 KEEPING OF DOGS**

#### **Giving basic care to dogs**

5.1 A person who keeps a dog, or a person who has care, custody or control of a dog, must give the dog food, water, shelter, and exercise sufficient to maintain the dog in good health.

#### **Tethering dogs**

5.2 A person who keeps a dog, or a person who has care, custody or control of a dog, must not tie or fasten a dog to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the dog's neck.

#### **Enclosing dogs**

5.3 A person who keeps a dog, or a person who has care, custody or control of a dog, must not confine the dog in an enclosure unless the air ventilation, temperature, and size of the enclosure are sufficient to maintain the dog in good health.

## SECTION 6 IMPOUNDMENT OF DOGS

### 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 a dog does not have a 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; or
  - (e) who has bitten or who is alleged to have bitten a human being.

### Seizing dogs under Parks Control By-law

6.2 A police officer or a person authorized by the Park Board who seizes a dog under a by-law enacted by the Park Board may deliver the dog to the Poundkeeper or to the pound.

### Delivering dogs without tags

- 6.3 If:
- (a) the Poundkeeper believes that a dog is not wearing the collar and tag required under section 3.5;
  - (b) the Poundkeeper requests the person who keeps the dog, the person who has care, custody and control of the dog, or a person who occupies the property where the dog is situate to produce evidence satisfactory to the Poundkeeper that the dog has a licence and that the licence fee referred to in section 3.3 is not in arrears; and
  - (c) the person referred to in clause (b) fails to produce such evidence;

the Poundkeeper may request delivery of the dog to the Poundkeeper or to the pound, and, immediately upon receipt of that request, the person referred to in clause (b) must deliver the dog to the Poundkeeper or the pound.

### Impounding dogs

6.4 Promptly upon receiving a dog under section 6.1, 6.2, or 6.3, the Poundkeeper must impound the dog at the pound, except that, if the Poundkeeper believes the dog is in need of medical care, the Poundkeeper may take the dog to, or leave the dog with, a veterinarian.

#### **Detaining impounded dogs**

6.5 The Poundkeeper may detain for:

- (a) 72 hours, a dog impounded under section 6.4; and
- (b) 21 days, a dog who has bitten or who is alleged to have bitten a human being;

after the date and time of impoundment.

#### **Destroying dogs for humane reasons**

6.6 Despite section 6.5, if the Poundkeeper believes that an impounded dog is suffering from injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that destroying the dog would be humane, the Poundkeeper may destroy the dog immediately.

#### **Caring for dogs**

6.7 The Poundkeeper, as he or she considers necessary and humane, may maintain and care for impounded dogs including the provision of food, water, and shelter, and may arrange for veterinary care and medication.

#### **Disposing of dogs**

6.8 After expiry of the 72 hours referred to in section 6.5, the Poundkeeper may destroy, or sell by auction or private sale, an impounded dog.

#### **Reclaiming dogs**

6.9 At any time before destruction or sale of a dog under section 6.8, the person who keeps the dog may apply to the Poundkeeper to reclaim the dog, and, when applying, must:

- (a) give the Poundkeeper proof of ownership by such person of the dog;
- (b) pay all outstanding charges and fees under this By-law that apply to such dog; and
- (c) pay all outstanding fines or penalties imposed on such person for breach of this By-law.

## **SECTION 7 REGULATION OF ANIMALS**

### **Controlling other animals**

7.1 A person who keeps an other animal, or a person who has care, custody or control of an other animal, must not permit, suffer, or allow the other animal to be elsewhere than on his or her property unless it is under the immediate charge and control of a competent person.

### **Prohibition against keeping certain domestic animals**

7.2 A person must not keep in any area, temporarily or permanently, any horses, donkeys, cattle, swine, sheep, goats, ducks, geese, turkeys, pheasants, quail, or other poultry or fowl, except that this prohibition does not apply to:

- (a) keeping hens, subject to sections 7.15 and 7.16;
- (b) areas in which the Zoning and Development By-law allows the keeping of such animals;
- (c) licensed pet shops or kennels;
- (d) slaughter houses; or
- (e) the exceptions set out in section 7.4.

### **Prohibition against keeping certain exotic or wild animals**

7.3 A person must not keep in any area, temporarily or permanently, any animal listed in Schedule B to this By-law, except as permitted by section 7.4.

### **Exceptions to prohibitions**

7.4 The prohibitions set out in sections 7.2 and 7.3 do not apply to:

- (a) the Vancouver Animal Control Shelter;
- (b) premises operated by The British Columbia Society for the Prevention of Cruelty to Animals;
- (c) a veterinary hospital under the control of a veterinarian registered as a member of the British Columbia Veterinary Medical Association;
- (d) premises operated by an institution of education for research, study, or teaching purposes;
- (e) premises operated by the Vancouver Police Department; or
- (f) an aquarium or zoological park operated by an organization accredited by the Canadian Association of Zoos and Aquariums.

### **Prohibition against keeping excessive numbers of certain animals**

7.5 A person must not keep in any area, temporarily or permanently, at any one time, more than:

- (a) six, in aggregate, hamsters, guinea pigs, tame mice, chinchillas, cats, rabbits, and other small animals and reptiles including snakes, not referred to in Schedule B;
- (b) 12, in aggregate, registered homing pigeons, canaries, budgerigars, parrots, parakeets, and exotic birds of all species, except that a person who has obtained permission from Council to keep an aviary may have a greater number of such birds in or about the premises designated in the permit;
- (c) four hens, in aggregate, on any one parcel despite the number of dwelling units permissible on that parcel.

### **Housing for animals**

7.6 In addition to the other requirements of this By-law, the owner of any animal, bird, or reptile must provide for its housing in a suitable manner, and must maintain such housing in a clean and wholesome state appropriate for the particular animal, bird, or reptile.

### **Seizing other animals under this By-law**

7.7 The Poundkeeper or a police officer may seize an other animal who is elsewhere than on property referred to in section 7.1, and who is not under the immediate charge and control of a competent person.

### **Seizing other animals under Parks Control By-law**

7.8 A police officer or a person authorized by the Park Board who seizes an other animal under a by-law enacted by the park board may deliver the other animal to the Poundkeeper or to the pound.

### **Impounding other animals**

7.9 Promptly upon receiving an other animal under section 7.7 or 7.8, the Poundkeeper may impound the other animal at the pound.

### **Detaining impounded other animals**

7.10 The Poundkeeper may detain an other animal impounded under section 7.9 for 48 hours.

### **Caring for other animals**

7.11 The Poundkeeper, as he or she considers necessary and humane, may maintain and care for impounded other animals including the provision of food, water, and shelter, and may arrange for veterinary care and medication.

### **Destroying other animals for humane reasons**

7.12 Despite section 7.10, if the Poundkeeper believes that an impounded other animal is suffering from injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that destroying the other animal would be humane, the Poundkeeper may destroy the other animal immediately.

### Disposing of other animals

7.13 After expiry of the 48 hour period referred to in section 7.10, the Poundkeeper may destroy, or sell by auction or private sale, an impounded other animal.

### Reclaiming other animals

7.14 At any time before destruction or sale of an other animal under section 7.13, the person who keeps the other animal may apply to the Poundkeeper to reclaim the other animal, and, when applying, must:

- (a) give the Poundkeeper proof of ownership by such person of the other animal;
- (b) pay all outstanding charges and fees under this By-law that apply to such other animal; and
- (c) pay all outstanding fines or penalties imposed on such person for breach of this By-law.

### Registration of hens

7.15 A person must not keep a hen unless that person first registers with the city:

- (a) electronically by:
  - (i) accessing the city's animal control computer website at <http://vancouver.ca/animalcontrol>,
  - (ii) accessing the link from that website to the on-line registry at <http://vancouver.ca/commsvcs/licandinsp/animalcontrol/chicken/index.htm>,
  - (iii) reading the information on keeping hens at the on-line registry site,
  - (iv) completing the application at the on-line registry site including the following mandatory fields:
    - (A) the date,
    - (B) the person's name, address and postal code,
    - (C) confirmation that the person resides on the property where he or she will be keeping hens,
    - (D) confirmation that the person has read the information referred to in clause (iii), and

- (v) submitting the application to the on-line registry site; or
- (b) by requesting, by telephone to 311, the mailing to that person of the information on keeping hens and an application form, and by:
  - (i) reading such information,
  - (ii) completing the application including the mandatory fields referred to in subsection (a)(iv), and
  - (iii) submitting the completed application to the city;

and such person must promptly update, and provide to, the city any information given when any change occurs."

### Keeping of hens

7.16 A person who keeps one or more hens must:

- (a) provide each hen with at least 0.37 m<sup>2</sup> of coop floor area, and at least 0.92 m<sup>2</sup> of roofed outdoor enclosure;
- (b) provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
- (c) provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box;
- (d) keep each hen in the enclosed area at all times;
- (e) provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
- (f) maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- (g) construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- (h) keep a food container and water container in each coop;
- (i) keep each coop locked from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
- (l) remove all other manure not used for composting or fertilizing;

- (m) follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- (n) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- (o) not slaughter, or attempt to euthanize, a hen on the property;
- (p) not dispose of a hen except by delivering it to the Poundkeeper, or to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; or
- (q) not keep a hen in a cage.

## **SECTION 8 DISPOSITION SERVICES**

### **Removing carcasses**

8.1 If the Poundkeeper learns that the carcass of an animal, except for a skunk, is lying on a street or other public place, the Poundkeeper may remove the carcass.

### **Delivering carcasses**

8.2 A person may deliver to the Poundkeeper the carcass of a dog, cat, or other animal that weighs less than 150 pounds, and request the Poundkeeper to cremate the carcass.

### **Picking up carcasses from private persons**

8.3 The Poundkeeper, on request by a person and payment of the fee set out in Schedule A, may pick up the carcass of a dog that weighs less than 150 pounds, and cremate the carcass.

### **Picking up carcasses from veterinarians**

8.4 The Poundkeeper, on request by a veterinarian, may pick up the carcass of a dog, cat, or other animal that weighs less than 150 pounds, and cremate it.

## **SECTION 9 CHARGES AND FEES**

### **Charging for impoundment**

9.1 A person who keeps a dog or other animal which the Poundkeeper has impounded under this By-law must pay to the city on demand, with respect to that dog or other animal:

- (a) the impound fee set out in Part 2 of Schedule A;

- (b) the daily charge for maintaining the dog or other animal set out in Part 3 of Schedule A; and
- (c) the costs for veterinary care and medication incurred by the Poundkeeper.

#### **Charging fees for services**

- 9.2 A person who keeps a dog or other animal in respect of which the Poundkeeper has performed a service under Section 8 must pay the city on demand the applicable fee set out in Part 4 of Schedule A.

#### **Adoption fees**

- 9.3 A person who wishes to adopt an animal from the pound must pay the applicable fee set out in Part 5 of Schedule A.

### **SECTION 10 OFFENCES AND PENALTIES AND ENFORCEMENT**

#### **No removing impounded animals**

- 10.1 A person must not remove, or attempt to remove, from the pound an impounded dog or other animal except as allowed under this By-law.

#### **No interfering with Poundkeeper**

- 10.2 A person must not interfere with, resist, or otherwise obstruct the Poundkeeper, or other person authorized under this By-law, in the performance of his or her duties.

#### **Offences under By-law**

- 10.3 A person who:
- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
  - (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
  - (c) suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 10.

#### **Fine for offence**

10.4 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each offence.

#### Fine for continuing offence

10.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.

#### Fines for particular offences

10.6 Despite the minimum fine referred to in section 10.4 of this By-law, a person who commits an offence against:

- (a) section 4.3 or 4.5 of the By-law is liable to a fine of not less than \$500.00 for each offence; or
- (b) section 4.4, 4.6, 4.7, 4.11, or 4.13 of the By-law is liable to a fine of not less than \$125.00 for each offence.

### SECTION 11 REPEAL AND ENACTMENT

#### Repeal

11.1 This By-law repeals By-law No. 7528.

#### Force and effect

11.2 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 1<sup>st</sup> day of November, 2005

\_\_\_\_\_  
Larry Campbell  
Mayor

\_\_\_\_\_  
Syd Baxter  
City Clerk

## Year 2016 Animal Control Fees and Charges

### SCHEDULE A

#### Part 1 - License Fees

Dog	\$41.00
Replacement dog tag	\$5.00

#### Part 2 - Impound Fees

Impound of licensed dog	\$89.00
Impound of unlicensed dog	\$174.00
Impound of licensed aggressive dog	\$322.00
Impound of unlicensed aggressive dog	\$411.00
Impound of fowl, other bird, rabbit, or rodent	\$16.00
Impound of reptile or other animal	\$89.00

#### Part 3 - Maintenance Charges

Maintenance of dog	\$22.00 per day
Maintenance of aggressive dog	\$30.00 per day
Maintenance of fowl, other bird, rabbit or rodent	\$5.00 per day
Maintenance of reptile or other animal	\$31.00 per day
Exotic Bird (Amazon Parrot; African Grey; Cockatoo; Conure; Lorikeet and Macaw)	\$16.00 per day

#### Part 4 - Fees for Services

General cremation under 10 pounds	\$31.00
General cremation 11 to 65 pounds	\$56.00
General cremation 66 to 150 pounds	\$91.00
Private cremation under 10 pounds	\$64.00
Private cremation 11 to 65 pounds	\$101.00

Private cremation 66 to 150 pounds	\$135.00
Cost to pick-up animal under 150 pounds for cremation	\$30.00
Cremation Urn	\$23.00

#### **Part 5 - Adoption Fees**

Dog up to 7 years of age	\$281.00
Dog 7 or more years of age and Dog with on-going medical conditions	\$86.00
Ferret	\$58.00
Rabbit, chinchilla and hedgehog	\$31.00
Guinea pig	\$16.00
Parakeet and Lovebird	\$16.00
Budgie and Finch	\$10.00
Pigeon and Dove	\$5.00
Farm Poultry (chicken, rooster, duck)	\$5.00
Mouse, rat, hamster, gerbil and degu	\$5.00

**SCHEDULE B**  
**PROHIBITED ANIMALS**

Canids including coyotes, foxes, jackals, and wolves but excluding domestic dogs	Hyenas
Crocodilians including alligators and crocodiles	Ursids including bears
Felids including lions and tigers but excluding domestic cats	Reptiles and snakes classified as venomous, whether or not they have venom glands
Green anaconda (Eunectes murinus), yellow anaconda (Eunectes notaeus), reticulated python (python reticulatus), African rock python (python sebae), Burmese python (python molurus bivittatus), Indian python (python molurus molurus), or amethyst python (morelia amethystina)	



Supports Item No. 3  
P&E Committee Agenda  
April 8, 2010



POLICY REPORT  
LICENSING

Report Date: March 24, 2010  
Contact: Tom Hammel  
Contact No.: 604.873.7545  
RTS No.: 08315  
VanRIMS No.: 08-2000-20  
Meeting Date: April 8, 2010

TO: Standing Committee on Planning and Environment  
FROM: Chief Licence Inspector  
SUBJECT: Guidelines for Keeping of Backyard Hens

**RECOMMENDATION**

- A. THAT proposed amendments to the Zoning and Development By-law regarding keeping of backyard hens, as outlined in this report and in Appendix A, be referred to Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A, for consideration at the Public Hearing;

- B. THAT, subject to the approval of the amendments to the Zoning and Development By-law at a Public Hearing,
- i. The Animal Control By-law be amended to provide regulations for the keeping of backyard hens, generally in accordance with this report and Appendix B.
  - ii. Council authorize the Chief Licence Inspector to establish and administer an on-line registry for backyard hen keepers, generally in accordance with this report.
  - iii. Council authorize the expenditure of \$20,000 from the existing Community Services capital budget for construction of a facility to house seized or abandoned hens at the Vancouver Animal Control shelter.
- C. FURTHER THAT the Director of Legal Services be instructed to bring forward, at the time of enactment of the amendments to the Zoning and Development By-law regarding the keeping of hens, a by-law to amend the Animal Control By-law, generally in accordance with Appendix B.

- D. FURTHER THAT the Director of Legal Services be instructed to bring forward, at the time of the establishment of the on-line registry, a by-law to amend the Animal Control By-law, generally in accordance with Appendix C.

### **GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of A, B, C and D.

### **COUNCIL POLICY**

On March 5, 2009, Council passed a resolution directing Legal Services to bring forward an amendment to the Animal Control By-law removing the prohibition of keeping of backyard hens, and directing staff to develop policy guidelines that both protect the health and welfare of citizens, and ensure the humane treatment of backyard hens.

In January 2007, Council adopted the Vancouver Food Charter which sets out the City's commitment to the development of a coordinated municipal food policy that recognizes access to safe, sufficient, culturally appropriate and nutritious food as a basic human right for all Vancouver residents.

On July 8, 2003, Council approved a motion supporting the development of a just and sustainable food system for the City of Vancouver that fosters equitable food production, distribution and consumption; nutrition; community development and environmental health.

In April 2002, Council adopted a formal position, definition and principles on sustainability.

### **SUMMARY**

This report provides recommendations for the humane and sanitary keeping of backyard hens in Vancouver. These recommendations include amendments to Zoning and Development By-law No. 3575 and Animal Control By-law No. 9150, creation of an on-line registry for hen keepers, and funding for facilities to house hens at the Vancouver Animal Control shelter. The Zoning and Development By-law amendments must proceed to Public Hearing prior to Council action. Since the Zoning and Development By-law amendments are integral to the proposed system of regulation, the remainder of the recommendations are contingent upon their approval.

The proposed by-law amendments, and basic features of the proposed on-line registry, are outlined in Table 1 below:

**Table 1. Recommended By-law and Registry Provisions**

<b>Recommended By-law and Registry Provisions for Backyard Hens</b>		
<b>SUBJECT</b>	<b>RECOMMENDED PROVISION</b>	<b>BY-LAW</b>
<b>Allowable zones</b>	Single and multi-family residential zones (RA-, RS-, RT-, RM-, FM-, FSD-)	Z & D
<b>Siting restrictions for hen enclosures</b>	– 1 m from property line – 3 m from windows and doors of dwellings	Z & D

	<ul style="list-style-type: none"> <li>– Reduced exterior side yard setback on corner lots</li> <li>– May not be located in front yards</li> <li>– Must be located at grade level</li> </ul>	
<b>Size restrictions for hen enclosures</b>	<ul style="list-style-type: none"> <li>– Maximum area 9.2 m<sup>2</sup> (100 ft<sup>2</sup>)</li> <li>– Maximum height 2 m</li> </ul>	Z & D
<b>Number and type of chickens allowed</b>	<ul style="list-style-type: none"> <li>– Maximum 4 hens per lot, at least 4 months old</li> <li>– No roosters</li> </ul>	AC
<b>Housing requirements</b>	<ul style="list-style-type: none"> <li>– Minimum 0.37 m<sup>2</sup> (4 ft<sup>2</sup>) coop space and 0.92 m<sup>2</sup> (10 ft<sup>2</sup>) enclosed run space per hen</li> <li>– Entire structure must be roofed</li> <li>– ≥15 cm perch for each hen and one nest box</li> <li>– Hens must remain enclosed at all times</li> </ul>	AC
<b>Basic care</b>	Hens must be provided food, water, shelter, adequate light and ventilation, veterinary care, and opportunities to scratch, dust-bathe, and roost.	AC
<b>Pest control</b>	<ul style="list-style-type: none"> <li>– Enclosures must be: <ul style="list-style-type: none"> <li>▪ kept in good repair and sanitary condition</li> <li>▪ constructed to prevent access by other animals</li> </ul> </li> <li>– Food and water must be kept in coop at night</li> <li>– Manure /waste must be removed in timely manner</li> <li>– Up to 1 m<sup>3</sup> of manure may be kept for composting</li> </ul>	AC
<b>Biosecurity</b>	Must follow biosecurity procedures recommended by the Canadian Food Inspection Agency (CFIA)	AC
<b>Other regulations</b>	<ul style="list-style-type: none"> <li>– No slaughtering allowed</li> <li>– No sales of eggs, manure, or other products</li> </ul>	AC
<b>Registry basics</b>	<ul style="list-style-type: none"> <li>– Register on-line or by phone</li> <li>– No registration fee</li> <li>– Registration materials available in six languages</li> <li>– Registrants must reside on lot with hen enclosure</li> </ul>	AC
<b>Information provided on registry website</b>	<ul style="list-style-type: none"> <li>– By-law requirements</li> <li>– Resource page with links to Best Management Practices (BMPs), humane education, and biosecurity information</li> <li>– List of upcoming chicken workshops</li> </ul>	N/A

These recommendations have been reviewed by a number of stakeholders, including staff from several departments (Development Services, Social Policy, Animal Control, and Law); City committees including the Food Policy Council, the Urban Agriculture Steering Committee, and the Policy Implementation Advisory Committee (PIAC); and the interested public. A summary of comments from the public is included as Appendix G.

**PURPOSE**

This report provides recommendations regarding the keeping of backyard hens, including zoning requirements, animal control regulations, and funding for animal shelter facilities to house impounded and abandoned hens.

**BACKGROUND**

The Animal Control By-law prohibits the keeping of chickens or other fowl. This prohibition has been in place since 1968, and perhaps earlier. The Animal Control By-law also contains provisions for the housing, impoundment, and disposition of "other animals," which are defined as "any animal except a dog or domestic cat."

Section 10.18 of the Zoning and Development By-law requires buildings or runs for birds and animals to be set back 9.1 m (30 feet) from any dwelling, and 18.3 m (60 feet) from the front property line (except in the RA-1 district). It also requires such structures to conform to all applicable by-law provisions applicable to accessory buildings. This section does not define birds and animals, but instead refers to Health By-law No. 6580 (which has since been superseded by the Animal Control By-law). No other reference to birds and animals, and their enclosures, is found in the Zoning and Development By-law.

Although prohibited, some backyard hens are kept in the City, and many individuals have expressed interest in keeping them. Enthusiasm for urban chickens has grown throughout North America in the past few years, as increased attention is paid to issues of sustainability, food security, and consumption of locally grown food. During this time, many North American cities have enacted or updated by-laws to allow keeping of chickens. A summary of by-laws in select North American cities, including Lower Mainland municipalities, is provided as Appendix D.

**DISCUSSION**

To fulfil Council's mandate to allow the humane and sanitary keeping of backyard hens, staff recommends adoption of several by-law amendments. These by-law amendments are intended to meet three criteria: protection of public health and welfare; humane treatment of hens; and reasonable access to hen keeping for Vancouver residents.

**Siting of Chicken Coops**

In order to allow hen keeping by most Vancouver residents, staff recommends a reduction of current zoning setbacks for bird and animal enclosures, and designation of hen keeping as an allowable use in single-family, two-family, and multi-family zones.

Currently, zoning regulations for bird and animal enclosures require a 9.1 m (30 foot) setback from adjacent dwellings, and an 18.3 m setback from the front property line. These setbacks would prohibit hen keeping on many residential lots, most of which are 10 m wide, and some of which are less than 8 m wide. Therefore, staff recommends that a new section be added to the Zoning and Development By-law with specific requirements for hen enclosures. These include a 1 m side yard setback and a 3 m setback from any door or window. The latter requirement would allow hen enclosures to be located adjacent to a deck, porch, or shed, while providing a larger 3 m setback from building interiors. The recommended setbacks would allow for hen enclosures on residential lots with laneway housing, and on many lots

would allow “chicken tractors,” a rotational grazing system utilizing movable coops and runs. Appendix F illustrates how hen facilities would fit on a standard single family residential lot with the recommended setbacks. Under the proposed by-law amendment, hen enclosures would be allowed in side yards, and anywhere in rear yards, including outside of designated accessory building areas. They would not be allowed in front yards.

Corner flanking lots, which lie at the intersection of two streets, and whose rear yard flanks the front yard of the lot behind (with or without an intervening lane), require particular consideration. These lots have one front yard and three side yards, including an exterior side yard (along the flanking street) with a 7.3 m side setback in many residential zones. In order to allow hen enclosures on these lots, staff recommends that the exterior side setback be reduced to the existing or conforming exterior side setback of the primary residence, whichever is greatest.

Staff recommends that hen keeping be allowed in all residential zones, including multi-family, and that all of those zones be subject to the same requirements. Thus, a multi-family development could have four hens per lot, not four hens per unit, and hen facilities must be at grade level. These requirements are necessary to limit the concentrations of birds, for public health reasons, and to ensure that birds receive access to earth for scratching. Another recommendation applicable to all zones is the requirement that keepers of hens reside on the lot containing the hen enclosure, in order to ensure that hens receive appropriate care and supervision. Thus, under the proposed by-law provisions, an apartment dweller could maintain a flock of four hens in the yard of the apartment complex, but could not keep the hens on a balcony. It would be the tenant’s responsibility to obtain property owner approval for keeping hens.

Staff recommends that hen keeping be prohibited in commercial, industrial, and comprehensive development zones, with the exception of the First Shaughnessy District (FSD), due to the lack of suitable physical environments and absence of supervision on many commercial and industrial sites, particularly after the close of business. Staff also recommends that hen facilities be prohibited, for the time being, in public parks and community gardens, again due to the absence of consistent supervision, particularly at night, and the complexity of establishing responsibility for maintenance and care of the hens. The latter recommendation could be revisited once basic hen keeping provisions are in place, and a more detailed review of communal hen keeping is possible.

Staff also recommends some limits on the size and height of hen facilities, including a 9.2 m<sup>2</sup> (100 ft<sup>2</sup>) floor area limit, and a 2 m height limit. The height restriction is recommended to minimize visual impacts, and the floor area restriction allows the coop to be exempt from Floor Area Ratio (FAR) limits and building permit requirements.

### Humane Treatment

In its resolution, Council cited the humane treatment as a priority in the development of guidelines for keeping hens. Humane treatment of farm animals is commonly defined by the “five freedoms,” as developed by the Farm Animal Welfare Council, an advisory body to the UK government. These include:

1. Freedom from thirst, hunger and malnutrition - by ready access to fresh water and a diet to maintain full health and vigour.

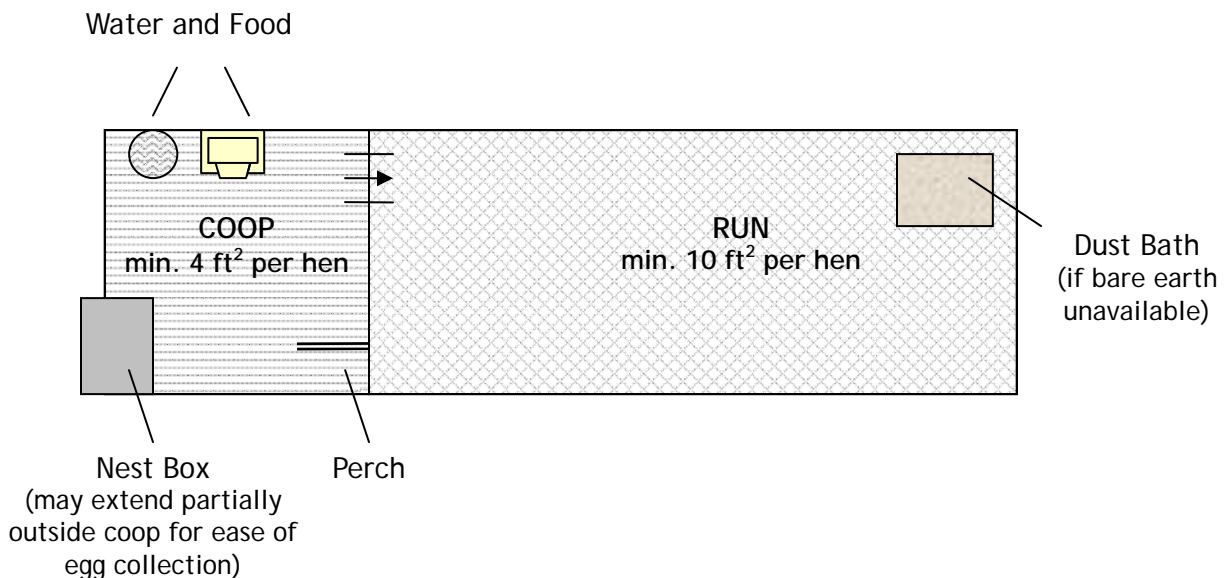
2. Freedom from discomfort - by providing a suitable environment including shelter and a comfortable resting area.
3. Freedom from pain, injury and disease - by prevention or rapid diagnosis and treatment.
4. Freedom to express normal behaviour - by providing sufficient space, proper facilities and company of the animals own kind.
5. Freedom from fear and distress - by ensuring conditions that avoid mental suffering.<sup>1</sup>

To enjoy the Five Freedoms, hens need shelter, food, water, adequate space, environmental conditions (such as adequate ventilation and light) conducive to good health, and the opportunity to socialize and engage in fundamental behaviours, which for them include scratching (foraging by scraping the ground with their claws), roosting (resting on a stick or branch), and dustbathing (thrashing around in the dirt to clean feathers and remove parasites). These needs must be met under the recommended requirements for care of backyard hens.

For shelter and protection from predators, hens need an enclosed house, with a locking door, which is known as a coop. Coops should contain a nest box, in which hens will lay their eggs, and one or more perches per bird. Hens also need access to the outdoors, either by free ranging or by use of an enclosed outdoor space that allows them ground on which to scratch and peck. For hens without access to bare earth, a dust bath, made of any combination of sand, soil, ash, food grade diatomaceous earth (to control parasites) or other similar material, should be provided. Schematic views of standard coops and outdoor enclosures are provided in Figure 1 below.

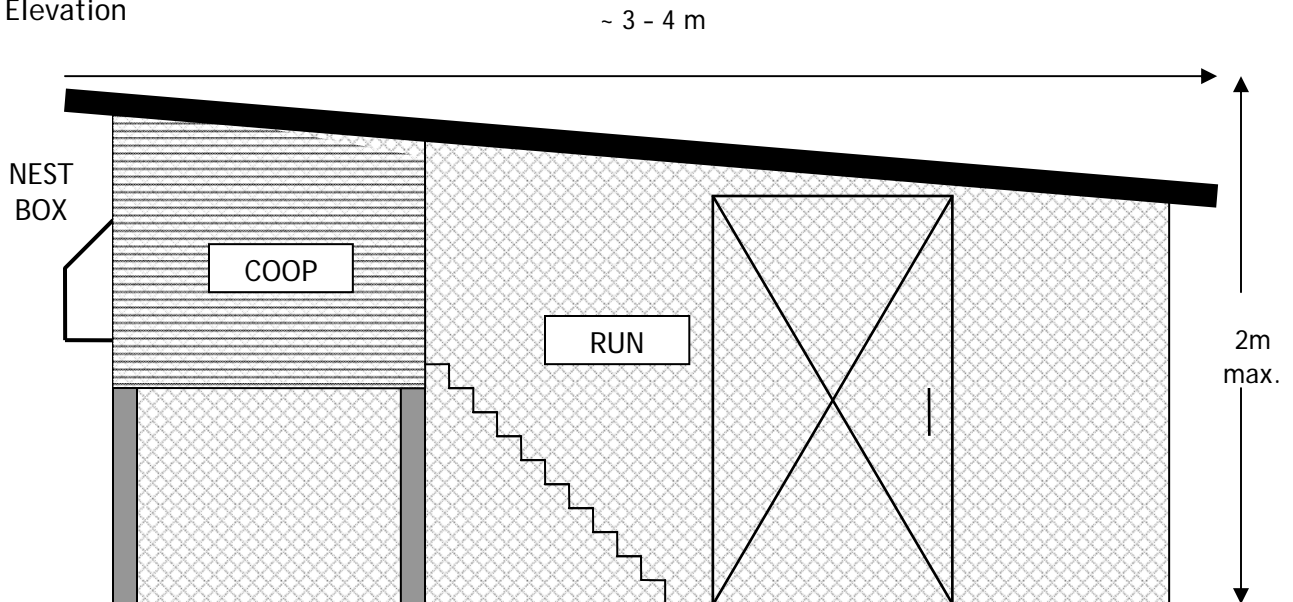
Figure 1. Schematic Depiction of Coop and Run

a. Plan View



<sup>1</sup> Farm Animal Welfare Council. Five Freedoms. Retrieved January 14, 2010 from <http://www.fawc.org.uk/freedoms.htm>

## b. Elevation



Hens also require adequate space. Too little space can be a stressor for hens, who may respond with aggressive behaviours such as egg eating, pecking at each other, and cannibalism. Too much space in the coop can increase heating demands. Significant debate exists on the amount of space required to raise hens. While most large-scale commercial producers provide between 0.8 ft<sup>2</sup> - 1.2 ft<sup>2</sup> of space per hen, space requirements for smaller free range, organic, and humane-certified flocks are more generous. Recommended cage-free or free range indoor space requirements vary from 1.5 ft<sup>2</sup> to 8 ft<sup>2</sup> per hen, depending on the size of the hen and other factors. Appendix E lists space recommendations from a variety of sources, with a mean recommendation of between 3 ft<sup>2</sup> and 4 ft<sup>2</sup> per hen.

The staff recommendation includes a minimum space requirement of 0.37 m<sup>2</sup> (4 ft<sup>2</sup>) of coop space and 0.92 m<sup>2</sup> (10 ft<sup>2</sup>) of outdoor enclosure, reflecting the roomier standards found in Appendix E. This liberal space allotment is appropriate, given that the hens will be continuously confined. Other housing requirements include a nest box, to accommodate the need for seclusion during egg-laying, and one  $\geq$  15 cm perch per bird, to allow hens to engage in roosting, an essential behaviour. Keeping hens in cages, which would prevent them from utilizing the full space allotment, and may cause injury, is not allowed in the proposed by-law amendment.

The staff recommendation also prohibits slaughtering or attempts at euthanasia by those who keep hens, as slaughtering by untrained individuals can result in unnecessary suffering. Hens at the end of their lives may be euthanized by a veterinarian (at an estimated \$40 cost), or taken to a farm or abattoir for slaughtering. Chicken carcasses may be taken to the Vancouver Animal Shelter for cremation, or disposed of in any other legal manner (i.e. buried in a pet cemetery, or in any other area where burial is allowed under Ministry of Environment regulations, or composted on a farm). Chicken carcasses are not allowed in City garbage containers.

Another recommendation with humane implications is the restriction on hens younger than four months. As well as reducing the number of unexpected roosters, this provision is intended to reduce impulse purchasing of chicks and subsequent abandonment of no-longer-cute-and-fuzzy hens. Even so, it is expected that some adult hens will end up at the Vancouver Animal Control shelter, either through abandonment or impoundment. Provisions for housing these hens, as well as other enforcement considerations, are discussed under Enforcement below.

Along with regulations, education plays a vital role in promoting humane care. Staff therefore recommends that the on-line registry be a vehicle for ensuring that registrants receive basic information on chicken care and maintenance. Specifically, staff proposes that the registry include information and links on best management practices, humane considerations, biosecurity protocols, educational resources, and by-law requirements, including a list of local workshops on hen keeping, with a strong encouragement for all registrants to attend. Staff considered requiring registrants to attend a workshop, but does not recommended that this be a by-law requirement. The administrative process this would involve, including reviewing, assessing and endorsing the appropriate courses, and providing proof of course completion, would be difficult. In addition, many people that keep hens have prior experience and may not require courses to properly manage them. By forgoing the workshop requirement, staff recognizes that a balance must be maintained between providing adequate regulatory control and avoiding burdensome requirements.

## Public Health and Welfare

Public health and welfare must be a primary concern when considering regulations for backyard hens. Many urban dwellers question whether hens are appropriate to keep in urban environments, and fear that they will bring disease, increased noise, unpleasant odours, and unwanted animals such as rodents to their neighbourhoods. This section examines some of the main health and nuisance concerns associated with backyard hens, and the measures proposed to address them.

### *Avian Influenza*

Chickens, like other birds, are susceptible to forms of Type A influenza that are collectively known as “avian influenza” (AI). The AI virus is widespread, particularly among wild birds, but most forms produce relatively mild or no symptoms. AI can mutate, after circulation in a concentrated poultry population, into highly pathogenic forms (HPAI) that produce severe symptoms but this is less common.<sup>2</sup> AI is not an airborne disease, but is transmitted from infected to healthy birds via direct contact with birds and their droppings, feathers, and body fluids.<sup>3</sup>

AI has spread to humans in rare instances. Transmission from birds to human remains difficult, usually involving prolonged and close contact, and human-to-human transmission has been suspected in only a handful of cases.<sup>4</sup> The greatest risk of infection for humans appears to be

<sup>2</sup> World Health Organization (WHO). Avian Influenza Fact Sheet. Retrieved January 14, 2010, from [http://www.who.int/mediacentre/factsheets/avian\\_influenza/en/](http://www.who.int/mediacentre/factsheets/avian_influenza/en/).

<sup>3</sup> Food and Agriculture Organization of the United Nations (FAO). Questions and Answers – The Facts of Bird Flu. Retrieved January 14, 2010 from <http://www.fao.org/avianflu/en/ganda.html>.

<sup>4</sup> World Health Organization (WHO). H5N1 Avian Influenza: Timeline of Major Events. Retrieved January 14, 2010 from [http://www.who.int/csr/disease/avian\\_influenza/Timeline\\_10\\_01\\_04.pdf](http://www.who.int/csr/disease/avian_influenza/Timeline_10_01_04.pdf).

through the handling and slaughtering of live infected poultry. Public health concerns centre on the potential for the virus to mutate or combine with other influenza viruses to produce a form that could easily spread from person to person.

A high pathogenic H5N1 subtype of AI has caused virulent disease among birds in parts of Asia, Africa, and Europe, and rare but serious disease in humans. An outbreak of high pathogenic H7N3 AI occurred among poultry in the Fraser Valley in 2004, resulting in the deaths of 17 million birds (through disease and culling) but only two mild cases of flu among humans. A more detailed review of these outbreaks is provided in Appendix H.

Health authorities in Canada consider the risk of H5N1 reaching North America, or other HPAI subtypes spreading among backyard hens, to be extremely limited, particularly if biosecurity measures, such as those recommended by the CFIA, are followed.

The British Columbia Center for Disease Control (BCCDC) conducted a literature review on the risks of infectious disease from backyard hens and found that

*Overall, the risk of pathogen transmission associated with backyard chicken keeping appears to be mild and does not present a greater threat to population health compared to other animals allowed by similar bylaws (reptiles, dogs, etc). Public adherence to proper hygiene will significantly mitigate the risk of any disease acquisition including pathogens commonly found in chickens.*

Vancouver Coastal Health has worked with staff on developing the recommended guidelines and considers them to be protective of public health.

Dr. Victoria Bowes, a board-certified Poultry Veterinarian in the Fraser Valley and an authority on the Fraser Valley outbreak, considers the risk of HPAI among backyard hens to be minimal, stating that

*As long as Asian HPAI-H5N1 remains foreign to Canada AND the birds don't move out of the backyard once they are placed, then the avian influenza disease risks are extremely low (almost negligible).*

Similarly, Interior Health recently released a document entitled "Backyard Chickens in the Urban Environment," which is intended as a guide for municipalities considering the health implications of backyard chicken keeping. The document states

*The risk of avian influenza development is not appreciably increased by backyard hens. Urban hen keepers should be encouraged to follow the advice of CFIA: Bird Health Basics - How to Prevent and Detect Disease in Backyard Flocks and Pet Birds.*

The staff recommendation requires hen keepers to follow the CFIA biosecurity standards, and includes the standards as a required reading on the on-line registry. These measures are intended to limit introduction of diseases from other domestic poultry and cross-contamination between humans and hens. Staff further recommends that owners be required to provide veterinary care for hens sufficient to maintain them in good health.

A number of other recommendations also will serve to minimize any potential for AI in backyard hens. Limiting the number of hens to four per lot (including multi-family lots) will ensure that the densities required for LPAI to develop into HPAI are not found in the city, especially given the expected low percentage of residents who will keep hens. The potential for spread of any form of AI is further reduced by the recommended requirement that hens be kept continuously enclosed in a roofed, secure structure. Under these conditions, introduction of any viruses from wild birds or other backyard hens would be extremely limited.

A third recommendation that will reduce risks in the unlikely event of an outbreak, or in the event that HPAI is found among North American wild bird populations, is the requirement for all hen keepers to enrol in an on-line registry, and to update their registration in a timely manner. The registry database will allow health officials to pinpoint the locations of backyard hens should a health emergency arise.

Other recommendations that will limit the potential for the spread of disease include a prohibition on backyard slaughtering, which will reduce exposure to blood and other body fluids from diseased birds; a prohibition on sale of hen products, which will limit transfer of disease; and requirements to keep enclosures sanitary and free from accumulated manure and waste.

### *Salmonella*

*Salmonella* is another health concern associated with poultry and eggs. *Salmonella* lives in the intestines of infected chickens, and can be shed in large numbers in the droppings. Humans who handle the birds or clean their enclosures can then be exposed to the bacteria, which can cause severe gastrointestinal illness if ingested. The guidelines recommended to reduce the risks of avian influenza will also help minimize the risk of *Salmonella* poisoning from contact with chickens. This risk is further reduced by the recommended prohibition of hens less than four months old, as chicks shed much more *Salmonella* than older birds. In addition, transmission of the bacteria will be limited by the recommended prohibition on commercial sale of eggs or other hen products.

With the recommended regulations in place, keeping of backyard hens should pose minimal risks to public health.

### *Nuisance Issues*

The keeping of backyard hens raises potential nuisance issues, including increased noise, unpleasant odors, and attraction of unwanted animals, such as rodents and raccoons. In order to minimize nuisance issues in general, staff recommends that a maximum of four hens be allowed per lot. Specific nuisance issues, and recommended measures to address them, are outlined in turn below.

#### Noise

Laying hens produce a variety of vocalizations, none of which are very loud. Perhaps the loudest noise is an approximately five-minute period of cackling or squawking that occurs when a hen lays an egg. In an investigation conducted by staff from the City of Pleasanton, California, noise readings of a "squawking" chicken registered at 63 dbA at two feet away,

and would not register at nine feet away.<sup>5</sup> For comparison, the average human conversation registers at about 60 decibels,<sup>6</sup> and a barking dog can be as loud as 100 dbA.<sup>7</sup>

Noise Control By-law No. 6555 limits “continuous sound” levels in residential areas to 55 dbA in daytime and 45 dbA at night, measured from the point of reception. In addition, it prohibits the cries of animals or birds that can be easily heard by a person outside the premises, and that unreasonably disturbs the “quiet, peace, rest, enjoyment, comfort, or convenience” of that person. The same provision is applied to dog barking in the Animal Control By-law.

Given that noise from hens is relatively quiet and intermittent, it is unlikely to be a significant nuisance under the proposed guidelines, which provide setbacks and other management measures to ensure some separation between hen enclosures and neighbouring properties. Specifically, staff recommends minimum setbacks of 1 m from all property lines, and 3 m from all windows and doors. Given this separation, it is unlikely that hen sounds will be above allowable levels on neighbouring properties. The recommendation that hens be kept in their coops from sunset to sunrise, which is primarily to protect hens from predators, will reduce potential noise impacts at night.

Unlike hens, a crowing rooster can reach decibel levels of 85-90 dbA. For this reason, it is recommended that roosters be prohibited under the proposed by-law amendment. In this regard, it is also recommended that no chickens under the age of four months be allowed, as determining gender (and thus avoiding unexpected roosters) can be more difficult in young chickens.

### Odor

Unpleasant odors, from accumulation of manure and/or food scraps, can result if chicken enclosures are infrequently cleaned and food is broadcast in the pens. Although chickens produce only a few tablespoons of manure per day, accumulations of manure can produce ammonia, which is both harmful for chickens and unpleasant for others. It is recommended to remove manure and scraps at least weekly, and preferably daily. Manure can be flushed down the toilet, or composted, but is not allowed in garbage cans in Vancouver. Composted chicken manure is an excellent fertilizer.

In order to address potential odor issues, staff recommends that a provision requiring enclosures to be maintained in a sanitary condition, free of obnoxious smells and substances, be added to the Animal Control by-law. Recognizing the value of composted chicken manure, as well the potential odor issues associated with manure accumulation, staff recommends a by-law provision that allows storage of up to 1 m<sup>3</sup> of manure only if it is stored in a fully enclosed structure (such as a compost bin).

<sup>5</sup> City of Pleasanton. Planning Commission Staff Report, October 26, 2005, Item 6f. Retrieved January 14, 2010 from <http://www.ci.pleasanton.ca.us/pdf/pcsr-6f-prz30-ord.pdf>.

<sup>6</sup> National Agricultural Safety Database. Hearing Protection for Farmers. Retrieved January 14, 2010 from <http://nasdonline.org/document/1144/d000933/hearing-protection-for-farmers.html>.

<sup>7</sup> Coppola, Crista L., Enns, R. Mark, Grandin, Temple. “Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure,” *Journal of Applied Animal Welfare Science*, 9(1), 1-7.

## Pests

Hen enclosures can also attract unwanted animals, including rodents seeking food scraps, and larger animals, such as raccoons, foxes, skunks, and coyotes, seeking eggs or a chicken dinner. For this reason, it is vital that hen enclosures be secure from other animals. In order to discourage rodents and predators who may be attracted by food scraps and potential prey, staff recommends by-law language that requires hen enclosures to be constructed and maintained to prevent rodents from being harboured underneath, within, or within the walls of the coop and the run, and to prevent access to the enclosure by any other bird or animal. As noted above, staff further recommends that owners be required to keep hens, as well as their food and water, in the coop between sunset and sunrise, and that the coop remain locked during that time. Lastly, staff recommends that any leftover feed be removed in a timely manner to discourage rodent interest.

## **Enforcement**

Animal Control would enforce the recommended by-law provisions, using procedures currently authorized for control of "other animals." These procedures, which are outlined in the Animal Control By-law, include measures for impoundment, seizure, detainment, and disposal of animals, as well as descriptions of fees and penalties. To ensure that these measures would be available, staff recommends that the definition of "other animals" in the Animal Control by-law be clarified to include hens. Enforcement would be done on a complaint basis.

As noted above, it is expected that some adult hens will end up at the Vancouver Animal Control shelter, either through abandonment or impoundment. Currently, the shelter has no facilities for poultry, and houses the occasional stray chicken in a cage in the dog run area. This arrangement is stressful for the chickens and overstimulating for the dogs, and would be unworkable should a greater number of birds need accommodation. Therefore, staff requests that \$20,000 be provided from the existing Community Services capital budget to construct a facility with coops and runs for six hens. Although contained in one structure, each coop and run would be separate from the others, to prevent transmission of disease, as well as pecking and other aggressive behaviour common among unacquainted hens. The facility would also have electricity, in order to allow heat lamps in winter, and plumbing to improve ease of cleaning.

The Vancouver Animal Control shelter is a pro-adoption facility; therefore, efforts would be made to find placements for abandoned or impounded hens. Hens that were unable to be placed would be euthanized.

## ***FINANCIAL IMPLICATIONS***

Recommendation B (iii) requests authorization of a \$20,000 expenditure from the existing Community Services capital budget for construction of facilities to house abandoned and/or seized hens. In addition, approximately \$5,000 from the existing Licences and Inspections operating budget will be required for communications.

## ***PERSONNEL IMPLICATIONS***

No new personnel are required to implement the staff recommendation. It is expected that existing staff could maintain the on-line registry, and respond to complaints. If complaint volumes are larger than anticipated, staff may request additional enforcement staffing

resources. Creation of the on-line registry website will require approximately 4 weeks of dedicated staff time from Information Services and from Graphics and Communications.

### ***ENVIRONMENTAL IMPLICATIONS***

By providing eggs for urban residents, and fertilizer for urban gardens, backyard hens contribute to local food production, which in turn reduces the City's carbon footprint. Hens can also reduce weed and garden pest populations, thus providing an environmentally friendly alternative to pesticides and herbicides. Backyard hens produce very little environmental impact, provided that their waste is regularly collected and composted or flushed, and their enclosures are kept clean.

### ***SOCIAL IMPLICATIONS***

Backyard hens contribute to the local and affordable production of nutritious food, and thus support the goal of creating a just and sustainable food system for our City.

### ***IMPLEMENTATION PLAN***

Should Council approve the staff recommendation, amendments to the Zoning and Development By-law would proceed to public hearing on May 18, 2010. Should Council approve the proposed Zoning and Development By-law amendments at that time, those amendments, and the amendments to the Animal Control By-law, would be brought concurrently to Council for enactment. While the by-law amendments are proceeding towards enactment, staff would begin work on the on-line registry and construction of the hen facilities at the animal shelter. The on-line registry may not be completed until several weeks after the initial by-law amendments are enacted; however, phone registration would be available during that time. Once the on-line registry is established, it will be necessary to further amend the Animal Control By-law in accordance with Resolution D and Appendix C.

### ***COMMUNICATIONS PLAN***

Should Council approve the staff recommendation, staff would immediately e-mail interested parties, update the backyard hens website, and issue a press release. Communications materials would emphasize that approval for the Zoning and Development By-law amendments must await public hearing. Staff would follow the same protocol once the Zoning and Development By-law amendments are approved, and upon final by-law enactment. At that time, promotional ads for the on-line registry would be taken out in local weekly newspapers, at an estimated cost of approximately \$5,000, to be drawn from the existing Licences and Inspections public education budget.

### ***CONCLUSION***

As recognized by Council, backyard hens can provide many benefits, including improving food security, decreasing greenhouse gas emissions related to the transportation of food, and contributing to a just and sustainable food system. This report provides recommendations on how the City can enjoy those benefits, while protecting public health and safety and ensuring humane treatment of the hens. These recommendations include amendments to the Zoning and Development By-law that allow keeping of hens in all residential zones, including multi-family, that provide reduced setbacks to allow keeping of hens on Vancouver's typically

narrow lots, and that provide maximum floor area and height standards to ease permit requirements and reduce visual impacts. The recommendations also include amendments to the Animal Control By-law, including repeal of the prohibition on keeping of hens, and addition of a new section providing limits on the number and type of chickens allowed, requirements for housing and care, prohibitions on backyard slaughtering and/or commercial use, requirements for pest control, sanitation, and biosecurity, and a requirement that hen keepers register their hens. Lastly, the staff recommendation includes a request for funding to construct hen facilities at the animal shelter. In total, the recommendations provide a system of regulation that will allow Vancouver residents to safely and humanely enjoy the rewards that backyard hens provide.

\* \* \* \* \*

**Draft Amendments to  
Zoning and Development By-law No. 3575  
regarding keeping hens**

**Note:** A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends or adds to the indicated provisions of the Zoning and Development By-law.
2. To section 2, after the definition of "Head of Household", Council adds:  
  
"Hen means a domesticated female chicken that is at least four months old;".
3. After section 10.18.1, Council adds:  
  
"10.18.2 Despite section 10.18.1, a building or other enclosure for keeping one or more hens:
  - (a) must be no more than 9.2 m<sup>2</sup> in floor area;
  - (b) must be no more than 2 m high;
  - (c) must be no closer than 3 m from any door or window of any dwelling;
  - (d) must be situate only in a rear yard or a side yard;
  - (e) may be anywhere in a rear yard;
  - (f) must, on a corner flanking lot, be no less than the greater of a distance equal to:
    - (i) the existing setback of the principal building, and
    - (ii) the required setback for a principal building under the Zoning and Development By-law,
 from the property line adjacent to the flanking street;
  - (g) must be at grade level;
  - (h) must be no less than 1 m from any property line; and
  - (i) may be situate only in RA, RS, RT, RM, and FM zones."

\* \* \* \* \*

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

**A By-law to amend Animal Control By-law No. 9150  
regarding keeping hens**

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

1. This By-law amends or adds to the indicated provisions of the Animal Control By-law.
2. To section 1.2, after the definition of "dog", Council adds:  
  
 ' "hen" means a domesticated female chicken that is at least four months old; '.
3. From section 1.2, Council repeals the definition of "other animal", and substitutes:  
  
 ' "other animal" means any animal, including any mammal, bird, reptile or amphibian, except a dog or domestic cat; '.
4. Council repeals section 7.2, and substitutes:  
  
 "7.2 A person must not keep in any area, temporarily or permanently, any horses, donkeys, cattle, swine, sheep, goats, ducks, geese, turkeys, pheasants, quail, or other poultry or fowl, except that this prohibition does not apply to:
  - (a) keeping hens, subject to sections 7.15 and 7.16;
  - (b) areas in which the Zoning and Development By-law allows the keeping of such animals;
  - (c) licensed pet shops or kennels;
  - (d) slaughter houses; or
  - (e) the exceptions set out in section 7.4."
5. In section 7.5, Council:
  - (a) from subsection (a), strikes out "or";
  - (b) from subsection (b), strikes out ".", and substitutes "; or"; and
  - (c) after subsection (b), adds:  
  
 "(c) four hens, in aggregate, on any one parcel despite the number of dwelling units permissible on that parcel."
6. After section 7.14, Council adds:

**"Registration of hens**

7.15 A person must not keep a hen unless that person first registers with the city, by:

- (a) requesting, by telephone to 311, the mailing to that person of the information on keeping hens and an application form;
- (b) reading such information;
- (c) completing the application including the following mandatory fields:
  - (i) the date,
  - (ii) the person's name, address and postal code,
  - (iii) confirmation that the person resides on the property where he or she will be keeping hens, and
  - (iv) confirmation that the person has read the information referred to in subsection(b); and
- (d) returning the completed application to the city;

and such person must promptly update, and provide to, the city any information given when any change occurs.

**Keeping of hens**

7.16 A person who keeps one or more hens must:

- (a) provide each hen with at least 0.37 m<sup>2</sup> of coop floor area, and at least 0.92 m<sup>2</sup> of roofed outdoor enclosure;
- (b) provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
- (c) provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box;
- (d) keep each hen in the enclosed area at all times;
- (e) provided each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as

scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;

- (f) maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- (g) construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- (h) keep a food container and water container in each coop;
- (i) keep each coop locked from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
- (l) remove all other manure not used for composting or fertilizing;
- (m) follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- (n) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- (o) not slaughter, or attempt to euthanize, a hen on the property;
- (p) not dispose of a hen except by delivering it to the Poundkeeper, or to a farm, abattoir, veterinary, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; or
- (q) not keep a hen in a cage."

7. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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

**A By-law to amend Animal Control By-law No. 9150  
regarding keeping hens**

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

1. This By-law amends or adds to the indicated provisions of the Animal Control By-law.

2. Council repeals section 7.15 and substitutes:

“

**Registration of hens**

7.15 A person must not keep a hen unless that person first registers with the city:

(a) electronically by:

- (i) accessing the city's animal control computer website at \_\_\_\_\_,
- (ii) accessing the link from that website to the on-line registry at \_\_\_\_\_,
- (iii) reading the information on keeping hens at the on-line registry site,
- (iv) completing the application at the on-line registry site including the following mandatory fields:
  - (A) the date,
  - (B) the person's name, address and postal code,
  - (C) confirmation that the person resides on the property where he or she will be keeping hens,
  - (D) confirmation that the person has read the information referred to in clause (iii), and
- (v) submitting the application to the on-line registry site; or

(b) by requesting, by telephone to 311, the mailing to that person of the information on keeping hens and an application form, and by:

- (i) reading such information,
- (ii) completing the application including the mandatory fields referred to in subsection (a)(iv), and

(iii) submitting the completed application to the city;

and such person must promptly update, and provide to, the city any information given when any change occurs.

**BACKYARD HEN REGULATIONS IN BRITISH COLUMBIA AND IN MAJOR U.S. CITIES**

City	Maximum # Allowed	Roosters Allowed	Permit or Licence Required	Neighbour Notification Required	Minimum Lot Size	Setbacks (from dwellings on lot)	Setbacks (from lot lines)	Setbacks (from other dwellings)
Vancouver (proposed)	4	No	Registration required	No	No	3 m (10 feet)	1 m (3 feet)	3 m (10 feet)
Victoria	Unlimited, but excessive numbers will bring into question intended use	No	No	No	No	None	None	None
Esquimalt	4	No	No	No	No	None	1.5 m (5 feet)	None
Burnaby	Unlimited	Yes	No	No	1 acre; A1 & A2 zones only	9 m (30 feet)	24.5 m (80 feet)	None
Richmond	Unlimited	Yes	No	No	2,000 sq. metres (1/2 acre)	None	None	None
Surrey	12 per acre	Yes	No	No	1 acre	None	Front and Side Yard Flanking Street = 36 m (120 feet)  Rear and Side Yard = 7.5 m (25 feet)	None
New Westminster	8 chickens on 6,000 sq. ft. lot, plus one for each additional 750 sq. ft., and up to 50 on lots greater than ½ acre	Yes	No	No	6,000 sq. ft.	50 feet (15.2 metres)  100 feet (30.4 metres) if more than 12 chickens	None	50 feet (15.2 metres)  100 feet (30.4 metres) if more than 12 chickens
Seattle	Three, with one additional chicken allowed per 1,000 ft <sup>2</sup> beyond minimum lot size (or beyond 5,000 ft <sup>2</sup> )	Yes	No – voluntary registry through King County Public Health	No	No	None	10 feet	None

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City	Maximum # Allowed	Roosters Allowed	Permit or Licence Required	Neighbour Notification Required	Minimum Lot Size	Setbacks (from dwellings on lot)	Setbacks (from lot lines)	Setbacks (from other dwellings)
Portland	Three without permit, unlimited with permit	No	Yes, for more than 3 chickens	Yes, for more than 3 chickens	No	None	None	15 feet
San Francisco	Four	Yes	No, unless kept for commercial purposes	No	No	20 feet from doors or windows	None	20 feet from doors or windows
Los Angeles	Unlimited	Yes	No	No	No	20 feet	None	35 feet; 100 feet for "crowing birds"
Denver	Unlimited	Yes	Yes	Yes	No	None	None	None
Chicago	Unlimited	Yes	No	No	No	None	None	None
Madison, WI	Four	No	Yes	Yes	No	None	None	25 feet
Minneapolis	Unlimited	Yes	No	Yes	No	None	None	None
New York City	Unlimited	No	No	No	No	None	None	None

## Survey of Recommended Minimum Space Requirements for Poultry Keeping

Organization	Recommended Minimum Space Requirements – Interior floor space in sq. ft. per hen	Recommended Minimum Space Requirements – Exterior floor space in sq. ft. per hen	Notes
<b>Cooperative Extensions</b>			
Michigan State University Cooperative Extension	1.5 -2		Plus feeding and watering areas
New Mexico State University Cooperative Extension	2.5 – 3		Also 4 inches of feeder space, and 2 inches of water feeder space
Texas A&M University Cooperative Extension	3		
Utah State University Cooperative Extension	1.5 - 2 sq. ft./bird floor space plus 1 – 1.5 sq. ft. nest box area per 4 -5 hens		Does not include interior space for feed/water
Virginia Cooperative Extension – Urban Fowl	1 sq. ft./ 1 lb. body weight (=2 sq. ft. for bantams; 4 – 8.5 sq. ft. for other hens)  3 cu. ft. of air space / 1 lb. of body weight		Laying hens typically weigh between 4 and 8.5 lbs., depending on breed; bantams average around 2 lbs.
Virginia Cooperative Extension – Commercial Flocks	1.5 plus one 0.7 sq. ft. nest box per 5 birds	8	
University of California at Davis Cooperative Extension	2 -2.5 for bantams and small breeds; 3 – 3.5 for larger breeds		
University of Florida IFAS Extension	1.5 – 3.0		
University of Georgia Cooperative Extension	3 – 3.5		
University of Maryland Cooperative Extension	3		
University of Minnesota Cooperative Extension	3		Guidelines for small laying flocks
University of Missouri Extension	3 (light breeds) 4 (heavy breeds)		
University of New Hampshire Cooperative Extension – “Producing Your Own Eggs”	3		

Organization	Recommended Minimum Space Requirements - Interior floor space in sq. ft. per hen	Recommended Minimum Space Requirements - Exterior floor space in sq. ft. per hen	Notes
<b>Other Government Agencies</b>			
Canada Plan Service	2 -3, depending on size of hen, plus 0.65 sq. ft. nest box per 5 birds		For small-scale commercial operations
Canadian Agri-Food Research Council	1 sq. cm./1 g body weight ex: 2 sq. ft. for 4 lb. bird 4 sq. ft. for 8 lb. bird		For free-run, indoor commercial systems with litter floors
ATTRA – National Sustainable Agricultural Information Service	2 -3 if adequate ventilation and insulation to prevent condensation; 4 – 8 if not		For flocks without regular ranging
New South Wales Agriculture Department	3.5		Plus 25 cm x 30 cm nest box
<b>Municipalities</b>			
City of Esquimalt	4.3		
City of New Westminster	4	2.5 sq. ft. of “runway” floor area	8 cu. ft. of space in pen or shed
City of Colorado Springs, CO	4	“adequate” outdoor space	
City of Fayetteville, AR		100	
City of Missoula, MT	2	outdoor enclosure required	
City of Rochester, NY	4	2.7	
<b>Humane Organizations</b>			
United Poultry Concerns	8-10		
Global Federation of Animal Sanctuaries	4	10	
Chicken Run Rescue	4	10	
<b>Popular Websites</b>			
Backyard Chickens.com	2-3	4-10	see FAQs and Raising Chickens 101
BBC Green blog	4	25 sq. ft./bird if run is not movable	
Chicken-yard.net	3.5 (for 3 birds) 7 (for 5 – 7 birds)		
Just Food (NYC)	2 - 4	4	
Mad City Chickens	3	6	
Professor Chicken.com	4	10 – 12	6-8 sq. ft./bird if no outdoor run
SoPo Chickens	4	10	Does not include interior space for feed/water and nest boxes
Global Federation of Animal Sanctuaries	4	10	

Building area, RS-1 Zone  
(33' x 122' lot)

Maximum site  
coverage =  
40%

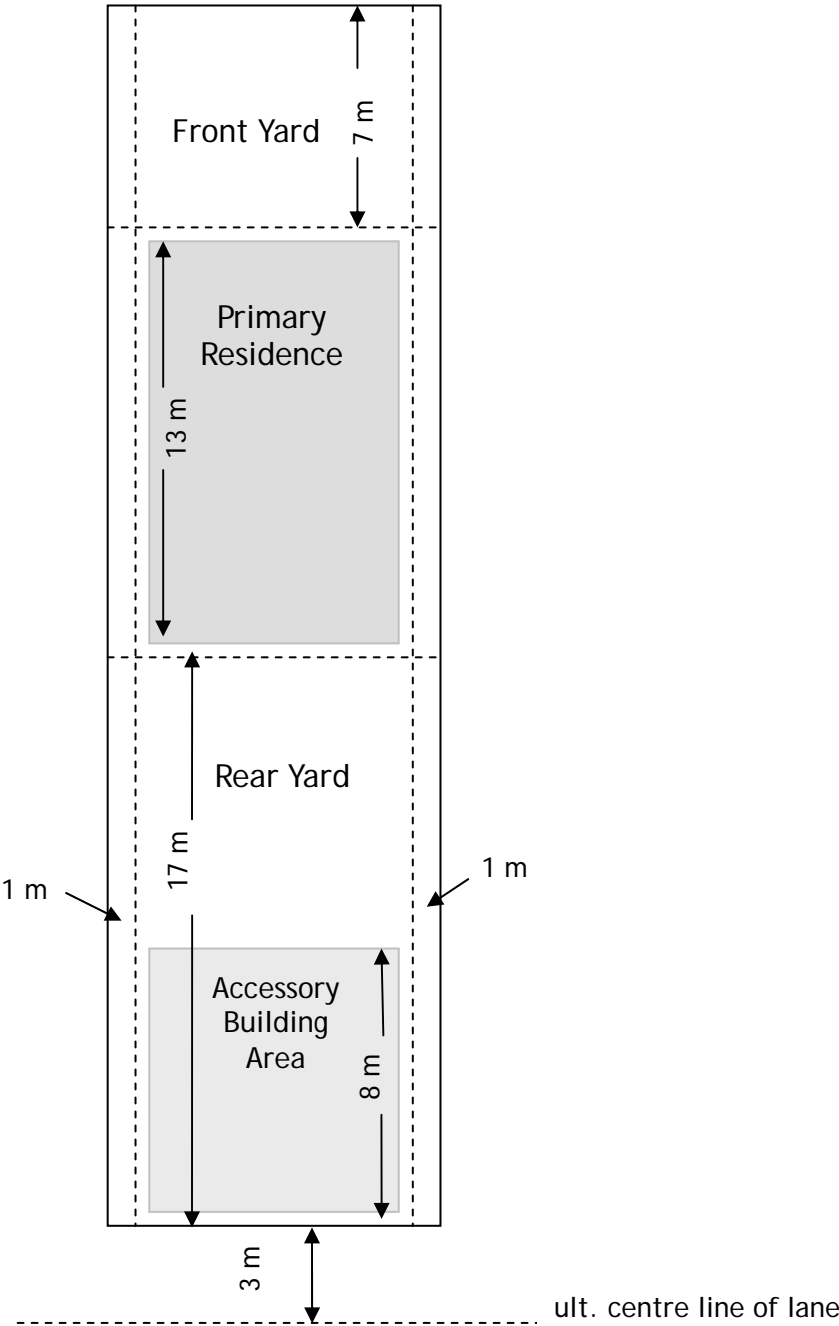


Diagram illustrating the setbacks and dimensions for three residential lots, showing the relationship between the primary residence, front yard, and setbacks from the boundaries.

**Lot Dimensions and Setbacks:**

- Front Yard:** 7 m
- Primary Residence:** 13 m
- Setbacks:**
  - Front setback: 3 m
  - Side setback: 3 m
  - Rear setback: 3 m

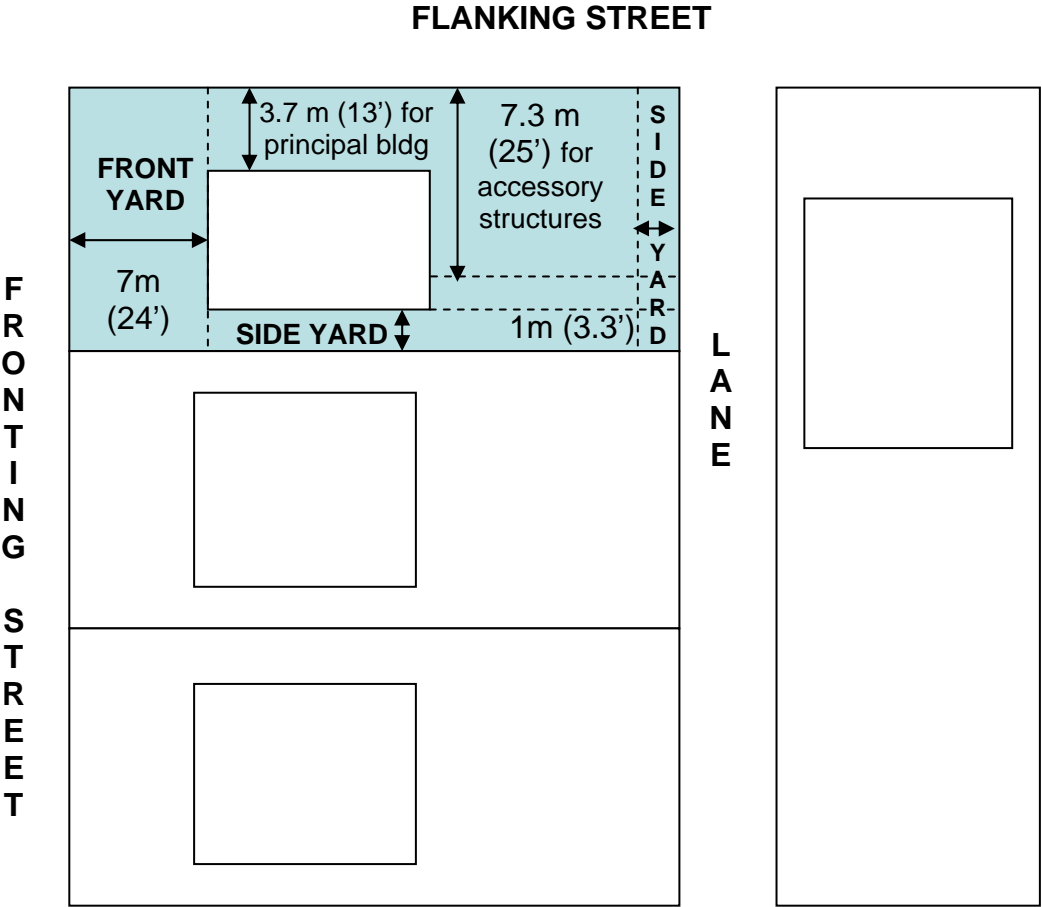
**Additional Features:**

- Deck:** Located in the middle lot, with a 3 m setback from the front boundary.
- Chicken:** Represented by a chicken icon in the front yard of each lot.
- Car:** Represented by a car icon in the front yard of each lot.
- House:** Represented by a house icon in the front yard of the left lot.
- Garage:** Represented by a garage icon in the front yard of the right lot.

**Setback Lines:**

- Front setback line: 3 m from the front boundary.
- Side setback line: 3 m from the side boundary.
- Rear setback line: 3 m from the rear boundary.

Corner Flanking Lot Setbacks  
RS- and RT- Zones



## FLANKING STREET



Backyard Hens - Comments Received March 6, 2009 - October 4, 2009		
Comments in Support	Comments Opposed	Other Comments
26	3	5
Reasons for Support	Reasons for Opposition	Other Comments
Food Security	Avian flu	Please keep me updated
Sustainability	Rats	Do not allow slaughter
Fresh eggs	Smell	Require adequate living standards
Alternative to factory farms	Noise	Will roosters be allowed?
	Salmonella	Do not allow slaughter

Backyard Hens - Comments Received on Draft Guidelines - October 2009		
Comments in Support	Comments Opposed	Other Comments
16	2	2
Comments Regarding Zoning Guidelines	Comments Regarding Animal Control Guidelines	
Allow relaxed setbacks for corner lots	Allow hens to free range in yard	
Reduce 10 foot setback from dwelling on lot	Reduce coop/enclosure space requirements	
Reduce 10 foot setback from neighbour dwelling	Allow ducks	
Increase setback from dwellings	Allow chicks	
Allow enclosures in side yards	Allow up to 6 hens	
	Require only one nest box for all hens	
	Provide list of local resources on web site	
	Require owner approval for keeping of hens on rental properties	
	Require approval from neighbours/other tenants	
	Have all registry materials in several languages	
	Include species name ( <i>Gallus gallus domesticus</i> )	
	Clarify response in event of avian flu	
	Require measures to prevent predation	

## Background - Avian Influenza and Salmonella

### *Avian Influenza*

Chickens, like other birds, are susceptible to forms of Type A influenza that are collectively known as “avian influenza” (AI). There are two forms of AI:

Low Pathogenic Avian Influenza (LPAI, or “low path”)

High Pathogenic Avian Influenza (HPAI, or “high path”)

LPAI produces relatively mild or no symptoms, and is widespread, particularly among wild birds. In contrast, HPAI produces severe symptoms but is less common, occurring in acute outbreaks. LPAI can mutate into HPAI after circulation in a concentrated poultry population.<sup>8</sup> AI is not an airborne disease, but is transmitted via direct contact with birds and their droppings, feathers, and body fluids.<sup>9</sup>

Along with the two different forms of AI, there are many subtypes. Like other influenza viruses, these subtypes are identified by two surface antigens: H (hemagglutinin) and N (neuraminidase). Only the H5 and H7 subtypes are known to have become highly pathogenic in avian species, including domestic poultry.<sup>10</sup> AI has spread to humans in rare instances.

The most severe occurrence of HPAI is an ongoing H5N1 outbreak that originated in China in 2003 and has spread throughout Asia and into Europe, the Middle East, and Africa. This virulent disease has resulted in the death (from disease and culling) of an estimated 150 million birds since 2003. During that time, there have been 467 confirmed human cases of H5N1 with 282 deaths. These cases, which have largely been attributed to direct contact with dead or sick birds, have occurred in 15 countries in Asia, Africa, and the Middle East, all of which are considered developing countries by the United Nations Human Development Index.<sup>11</sup> No cases of human infection have occurred in countries with the highest standards of living, such as those in the more prosperous areas of Asia, Europe, and the Middle East, despite the presence of H5N1 in poultry and wild birds in those regions.

This outcome is consistent with the findings of the Food and Agriculture Organization of the United Nations (FAO), which attributes spread of H5N1 to the practices more commonly found in poorer, less regulated areas. These include: poor sanitation; lack of veterinary inspection; live poultry markets; slaughtering in retail outlets; transport of diseased animals, contaminated cages, and dirty egg crates; contact between wild birds and aggregations of

<sup>8</sup> World Health Organization (WHO). Avian Influenza Fact Sheet. Retrieved January 14, 2010, from [http://www.who.int/mediacentre/factsheets/avian\\_influenza/en/](http://www.who.int/mediacentre/factsheets/avian_influenza/en/).

<sup>9</sup> Food and Agriculture Organization of the United Nations (FAO). Questions and Answers – The Facts of Bird Flu. Retrieved January 14, 2010, from <http://www.fao.org/avianflu/en/qanda.html>.

<sup>10</sup> Canadian Food Inspection Agency. Avian Influenza Fact Sheet. Retrieved January 14, 2010, from <http://www.inspection.gc.ca/english/anim/disemala/avflu/avflufse.shtml>.

<sup>11</sup> United Nations Development Programme. Human Development Report 2009 – HDI Rankings. Retrieved January 14, 2010, from <http://hdr.undp.org/en/statistics/>.

free ranging backyard poultry; and a general lack of biosecurity measures.<sup>12</sup> In Western Europe, Kuwait, Israel, and Saudi Arabia, H5N1 has occurred in sporadic and highly localized outbreaks, sometimes involving only one bird, and rarely more than one farm. Wealthier Asian countries such as Japan, South Korea, and Malaysia have controlled their outbreaks and their poultry are now considered disease-free. In contrast, in many parts of Indonesia and Vietnam, and in parts of Cambodia, China, and Thailand, H5N1 has become endemic among domestic birds.

High pathogenic H5N1 is not found in the Western Hemisphere, but there have been outbreaks of other HPAI subtypes. An outbreak caused by high pathogenic H7N3 occurred in the Fraser Valley in February 2004, resulting in the deaths (from disease and culling) of 17 million birds and an estimated \$471.6 million loss of revenue for Fraser Valley producers. The outbreak began in a large battery-style commercial operation with approximately 18,000 birds, and spread despite the culling of those flocks. By the end of the outbreak, the Canadian Food Inspection Agency (CFIA) identified HPAI H7N3 in 42 of the approximately 600 commercial poultry farms in the region and in 11 of the 553 backyard flocks, which together represented about 1.3 million birds.<sup>13</sup> Infection of humans was limited to two individuals, who experienced conjunctivitis (pink eye) and mild flu-like systems.<sup>14</sup>

Since the 2004 Fraser Valley outbreak, awareness of AI has increased and government agencies from the federal to local levels have developed more extensive prevention protocols, surveillance programs, and emergency response plans for addressing AI. The CFIA responds to all reports of LPAI with targeted depopulation, quarantine, and testing programs. Should an HPAI outbreak occur, the CFIA would activate its "stamping out" policy which includes culling of all infected and exposed animals; surveillance and tracing of potentially infected or exposed animals; strict quarantine and animal movement controls to prevent spread; strict decontamination of infected premises; and zoning to define infected and disease-free areas.

For backyard chicken owners, the CFIA recommends five biosecurity measures:

1. Prevent contact with wild birds and other animals
2. Clean, clean, clean
3. Spot the signs (of disease) and report early
4. Limit exposure to visitors
5. Keep new birds separate when entering your flock

Thus, although the H5N1 subtype has caused virulent disease among birds in parts of Asia, Africa, and Europe, health authorities in Canada consider the risk of H5N1 reaching North

<sup>12</sup> The Lessons We Learned in 2005 from the 2004 Outbreak of HPAI (H7N3) in BC Poultry, Dr. Victoria Bowes, Avian Pathologist, Animal Health Centre, BC Ministry of Agriculture & Lands, Abbotsford, British Columbia, presented at the INSA Science Days, May 2, 2006 Quebec City, QC

<sup>13</sup> Lees W, Chown L, Inch C. A short summary of the 2004 outbreak of high pathogenicity avian influenza (H7N3) in British Columbia, Canada. Ottawa, Ontario: Canadian Food Inspection Agency, Animal Products, Animal Health and Production Division; 2004.

<sup>14</sup> Tweed SA, Skowronski DM, David ST, Larder A, Petric M, Lees M, et al. Human illness from avian influenza H7N3, British Columbia. *Emerg Infect Dis* [serial on the Internet]. 2004 Dec [date cited]. Available from <http://www.cdc.gov/ncidod/EID/vol10no12/04-0961.htm>.

America, or other HPAI subtypes spreading among backyard hens, to be extremely limited, particularly if biosecurity measures, such as those recommended by the CFIA, are followed.

### *Salmonella*

*Salmonella* is another health concern associated with poultry and eggs. *Salmonella* lives in the intestines of infected chickens, and can be shed in large numbers in the droppings. Although *Salmonella* can be found among adult chickens, it is most commonly shed by chicks. Once shed, bacteria can spread across the chicken's body as the bird cleans itself and throughout the immediate environment. Humans who handle the birds or clean their enclosures can then be exposed to the bacteria, which can cause severe gastrointestinal illness if ingested. Health authorities recommend proper hand washing and other sanitation measures, such as changing clothes and boots, immediately after contact with poultry and their enclosures. They also recommend that children under 5 and those with compromised immune systems avoid exposure to chickens, particularly chicks. Regular cleaning of enclosures can also reduce the presence of *Salmonella*.<sup>15</sup>

The guidelines recommended to reduce the risks of avian influenza will also help minimize the risk of *Salmonella* poisoning from contact with chickens. This risk is further reduced by the recommended prohibition of hens less than four months old, as chicks shed much more *Salmonella* than older birds. In addition, transmission of the bacteria will be limited by the recommended prohibition on commercial sale of eggs or other hen products. The risk of *Salmonella* poisoning thus mainly affects those who are keeping hens, and their friends and families. Minimizing the spread of *Salmonella* is therefore largely a matter of personal responsibility that can be accomplished through good hygiene and proper precautions before and after handling of hens. It should be noted that other pets, particularly reptiles such as turtles and snakes, but also birds, hamsters, cats, dogs, and other animals, also shed *Salmonella* bacteria.

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<sup>15</sup> National Center for Infectious Diseases, Healthy Pets Healthy People Program. Health Risks Associated With Raising Chickens. Retrieved January 14, 2010, from [http://www.cdc.gov/healthypets/pdf/intown\\_flocks.pdf](http://www.cdc.gov/healthypets/pdf/intown_flocks.pdf).



## **VEHICLES FOR HIRE BYLAW**

### **BYLAW NO. 03-060**

This consolidation is a copy of a bylaw  
consolidated under the authority of  
section 139 of the *Community Charter*.  
(Consolidated on May 1, 2016 up to  
Bylaw No. 16-042)

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NO. 03-060

## **VEHICLES FOR HIRE BYLAW**

### **A BYLAW OF THE CITY OF VICTORIA**

(Consolidated to include Bylaws No. 05-101, 07-086, 09-089, 10-074, 12-026, 12-027, 12-091, 13-012, 13-018, 14-047, 15-012, 16-026 and 16-042)

The purpose of this Bylaw is to consolidate the Vehicles For Hire Bylaw.

### ***Contents***

#### **PART 1 – INTRODUCTION**

- 1 Title
- 2 Definitions

#### **PART 2 – GENERAL REQUIREMENTS FOR SIGHTSEEING VEHICLES**

- 3 Business licence required
- 4 Vehicle decals
- 5 Transfer of licence or decal
- 6 Insurance
- 7 Driver's licences
- 8 Vehicle maintenance
- 9 Vehicle inspection
- 10 Advertising and offering to transport passengers
- 11 Amplified music

#### **PART 3 – PEDICABS AND RICKSHAWS**

- 12 Number of pedicab licences
- 13 Selection process for pedicab licences
- 14 Construction of pedicabs and rickshaws
- 15 Restrictions on area and hours of operation
- 16 Stopping, standing and parking
- 17 Number of passengers
- 18 U-turn

#### **PART 4 – HORSEDRAWN VEHICLES**

- 19 Number of horsedrawn vehicle licences
- 20 Selection process for horsedrawn vehicle licences
- 21 Removing excrement of horses
- 22 Care and stabling of horses
- 23 Restricted areas and times for operation of horsedrawn vehicles
- 24 Parking horsedrawn vehicles
- 25 Displaying name on horsedrawn vehicles

**PART 5 – HORSEDRAWN VEHICLE CRUISE SHIP TOUR PERMITS**

- 26 Cruise Ship Permit applications
- 27 Cruise Ship Permit conditions

**PART 6 – HORSEDRAWN VEHICLE SPECIAL EVENT PERMITS**

- 28 Special Event Permit applications
- 29 Special Event Permit conditions

**PART 7 – MOTOR VEHICLES**

- 30 Parking motor vehicles
- 31 Motor sightseeing vehicle parking stand agreement and rental fees
- 32 Repealed
- 33 Repealed

**PART 8 - TAXIS****Division 1 – Taxi Drivers' Permits**

- 34 Permit requirements
- 35 Disqualification
- 36 Suspension or cancellation
- 37 Appeal
- 38 Fee
- 39 Permit

**Division 2 - Licences**

- 40 Licence requirement
- 41 Application for licence
- 42 Report to Council
- 43 Corporate prosecution
- 44 Meter, insurance
- 45 Conditions for licence
- 46 Transfer
- 47 Validation period
- 48 Refund
- 49 Decal
- 50 Cancellation

**Division 3 – Licence Holders' Duties**

- 51 Place of business
- 52 Examination of trip records
- 53 Business name in directory
- 54 Business inspection report

- 55 Condition of taxi
- 56 Taxi sign
- 57 Display of decals

#### **Division 4 – Taxi Meters**

- 58 Meter required
- 59 Display on meter
- 60 Accuracy of meter
- 61 Sealed meter
- 62 Use of defective meter
- 63 Operating meter

#### **Division 5 – Operation of Taxi**

- 64 Soliciting business
- 65 Use of public place
- 66 Duties of driver
- 67 Radar detection device
- 68 Permission of passengers
- 69 Charging and receipts
- 70 Parking taxi
- 71 Taxi stand
- 72 Objects left in taxi
- 73 Trip record
- 74 Rates & number of passengers

#### **PART 9 - GENERAL PROVISIONS**

- 75 Severability
- 76 Offences and penalties
- 77 Repeal

Schedule A – Map for Pedicab Area of Operation

Schedule B – Map for Horsedrawn Vehicle Area of Operation

Schedule C – Horsedrawn Sightseeing Vehicle Parking Stands

Schedule D – Motor Sightseeing Vehicle Parking Stands

Schedule E – Parking Stand Agreement

Under its statutory powers, including section 363 and Part 20 of the *Local Government Act*, section 3 of the 1907 *Act relating to the City of Victoria*, section 18 of the *Victoria City Act, 1919*, section 16 of the *Victoria City Act, 1922*, and section 9 of the *Victoria City Act, 1934*, the Council of The Corporation of the City of Victoria enacts the following provisions:

**PART 1 - INTRODUCTION****Title**

- 1 This Bylaw may be cited as the "VEHICLES FOR HIRE BYLAW."

**Definitions**

- 2 In this Bylaw:

“Bylaw Officer”

means a Bylaw Officer as defined in the Inspection Bylaw;

“bus”

means a vehicle that has a seating capacity of at least 9 passengers, and that is operated

- (a) over a defined route,
- (b) between fixed termini, or
- (c) on a regular time schedule;

“Chief”

means

- (a) the Chief of Police for the City in connection with the exercise of powers related to taxi driver’s permits, and
- (b) the Chief of Police for the City, or another person who
  - (i) is designated in writing by the Chief of Police to act on behalf of the Chief of Police for a purpose
    - (A) that is specified in the designation, and
    - (B) that is not in connection with a power related to taxi driver’s permits, and
  - (ii) is an employee of the City’s Police Department;

“City”

means the City of Victoria;

**“hire”**

means, with respect to a sightseeing vehicle, a fare, toll, fee, or rate charged or collected from any person for the transportation of a person or persons;

**“horsedrawn carriage”**

means a horsedrawn vehicle that is

- (a) pulled by one horse, and
- (b) has a maximum seating capacity of 6 passengers;

**“horsedrawn wagon”**

means a horsedrawn vehicle that is

- (a) pulled by two horses, and
- (b) has seats for a minimum of 7 and a maximum of 20 passengers;

**“James Bay”**

means the area lying within the following boundaries:

- (a) starting at a point being the intersection of the high water mark with the southerly extension of the east boundary of Douglas Street;
- (b) then along the east boundary of Douglas Street and Blanshard Street to an intersection with the north boundary of Belleville Street;
- (c) then along the north boundary of Belleville Street to the northwest corner of the intersection of Belleville and Government Streets;
- (d) then north to an intersection with the high water mark;
- (e) then continuously following the high water mark, starting in a westerly direction, to the starting point;

**“Licence Inspector”**

means a person employed as Business Licence Inspector for the City;

**“licensed sightseeing vehicle”**

means a sightseeing vehicle in respect of which a sightseeing vehicle licence has been issued;

**“limousine”**

means a motor vehicle

- (a) that is not equipped with a taxi meter or an instrument resembling a taxi meter,
- (b) that does not show a sign or mark indicating that it is a cab or taxi,
- (c) that does not have a dome on its roof, and
- (d) whose owner or operator does not claim or represent that it is a cab or taxi;

**“park”, “parking”, or “parked”**

has the same meaning as in the Streets and Traffic Bylaw;

**“pedicab”**

means a three- or five-wheeled human-powered or electric motor-assisted cycle;

**“permit holder”**

means a person who has been issued a Cruise Ship Tour Permit or a Special Event Permit;

**“rickshaw”**

means a two-wheeled vehicle manually pulled or pushed by an operator on foot;

**“sightseeing vehicle”**

means a cab, carriage, omnibus, cart, wagon, dray, motor vehicle, vessel or other conveyance or vehicle with a driver, used in the operation of a sightseeing or charter business, including horsedrawn vehicles, pedicabs and rickshaws but excluding taxis;

**“sightseeing vehicle licence”**

means a valid business licence, issued in accordance with this Bylaw and the Business Licence Bylaw, to load and transport passengers in a sightseeing vehicle;

**“sightseeing vehicle licensee”**

means a person who has been issued a sightseeing vehicle licence;

**“SPCA”**

means the British Columbia Society for the Prevention of Cruelty to Animals formed under the *Prevention of Cruelty to Animals Act*;

**“taxi”**

means a motor vehicle which is used in the conveyance of passengers for hire, but does not include an ambulance, a bus, a hearse, a limousine, a vehicle driven by the person who hires it or a vehicle, the sole commercial use of which is as a sightseeing vehicle;

**“taxi driver's permit”**

means a chauffeur's permit issued under the provisions of the *Motor Vehicle Act*;

**“taxi meter”**

means a mechanical or electronic instrument or device by which the charge for transportation in a taxi is mechanically or electronically calculated either for distance travelled or for waiting time or both and upon which the charge is indicated in Canadian currency by means of figures;

**“taxi owner”**

includes a person who leases a vehicle;

**“taxi stand”**

means an area designated as a taxi stand by the Streets and Traffic Bylaw.

## **PART 2 – GENERAL REQUIREMENTS FOR SIGHTSEEING VEHICLES**

### **Business licence required**

- 3 (1) A person may load and transport passengers for hire in a sightseeing vehicle only if the vehicle is a licensed sightseeing vehicle.
- (2) Despite subsection (1) a person may load and transport passengers for hire in a sightseeing vehicle that is not a licensed sightseeing vehicle if those passengers were first transported into the City by that person from a place outside the City.
- (3) A person applying for a sightseeing vehicle licence must make application to the Licence Inspector on the form provided for that purpose and must pay to the City the licence fee prescribed by the Business Licence Bylaw.
- (4) The Licence Inspector must not issue a sightseeing vehicle licence if the applicant has not provided

- (a) a complete description of the sightseeing vehicle in respect of which the sightseeing vehicle licence is being applied for,
  - (b) proof of valid liability insurance against any claims arising from the ownership or operation of the sightseeing vehicle in respect of which the sightseeing vehicle licence is being applied for in an amount of at least
    - (i) \$2,000,000 if the vehicle is a rickshaw, pedicab, or vessel,
    - (ii) \$5,000,000 for any other sightseeing vehicle, and
  - (c) for each sightseeing vehicle that is a vessel, a valid Transport Canada Compliance Notice or Certificate of Inspection.
- (5) Before issuing or renewing a sightseeing vehicle licence, the Licence Inspector may require proof that a licence or permit, for the vehicle or its operation, required under provincial or federal law, has been obtained and is in force.

#### **Vehicle decals**

- 4
- (1) The Licence Inspector must issue to each sightseeing vehicle licensee a sightseeing vehicle decal for each of the licensee's licensed sightseeing vehicles.
  - (2) A person must not transport passengers in a licensed sightseeing vehicle unless a valid and legible sightseeing vehicle decal for that vehicle is displayed as follows:
    - (a) if a motor vehicle, on the right side of the front window;
    - (b) if a vessel, so that it is clearly visible when that vessel is moored;
    - (c) if any other type of sightseeing vehicle, so that the decal is clearly visible while the vehicle is in operation.
  - (3) If a sightseeing vehicle decal issued pursuant to this section is damaged or lost, the Licence Inspector may issue a replacement decal if the sightseeing vehicle licensee
    - (a) surrenders the damaged decal to the Licence Inspector or provides written proof satisfactory to the Licence Inspector confirming such loss, and
    - (b) pays a replacement decal fee of \$10.00 plus applicable taxes.

#### **Transfer of licence or decal**

- 5
- (1) Except as allowed under this section, a person must not transfer, lease, rent or lend a sightseeing vehicle licence or a decal issued pursuant to section 4.

- (2) A sightseeing vehicle licensee may apply to the Licence Inspector for the transfer of a licence and decal from a licensed sightseeing vehicle that is inoperative to a replacement sightseeing vehicle of the same class.
- (3) The Licence Inspector must issue a sightseeing vehicle licence and decal for a replacement sightseeing vehicle if the sightseeing vehicle licensee
  - (a) surrenders its sightseeing vehicle licence and decal to the Licence Inspector for the purpose of transferring the licence and decal to the replacement sightseeing vehicle,
  - (b) provides the information required under section 3(4) of this Bylaw for the replacement sightseeing vehicle, and
  - (c) pays a transfer fee of \$25.00 plus applicable taxes.
- (4) Despite subsections (2) and (3), a decal may be transferred without applying to the Licence Inspector if the decal is transferred between a licensee's
  - (a) horsedrawn carriages,
  - (b) horsedrawn wagons,
  - (c) pedicabs, or
  - (d) rickshaws.

### **Insurance**

- 6 (1) A person may transport passengers in a sightseeing vehicle only if the insurance required under section 3(4) is in effect.
- (2) The operator of a sightseeing vehicle must produce proof of the insurance required under section 3(4) to the Licence Inspector, a Bylaw Officer or police officer on request.
- (3) If an operator of a sightseeing vehicle or the sightseeing vehicle licensee is unable to provide proof of insurance when requested by the Licence Inspector, a Bylaw Officer or police officer, the Licence Inspector may suspend the licensee's sightseeing vehicle licence.
- (4) A suspension under subsection (3) will continue until the licensee provides satisfactory proof to the Licence Inspector of the insurance required under section 3(4).

### **Driver's licences**

- 7 (1) A person must not transport passengers in a horsedrawn vehicle unless the person holds a valid Class 7 (Novice) British Columbia Driver's Licence issued

under the *Motor Vehicle Act* or an equivalent driver's licence issued by another jurisdiction.

- (2) A person must not transport passengers in a pedicab or rickshaw unless the person holds a valid Class 5 or 6 British Columbia Driver's Licence issued under the *Motor Vehicle Act* or an equivalent driver's licence issued by another jurisdiction.
- (3) A person must not transport passengers in a sightseeing vehicle that is a motor vehicle as defined under the *Motor Vehicle Act* unless the person holds a valid driver's licence of the class required under that Act or its regulations to operate the sightseeing vehicle.
- (4) A person must not transport passengers in a sightseeing vehicle that is a vessel unless the person holds a valid licence or certificate as required under the *Canada Shipping Act* or its regulations to operate the vessel.

#### **Vehicle maintenance**

- 8 A person must not transport passengers in a sightseeing vehicle unless the vehicle is maintained
  - (a) in a safe condition,
  - (b) in a clean condition, and
  - (c) in good repair.

#### **Vehicle inspection**

- 9
  - (1) A Bylaw Officer or police officer may require the operator of a sightseeing vehicle to stop and the operator of a sightseeing vehicle, when signaled or requested to stop by a Bylaw Officer or police officer who is readily identifiable as a Bylaw Officer or police officer, must immediately come to a safe stop.
  - (2) When requested by a Bylaw Officer or police officer, the operator of a sightseeing vehicle must state correctly his or her name and address and the name and address of the sightseeing vehicle licensee.
  - (3) Where a sightseeing vehicle has been stopped under subsection (1), a Bylaw Officer or police officer may inspect the sightseeing vehicle and any records associated with the operation of the sightseeing vehicle to determine compliance with this or any other Bylaw.

#### **Advertising and offering to transport passengers**

- 10
  - (1) Except as permitted in this section, when in or on a street, a person must not advertise a sightseeing tour or offer to transport passengers in a sightseeing vehicle.

- (2) Without limiting the generality of subsection (1), and except as permitted in this section or by any other Bylaw, a person must not deposit or leave or keep a placard, portable sign, ticket booth, or other object on a street or sidewalk for the apparent purpose of advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle.
- (3) A person must not be pressing or persistent when advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle.
- (4) An operator of a pedicab or rickshaw may verbally offer to transport passengers in that vehicle while lawfully stopped or standing on a street.
- (5) A sightseeing vehicle licensee that has been allocated a parking stand in accordance with Schedule C may allow one person to advertise a sightseeing tour or offer to transport passengers in the licensee's licensed sightseeing vehicles at the sales location described in Column C of the table in Schedule C for that parking stand location.
- (6) A person advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle in accordance with subsection (5) may do so from a movable podium that occupies no more than 0.4 m<sup>2</sup> of the sidewalk.
- (7) On the sidewalk within 3 m of a parking stand, a sightseeing vehicle licensee who is allocated a parking stand in accordance with Schedule D may allow up to 3 people to advertise a sightseeing tour or offer to transport passengers in the licensee's licensed sightseeing vehicles from the parking stand allocated to that sightseeing vehicle licensee in Schedule D.

### **Amplified music**

- 11 (1) An operator of a pedicab, rickshaw or horsedrawn vehicle must not allow amplified music to emanate from the vehicle between the hours of 7:00 p.m. and 7:00 a.m. except within the area bounded
  - (a) on the south by Belleville Street,
  - (b) on the east by Cook Street,
  - (c) on the north by Bay Street, and
  - (d) on the west by the Johnson Street Bridge.
- (2) Nothing in subsection (1) relieves a person from complying with the requirements of the Noise Bylaw.

### PART 3 – PEDICABS AND RICKSHAWS

#### Number of pedicab licences

- 12 (1) The Licence Inspector must not issue more than 28 sightseeing vehicle licences in respect of pedicabs.
- (2) If the number of licences issued in respect of pedicabs falls below the limit described in subsection (1), the Licence Inspector may issue new licences in a number sufficient to bring the total to the limit described in subsection (1).
- (3) Any new licences to be issued pursuant to subsection (2) may only be issued to persons who have been selected in accordance with section 13 and who otherwise satisfy the requirements of this Bylaw and the Business Licence Bylaw.

#### Selection process for pedicab licences

- 13 (1) If the number of licences issued in respect of pedicabs falls below the limit described in section 12(1), the Licence Inspector must
- (a) advertise the availability of licences in respect of pedicabs, including the number of available licences,
  - (b) invite persons to submit their name for a business licence to transport passengers in a pedicab and the number of licences being requested, and
  - (c) randomly select from the persons who have submitted their names pursuant to subsection (1)(b), persons to apply for a business licence to transport passengers in a pedicab until all available licences have been allocated.
- (2) If within 30 days following the selection of persons pursuant to subsection (1)(c) the number of licences issued falls below the limit described in section 12(1), the Licence Inspector may randomly select from the persons remaining following the selection of persons pursuant to subsection (1), persons to apply for a business licence to transport passengers in a pedicab until all available licences have been allocated, notwithstanding any provision in this Bylaw to the contrary.

#### Construction of pedicabs and rickshaws

- 14 (1) A person must not transport passengers in a pedicab unless the pedicab is equipped with
- (a) pedals that are operable at all times to propel the pedicab,
  - (b) hydraulic rear disc brakes and front disc or caliper brakes,
  - (c) metal hydraulic brake lines,

- (d) an operable front headlight and rear tail lights,
  - (e) heavy duty steel or aluminium rims,
  - (f) extra-strength spokes on all wheels,
  - (g) operable turn signal lights and four-way flashers,
  - (h) two side reflectors on each side of the pedicab, and
  - (i) rear bumper protection.
- (2) A person must not transport passengers in an electric motor-assisted pedicab unless
- (a) the pedicab complies with the requirements of the *Motor Vehicle Act*, and
  - (b) the motor is designed to switch off or disengage once the pedicab reaches a speed of 10 km/hr.
- (3) A person must not transport passengers in a rickshaw between 1/2 hour after sunset and 1/2 hour before sunrise unless the rickshaw is equipped with
- (a) an operable front headlight and rear tail light, and
  - (b) side reflectors on each side of the rickshaw.

### **Restrictions on area and hours of operation**

- 15 A person must not operate a pedicab or rickshaw outside of the area that is shown outlined on the map in Schedule A except
- (a) between 6:00 p.m. and midnight on a week day or a Saturday, or
  - (b) on a Sunday or holiday.

### **Stopping, standing and parking**

- 16 (1) A person who is operating a pedicab or rickshaw must comply with the stopping, standing and parking provisions of the Streets and Traffic Bylaw and the *Motor Vehicle Act*.
- (2) Despite subsection (1), a person operating a pedicab or a rickshaw that is a licensed sightseeing vehicle may park the vehicle
- (a) on a yellow curb within 6 m of a legal parking or loading space, for a maximum time of one hour, unless otherwise restricted by a traffic order under the Streets and Traffic Bylaw,

- (b) in the Tourist Parking and Passenger Loading Zones on the west side of the 700 block of Government Street,
- (c) on Government Street between Humboldt and Yates Streets, on the sidewalk between the curb and the drainage grates,
- (d) on the east side of the 700 block of Government Street
  - (i) between the midblock crosswalk and the main entrance to the building located at 721 Government Street, and
  - (ii) in the 8 m distance measured southerly from a point 6 m south of the southern end of Parking Stand 2 described in Schedule D,
- (e) in a metered zone or pay station zone if
  - (i) that does not result in more than 2 pedicabs or rickshaws being parked there simultaneously, and
  - (ii) the person operating the pedicab or rickshaw pays for the parking.
- (3) Each person issued a sightseeing vehicle licence in respect of a pedicab or a rickshaw must pay an annual parking fee of \$180 plus applicable taxes per licence.

### **Number of passengers**

- 17 (1) A person must not transport more than
  - (a) 3 persons simultaneously in the cab of a pedicab, and
  - (b) 2 persons simultaneously in the trailer of a pedicab.
- (2) A person must not transport more than 2 passengers simultaneously in a rickshaw.

### **U-turn**

- 18 An operator of a pedicab or rickshaw may make a U-turn only
  - (a) in a safe manner,
  - (b) at a slow rate of speed,
  - (c) without obstructing traffic, and
  - (d) within the area shown outlined on the map in Schedule A.

## PART 4 – HORSEDRAWN VEHICLES

### Number of horsedrawn vehicle licences

- 19      (1)      The Licence Inspector must not issue more than 18 sightseeing vehicle licences in respect of horsedrawn vehicles.
- (2)      If the number of licences issued in respect of horsedrawn vehicles falls below the limit described in subsection (1), the Licence Inspector may issue new licences in a number sufficient to bring the total to the limit described in subsection (1).
- (3)      Any new licences to be issued pursuant to subsection (2) may only be issued to persons who have been selected in accordance with section 20 and who otherwise satisfy the requirements of this Bylaw and the Business Licence Bylaw.

### Selection process for horsedrawn vehicle licences

- 20      (1)      If the number of sightseeing vehicle licences issued in respect of horsedrawn vehicles falls below the limit described in section 19(1), the Licence Inspector must
- (a)      advertise the availability of licences in respect of horsedrawn vehicles, including the number of available licences;
- (b)      invite persons to submit their name for a business licence to transport passengers in a horsedrawn vehicle and the number of licences being requested; and
- (c)      randomly select from the persons who have submitted their names pursuant to subsection (1)(b), persons to apply for a business licence to transport passengers in a horsedrawn vehicle until all available licences have been allocated.
- (2)      If within 30 days following the selection of persons pursuant to subsection (1)(c) the number of licences issued falls below the limit described in section 19(1), the Licence Inspector may randomly select from the persons remaining following the selection of persons pursuant to subsection (1), persons to apply for a business licence to transport passengers in a horsedrawn vehicle until all available licences have been allocated, notwithstanding any provision in this Bylaw to the contrary.

### Removing excrement of horses

- 21      Each sightseeing vehicle licensee must cause any excrement dropped by a horse used in the operation of that licensee's horsedrawn vehicle to be immediately removed from the street and lawfully disposed of.

**Care and stabling of horses**

- 22 (1) A sightseeing vehicle licensee may use a horse in the operation of a horsedrawn vehicle only if that horse is stabled outside of the City.
- (2) For each horse used in the operation of a horsedrawn vehicle, a sightseeing vehicle licensee must, at its cost and by the first Monday of the month of March of each year for which a sightseeing vehicle licence is issued
- (a) cause the horse to be thoroughly examined by a qualified registered veterinarian, to determine whether the horse is fit to be so used,
  - (b) provide to the Licence Inspector's satisfaction a copy of the registered veterinarian's certification that the horse is fit to be used for the operation of a horsedrawn vehicle,
  - (c) request the SPCA to conduct an evaluation of the living conditions of the horse, and to confirm in writing and in the form prescribed from time to time by the SPCA that such conditions are not likely to cause the horse to be in distress, and
  - (d) provide to the Licence Inspector's satisfaction a copy of the written confirmation from the SPCA that the horse's living conditions are not likely to cause the horse to be in distress.
- (3) For each horse used in the operation of a horsedrawn vehicle, a sightseeing vehicle licensee must, at its cost and by the first Monday of the month of August of each year for which a sightseeing vehicle licence is issued
- (a) cause the horse to be thoroughly examined by a qualified registered veterinarian, to determine whether the horse is fit to be so used, and
  - (b) provide to the Licence Inspector's satisfaction a copy of the registered veterinarian's certification that the horse is fit to be used for the operation of a horsedrawn vehicle.

**Restricted areas and times for operation of horsedrawn vehicles**

- 23 (1) A horsedrawn vehicle may be operated only within the area outlined on the map in Schedule B.
- (2) A person must not operate a horsedrawn vehicle between 4:00 p.m. and 5:00 p.m. on any day from Monday to Friday in the following areas:
- (a) Superior Street between Menzies and Douglas Streets;
  - (b) Southgate Street between Douglas and Quadra Streets;
  - (c) Douglas Street between Michigan and Belleville Streets.

- (3) A person must not operate a horsedrawn vehicle on any day from Monday to Friday that is not a holiday within the shaded area shown on the map in Schedule B between the hours of
  - (a) 7:00 a.m. and 9:00 a.m., or
  - (b) 3:30 p.m. and 5:30 p.m.
- (4) A person must not operate a horsedrawn vehicle between 1/2 hour after sunset and 1/2 hour before sunrise.
- (5) Despite subsection (4), if the horsedrawn vehicle is equipped with headlamps and turn signal devices that meet the requirements for motor vehicles established under the *Motor Vehicle Act* a person may operate
  - (a) a horsedrawn carriage between 1/2 hour after sunset and midnight, or
  - (b) a horsedrawn wagon between 1/2 hour after sunset and 10:30 p.m.
- (6) A sightseeing vehicle licensee must not load or unload horses into a vehicle in James Bay except at the location commonly known as Ogden Point.

#### **Parking horsedrawn vehicles**

- 24 (1) A person must not park a horsedrawn vehicle on a street except
  - (a) at a parking stand described in and allocated in accordance with Schedule C, or
  - (b) as may be permitted under the Streets and Traffic Bylaw.
- (2) A person may park a vehicle in a parking stand described in Schedule C only if the vehicle is a licensed sightseeing vehicle of a sightseeing vehicle licensee described in column 1 of the table in Schedule C.
- (3) The sightseeing vehicle licensees described in column 1 of the table in Schedule C must rotate their use of the parking stands described in column 2 of the table in Schedule C on a daily basis.
- (4) A person allocated a parking stand in accordance with Schedule C must enter into an agreement with the City in the form attached as Schedule E to this Bylaw and pay to the City the rental fee for the stand set out in column 5 of the table in Schedule C.
- (5) A person allocated a parking stand in accordance with Schedule C must not operate more than 4 horsedrawn wagons at any time from that stand.

**Displaying name on horsedrawn vehicles**

- 25 A person must not transport passengers in a horsedrawn vehicle unless the name of the sightseeing vehicle licensee or permit holder is visibly and legibly displayed on the vehicle.

**PART 5 – HORSEDRAWN VEHICLE CRUISE SHIP TOUR PERMITS****Cruise Ship Permit applications**

- 26 (1) Despite section 3(1), a sightseeing vehicle licensee may operate a horsedrawn vehicle that is not a licensed sightseeing vehicle if the person holds a valid Cruise Ship Tour Permit issued by the Director of Engineering.
- (2) A person must apply for a Cruise Ship Tour Permit to the Director of Engineering at least 24 hours in advance of the tour for which the permit is to be used.
- (3) The Director of Engineering may issue a Cruise Ship Tour Permit if the applicant for the permit provides the following information:
- (a) a description of the horsedrawn vehicle to be used;
  - (b) the time and date of the tour;
  - (c) the name of the cruise ship from which the vehicle will load passengers;
  - (d) the name of the booking agent for the use of the vehicle;
  - (e) the number of passengers to be loaded onto the vehicle;
  - (f) the vehicle's proposed route.
- (4) An applicant must pay a \$15 application fee for each Cruise Ship Tour Permit.
- (5) If the operation of a horsedrawn vehicle under a Cruise Ship Tour Permit could reasonably be expected to result in traffic congestion, to interfere with access to or from a street, or to interfere with public safety, the Director of Engineering may
- (a) request that an alternative route be used, or
  - (b) if an alternative route is unavailable because of similar concerns with traffic congestion, street access, or public safety, refuse to issue the Cruise Ship Tour Permit at the time and date proposed.
- (6) A sightseeing vehicle licensee may not obtain more than 6 Cruise Ship Tour Permits for any one cruise ship arrival.

**Cruise Ship Permit conditions**

- 27 A person operating a horsedrawn vehicle under a Cruise Ship Tour Permit must
- (a) only transport passengers who have reserved in advance for the tour,
  - (b) use the route approved by the Director of Engineering,
  - (c) only load passengers disembarking from a cruise ship at the location commonly known as Ogden Point, and
  - (d) immediately produce the permit for inspection by a Bylaw Officer or police officer upon request.

**PART 6 – HORSEDRAWN VEHICLE SPECIAL EVENT PERMITS****Special Event Permit applications**

- 28 (1) Despite sections 3(1) and 23(1), a person may use a horsedrawn vehicle to transport passengers for a special event if the person holds a valid Special Event Permit issued by the Director of Engineering for that horsedrawn vehicle and that event.
- (2) A person must apply for a Special Event Permit to the Director of Engineering at least 24 hours in advance of the event for which the permit is to be used.
- (3) The Director of Engineering may issue a Special Event Permit if the applicant for the permit provides the following information:
- (a) if the applicant is not a sightseeing vehicle licensee, proof of valid liability insurance against any claims arising from the ownership or operation of the sightseeing vehicle in the amount of at least \$5,000,000,
  - (b) the time and date of the event,
  - (c) the nature of the event,
  - (d) the type of horsedrawn vehicle to be used, and
  - (e) the vehicle's proposed route.
- (4) An applicant must pay a \$15 application fee for each Special Event Permit.
- (5) If the operation of a horsedrawn vehicle under a Special Event Permit could reasonably be expected to result in traffic congestion, to interfere with access to or from a street, or to interfere with public safety, the Director of Engineering may
- (a) request that an alternative route be used, or

- (b) if an alternative route is unavailable because of similar concerns with traffic congestion, street access, or public safety, refuse to issue the Special Event Permit at the time and date proposed.

### **Special Event Permit conditions**

- 29 A person operating a horsedrawn vehicle under a Special Event Permit must
- (a) only transport passengers who have reserved in advance for the event,
  - (b) use the route approved by the Director of Engineering,
  - (c) not load, unload or transport passengers within James Bay
  - (d) cause any excrement dropped by a horse used in the operation of that horsedrawn vehicle to be immediately removed from the street and lawfully disposed of, and
  - (e) immediately produce the permit for inspection by a Bylaw Officer or police officer upon request.

## **PART 7 – MOTOR VEHICLES**

### **Parking motor vehicles**

- 30 (1) A person must not park a sightseeing vehicle that is a motor vehicle in the area lying within the boundaries formed on the
- (a) north by Johnson Street,
  - (b) east by the east side of Cook Street,
  - (c) south by the south and southwest sides of Dallas Road, and
  - (d) west by that part of Victoria Inner Harbour which extends from the Johnson Street Bridge to the northerly extension of Dallas Road from its intersection with Erie Street.
- (2) Subsection (1) does not apply to the parking of a sightseeing vehicle that is a motor vehicle
- (a) in a parking stand described in and allocated in accordance with Schedule D,
  - (b) in a Hotel Zone in accordance with a permit issued under the Streets and Traffic Bylaw, or
  - (c) within a parking stand that is designated as a parking stand for sightseeing vehicles that are motor vehicles.

- (3) A person may park a sightseeing vehicle in a parking stand described in Schedule D only if the vehicle is a licensed sightseeing vehicle of the sightseeing vehicle licensee to whom the parking stand is allocated and only in the parking stand allocated to that licensee.

### **Motor sightseeing vehicle parking stand agreement and rental fees**

- 31 A person allocated a stand in accordance with Schedule D must enter into an agreement with the City in the form attached as Schedule E to this Bylaw and pay to the City the rental fee for the stand set out in Schedule D to this Bylaw.

### **Repealed**

- 32 Repealed

### **Repealed**

- 33 Repealed

## **PART 8 - TAXIS**

### **Division 1 – Taxi Drivers' Permits**

#### **Permit requirements**

- 34 A person must not be employed as, and must not act or engage to act as a taxi driver unless that person
- (a) is at least 19 years of age;
  - (b) holds a valid class 1, 2 or 4 driver's licence issued under the *Motor Vehicle Act*; and
  - (c) holds a taxi driver's permit issued to that person by the Chief.

#### **Disqualification**

- 35 (1) The Chief must issue a taxi driver's permit to a person who qualifies under section 34, unless the applicant for the permit
- (a) has been convicted
    - (i) within the previous 5 years of an offence under the *Criminal Code* involving dishonesty or violence, or of a sexual offence under Part V of the *Criminal Code*,
    - (ii) within the previous 5 years of an offence under the *Controlled Drugs and Substance Act*, or under any other federal or provincial

legislation, involving the possession of or trafficking in a controlled substance,

- (iii) within the previous 2 years of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol in the applicant's blood, or
    - (iv) within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada;
  - (b) has been convicted at any time of any of the offences referred to in paragraph (a), and has served a term of imprisonment as a result of that conviction, any part of which term of imprisonment was served within 5 years of the date of the application;
  - (c) has received within the previous 2 years more than one temporary driver's licence suspension under the provisions of the *Motor Vehicle Act*, or the equivalent legislation of another Province or Territory of Canada, on grounds related to the amount of alcohol in the applicant's blood, which suspension has not been cancelled or set aside by judicial process or under a provision of a statute; or
  - (d) does not have adequate oral, reading, or writing proficiency related to occupational functions, the geography of the City and its surrounding municipalities, or the contents of this Bylaw.
- (2) In order to determine if an applicant meets the requirements of subsection (1)(d), the Chief may
- (a) require the applicant to undertake a test of oral, reading, and writing proficiency related to occupational functions, the geography of the City and its surrounding municipalities, and the contents of this Bylaw;
  - (b) from time to time establish the form and content of the test to be administered under this subsection.
- (3) An applicant who has previously held a taxi driver's permit is not required to undertake the examination required by subsection (2) if the application is made within 6 months of the expiry of the previously held permit.
- (4) In order to determine whether an applicant meets the requirements of subsection (1)(a) the Chief may require the applicant to provide a copy of a record of criminal convictions, with respect to the applicant, that has been obtained within the previous 60 days.

**Suspension or cancellation**

36 The Chief may suspend or cancel a taxi driver's permit where for the Chief, being satisfied by proof, believes that the holder of the permit is unfit to act as a taxi driver because of that holder's

- (a) use of or other dealing in intoxicants or narcotic drugs; or
- (b) actions involving dishonesty, violence or indecency.

**Appeal**

37 (1) Within 24 hours after a decision to refuse, suspend or cancel a taxi driver's permit, the Chief must give written reasons for the decision to the applicant or holder of the permit.

(2) The applicant or holder may appeal the Chief's decision to the Council.

(3) The Council may suspend or cancel a taxi driver's permit where the holder of the permit

- (a) is convicted of an offence under the *Criminal Code* involving dishonesty or violence, or of a sexual offence under Part V of the *Criminal Code*;
- (b) is convicted of an offence under the *Controlled Drugs and Substance Act* or any other federal or provincial legislation, involving the possession of or trafficking in a controlled substance;
- (c) is convicted of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol in the permit holder's blood;
- (d) is convicted within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada; or
- (e) ceases to hold a valid class 1, 2 or 4 driver's licence, issued under the *Motor Vehicle Act*, by reason of the revocation or suspension of that licence under that *Act*.

(4) The Council's decision concerning an appeal is final.

**Fee**

38 There is no fee for the issue of a taxi driver's permit.

**Permit**

- 39 (1) The Chief may
- (a) prescribe the form of the taxi driver's permit that is issued under this Bylaw;
  - (b) require that a photograph of the holder of taxi driver's permit be attached to that permit.
- (2) A permit issued by the Chief is valid for one year.
- (3) The Chief may renew a taxi driver's permit if its holder requests that before the permit expires.
- (4) The holder of a taxi driver's permit must
- (a) possess the permit when driving or operating a taxi on a street;
  - (b) display the permit in a prominent place within the taxi that the holder is operating, so that the permit is visible to an occupant of the taxi; and
  - (c) produce the permit for inspection when it is demanded by a Peace Officer or Constable.

**Division 2 - Licences****Licence requirement**

- 40 (1) A person must not use or allow a vehicle to be used as a taxi unless the taxi owner of the vehicle holds a valid licence for the taxi, issued in accordance with this Bylaw.
- (2) For the purposes of subsection (1), the existence of the licence must be shown by the vehicle's owner.

**Application for licence**

- 41 (1) An application for a licence must
- (a) be made in writing to the Chief on a form to be provided for that purpose by the Licence Inspector; and
  - (b) must contain all pertinent information, including the business name under which the applicant intends to operate, if that name differs from the applicant's name, and vehicle identification for the taxi.
- (2) An application for a licence must disclose whether the applicant, within the period of 2 years immediately preceding the date of the application

- (a) has been convicted of an offence under a bylaw of the City or of another municipality and that is related to the conduct of a business or to dishonesty;
  - (b) has been convicted of an offence against a law of Canada or of a Province
    - (i) related to dishonesty, violence or indecency; or
    - (ii) concerning narcotics or intoxicants; or
  - (c) is subject to a pending prosecution for an alleged offence of the kind described in paragraphs (a) and (b).
- (3) In order to determine whether an applicant meets the requirements of subsection (2)(b) the Chief may require the applicant to provide a copy of a record of criminal convictions, with respect to the applicant, that has been obtained within the previous 60 days.
- (4) If a prosecution is pending against an applicant for an alleged offence described in subsection (2), the Chief may reject that person's application and advise the applicant to submit a fresh application after the conclusion of the prosecution.
- (5) The Licence Inspector must refer an application to the Council instead of issuing a licence if the applicant has been convicted of an offence described in subsection (2) within a period of 2 years immediately preceding the date of application.
- (6) Where an application is referred by the Licence Inspector to the Council, the Council
- (a) must give the applicant an opportunity to be heard by the Council; and
  - (b) on the affirmative vote of at least 2/3 of its members, may direct that a licence is not to be issued to the applicant until a specified date or at the end of 2 years after the date of the most recent of the applicant's convictions.
- (7) The Licence Inspector must disregard an applicant's convictions and process that person's application if Council does not give a direction in accordance with subsection (6)(b).

### Report to council

- 42 (1) The Chief may report to Council a licence holder's conviction referred to in section 41(2), or a licence holder's contravention or non-compliance with this Bylaw.
- (2) Where the Chief reports to the Council under this section, the Council

- (a) must give the holder an opportunity to be heard by Council; and
- (b) may direct that the licence be cancelled or, if it is expired, that it not be renewed.

### **Corporate prosecution**

- 43 (1) For the purposes of sections 41 and 42, a conviction of or a prosecution against a director or a person owning or controlling a corporation which is an applicant for a licence is considered to be a conviction of or a prosecution against the corporation.
- (2) An applicant must disclose on an application a conviction referred to in subsection (1).

### **Meter, insurance**

- 44 A licence must not be issued until the applicant produces evidence to the satisfaction of the Chief that:
- (a) the vehicle concerned is equipped with an efficient taxi meter which was tested and approved by a member of the Victoria City Police not more than 30 days before the submission of the application; and
  - (b) the applicant has liability insurance in respect of the motor vehicle for not less than \$2,000,000.00.

### **Conditions for licence**

- 45 The Licence Inspector must issue a licence and the decals described in section 49(1) to an applicant where
- (a) the applicant complies with this Bylaw;
  - (b) Council does not refuse the licence; and
  - (c) the applicant pays the licence fee prescribed by the Business Licence Bylaw.

### **Transfer**

- 46 (1) The holder of a licence may apply in writing to the Chief to transfer the licence from one taxi to another owned by the holder.
- (2) An application for a transfer must contain the information, described in section 41(1), that relates to the taxi to which the transfer is requested.
- (3) On surrender of the licensed vehicle decal issued under section 50 or on satisfactory proof that it has been lost or destroyed, the Licence Inspector must issue a new licence and licensed vehicle decal to the applicant where

- (a) the Chief is satisfied that the applicant remains eligible for a licence;
  - (b) the requirements of section 45 are satisfied;
  - (c) the applicant pays a \$25.00 licence fee to the City.
- (4) An additional licence fee is not payable for a licence during the then current licence year if the amount in subsection (3)(c) is paid for that licence.
- (5) A licence holder may transfer the licence to another person who applies for it on an application form provided by the Licence Inspector where
- (a) the holder surrenders, to the Licence Inspector, the holder's licensed vehicle decal issued under section 50; and
  - (b) the applicant pays a \$25.00 licence fee to the City.
- (2) An additional licence fee is not payable for a licence during the then current licence year if the amount in subsection (5)(b) is paid for that licence.
- (3) A licence is deemed to be cancelled where a licence holder transfers to another person the ownership of the taxi indicated on the licence and does not transfer the licence to another taxi or to another person in accordance with this section.

### **Validation period**

- 47 A licence is valid until the earlier of
- (a) the 15th day of January following the date of issue of the licence; or
  - (b) the day the licence is suspended or cancelled.

### **Refund**

- 48 A reduction or a refund is not payable for a licence that is valid for less than a full year.

### **Decal**

- 49 (1) The Licence Inspector must issue to each licence holder
- (a) a licensed vehicle decal; and
  - (b) a rate decal containing the rates established by section 74(4).
- (2) A replacement licensed vehicle decal may be purchased for \$1.00 from the City if the decal is lost or destroyed.
- (3) A taxi licence must not be transferred

- (a) until the licensed vehicle decal for that taxi is returned to the Licence Inspector; or
- (b) if the licensed vehicle decal for the taxi has been lost or destroyed, until the licence holder has provided written reasons, to the Licence Inspector, for not returning that decal.

### **Cancellation**

50 A licence must be cancelled 30 days after any of the following events:

- (a) the expiry or cancellation of the liability insurance of the taxi to which the licence applies;
- (b) the involvement of that taxi in a collision in which the taxi is damaged beyond repair;
- (c) the licence holder give the Licence Inspector written notice that the licence is no longer required.

## **Division 3 – Licence Holders' Duties**

### **Place of business**

- 51
- (1) A licence holder must keep a place of business within the City or within 5 miles of the City.
  - (2) At that place of business a licence holder must keep, in accordance with section 74, daily trip records for the taxi to which the licence applies.
  - (3) Within the 24 hours following a change of address of that place of business the licence holder must give to the Chief written notice of the change.

### **Examination of trip records**

- 52 A licence holder must at all reasonable times permit the Chief to enter the holder's place of business to examine the daily trip records and to make copies or extracts of them.

### **Business name in directory**

- 53
- (1) A licence holder, as soon as is possible, must cause the holder's telephone number and business name to be placed in the City of Victoria *Telus* telephone directory.
  - (2) A licence holder that carries on business under the holder's personal name must have that name placed in the directory.

**Vehicle inspection report**

- 54 (1) Where demanded by the Chief or a police officer, a licence holder must produce a motor vehicle inspection report, issued by the Province of British Columbia, for the holder's taxi.
- (2) A licence that is cancelled under subsection (1) may be reissued after 30 days following the cancellation if the requirements of section 45 are satisfied.

**Condition of taxi**

- 55 (1) A licence holder must maintain the interior and exterior of the holder's taxi in a clean condition.
- (2) The Chief must notify a taxi driver when in the Chief's opinion that driver's taxi is in an unsafe or unclean condition.
- (3) The holder of the licence for the taxi or the taxi driver must submit the taxi for a safety inspection by a licensed mechanic or for a cleanliness inspection by the Chief.
- (4) Where a taxi fails to pass a safety or a cleanliness inspection, the Chief must suspend the licence for the taxi until it is re-inspected and approved as to safety and cleanliness.
- (5) A licence holder must cause the holder's taxi to be equipped with an interior light sufficient to illuminate the entire passenger compartment and must at all times maintain the light in proper working order.

**Taxi sign**

- 56 (1) A licence holder must cause the holder's business name and the word "TAXI" or "CAB" to be displayed conspicuously in legible lettering at least 3" high on the outside of the holder's taxi.
- (2) A licence holder who carries on business under the holder's personal name must display that name on the holder's taxi in the manner described in subsection (1).

**Display of decals**

- 57 (1) A licence holder must display in the holder's taxi the following decals in the location described below in a manner making them legible from outside the taxi:
- (a) the licensed vehicle decal must be displayed in the rear window on the driver's side; and
- (b) the rate decal containing the rates established by section 74(4) must be displayed near the top of the window on the passenger seat behind the driver.

- (2) The licence holder must keep the decals clean and legible at all times.
- (3) The licence holder must not display more than one of each of the decals.

#### **Division 4 – Taxi Meters**

##### **Meter required**

- 58 A person must not drive or operate a taxi or engage in the business of operating a taxi unless the taxi is equipped with a taxi meter that is approved by the Chief and complies with the requirements of this Bylaw.

##### **Display on meter**

- 59 (1) A taxi's licence holder and the taxi's driver must ensure that while the taxi is under hire its meter
- (a) mechanically or electronically measures the taxi's travelled distance and waiting time; and
  - (b) legibly displays, to all passengers in the taxi, in figures in Canadian currency, the charge for stopping for a customer and the taxi's travelled distance and waiting time.
- (2) The displayed charge must not exceed the amount calculated by applying the rates set out in section 74(4).

##### **Accuracy of meter**

- 60 A taxi's licence holder and the taxi's driver must ensure that while the taxi is under hire its meter automatically, accurately and continuously performs the functions described in section 59(1) to the extent that the meter is not more than 3% incorrect to the prejudice of a passenger.

##### **Sealed meter**

- 61 (1) A meter that has been installed in a taxi must not be used unless the Chief has had the meter inspected, tested and sealed, the Chief has certified that the meter is in accurate working condition and
- (a) the meter remains sealed; or
  - (b) the taxi driver possesses an unexpired temporary permit issued under subsection (4).
- (2) A taxi's licence holder must pay to the City a fee of \$30.00 for the inspection, testing, and sealing of each taxi meter under subsection (1).

- (3) If the seal of a taxi's meter is broken, the taxi's driver must immediately report it to the Chief and present the taxi to verify the report.
- (4) After causing the report to be verified, the Chief must issue a temporary permit that allows the use of the meter for a period of not more than 14 days.
- (5) During the period referred to in subsection (4), the taxi's licence holder must cause the taxi to be presented to the Chief for inspection, testing and sealing of its meter.
- (6) The Chief must not issue more than 3 temporary permits in a calendar year.
- (7) A taxi's licence holder must ensure that the measuring function of the taxi's meter, referred to in section 59(1)(a), is incapable of being altered while the meter is sealed.

#### **Use of defective meter**

62 A taxi's licence holder and the taxi's driver must not use the taxi's meter if it is defective.

#### **Operating meter**

- 63
- (1) A taxi driver must start the operation of the taxi's meter at the start of the period that the taxi is under hire.
  - (2) At the end of the period that a taxi is under hire its driver must stop the operation of its meter and ensure that the passenger is aware of the amount of the charge displayed on the meter.

### **Division 5 – Operation of Taxi**

#### **Soliciting business**

- 64
- (1) A person must not solicit or cause or allow soliciting for business for the taxi on a street or in any other public place.
  - (2) Subsection (1) does not apply to a taxi driver who seeks business by driving or stopping a taxi on a street.

#### **Use of public place**

- 65 A taxi's licence holder, the holder's agent and the taxi's driver, while acting in those capacities, must not
- (a) obstruct the use of a sidewalk or any other public place;
  - (b) make or cause a disturbance or a disturbing noise;
  - (c) use obscene, impudent or abusive language; or

- (d) molest, annoy or insult any person.

### **Duties of driver**

66 While on duty, a taxi driver must

- (a) be clean, neatly dressed, groomed and courteous to the driver's passengers; and
- (b) not consume alcoholic liquor nor possess an unsealed container of alcoholic liquor.

### **Radar detection device**

67 A taxi driver must not have a radar detection device, including an inoperative one, in the driver's taxi.

### **Permission of passengers**

68 A taxi's driver must comply with the following regulations unless the passengers in the taxi give their express permission otherwise:

- (a) the driver must not smoke;
- (b) the driver must not operate a radio or a device that produces music or sound from a tape or a compact disc;
- (c) the driver must not load other passengers into the taxi;
- (d) the driver must drive on the most direct route to the passengers' destinations.

### **Charging and receipts**

- 69
- (1) When requested by a passenger of a taxi, the taxi's driver must give the passenger a written receipt showing payment of the charge for hiring the taxi and showing the date and time of the issue of the receipt.
  - (2) A taxi driver must charge only the taxi's sole remaining passenger for the use of the taxi where two or more passengers share the taxi and all but one of them is unloaded before the taxi reaches its final destination.
  - (3) Subsection (2) does not apply where the passengers and the driver agree to another method of payment for the hire of the taxi.

### **Parking taxi**

- 70
- (1) A person must not park a taxi or leave it parked on a street in an area that is not a taxi stand except:
    - (a) despite the Streets and Traffic Bylaw, during the time needed to load or unload passengers;

- (b) outside a place of public gathering from the time when the gathering is ended until 30 minutes after that time; or
  - (c) where the taxi is used for a lawful purpose other than as a taxi.
- (2) Subsection (1)(a) does not allow the stopping of a taxi in an area that is designated by the City's Director of Engineering as a bus zone or a zone where stopping is prohibited for all vehicles.
  - (3) A person who parks a taxi or leaves it parked in the circumstances described in subsection (1)(c) must not allow a customer to enter the taxi.

### **Taxi stand**

- 71 (1) Taxi drivers in a taxi stand must
  - (a) arrange their taxis and load passengers into the taxis in the successive chronological order in which the taxis arrived in the taxi stand, with the taxis that arrive earliest placed nearest the front of the taxi stand; and
  - (b) drive forward in succession to occupy areas vacated by taxis that leave the taxi stand.
- (2) If a taxi from one company enters a taxi stand after 2 or more taxis from another company, the drivers of the taxis from that other company, except the driver that was earliest in the taxi stand, must leave it.
- (3) When a taxi is stopped in a taxi stand and the taxi's driver is not loading, unloading or assisting passengers, the driver must
  - (a) remain with the taxi; and
  - (b) keep the taxi's doors closed.

### **Objects left in taxi**

- 72 (1) While a taxi is under hire, its driver must care for all property delivered to the driver for transporting or safekeeping.
- (2) Immediately after a taxi has been under hire, its driver must
  - (a) carefully search it for property that was left or lost in the taxi;
  - (b) immediately return the property to its owner; and
  - (c) if the property is unclaimed or the owner cannot be found within 8 hours, give notice of that to the Chief.

**Trip record**

- 73 (1) A taxi driver must keep a legible English language daily trip record that contains
- (a) the taxi driver's name;
  - (b) the British Columbia licence number of the driver's taxi; and
  - (c) the date, time, origin and destination of the trips made by the driver's taxi when it is under hire.
- (2) At the end of a taxi driver's shift of duty, the driver must give the daily trip record to the holder of the licence for the driver's taxi.
- (3) The licence holder must ensure that a daily trip record is legible and contains the information required by this section.
- (4) The licence holder must retain daily trip records for 6 months.
- (5) If requested by the Chief during the 6 months after a daily trip record is made, the taxi driver or the licence holder must
- (a) produce the record for inspection; and
  - (b) where in the Chief's opinion it is necessary for the purpose of enforcing this Bylaw, allow the Chief to copy and retain the copy of the record.

**Rates & number of passengers**

- 74 (1) Despite the number of passengers carried on a single trip by a taxi, the taxi's driver must charge only a single fare for that trip.
- (2) At any one time a taxi driver may convey only those passengers who first engaged that driver's taxi.
- (3) A taxi driver must not charge for carrying a passenger's luggage or freight unless the passenger expressly agrees to the amount of the charge before the luggage or freight is carried.
- (4) A taxi driver must not charge an amount for the hire of a taxi that exceeds the amount permitted under a tariff or rule approved from time to time by the Passenger Transportation Board, acting under the authority of the Passenger Transportation Act.
- (5) A taxi's driver must not demand or receive a fee permitted under subsection 74(4) for any time less than 3 minutes during which the taxi stops to load a customer when the taxi is hailed.

**PART 9 - GENERAL PROVISIONS****Severability**

- 75 Each provision of this Bylaw is intended to be independent of and severable from its other provisions so that the invalidity of any portion of the Bylaw does not affect the validity or enforceability of any other portion.

**Offences and penalties**

- 76 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
- (3) The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$100.

**Repeal**

- 77 Bylaw No. 96-27, the Vehicles For Hire Bylaw, is repealed.

READ A FIRST TIME the	<b>10<sup>th</sup></b>	day of	<b>July</b>	2003
READ A SECOND TIME the	<b>10<sup>th</sup></b>	day of	<b>July</b>	2003
READ A THIRD TIME the	<b>10<sup>th</sup></b>	day of	<b>July</b>	2003
ADOPTED on the	<b>24<sup>th</sup></b>	day of	<b>July</b>	2003

**“ROBERT G. WOODLAND”**  
CORPORATE ADMINISTRATOR

**“ALAN LOWE”**  
MAYOR

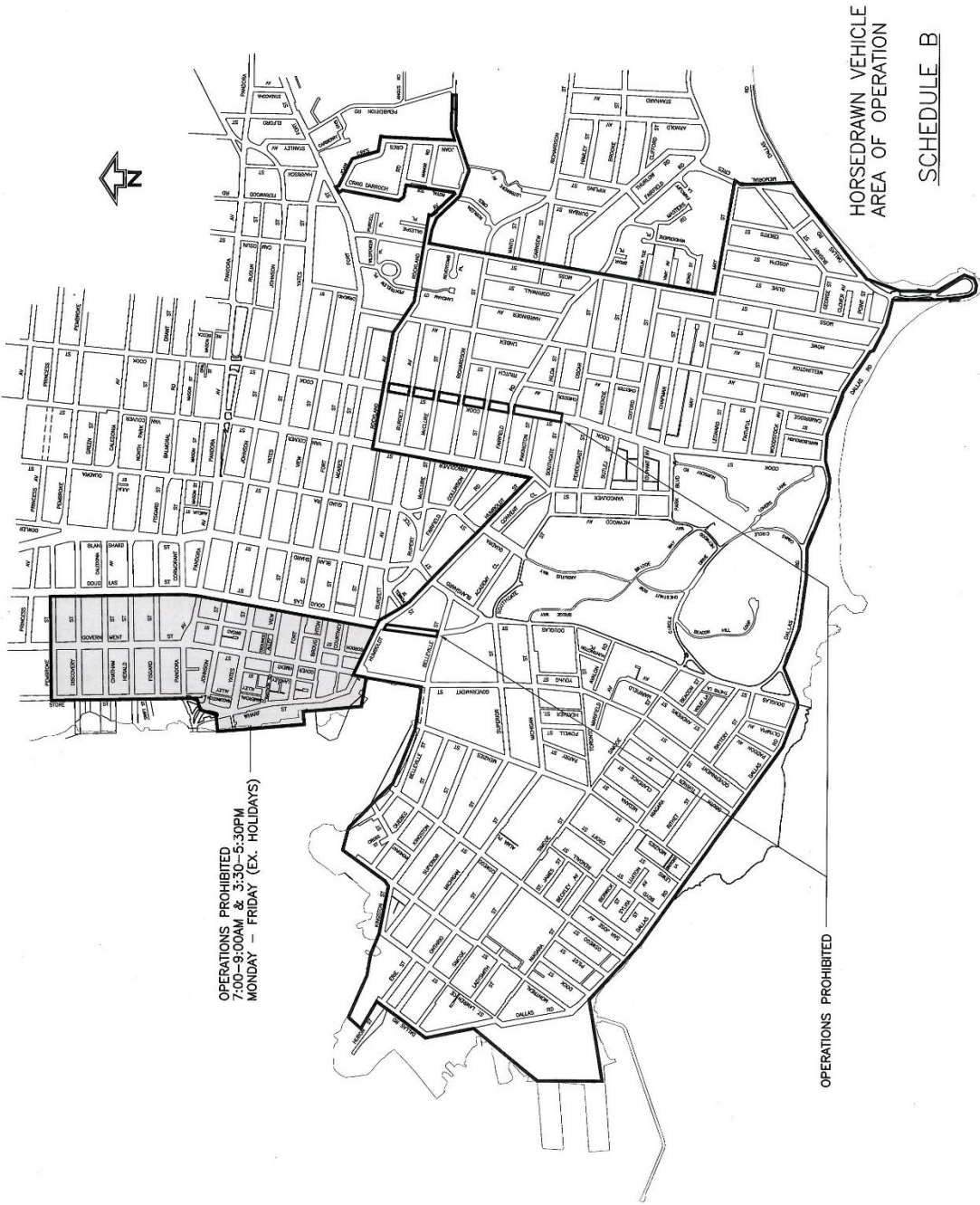
Schedule A

Map for Pedicab Area of Operation (Section 15)



Schedule B

Map for Horsedrawn Vehicle Area of Operation (Section 23(1))



## Schedule C

## Horsedrawn Sightseeing Vehicle Parking Stands

<u>Column 1 - Licensees</u>	<u>Column 2 - Parking Stand Locations</u>	<u>Column 3 - Sales Locations</u>	<u>Column 4 - Allocation Period</u>	<u>Column 5 - Monthly Rental Fee (including applicable taxes)</u>
Black Beauty Line Victorian Carriage Tours Ltd.	<b>Parking Stand 1</b>  the west side of Menzies Street, a distance of 25 m measured southerly from a point 4.9 m south of the south property line of Belleville Street	<b>Parking Stand 1 Sales Location</b>  the sidewalk on the north side of Belleville Street a distance of 21.7 m measured westerly from the northerly lateral extension of the east property line of Menzies Street.	January 1, 2013 to December 31, 2013	\$883.18
			January 1, 2014 to December 31, 2017	\$1,170.00
Capital City Tally-Ho Sightseeing Company (1980) Ltd.	<b>Parking Stand 2</b>  the east side of Menzies Street, a distance of 25 m measured southerly from a point 18.3 m south of the south property line of Belleville Street	<b>Parking Stand 2 Sales Location</b>  the sidewalk on the southwest corner of the intersection of Belleville and Menzies Streets at least 1.5 m from that part of the street that is used for vehicles.	January 1, 2013 to January 1, 2014	\$883.18
			January 1, 2014 to December 31, 2017	\$1,170.00
Victoria Single Horse Drawn Carriage Tours Inc.	<b>Parking Stand 3</b>  the west side of Menzies Street, a distance of 25 m measured southerly from a point 29.9 m south of the south property line of Belleville Street	<b>Parking Stand 3 Sales Location</b>  the sidewalk on the southeast corner of the intersection of Belleville and Menzies Streets at least 1.5 m from that part of the street that is used for vehicles.	January 1, 2013 to January 1, 2014	\$883.18
			January 1, 2014 to December 31, 2017	\$1,170.00

## Schedule D

## Motor Sightseeing Vehicle Parking Stands

<u>Licensee</u>	<u>Parking Stand Allocation</u>	<u>Allocation Period</u>	<u>Monthly Rental Fee (including applicable taxes)</u>
CVS Cruise Victoria Ltd. (Incorporation No. BC0782440)	<b>Parking Stand 1</b>  The east side of Government Street, a distance of 21.4 m measured northerly from a point 68.4 m north of the north property line of Belleville Street	April 1, 2013 to March 31, 2017	\$1,755.00
Wilson's Transportation Ltd. (Incorporation No. BC0221816)	<b>Parking Stand 2</b>  The east side of Government Street, a distance of 21.4 m measured northerly from a point 39.5 m north of the north property line of Belleville Street	April 1, 2013 to March 31, 2017	\$1,755.00
Hippo Tours Inc. (Extraprovincial Registration No. A0086232)	<b>Parking Stand 3</b>  The north side of Belleville Street, a distance of 14 m measured westerly from a point 45.3 m west of the northerly lateral extension of the west property line of Menzies Street	May 1, 2016 to March 31, 2017	\$1,170.00
Wilson's Transportation Ltd. (Incorporation No. BC0221816)	<b>Parking Stand 4</b>  The north side of Belleville Street, a distance of 14 m measured westerly from a point 63.5 m west of the northerly lateral extension of the west property line of Menzies Street	April 1, 2013 to March 31, 2017	\$1,170.00

## Schedule E

## Parking Stand Agreement

THIS AGREEMENT MADE AS OF \_\_\_\_\_,

BETWEEN:

**THE CORPORATION OF THE CITY OF VICTORIA**

#1 Centennial Square  
Victoria, B.C. V8W 1P6  
(the "**City**")

AND:

**[NAME OF SIGHTSEEING VEHICLE LICENSEE]**

(the "**Licensee**")

- A. The City is the owner of a parking stand identified as Parking Stand \_\_\_\_ (the "Parking Stand") in Column \_\_\_\_ of Schedule D to the Vehicles for Hire Bylaw No. 03-60 (the "**Vehicles for Hire Bylaw**") [*or the City is the owner of the parking stands (the "Parking Stands") identified in Schedule C to the Vehicles for Hire Bylaw No. 03-60 (the "**Vehicles for Hire Bylaw**")*] ;
- B. The Licensee has been issued a sightseeing vehicle licence (as defined in the Vehicles for Hire Bylaw) to load and transport passengers in a [*horsedrawn*] sightseeing vehicle;
- C. The City has allocated the Parking Stand to the Licensee for the Licensee's use [*or The City has granted to the Licensee permission to use the Parking Stands*];
- D. The Vehicles for Hire Bylaw requires the Licensee to enter into this Agreement with the City as a condition of the Licensee using the Parking Stand[s].

**THEREFORE** in consideration of the fee paid by the Licensee to the City and the mutual promises contained in this Agreement, the City and the Licensee covenant and agree with each other as follows:

- 1.0 Right to Occupy** - The City, subject to the performance and observance by the Licensee of the terms, conditions, covenants and agreements contained in this Agreement, grants to the Licensee, for the Licensee and its employees, the right to occupy the Parking Stand[s] during the Licensee's hours of operation for the purposes of loading or unloading passengers from a licensed sightseeing vehicle and for parking a licensed sightseeing vehicle between daily sightseeing tours, and for no other purpose. For certainty, but without limiting the foregoing, the Licensee shall not park a sightseeing vehicle in a Parking Stand overnight.
- 2.0 Special Events** - Notwithstanding section 1 or any other provision in this Agreement to the contrary, the Licensee agrees it will not be permitted to occupy the Parking Stand[s]

if, in the opinion of the Director of Parks, Recreation and Facilities for the City in his or her sole and absolute discretion, use of the Parking Stand[s] is required by the City for a special event or the Licensee's use of the Parking Stand[s] is incompatible with a special event occurring in the City. The Director of Parks, Recreation and Facilities will notify the Licensee, in writing, of the date and times the Parking Stand is required for a special event and the Licensee will not occupy the Parking Stand[s] on such days and during the times indicated.

- 3.0 Displacement for Capital Improvements** - Notwithstanding section 1 or any other provision in this Agreement to the contrary, the Licensee agrees it will not be permitted to occupy the Parking Stand[s] if, in the opinion of the Director of Engineering and Public Works for the City in his or her sole and absolute discretion, use of the Parking Stand[s] is required by the City in order to undertake capital improvements or the Licensee's use of the Parking Stand[s] is incompatible with capital improvements occurring in the vicinity of the Parking Stand[s]. The Director of Engineering and Public Works will notify the Licensee, in writing, of the date and times the Parking Stand[s] is required for capital improvements and the Licensee will not occupy the Parking Stand[s] on such days and during the times indicated.
- 4.0 Participation in Emissions Study** *[Schedule D parking stands only]* – If requested to do so by the City, the Licensee agrees to have data-logging devices supplied by the City installed on one or more of the licensed sightseeing vehicles approved in writing by the City to occupy the Parking Stand.
- 5.0 Reservation of Rights** - The City hereby reserves to itself from the grant and covenants made by it to the Licensee under section 1 above the right for the City, its agents, employees, contractors and subcontractors to have full and complete access to the Parking Stand[s] for any and all purposes.
- 6.0 Fee** - In consideration of the right to occupy the Parking Stand[s], the Licensee shall pay to the City the rental fee set out in the Vehicles for Hire Bylaw, such fee payable in advance on the 1<sup>st</sup> day of every month.
- 7.0 Maintenance** - The Licensee will keep the Parking Stand[s] free of any garbage or other refuse and otherwise in a state of cleanliness.
- 8.0 Insurance** - The Licensee will maintain insurance as follows:
- (a) The Licensee will take out and maintain during the term of this Agreement a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Parking Stand[s] in the amount of not less than five million (\$5,000,000) dollars per single occurrence or such greater amount as the City may from time to time designate, naming the City as an additional insured party thereto and will provide the City with a certificate of insurance prior to commencement of use of the Parking Stand[s].
  - (b) All policies of insurance shall contain a clause requiring the insurer not to cancel or change the insurance without giving the City thirty (30) days prior written notice.

- (c) If both the City and the Licensee claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Licensee.

**9.0 Indemnification** - The Licensee releases and will indemnify and save harmless the City, its elected and appointed officials, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liability that the City, the Licensee or anyone else may incur, suffer or allege by reason of this Agreement or the use of the Parking Stand[s] by the Licensee or its agents, employees, tenants and invitees.

**10.0 Termination** - If the Licensee is no longer allocated the Parking Stand[s] under the Vehicles for Hire Bylaw, then without further notice this Agreement shall lapse and be absolutely forfeited.

**11.0 Suspension** - If the Licensee:

- (a) fails to pay the rental fee prescribed by the Vehicles for Hire Bylaw,
- (b) fails to comply with the provisions of the Vehicle for Hire Bylaw or any covenant, condition or agreement in this Agreement, or
- (c) ceases to be a sightseeing vehicle licensee as defined by the Vehicles for Hire Bylaw,

then the Licensee will, immediately upon written notice from the City, cease using the Parking Stand[s] until such breach or non-compliance has been remedied by the Licensee to the satisfaction of the City or until the Licensee obtains a sightseeing vehicle licence (as the case may be).

**12.0 Regulations** - The Licensee will comply promptly at its own expense with all provincial, federal and local government statutes, regulations and bylaws applicable to the use of the Parking Stand[s] by the Licensee, including without limitation the Vehicles for Hire Bylaw.

**13.0 No Compensation** - The Licensee will not be entitled to compensation for any loss or injurious affection or disturbance resulting in any way from the termination of this Agreement or the application of sections 2 or 3 of this Agreement.

**14.0 Miscellaneous:**

- (a) This Agreement will not be interpreted as granting any interest in the Parking Stand[s] to the Licensee.
- (b) The Licensee expressly agrees that his or her vehicles and their contents while parked in a Parking Stand[s] shall be at the risk of the Licensee.
- (c) The Licensee agrees the Parking Stand[s] may be occupied only by those licensed sightseeing vehicles approved by the City in writing to occupy the Parking Stand[s].

- (d) Waiver of any default by a party will not be interpreted or deemed to be a waiver of any subsequent default.
- (e) This Agreement will be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- (f) Nothing in this Agreement will be construed to create a relationship of partners, joint venturers, fiduciaries or any other similar relationship between the Licensee on the one hand and the City on the other.
- (g) Nothing contained or implied in this Agreement will derogate from the obligations of the Licensee under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, bylaws, orders and regulations, which may be as fully and effectively exercised in relation to the Parking Stand[s] and the Licensee as if this Agreement had not been executed and delivered by the Licensee and the City. For certainty, the City may amend or repeal the Vehicles for Hire Bylaw and the allocation of the Parking Stand[s] and otherwise terminate this Agreement notwithstanding anything contained or implied in this Agreement.

**IN WITNESS** of its terms, the parties hereto have executed this Agreement.

Signed by **THE CORPORATION OF THE** )  
**CITY OF VICTORIA** on the \_\_\_\_ day of )  
\_\_\_\_\_, \_\_\_\_\_ by its authorized signatories: )

\_\_\_\_\_  
Mayor )

\_\_\_\_\_  
Corporate Administrator )

Signed by the **[NAME OF SIGHTSEEING** )  
**VEHICLE LICENSEE]** on the \_\_\_\_ day )  
of \_\_\_\_\_, \_\_\_\_\_ by its authorized signatories: )

\_\_\_\_\_  
Authorized Signatory: )

\_\_\_\_\_  
Authorized Signatory: )



## Council Member Report

For the Committee of the Whole Meeting of February 22, 2018

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**To:** Committee of the Whole **Date:** February 19, 2018  
**From:** Councillor Thornton-Joe  
**Subject:** Proposed Animal Control Bylaw Amendment – Banning Sales in Pet Stores

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### BACKGROUND

Several years ago amendments were made in the City of Victoria's Animal Control Bylaw to address concerns about the sale of puppies, kittens and rabbits in pet stores. Evidence found that many of these animals were bought due to impulse buying and without screening of suitability. At the time there were approximately three pet stores in the City. The changes at that time were to include in the language under Pet Stores:

#### Sale of Rabbits

37. A pet store operator must not sell or give away a rabbit unless the rabbit has been spayed or neutered.
38. A pet store operator must:
  - a. keep and maintain a pet store register in the pet store containing a record of each transaction in which the operator acquires or disposes of a rabbit, cat or dog, including the following information;
    - i. the name and address of the person from whom the operator acquired the animal;
    - ii. the date of the acquisition;
    - iii. the animal's date of birth;
    - iv. a description of the sex and colouring of the animal, and of any tattoo, microchip number, or other identifying marking;
    - v. the date the operator disposed of the animal;
    - vi. if the disposition is other than by sale, the method of and reason for the disposition;
  - b. produce the pet store register for inspection by an animal control officer or bylaw officer,
  - c. provide copies of any entries required by an animal control officer or bylaw officer, and;
  - d. retain each transaction recorded in the pet store register for at least 12 months from the date of the transaction.

#### Pet store record of sale:

39. At the time of the sale of an animal, a pet store operator must
  - a. provide the purchaser with a written record of sale including the following information;
    - i. the date of the sale;
    - ii. the name and address of the pet store;
    - iii. a description of the animal;
    - iv. a description of any tattoo, microchip number, or other identifying marking;
    - v. the breed or cross breed, if applicable, and

- b. if the animal is a dog or cat, provide the purchaser with;
  - i. a health certificate from a registered veterinarian, and
  - ii. a record of medical treatment, vaccinations and de-worming.

All the above was included because it was found that often dogs and cats were being brought in from puppy or kitten mills and were under aged, malnourished and did not have the appropriate vaccinations and de-worming. Many of these animals eventually ended up in animal rescue organizations because the animal did not work out for the family, had constant health problem or many other reasons. Since then, many of the pet stores in the City have closed and animals such as dogs, puppies, cats, kittens or rabbits are rarely sold. Since our last amendment, the City of Richmond became the first City in Canada to amend their bylaws to include this and New Westminster, Vancouver, Toronto and many others have followed. To add such policy would add our names to the list of Cities already amending their bylaws on this important animal welfare issue.

## MOTION

Move to amend our Animal Control Bylaw to prohibit the sale of cats, dogs and rabbits in a pet store or other type of retail premises. The only exception to this are animals offered for adoption from a recognized animal rescue society or shelter organization at which time the current bylaw policy would still apply.

Respectfully submitted,



Councillor Thornton-Joe



## Committee of the Whole Report For the Meeting of February 15, 2018

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**To:** Committee of the Whole **Date:** February 6, 2018  
**From:** Chris Coates, City Clerk  
**Subject:** Resource Implications of Potential Animal Control Bylaw Amendments

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### RECOMMENDATION

That Council receive this report for information.

### EXECUTIVE SUMMARY

At the December 7, 2017 Committee of the Whole meeting Council received the Council Member motion report attached as Appendix A, resulting in the following motion passed at the December 14, 2017 Council Meeting:

#### **“Animal Responsibility Bylaws**

That Council direct staff to report back at the next quarterly update with the resource implications of a plan to update the current Animal Control Bylaw and Vehicle for Hire Bylaws by:

1. Changing the name of the bylaw to the Victoria Animal Responsibility Bylaw.
2. Incorporate wording and sections of the BC SPCA Model Animal Responsibility Bylaws (2017), the Surrey Animal Responsibility Bylaw(2017) and the City of Duncan Animal Regulation and Impounding Bylaw (Amendments 2017) in the following areas and including any other areas that staff recommend adding based upon experiences with the bylaw:
  - a. Standards of Care: See appendix for Surrey bylaw Section 44.
  - b. Hoarding and Animal Limits: See appendix for Duncan bylaw 3 and 4 and BC SPCA Model Animal Responsibility Bylaw Pages 9 and 10.
  - c. Aggressive Dogs: See Surrey bylaw Sections 18-21 and add in glossary the definition of Aggressive Dogs.
  - d. Animal Cruelty: See Duncan bylaw 15 and Surrey bylaw 48.
  - e. Urban Chicken and Urban Bees: See BC SPCA Model Animal Responsibility Bylaw Pages 25-28.
  - f. And to add to our Outdoor Shelter Requirements that:
    - i. A person responsible for an animal shall ensure the Animal has protection from all the elements.
    - ii. No person responsible for an animal shall permit the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering or injury.

In addition: In regards to our vehicle for hire bylaws in relation to horse drawn vehicles the below should be added.

Identification of horses and horse drawn vehicles

Every horse while transporting passengers must display an identification number which is visible and legible. This identification number must correspond with the name, description and health record of the horse and is to be provided to the licensing officer and SPCA at the beginning of the season.”

The purpose of this report is to provide Council with information regarding the resource implications of possible bylaw amendments to the Animal Control Bylaw and Vehicles for Hire Bylaw respecting animal wellbeing.

A work plan item for Legislative and Regulatory Services for 2018 involves the Animal Control contract which expires at the end of the year. It would be appropriate to consider Bylaw amendments in conjunction with the Contract being put out for proposals. With current resources, staff can bring forward the Bylaw amendments specifically noted in the Council motion in 2018 with existing resources given the concise nature of the amendments. For the balance 2018 the department does not have much if any flexibility remaining after this to take on any further additional work.

Respectfully submitted,



Chris Coates  
City Clerk

Report accepted and recommended by the City Manager:

Date:

  
Feb 8, 2018

**List of Attachments:**

Appendix A – Council Member Report December 7, 2017



## Council Member Motion

For the Committee of the Whole Meeting of December 7, 2017

**To:** Committee of the Whole  
**From:** Councillor Thornton-Joe  
**Subject:** Animal Responsibility Bylaws

**Date:** December 1, 2017

### Background:

Public health, safety, and environmental risks are key concerns for every municipality. Incidents involving cat overpopulation, dangerous dogs and exotic animals have created expectations for regulators to proactively address these issues. Other than the City of Vancouver, municipalities in BC are governed by the Community Charter. A municipality has the authority to provide any service that the council considers necessary or desirable, including prohibiting and imposing requirements in relation to animals. Each year, UBCM sends resolutions to the Province to ask them to address issues related to animals. More often than not, the response from the Province is that the Community Charter already gives municipalities the ability to address the issue locally. Municipalities without bylaws or with weak bylaws in place to address animal issues can become known as a "safe haven" for people who neglect and abuse animals.

Recently, the BCSPCA has published their New Model Animal Responsibility Bylaws (Version 3/September 2017). Also, the City of Surrey has recently updated their bylaws (Bylaw 19105, Surrey Animal Responsibility Bylaw 2017) and City of Duncan has recently updated their bylaws that address the issues of hoarding and animal welfare issues. In general, the City of Victoria's bylaws are effective, however there are areas in which the bylaws should be updated.

### Strategic Plan:

Objective 1: Innovate and Lead

Objective 8: Enhance and Steward Public Spaces, Green Spaces and Food Systems

### Motion:

That Council direct staff to report back at the next quarterly update with the resource implications of a plan to update the current Animal Control Bylaw and Vehicle for Hire Bylaws by:

1. Changing the name of the bylaw to the Victoria Animal Responsibility Bylaw
2. Incorporate wording and sections of the BC SPCA Model Animal Responsibility Bylaws (2017), the Surrey Animal Responsibility Bylaw(2017) and the City of Duncan Animal Regulation and Impounding Bylaw (Amendments 2017) in the following areas and

including any other areas that staff recommend adding based upon experiences with the bylaw :

- a. Standards of Care: See appendix for Surrey bylaw Section 44.
- b. Hoarding and Animal Limits: See appendix for Duncan bylaw 3 and 4 and BC SPCA Model Animal Responsibility Bylaw Pages 9 and 10.
- c. Aggressive Dogs: See Surrey bylaw Sections 18-21 and add in glossary the definition of Aggressive Dogs.
- d. Animal Cruelty: See Duncan bylaw 15 and Surrey bylaw 48.
- e. Urban Chicken and Urban Bees: See BC SPCA Model Animal Responsibility Bylaw Pages 25-28.
- f. And to add to our Outdoor Shelter Requirements that:
  - i. A person responsible for an animal shall ensure the Animal has protection from all the elements.
  - ii. No person responsible for an animal shall permit the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering or injury.

In addition: In regards to our vehicle for hire bylaws in relation to horse drawn vehicles the below should be added.

Identification of horses and horse drawn vehicles

Every horse while transporting passengers must display an identification number which is visible and legible. This identification number must correspond with the name, description and health record of the horse and is to be provided to the licensing officer and SPCA at the beginning of the season.

Respectfully submitted,



Councillor Thornton-Joe

**For the Committee of the Whole Meeting of December 7, 2017**

**Date:** December 1, 2017

Public health, safety, and environmental risks are key concerns for every municipality. Incidents involving cat overpopulation, dangerous dogs and exotic animals have created expectations for regulators to proactively address these issues. Other than the City of Vancouver, municipalities in BC are governed by the Community Charter. A municipality has the authority to provide any service that the council considers necessary or desirable, including prohibiting and imposing requirements in relation to animals. Each year, UBCM sends resolutions to the Province to ask them to address issues related to animals. More often than not, the response from the Province is that the Community Charter already gives municipalities the ability to address the issue locally. Municipalities without bylaws or with weak bylaws in place to address animal issues can become known as a “safe haven” for people who neglect and abuse animals.

Recently, the BCSPCA has published their New Model Animal Responsibility Bylaws (Version 3/September 2017). Also, the City of Surrey has recently updated their bylaws (Bylaw 19105, Surrey Animal Responsibility Bylaw 2017) and City of Duncan has recently updated their bylaws that address the issues of hoarding and animal welfare issues. In general, the City of Victoria's bylaws are effective, however there are areas in which the bylaws should be updated.

Objective 1: Innovate and Lead  
Objective 8: Enhance and Steward Public Spaces, Green Spaces and Food Systems

That Council direct staff to report back at the next quarterly update with the resource implications of a plan to update the current Animal Control Bylaw and Vehicle for Hire Bylaws by:

1. Changing the name of the bylaw to the Victoria Animal Responsibility Bylaw
2. Incorporate wording and sections of the BC SPCA Model Animal Responsibility Bylaws (2017), the Surrey Animal Responsibility Bylaw(2017) and the City of Duncan Animal Regulation and Impounding Bylaw (Amendments 2017) in the following areas and

including any other areas that staff recommend adding based upon experiences with the bylaw :

- a. Standards of Care: See appendix for Surrey bylaw Section 44.
- b. Hoarding and Animal Limits: See appendix for Duncan bylaw 3 and 4 and BC SPCA Model Animal Responsibility Bylaw Pages 9 and 10.
- c. Aggressive Dogs: See Surrey bylaw Sections 18-21 and add in glossary the definition of Aggressive Dogs.
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- e. Urban Chicken and Urban Bees: See BC SPCA Model Animal Responsibility Bylaw Pages 25-28.
- f. And to add to our Outdoor Shelter Requirements that:
  - i. A person responsible for an animal shall ensure the Animal has protection from all the elements.
  - ii. No person responsible for an animal shall permit the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering or injury.

In addition: In regards to our vehicle for hire bylaws in relation to horse drawn vehicles the below should be added.

Identification of horses and horse drawn vehicles

Every horse while transporting passengers must display an identification number which is visible and legible. This identification number must correspond with the name, description and health record of the horse and is to be provided to the licensing officer and SPCA at the beginning of the season.

Respectfully submitted,



Councillor Thornton-Joe



## Committee of the Whole Report For the Meeting of March 8, 2018

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**To:** Committee of the Whole

**Date:** February 22, 2018

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Temporary Use Permit Application No. 00007 for 629 and 635 Chatham Street

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### RECOMMENDATION

That Council decline Temporary Use Permit Application No. 00007 for the property located at 629 and 635 Chatham Street.

### LEGISLATIVE AUTHORITY

In accordance with Section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Temporary use Permit may include requirements respecting the character of the development, including landscaping and the siting, form, exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application (TUP) for the property located at 629 and 635 Chatham Street. The proposal is to allow a surface parking lot for up to 38 stalls with associated landscaping for a period of up to three years.

The following points were considered in assessing this Application:

- the *Official Community Plan* (OCP) identifies the property within the Core Historic Urban Place Designation, which does not support surface parking lots; however, TUPs are permitted in the OCP throughout the whole City
- the *Downtown Core Area Plan* (DCAP) designates the subject property in the Historic Commercial District, which supports a diverse range of active commercial uses and complementary uses such as multi-residential, hotels, public institutions and tourist services. The Historic Commercial District in the DCAP does not support surface parking lot uses, although it does support the provision of short-term on-street parking

- the landscaping is consistent with the DCAP guidelines and Crime Prevention Through Environmental Design (CPTED) principles, which include goals related to well-designed landscaping that demarcates public and private areas and does not obstruct sightlines
- the Old Town Guidelines designate the property within the Old Commercial District, which encourages designs for buildings and landscapes that are strongly contextual, visually interesting and uplifting to use. The proposal is inconsistent with these guidelines.

The Application is not supportable given that it is inconsistent with the policy as summarized above. However, the proposal is for the temporary use of a vacant site and would marginally improve the streetscape experience with the introduction of soft landscaping. An alternate motion is provided should Council wish to advance consideration of this Temporary Use Permit, particularly given present concerns regarding a shortage of parking downtown.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a Temporary Use Permit Application (TUP) for the property located at 629 and 635 Chatham Street to allow a surface parking lot for up to 38 stalls with associated landscaping for a period of up to three years. Specific details include:

- 38 new surface parking stalls
- removal of the existing barrier walls
- a landscaped raingarden adjacent to the sidewalk at the front of the property.

### **Sustainability Features**

As indicated in the applicant's letter date stamped November 8, 2017, sustainability features include a landscaped rain garden adjacent to the sidewalk along Chatham Street to assist with stormwater management.

### **Active Transportation Impacts**

The proposal is for a surface parking lot for vehicles; therefore, the applicant has not identified any active transportation impacts associated with this Application.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Temporary Use Permit Application.

### **Accessibility Impact Statement**

The proposed surface parking lot will be accessible as there are no changes to the grades between the sidewalk and the subject property.

### **Existing Site Development and Development Potential**

The site is presently a vacant lot. Under the current CA-3 Zone, Central Area Commercial District, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) up to 15m in height. The Zone permits a range of uses including commercial and residential.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 5, 2017, the Application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC had not been received. In accordance with the City's *Land Use Procedures Bylaw*, this Application requires notice, sign posting and a meeting of Council to consider the Application.

## ANALYSIS

The *Official Community Plan (OCP)* identifies the property within the Core Historic Urban Place Designation, which does not support surface parking lots; however, TUPs are permitted in the OCP throughout the whole City. A TUP would allow a surface parking lot for a period of up to three years, with the ability to extend the permit for another three years subject to Council approval.

The OCP also identifies this property within Development Permit Area 1 (HC): Core Historic. With respect to onsite landscaping, the existing concrete area fronting Chatham Street would be converted into a rain garden to improve the visual appeal of the neighbourhood and reduce the impacts to the stormwater system through onsite rainwater management. The owner would be responsible for maintaining the raingarden. The proposed landscaping fronting onto Chatham Street would improve the visual appeal along the street.

## Local Area Plans

The Downtown Core Area Plan (DCAP) designates the subject property within the Historic Commercial District (HCD), which supports a diverse range of active commercial uses and complementary uses such as multi-residential, hotels, public institutions and tourist services. The HCD does not support surface parking lot uses, although short-term on-street parking is supported to help maintain the HCD as a focus for active commercial uses including retail and entertainment. The proposed changes to the landscaping are consistent with the DCAP guidelines and Crime Prevention Through Environmental Design (CPTED) principles, which include well-designed landscaping that demarcates public and private areas and does not obstruct sightlines.

The Old Town Guidelines designate the property within the Old Commercial District, which encourages building and landscape designs that are strongly contextual, visually interesting and uplifting to use. The proposal is inconsistent with these guidelines; however, it is worth noting that the existing condition of the property (a vacant site) does not meet these objectives either, and the proposal includes the addition of landscaping and improved storm water management. Council may therefore wish to consider the alternate motion in this instance.

## Resource Impacts

There are no resource impacts associated with this proposal, as the rain garden is located on private property.

## CONCLUSIONS


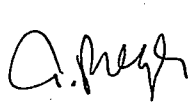
The proposal to temporarily change the use to allow a surface parking lot for a period of up to three years at the property located at 629 and 635 Chatham Street is inconsistent with the OCP, DCAP and Old Town Guidelines that encourage active uses in Old Town. Staff recommend for Council's consideration that the Application be declined; however, the alternate motion provided below would be appropriate if Council wished to consider approving it.

## ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, authorize the issuance of Temporary use Permit Application No. 00007 for 635 Chatham Street in accordance with:

1. Plans date stamped December 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The applicant providing a landscape cost estimate for the entire cost of the onsite landscaping in accordance with the Landscape Plan prepared by Murdoch de Greeff Landscape Architects dated December 22, 2017, and a landscape security deposit in the amount of 120% of the Landscape Cost Estimate payable to the City prior to the issuance of the building permit
4. The Temporary use Permit lapsing three years from the date of this resolution.

Respectfully submitted,





Miko Betanzo  
Senior Planner – Urban Design  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

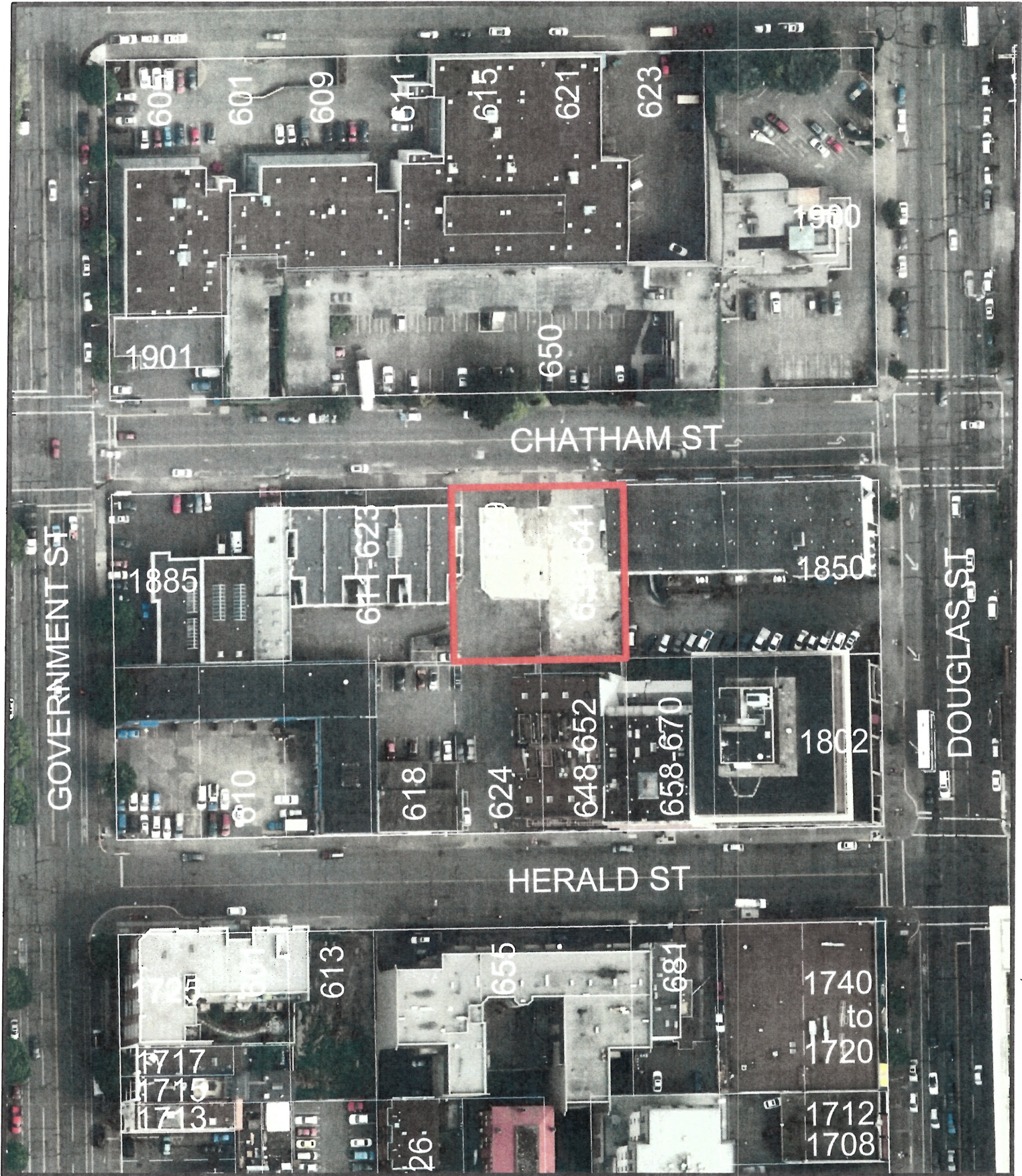
Report accepted and recommended by the City Manager:



Date: February 27, 2018

## List of Attachments

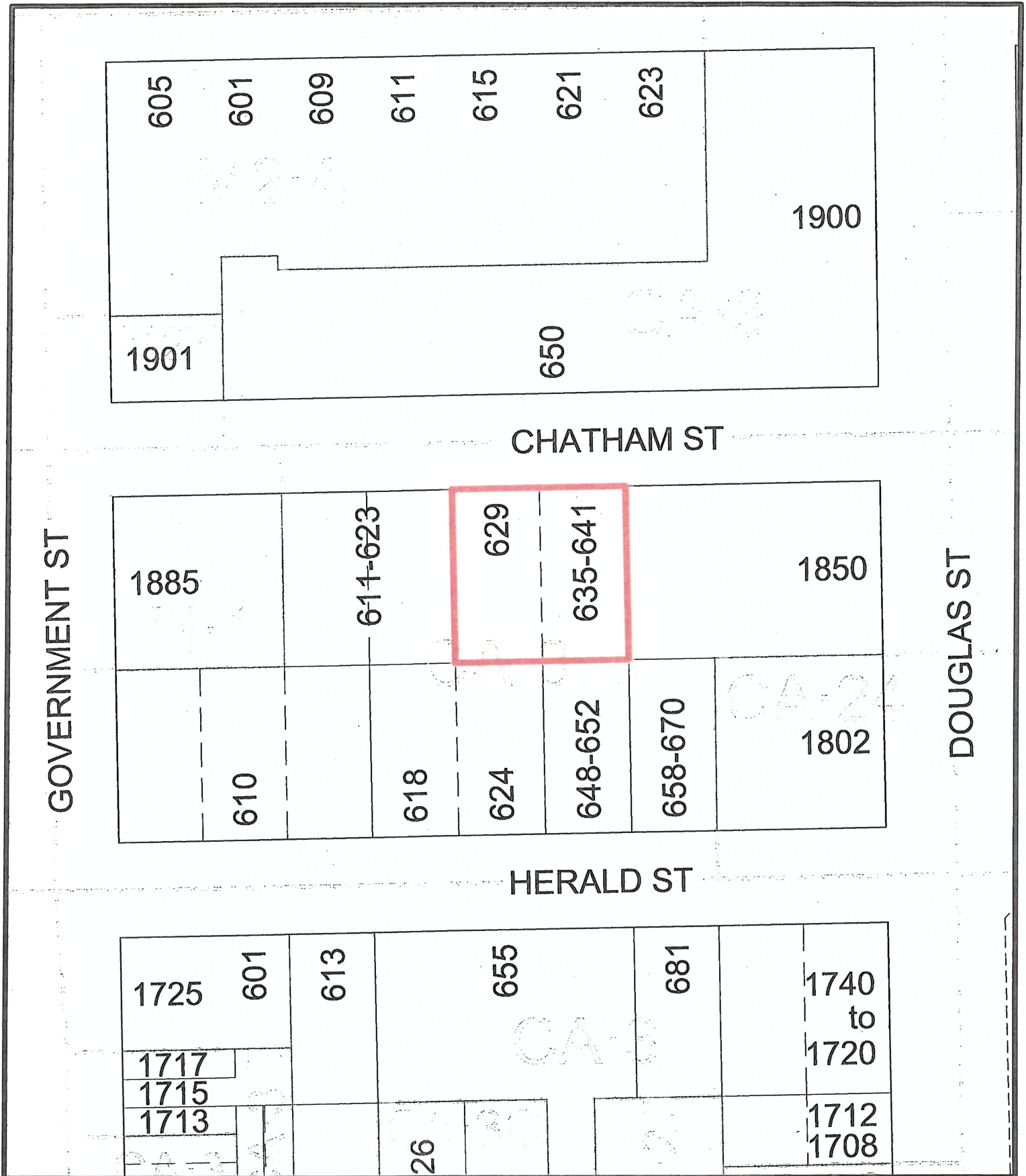
- Attachment A: Aerial Map
- Attachment B: Subject Map
- Attachment C: Letter from applicant, date stamped November 8, 2017
- Attachment D: Plans date stamped December 22, 2017.



629 & 635 Chatham Street  
Temporary Use Permit No. 00007

Temporary Use Permit Application No. 00007 for 629 & 633 Chatham Street ...





629 & 635 Chatham Street  
Temporary Use Permit No. 00007

Temporary Use Permit Application No. 00007 for 629 & 653 Chatham Street ...



Robbins Parking Service

Website: [www.robbinparking.com](http://www.robbinparking.com)  
Email: [park@robbinparking.com](mailto:park@robbinparking.com)

## ATTACHMENT C

Committee of the Whole - 08 Mar 2018

Victoria, BC V8V 3K8

373 Albert Street  
Nanaimo, BC V9R 2V8

Telephone (250) 382-4411

Facsimile (250) 380-7275

Telephone (250) 753-6789

Facsimile (250) 753-7858

Dear Mayor and Council,

Robbins Parking Service Ltd. is pleased to have the opportunity to submit a Temporary Use/Development Permit Application with the City of Victoria. We believe there is ample parking demand in the Downtown Victoria area to warrant the implementation of a temporary parking lot on the land of 635 Chatham Street. We feel this location is ideal for the many businesses in the area. The approval of this temporary permit would result in 38 additional parking spaces for commuters and visitors alike, as well as property improvements along the front facing side of the property, including landscaping.

The demand for further parking spaces in Downtown Victoria has never been greater, with the continuous closures of parking lots for housing development. In the next two years, the parking lot at 840 Yates Street and the parking lot at 525 Chatham Street will close. We anticipate with these closures that the downtown area will lose an additional 350 parking spaces due to the development boom. By adding the temporary lot at 635 Chatham Street, we will lessen the burden of this parking availability drought.

Upon approval of this application, we would add a rain garden to the front facing side of the property (along Chatham Street up to the driveway) this would require demolition of existing concrete and excavation/rough grading in the proposed rain garden area. A rain garden would increase the green urban appeal of the neighbourhood, as well as provide a storm water management solution to the property. There would be daylighting and reconfiguring of existing storm pipe on the property. We would utilize the existing driveway on far right facing the property, and make sidewalk repairs along the north property line where necessary.

We feel a temporary parking lot is an optimal and efficient use of the property of 635 Chatham Street, responding to current public concerns of parking availability and improving the appearance of the neighbourhood until further property development takes place.

Thank you for your consideration,

Dan Sawchuk

President

Robbins Parking Service Ltd.





Demolish redundant existing driveway crossings and replace with new full height curb gutter and sidewalk to City of Victoria standards.

Rain garden overflow drain. Concrete catch basin chamber with domed, beehive grate. Connect to existing storm system pipe as indicated.

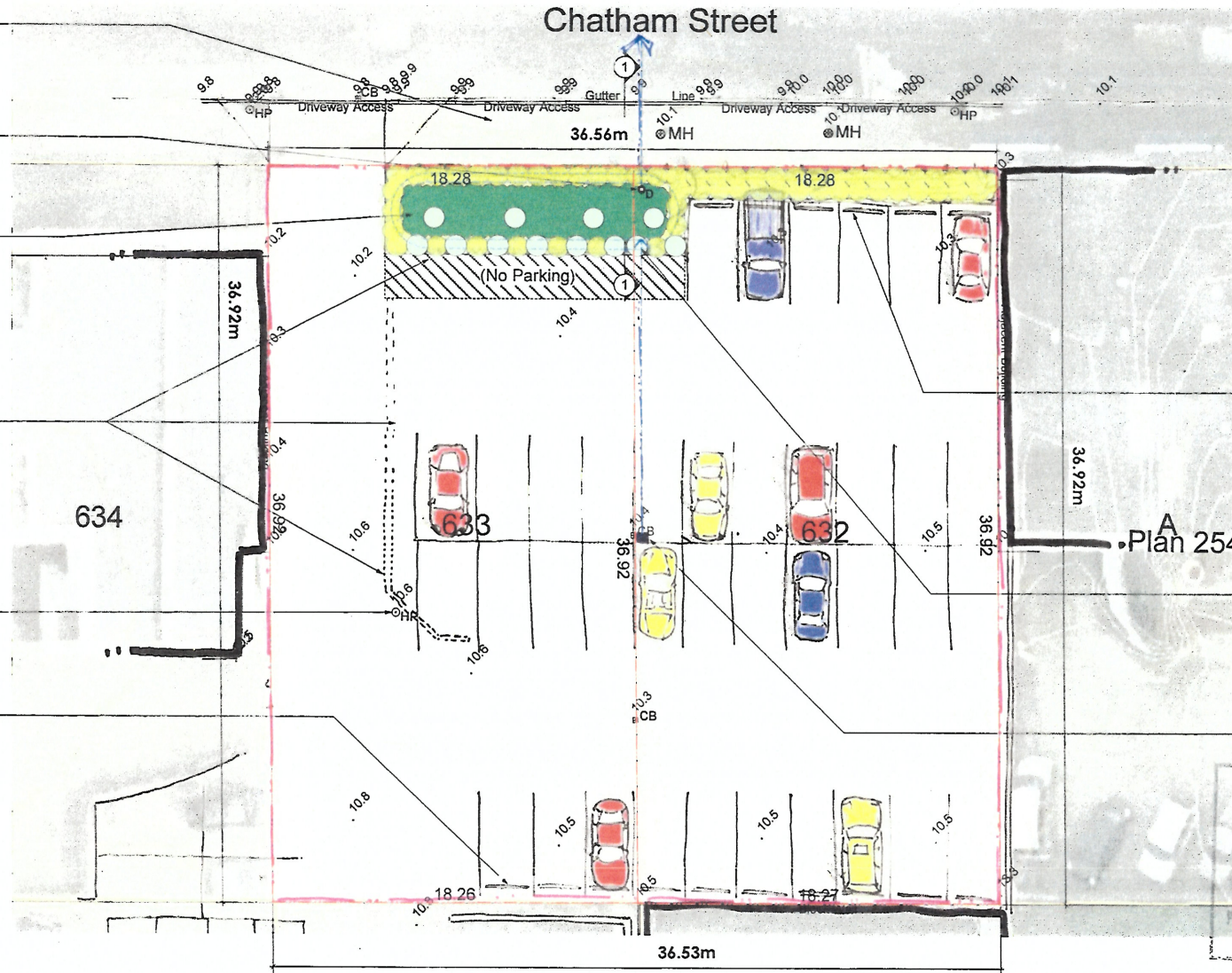
Rain garden treats existing hard surface runoff from the site by intercepting stormwater from existing catch basin as indicated.

All existing concrete walls to be demolished.

Existing hydro pole to remain.

Install wheel stops along this edge to the City of Victoria, Schedule C - Off Street Parking bylaw requirements. Not less than 1m from the front end of the parking space.

## Chatham Street



### GENERAL NOTES:

1. DO NOT SCALE DRAWING: Verify all property lines and existing structures to remain, prior to commencing work.
2. All plan dimensions are in metres.
3. Existing onsite pavement grades and drainage slopes to be maintained. Proposed parking stalls drain to existing catch basins as indicated. All drive aisles and parking stalls maintain a <3.5% slope.
4. All parking stalls, drive aisles and wheel stops proposed conform to the standard of the City of Victoria, Schedule C - Off Street Parking bylaw requirements. Refer Layout Plan for additional information.

Install wheel stops along this edge to the City of Victoria, Schedule C - Off Street Parking bylaw requirements. Not less than 1m from the front end of the parking space.

Daylight existing storm pipe to allow for interception and treatment of stormwater within rain garden.

Existing catch basin.

Received  
City of Victoria

DEC 22 2017

Planning & Development Department  
Development Services Division

## 629 & 633 Chatham Street LANDSCAPE CONCEPT PLAN

DATE : 22.12.2017

SCALE : 1:100 @ 24x36

PRELIMINARY  
NOT FOR CONSTRUCTION

0 5 10 m

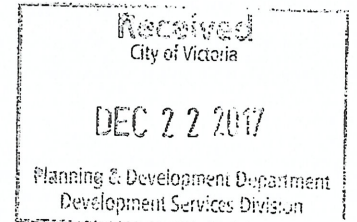
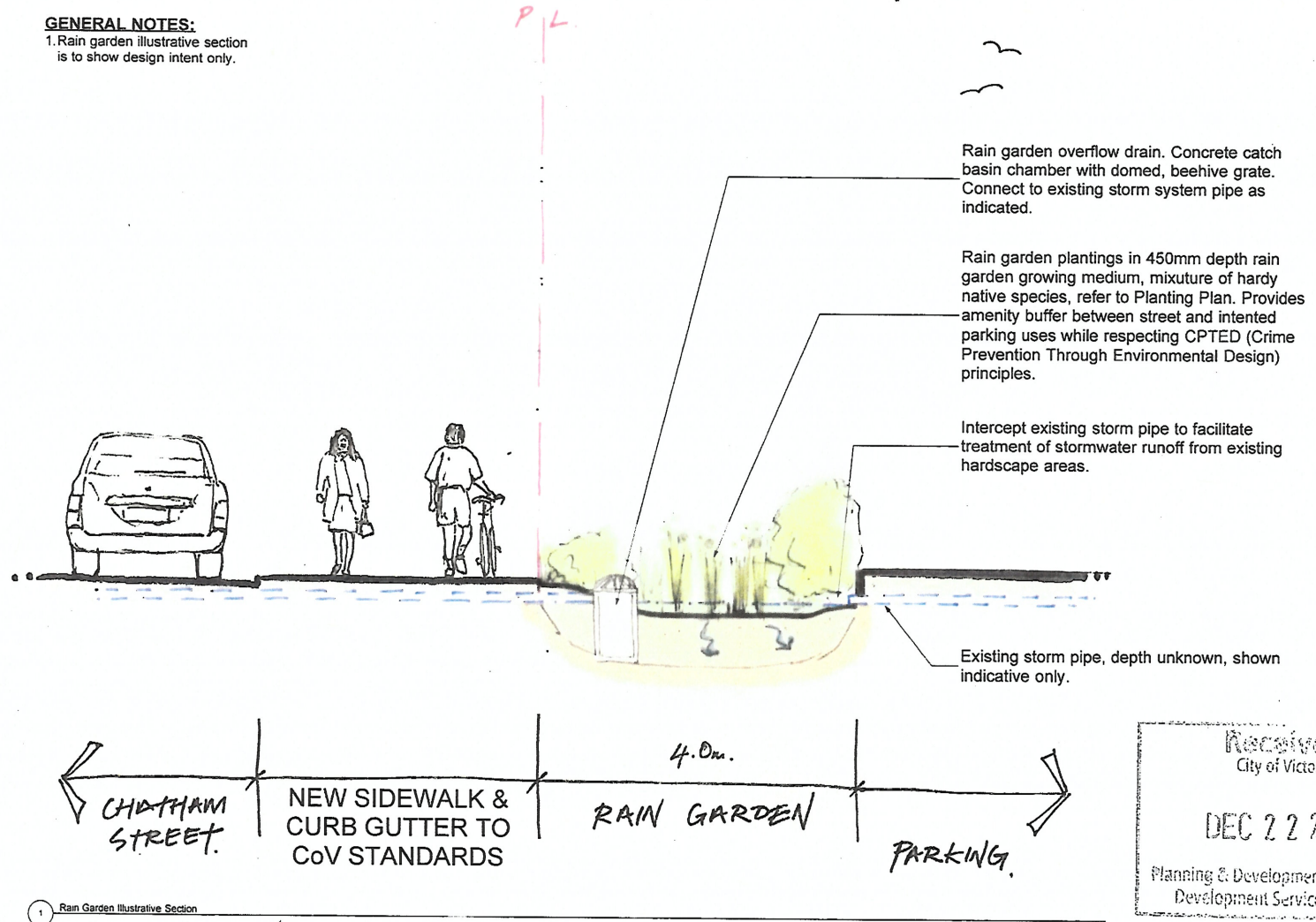


Murdoch  
de Greeff INC  
Landscape Planning & Design

200 - 524 Cuduhel Road Phone: 250.412.2891  
Victoria, BC V8Z 1G1 Fax: 250.412.2892

**GENERAL NOTES:**

1. Rain garden illustrative section is to show design intent only.



**629 & 635 Chatham Street**  
**LANDSCAPE ILLUSTRATIVE SECTION**

DATE : 22.12.2017

SCALE : NTS

PRELIMINARY  
NOT FOR CONSTRUCTION



**Murdoch de Greeff INC**  
Landscape Planning & Design

200 - 524 Cuddehne Road Phone: 250.412.2882  
Victoria, BC V8Z 1G1 Fax: 250.412.2882

# 629 & 635 Chatham Street LAYOUT PLAN

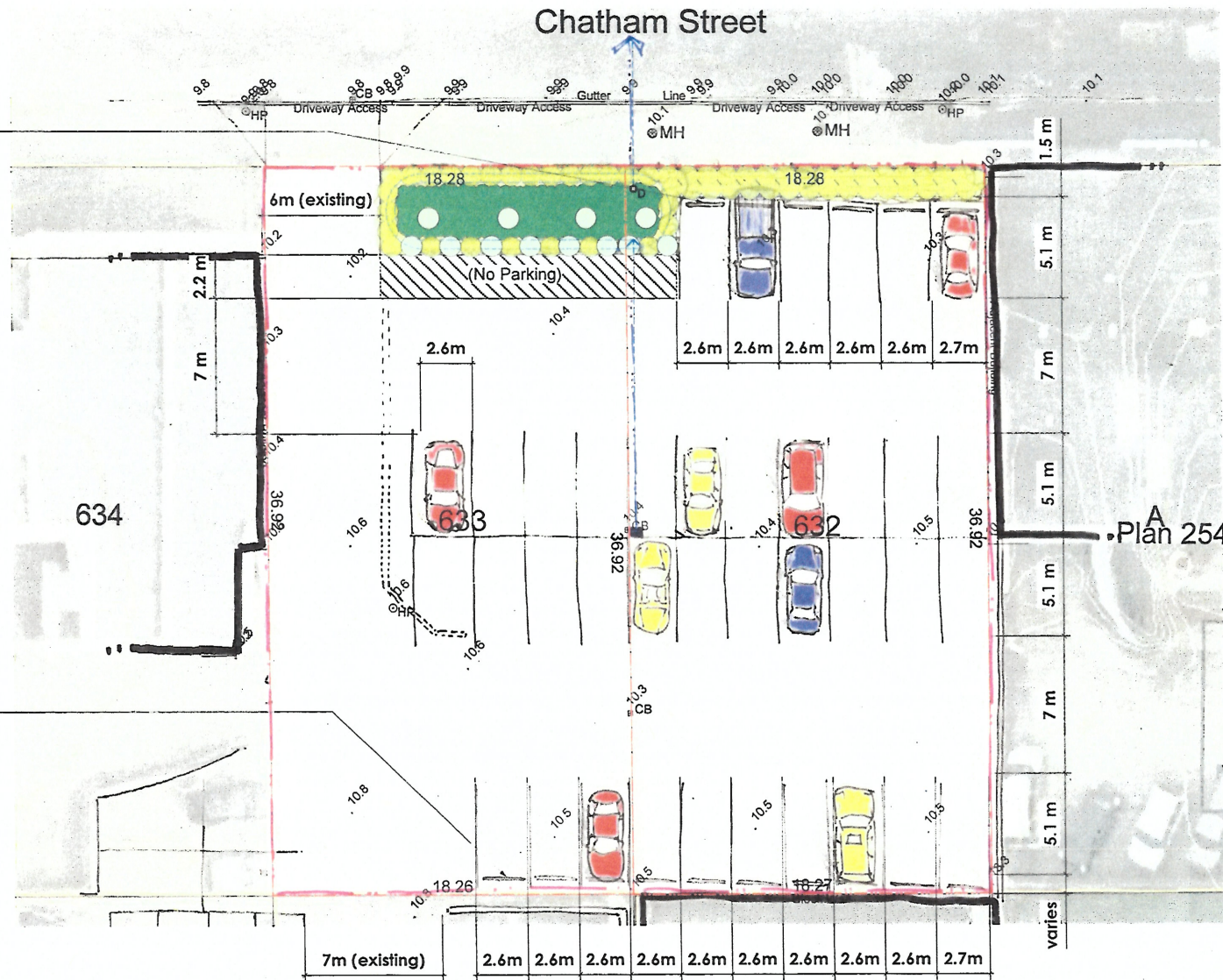
DATE : 22.12.2017

SCALE : 1:100 @ 24x36

PRELIMINARY  
NOT FOR CONSTRUCTION

Install wheel stops along this edge to the City of Victoria, Schedule C - Off Street Parking bylaw requirements. Not less than 1m from the front end of the parking space.

Install wheel stops along this edge to the City of Victoria, Schedule C - Off Street Parking bylaw requirements. Not less than 1m from the front end of the parking space.



## GENERAL NOTES:

1. DO NOT SCALE DRAWING: Verify all property lines and existing structures to remain, prior to commencing work.
2. All plan dimensions are in metres.
3. Existing pavement grades and drainage slopes to be maintained. Proposed parking stalls drain to existing catch basins as indicated. All drive aisles and parking stalls maintain a <3.5% slope.
4. All parking stalls, drive aisles and wheel stops proposed conform to the standard of the City of Victoria, Schedule C - Off Street Parking bylaw requirements. Refer Layout Plan for additional information.
5. Typical Parkings Stall Dimensions as per City of Victoria-Schedule C, 90 degree stalls = 2.6m width typical. 90 degrees stall adjacent to wall = 2.7m width typical.
6. All proposed wheel stops shall be installed as per City of Victoria, Schedule C - Off Street Parking bylaw requirements. Refer layout.

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City of Victoria

DEC 22 2017

Planning & Development Department  
Development Services Division

Committee of the Whole - 08 Mar 2018



Murdoch  
de Greeff INC  
Landscape Planning & Design

200 - 524 Cuddeholme Road Phone: 250.412.9991  
Victoria, BC V8Z 1G1 Fax: 250.412.2892

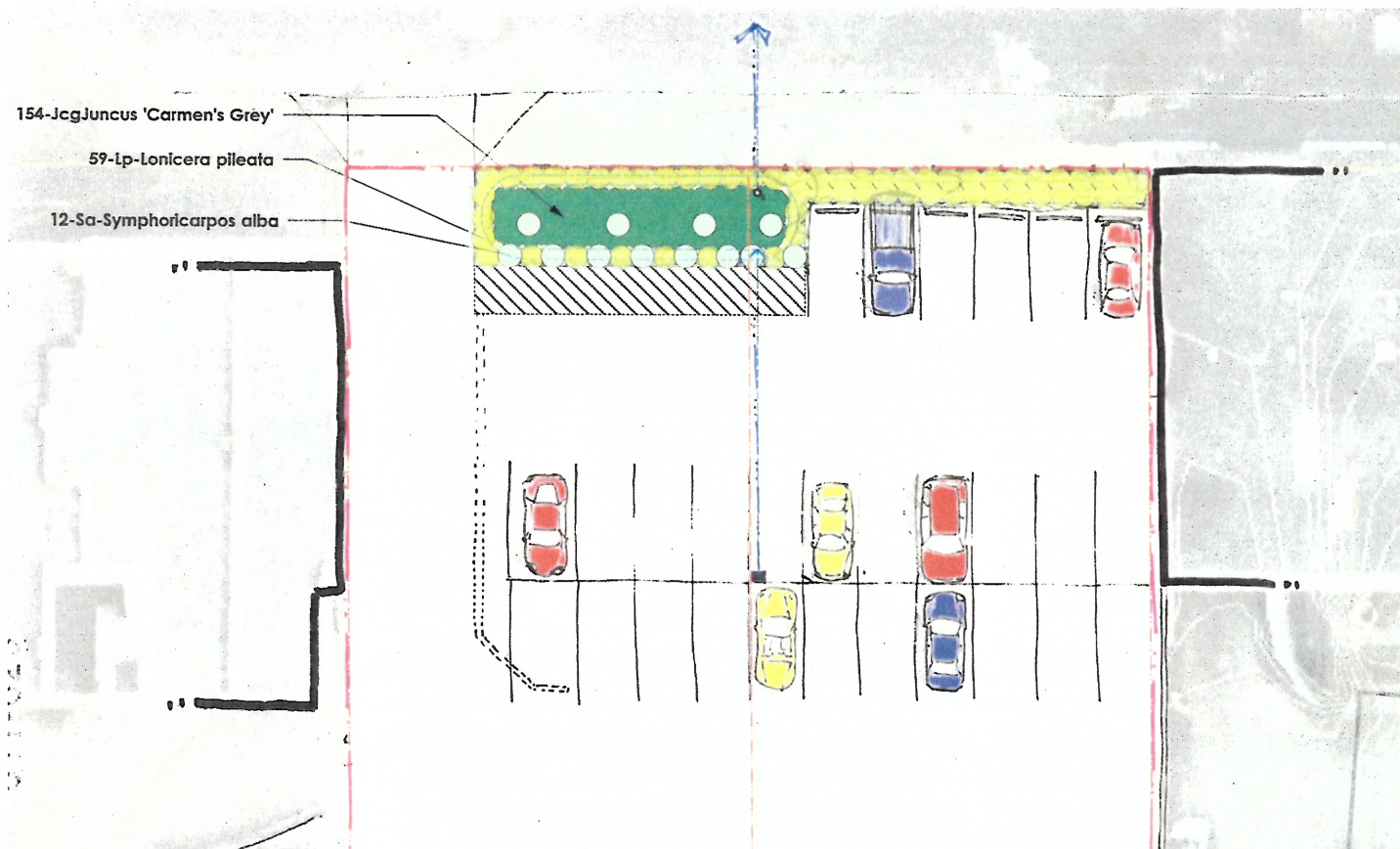
629 & 635 Chatham Street

# SCHEMATIC PLANTING PLAN

DATE : 22.12.2017

SCALE : 1:100 @ 24x36

PRELIMINARY  
NOT FOR CONSTRUCTION



## PLANT LIST

Sym	Qty	Botanical Name	Common Name	Schd. Size / Plant Spacing
<b>RAINGARDEN:</b>				
Jcg	154	Juncus 'Carmen's Grey'	Soft Common Rush	Sp3
Lp	59	Lonicera pileata	Privet Honeysuckle	#1 pot
Sa	12	Symphoricarpos alba	Snowberry	#1 pot
	0			

0 5 10 m

## PLANTING NOTES

1. Plant quantities and species may change between issuance of DP and Construction due to plant availability and design changes.
2. Irrigation of planting areas will be through hand watering at the owners responsibility.

Received  
City of Victoria

DEC 22 2017

Planning & Development Department  
Development Services Division

Committee of the Whole - 08 Mar 2018



**Murdoch de Greeff INC**  
Landscape Planning & Design

200 - 524 Cauldwell Road Phone: 250.412.1091  
Victoria, BC V8Z 1G1 Fax: 250.412.1092

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# Temporary Use Permit Application for 629 and 635 Chatham St.



## Existing Site



## Existing Site



## Context



## Context

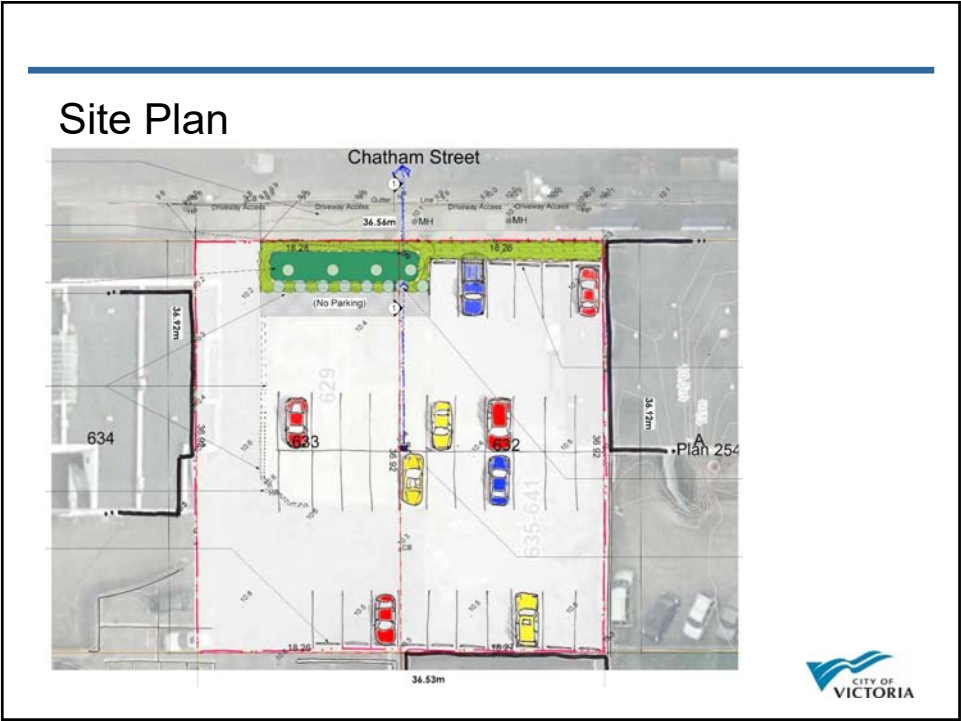
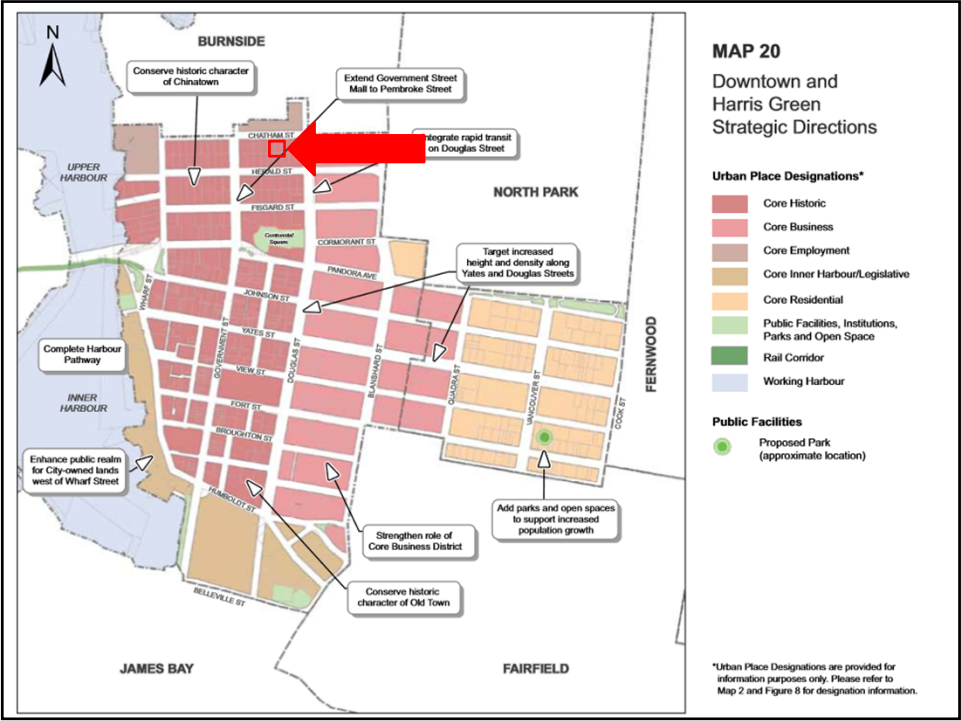


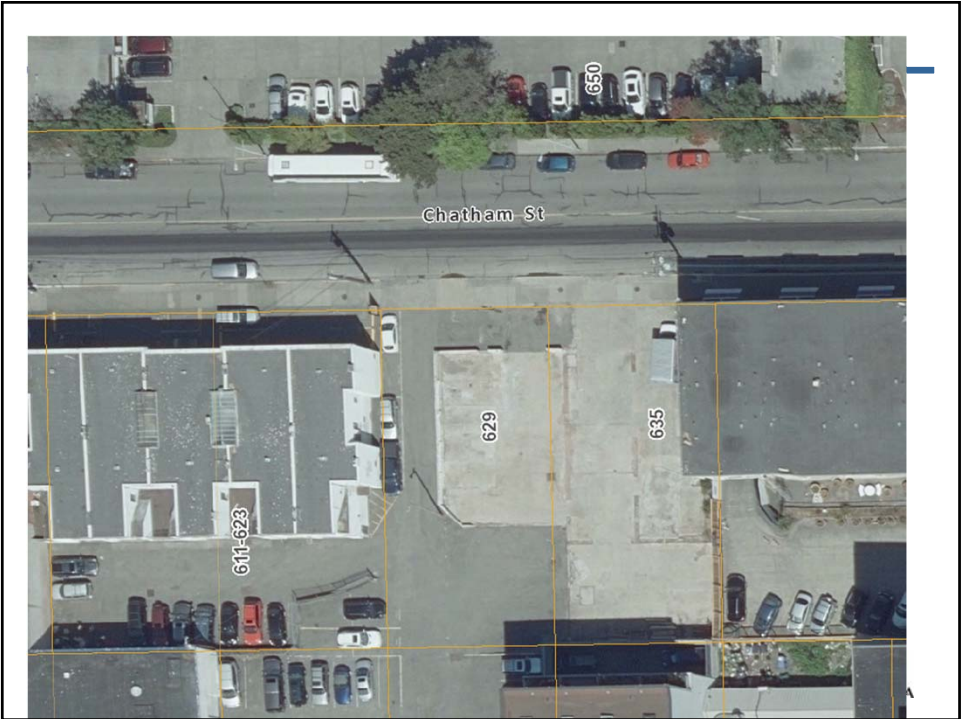
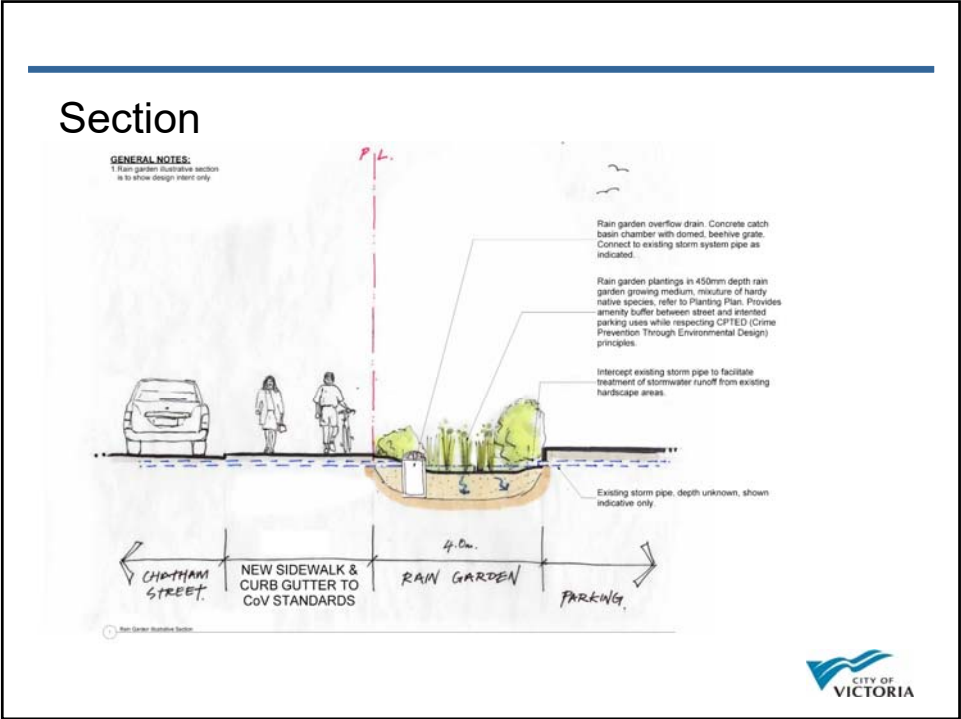
## Context



## Context







**To:** Committee of the Whole      **Date:** February 16, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Page 381 of 496

which is more effective in obtaining affordable housing as a community amenity contribution, rather than a fixed-rate approach.

Further, prior analysis has made clear the limitations on potential amenity yield in the City of Victoria context. To overcome these limitations, it is recommended that Council direct staff to explore the potential for higher densities above those envisioned in the *Official Community Plan (OCP)* and the viability of pre-zoning areas of the City where on-site affordable housing units could be feasible. In both of these explorations, public engagement is recommended. Council's direction in this matter will empower staff to focus their efforts and maximize the new resources approved for this project in 2018. With this direction, staff will aim to have a draft policy back to Council for consideration in the second quarter of 2018.

## PURPOSE

The purpose of this report is to seek strategic direction from Council on how to approach the development of a new inclusionary housing policy that will best meet Council's objectives in achieving affordable housing units in projects. This touch-point with Council is necessary to determine the specific consultant services needed to support this work and ensure the strategies are feasible.

## BACKGROUND

A key objective of Victoria's *Strategic Plan, 2015 - 2018*, is to Make Victoria More Affordable. The Mayor's Task Force on Housing Affordability was assembled to strategize how to activate that objective, and the result was the implementation of the *Victoria Housing Strategy 2016 - 2025*, which was approved by Council on June 16, 2016.

The Housing Strategy contains data, analysis, targets and 25 actions falling into three broad categories:

1. **Increase Supply** of attainable housing for low to moderate-income households
2. **Encourage Diversity** of housing types, tenures, and prices across the City and within neighborhoods
3. **Build Awareness** and partnerships for affordable housing through communication, education, and advocacy.

The first supporting action under the *Encourage Diversity* category is to *create an inclusionary housing density bonus policy within the Downtown Core Area to seek on-site non-market housing as part of amenity contributions for projects above a certain threshold*. Related to this, the Strategic Plan also included an action to *establish a predictable flat fee per square metre for bonus density*.

In response to both of these actions and their overarching objectives, the *City of Victoria Density Bonus Policy* was developed and approved by Council October 27, 2016. The policy establishes fixed-rate amenity contribution targets which directs funds to the public realm improvement fund and the heritage seismic upgrade fund; and provides a threshold, when it is feasible, to negotiate onsite affordable housing units in larger projects located in the Core Residential and Core Business areas that exceed 30,000 square feet of bonus density.

In brief, the City of Victoria's *Density Bonus Policy* seeks to meet multiple City objectives, including affordable housing while considering the economic viability of redevelopment by:

- Identifying areas for bonus density opportunities;

- Setting amenity contribution targets, including a defined threshold where the contribution is recommended to be negotiated based on site-specific factors rather than based on a fixed-rate target;
- Identifying base and maximum densities consistent with the OCP and;
- Identifying projects exempted from amenity contribution requests such as purpose-built rental outside of the Downtown Core Area, and non-market housing.

On July 21, 2017, Council passed a motion directing staff to replace the City of Victoria's *Density Bonus Policy (2016)* with an Inclusive Housing and Community Amenity Policy while taking Council's draft inclusionary housing policy under consideration. On November 23, 2017, staff requested the additional resources required to undertake this work, including a budget to hire a consultant to conduct economic analysis and a two-year housing planner position to support this work as well as remaining items in the Housing Strategy. Council approved this funding request in January 2018.

## ISSUES & ANALYSIS

### 1. Outcomes of Current Density Bonus Policy

An analysis of community amenity contributions (CACs) secured in 2016-2017 guided by the current *Density Bonus Policy* identifies a broad range of contributions in the form of in-kind or cash contributions supporting various policy areas and offsetting the impacts of growth. The focus of the current policy aims to generate community benefits from new development in the areas of affordable and rental housing, public realm improvements, and heritage revitalization to offset impacts of that development on the community.

The current *Density Bonus Policy* utilizes the base density for a site within the OCP and provides a means for calculating the increase in land value over that base density (either through economic analysis or via a flat rate calculation) to guide applicants in their determination of the scale of the contribution they propose to provide. Contributions can take the form of cash investments in reserve funds that support City-wide policy areas such as the Victoria Housing Fund, as well as other funds focusing on public realm improvements and/or heritage revitalization. Contributions can also be made in forms that are integrated into the development proposal itself or through in-kind works provided by the applicant as a means of supporting City policy goals. Examples of this would include the provision of on-site affordable or rental housing, public realm improvements on- or off-site, or through the revitalization of a heritage structure.

It is important to note that CACs are not the only tool that the City has to support the development of public amenities and infrastructure. Development Cost Charges (DCCs) are levied on development to help cover the cost of expanding or improving transportation (such as roads, pedestrian and bicycle access), infrastructure and parkland to accommodate new population growth in the City. Below is a summary of public amenities and contributions secured by the City to support new growth and development during 2016 and 2017.

	Development Cost Charges*	Heritage Improvements**	Contributions in-kind and to funds***	Affordable Rental and Supportive Housing Units	Market Rental Units
<b>Total</b>	<b>\$4,610,000</b>	<b>\$5,100,000</b>	<b>\$3,086,000</b>	<b>97</b>	<b>359</b>

\*\$3,500,000 for multiple dwelling; \$860,000 for commercial; \$250,000 for other.

\*\*\$5,100,000 for heritage façade refurbishment and seismic upgrade at 816 Government Street (Customs House).

\*\*\*Breakdown of Contributions:

- \$1,200,000 to the Housing Reserve Fund;
- \$43,000 to the Local Amenity Fund;
- \$59,000 to the Downtown Core Public Realm Improvement Fund; \$59,000 to the Downtown Heritage Building Seismic Upgrade Fund;
- \$1,725,000 increase in the Dockside Green amenity package as a result of a renegotiated Master Development Agreement;

## 2. Limitations of Current Density Bonus Policy

While the current policy has generated some benefits to support City policy goals, the current policy has not generated a significant share of on-site affordable housing since its inception. In response, on July 21, 2017, Council passed a motion directing staff to replace the current Density Bonus Policy with an Inclusive Housing and Community Amenity Policy that aimed to better support the provision of non-market housing units within new development.

Below is a summary of some of the limitations of the current policy that may have contributed to the lack of specific outcomes in the area of affordable housing development.

### a. Major Developments Not Subject to the Policy

Since 2016, the City has seen a number of significant new residential developments initiated within the City. Many of these projects could have potentially supported the provision of some affordable housing component or other amenities given their scale, value and location. However, many proceeded under existing zoning and density entitlements and were not therefore subject to the *Density Bonus Policy*. This is especially the case for a number of sites within larger multi-phase developments as well as properties in the R-48 Zone or other high-density, pre-zoned sites.

Notwithstanding that a rezoning application was not required in the above scenarios, in some cases, the developer still provided a public benefit in the project, in the form of an affordability component (most notably in the Vivid on Yates development).

### b. Low or Negative Land Value Impacts

The foundation of the current Density Bonus Policy are two pieces of research conducted by Coriolis Consulting. First is the *City of Victoria Density Bonus Policy Study: For Sites Outside the Downtown Core Area* (March 5, 2015) and second is the *City of Victoria Density Bonus and Affordable Housing Policy: Analysis and Recommendations* (April 1, 2016).

In these research pieces, the consultants highlight the value of current uses on many redevelopment sites relative to average land values and achievable densities in Victoria. This relationship means that in many cases the outcome of land value assessments tends to generate relatively small land value increases on potential projects. This tendency is highlighted in the flat

rate for CACs recommended by the consultants within and outside the downtown of \$12 and \$5, respectively.

Recent community discussion has referenced CACs generated from rezoning applications in other municipalities, specifically North Vancouver and Burnaby, highlighting the much larger contributions provided by projects in those cities. While the functional structure of those cities' density bonus policies are largely the same as Victoria's, land values in Lower Mainland municipalities are much higher (for example, land in North Vancouver averages between \$350 and \$380 per buildable square foot compared to \$80 to \$100 here), and densities being sought in major rezonings are also often orders of magnitude larger (several recent rezonings in Burnaby have exceeded one million square feet of development). This creates a challenging situation to undertake a direct comparison to outcomes in different cities.

That said, market fundamentals have changed since Victoria's policy was initially developed; as such, an update to the market and policy assumptions used in land lift analyses will form part of the work undertaken by staff.

It is also important to note that a number of recent applications have included proposals to build rental housing or (though to a lesser extent) to include heritage conservation as a significant and policy-supported in-kind community amenity contribution. In these cases, this has had the impact of decreasing (often eliminating) any land lift and opportunity for additional amenities given the lower land values generated by projects that incorporate these elements.

#### **c. Use of Fixed Rate**

The current policy was developed and refined, to some extent, in response to developer requests for more certainty and clarity on the scale of amenity contribution discussions, with direction provided to staff to develop a flat rate option for CAC calculations. To date, very few development applications have elected to use the flat rate in the calculation of the CAC.

#### **d. Use of Extra Density**

As part of the adoption of the current density bonus policy, Council also indicated a willingness to entertain and consider proposals up to 10% above the current OCP density limits in exchange for directing the extra value created into an increase in affordable housing within the project. So far, no applicants have come forward seeking the additional density. Anecdotal discussions with applicants has indicated concerns related to community acceptance of the additional density and the overall approvability of the projects.

#### **e. Lack of Focus on Affordable Housing**

Limitations in the value created in typical redevelopment projects also means that affordable housing contributions are often in competition with other amenities being sought. As previously noted, current policy supports affordable housing, rental housing, heritage revitalization, as well as public realm improvements, day care spaces and other amenities on a case by case basis.

Increasing outcomes from development specific to on-site affordable housing may need to be supported by consideration of an absolute focus on realizing on-site affordable housing to the exclusion of some other priorities (such as public realm improvements, etc.).

### 3. Inclusionary Zoning versus Density Bonusing

There is no agreed upon definition of inclusionary zoning. Generally, inclusionary zoning refers to a zoning regulation or land use regulation that requires residential developments of a certain size to include a set amount of affordable housing as a condition of development approval.

Over 500 jurisdictions in the United States, including Chicago and New York, use inclusionary zoning in some format. In most of these jurisdictions, the cost of the affordable units is offset by tax relief or other incentives and the provision of the units can either be mandatory or voluntary. The objective of these policies is to create a stock of affordable housing across communities through private sector development.

The municipalities of British Columbia do not have specific authority within the *Local Government Act* (LGA) to enact policies that require affordable housing as a condition of rezoning. Instead, the LGA allows for density bonusing provisions that incentivize the provisions of amenities through the granting of bonus density in exchange for the voluntary provision of amenities, such as affordable housing and heritage conservation to offset the impacts of development. This approach allows Councils to consider the impact of new development along with amenities that work to mitigate those impacts while still maintaining their discretion over land use changes. This has benefits and drawbacks as described in the analysis of the City's current inclusionary housing policy above.

While Council cannot require affordable housing specifically as a condition of granting a rezoning, staff have determined that an inclusionary zoning approach could be imbedded within the *Zoning Regulation Bylaw* itself. It would be possible for the City to pre-zone portions of the City to allow for as-of-right density conditional on the provision of rental or affordable housing (secured via a housing agreement). The benefits and drawbacks of this pre-zoning approach are described in the concluding sections of the report.

### 4. Strategic Approaches for Achieving Affordable Housing Units in Developments

The following are potential strategic approaches to the development of the new Inclusionary Housing and Density Bonus Policy. Staff are seeking Council's direction on which strategies to pursue. This direction will inform the scope of work the consultants will undertake as they update the financial analysis that will inform the final policies for Council's consideration.

#### a. Refine the current Density Bonus policy focusing on a negotiated approach to community amenity contributions rather than a fixed-rate target

Council may choose to establish a policy based primarily on a negotiated approach rather than a fixed-rate target. The *Density Bonus Policy* establishes fixed-rate amenity contribution targets to support greater clarity for developers. When it is feasible, and bonus floor space exceeds 30,000 square feet, a negotiated approach to achieving on-site affordable units is pursued. Despite a fixed-rate amenity contribution option being available to developers of smaller projects, none have been opting for this approach and have instead chosen to negotiate. Moving to a primarily negotiated approach would align with current practice as well as with the recommendations that resulted from prior economic analysis. In their 2016 study, Coriolis indicated that for larger projects, a negotiated approach is optimal regarding securing on-site affordable units for the following reasons:

- There is wide variation in the amenity contribution and affordable housing that can be supported by rezonings in the Core Area. Some rezonings can support much higher contributions than other rezonings

- There is not a large number of sites that are financially viable rezoning candidates in the study area, so a high volume of rezoning applications in the area is not expected in any given year
- The inclusion of on-site affordable housing units within a rezoning will likely require negotiations, even if a target is established.

As part of this approach, staff will work with the economic consultant to update the economic assumptions and approach used as part of land lift analyses to reflect changes in the market conditions.

**a. Establish affordable housing targets and levels of affordability to guide community amenity contribution negotiations**

Council may choose to establish affordable housing targets specifically related to amenity negotiations during rezoning application processes. These targets would be grounded in economic analysis and an understanding of the trade-off between securing higher levels of affordability and potential unit yield. Establishing affordable housing targets will provide clarity for developers and staff when undertaking amenity negotiations. While affordable housing targets were established in the *Victoria Housing Strategy*, these apply more generally to the broader housing marketplace and a set of more nuanced targets focusing at the project level will provide for more certainty and guidance to discussions.

With the benefit of updated economic analysis, Council will be in a position to direct staff to negotiate with developers for affordable rental versus affordable ownership units at specific levels of affordability and specific tenure. Consultants could also be directed to provide a deeper understanding of the relative costs of different affordable housing unit management and ownership models to better inform the negotiation process. Deeper affordability requirements will significantly impact the number of units that can be expected through a negotiation approach backstopped by land lift analysis. Consultant support will be required to determine the percent of bonus floor space, which is sought as non-market housing for rezoning with defined levels of affordability. Setting targets for unit yield that are not achievable through amenity contributions would not be constructive. It is anticipated that the Capital Regional District will be publishing a housing supply study this spring which will inform the target setting process.

**b. Prioritize City objectives for community amenity contributions given limits on bonus density**

To achieve the maximum number of on-site affordable housing units through rezoning, Council may choose to forgo directing funds to public realm improvements and other amenities that have to this point been partly funded through this mechanism, while affordable housing remains a top priority.

This approach would divert contributions away from other funds related to heritage, public realm improvements, or to other recently identified priorities such as daycare spaces. As heritage conservation is an established community value, it is recommended that it remain a priority for amenity negotiations and not eclipsed by a total focus on affordable housing.

**c. Consider higher densities above those envisioned in the OCP**

Council may choose to consider higher densities than those envisioned in the OCP. There are apparent limitations to the potential yield of on-site affordable housing from rezonings primarily due to constraints on maximum densities (and in some areas of the city, associated maximum building heights). The *Density Bonus Policy* does allow for consideration of up to 10% additional density

beyond the maximum for Core Business and Core Residential sites (3.1.6). There has been no uptake on this offer of additional density since the adoption of the policy in 2016 indicating that it may be of insufficient value to motivate developers or the process to amend the OCP (in addition to rezoning) is seen as a barrier.

Economic analysis undertaken by consultants will allow staff to reconsider the base and maximum densities as laid out in the OCP. It is not recommended that bonus density be calculated from current zoning as this would present the density bonus policy more as a tax on development and may open the program to legal challenge.

If the goal of on-site affordable units is to be realized, Council may need to consider higher densities than those currently envisioned in the OCP and a more significant density bonus offering than the 10% provided in the current policy. A major risk of this approach is a possible lack of community support for densities and associated building heights beyond those currently in place, however, staff would recommend public engagement if that is determined to be an effective solution.

**d. Consider pre-zoning areas of the City where on-site affordable housing units would be feasible, using density bonus zoning consistent with the Local Government Act**

The Council motion directed staff to consider an inclusionary zoning approach to securing on-site affordable housing. As identified above, this could be achieved by pre-zoning specific areas of the City with a new zone that provides additional density for affordable and/or purpose-built rental housing as-of-right. Once pre-zoned, development review of projects which meet zoning requirements would be limited to consideration of development permits. If Council chooses to direct staff to examine this direction, staff would work with the consultant to determine which areas may be conducive to pre-zoning in this manner to identify a base density from which to enable affordable housing units.

Benefits of this approach would be the creation of a clear cause and effect relationship between development rights and the provision of affordable housing units, removing approval times and entitlement risk to applicants in exchange for the provision of more mixed-income developments.

There are some negative aspects of this approach. These include Council forgoing some discretion around new development (limited only to the development permit process). Community benefits under this type of approach would also be limited to affordable housing, and the flexibility to address other policy areas through amenity provisions would be limited.

Further, defining the unit targets and levels of affordable housing required to qualify for bonus density in a given zone under this approach will be vitally important to maintain project feasibility. A review other jurisdictions where inclusionary zoning approaches like this have been employed have shown that where targets are not well calibrated, applicants may choose to seek variances to the targets or may choose to forgo projects altogether.

## **OPTIONS & IMPACTS**

### **Option 1 - Update Policy and Explore Pre-Zoning Areas (Recommended):**

As Council's objective is to achieve on-site affordable housing units in developments, staff recommend exploring all five strategies noted in this report:

1. Negotiated approach to CACs
2. Establish more precise targets and levels of affordability
3. Prioritize City objectives for CACs

4. Consider densities above the OCP
5. Consider pre-zoning areas of the City (using bonus density zoning) for affordable housing.

Policy solutions will be recommended when the draft policy is formulated, and once the feasibility of these and the potential for community acceptance is more thoroughly explored through consultant support and stakeholder engagement.

### **Option 2 - Update policy only:**

Under this option, staff would proceed with updating the policy but would not explore the potential of pre-zoning areas of the City.

### *2015 – 2018 Strategic Plan*

This report supports Objective 6: Make Victoria More Affordable by revisiting a 2015 action to “look at zoning, bylaws, and specifically inclusionary zoning.”

### *Impacts to Financial Plan*

These strategic approaches will have no impact on the financial plan as Council allocated budget to support this work as part of the 2018 budget process.

### *Accessibility Impact Statement*

There are no impacts on accessibility associated with the recommendations contained in this report.

### *Official Community Plan Consistency Statement*

The proposal is consistent with the OCP, particularly Chapter 13, Housing and Homelessness; and the Density Bonus policies (19.7 – 19.9).

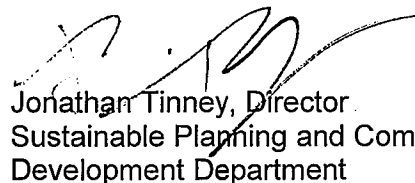
## **CONCLUSIONS**

Council has directed staff to replace the *City of Victoria's Density Bonus Policy* (2016) with a new policy that will better meet the City's affordable housing objectives. To achieve this objective, staff recommend pursuing five complementary strategic approaches that could form the basis of a new policy. This includes a negotiated approach, establishing more precise targets and levels of affordability, prioritizing objectives around community amenity contributions rather than the current distributed approach given the limitations with bonus density in Victoria, and exploring pre-zoning areas of the City where feasible.

Respectfully submitted,



Jesse Tarbotton  
Senior Planner, Housing Policy  
Community Planning Division

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

*Jocelyn Jenkins*  
March 2, 2018

**List of Attachments**

Attachment A: City of Victoria Density Bonus Policy

Attachment B: Council's Draft Inclusionary Housing Policy

Attachment C: Density Bonus and Affordable Housing Policy: Analysis and Recommendations, April 2016.

## Attachment A:

**City of Victoria Density Bonus Policy**

Approved October 27, 2016

**1. Areas Identified for Bonus Density Opportunities**

With added residents and employees come impacts on the community. The Official Community Plan (OCP) envisions contributions to support public amenities which help offset the impacts of density. Some areas of the city have been identified by the OCP as areas where future growth and change would be focused. These areas include the Urban Core and the Town Centre, Urban Village, and Urban Residential Urban Place Designations. Within these areas, the OCP indicates a base density, and a maximum density which may be considered where a proposed project supports OCP objectives including the provision of amenities or affordable housing.

**2. Amenity Contribution Schedule**

The City has identified a fixed rate target which will be sought for certain rezonings which result in bonus density. For all other rezonings resulting in bonus density, the City will seek an amenity contribution equivalent to 75% of the additional land value created by the rezoning, based on an economic analysis.

OCP Urban Place Designation	FixedRate Target Eligibility*	Amenity Contribution Target for standard rezonings**	Negotiation for on- site affordable housing expected***
Urban Residential		\$5/sq. ft. (\$53.82 per sq. m.) of bonus density	
Small Urban Village		No amenity contribution for standard rezonings	
Large Urban Village		\$5/sq. ft. (\$53.82 per sq. m.) of bonus density	
Core Residential and Core Business requesting less than 30,000 sq. ft. of bonus density		\$12/square foot (\$129.17/sq. m.) of bonus density	
Town Centre		Based on economic analysis	
Core Residential and Core Business requesting 30,000 sq. ft. or more of bonus density		Based on economic analysis	
Core Historic		Based on economic analysis	
Core Inner Harbour Legislative		Based on economic analysis	
Core Songhees Area		Based on economic analysis	

\* Proponents of a rezoning eligible for a fixed rate target may choose instead to propose amenity contributions based on an economic analysis of the individual project (see 5., below).

\*\* A standard rezoning is defined as a project which:

1. Does not require an amendment to the Urban Place Designation in the OCP;
2. Does not require rezoning from industrial, general employment or institutional zoning to residential or residential mixed use zoning;
3. Does not require significant on-site circulation or public amenities specified in a City plan; 4. Is no larger than one city block;
5. Does not contain a building which is eligible for heritage designation, listed on the heritage register, or identified by a Local Area Plan as being of heritage merit;
6. Is not subject to a Master Development Agreement (MDA).

\*\*\* Affordable housing contributions offered by applicants may be considered in any Urban Place Designation on a case-by-case basis.

### 3. Base and Maximum Densities

- 3.1. Where the OCP indicates a range of densities (Core Business, Core Residential, Town Centre, Large and Small Urban Village, Urban Residential, but exempting Core Inner Harbour Legislative):
  - 3.1.1. The lower density is considered the "base" density which is generally supportable.
  - 3.1.2. The upper density is considered the maximum density which may be considered.
  - 3.1.3. Density above the base density is considered "bonus density".
  - 3.1.4. Where a property's starting zoning allows more density than the OCP base density, the zoned density should be considered as the base density.
  - 3.1.5. If added density provisions already apply to an existing zone district (for example, for features such as underground parking), then bonus density for purposes of this policy refers only to the density increment above what can be achieved under the property's existing zoning.
  - 3.1.6. Projects in the Core Business and Core Residential areas which include on-site nonmarket housing may be considered for up to 10% additional density above the maximum indicated.
  - 3.1.7. Refer to the Downtown Core Area Plan (DCAP) for further detail on base and maximum densities for residential or commercial use within the DCAP boundaries.
- 3.2. Where the OCP indicates only one density, outside of the Downtown Core Area (Industrial, General Employment):
  - 3.2.1. The indicated density is considered the maximum density for appropriate uses in this Urban Place Designation.
  - 3.2.2. The base density for residential uses is assumed to be zero as these Urban Place Designations do not support residential use.
- 3.3. Where the OCP indicates only one density within the Downtown Core Area (Core Historic, Core Songhees) or DCAP special density area (Core Inner Harbour Legislative):
  - 3.3.1. The base density should be considered as the existing zoned density.
  - 3.3.2. The maximum density shown in the OCP may or may not be achievable given individual site characteristics and objectives of the OCP as refined by the Downtown Core Area Plan.
- 3.4. Where a proposal request an amendment to the OCP Urban Place Designation, the base density shall be considered as the base density for the relevant use in the existing (starting) OCP Urban Place Designation.
- 3.5. The above notwithstanding, in an area subject to a Master Development Agreement (MDA) any change to the zoned density requires a renegotiation of the amenities provided for in the MDA.

- 3.6. Proposals for rezoning will be considered on their merits based on the policies of the Official Community Plan, informed by relevant neighbourhood plans, other adopted City plans, and unique characteristics of the site. It should not be assumed that a rezoning proposal will be approved simply because amenity contributions are proposed. (See OCP 6.3)

#### **4. Projects Exempted from Amenity Contribution Requests**

The following projects will be exempted from requests for amenity contributions:

- 4.1. **Non-market housing projects** which are rental housing, owned by a non-profit housing provider, in which at least half of the units are non-market housing secured by a housing agreement that provides for affordability for the life of the building.
- 4.2. **A standard rezoning for purpose-built rental housing in the Urban Residential or Urban Village place designations**, which is secured as rental housing for the life of the building by a housing agreement.
- 4.3. **Projects with no residential use included.**

#### **5. Option for Standard Rezonings to Use Economic Analysis rather than Fixed Rate Contribution Target**

The fixed rate target for amenity contributions is set to apply broadly to most redevelopment sites which meet the criteria of this policy. However, the applicant may choose to propose amenity contributions based on site-specific circumstances for the individual project. In these cases, the applicant may elect to conduct their own economic analysis as described in section 6., below.

#### **6. Economic Analysis to Inform Amenity Contribution Requested**

For applications which do not meet the criteria for a fixed rate amenity contribution target, an economic analysis should be undertaken to determine how much amenity contribution an approvable project can support. This analysis should be completed by an independent third party consultant, agreed upon by the developer and the City of Victoria, and engaged by the City. Following best practices, the City would seek a target of 75% of the increase in land value for the provision of community amenities. The cost of this analysis will be deducted from amenity contributions sought.

#### **7. Securing Amenity Contributions**

Monetary amenity contributions will be due prior to issuance of a building permit. In a phased project, the amenity contribution may be divided proportionately between different phases of the development. Amenity contributions may generally be secured in one of three ways:

- 7.1. Rezoning to a zone which specifies: a base density; one or more additional densities which may be achieved with the provision of community amenities; and the number, extent and kind of amenities;
- 7.2. A covenant that will detail the amenity contribution to be delivered, at which time the covenant will be removed; or,
- 7.3. Where the amenity includes affordable housing, a signed housing agreement.

Where the amenity is a monetary contribution, it will include an escalator equal to the annual change in construction cost for the Victoria Area as measured by a quantity surveyor selected jointly by the City and applicant.

#### **8. Type of Amenities to be Funded by Contributions**

The amenities needed to support growth consistent with the OCP are generally greater than the amenity contributions available for the foreseeable future. As a built-out city, future funding through

Development Cost Charges is limited. General property tax revenue must be used largely for operations and for maintenance of capital infrastructure. Therefore, the City will seek Community Amenity Contributions as part of rezonings which result in additional density, in order to offset the impacts of that density on the community.

Desired amenities will be identified in Neighbourhood Plans and periodically updated. Monetary amenity contributions will be placed into a fund to be used for these amenities. For amenity contributions from development in an urban village or along a corridor that forms the boundary between two neighbourhoods, the amenity contribution should be dedicated to projects in that village/corridor, split between the two neighbourhoods, or dedicated to amenity contributions for specific improvements which improve livability for the area in question.

## **9. Consideration for On-Site Amenities**

Most redevelopment sites in Victoria are smaller sites that do not support the types of amenities envisioned by neighbourhood planning. Therefore monetary contributions are sought in most instances. Other than affordable housing, an on-site amenity may be sought only in the following circumstances:

- 9.1. The amenity is identified in a neighbourhood plan or other approved City plan;
- 9.2. The amenity would not otherwise be a requirement of development (e.g. frontage improvements are not considered an amenity);
- 9.3. The amenity is of a public nature with secured public access or control;
- 9.4. The amenity is not subject to maintenance and control as common space by a strata council;
- 9.5. Any amenities on private land should be accompanied by granting of statutory right of way or similar legal agreement to maintain their public nature;
- 9.6. Conservation of heritage is considered a public amenity;
- 9.7. Where on-site amenities are provided, the total amenity contribution should be equivalent to 75% of the increased land value resulting from a rezoning.

Examples of on-site public amenities include parks, plazas, play lots, or community space for public use and public ownership within a building.

## **10. Consideration for Affordable or Special Needs Housing**

The Victoria Housing Strategy provides further detail on target market and affordable rental unit demand for the City. The City may seek on-site affordable housing which:

- 10.1. Is secured by a Housing Agreement for the life of the building or for another time period meeting the City's affordable housing objectives;
- 10.2. Meets the objectives of the Victoria Housing Strategy;
- 10.3. Where the total value of the amenity and/or affordable housing contribution is equivalent to 75% of the increased land value resulting from a rezoning.

## **11. Implementation, Monitoring and Annual Reporting**

- 11.1. The target has been set based on needed public amenities and the ability of typical projects to support contributions. The target will be adjusted as follows:
  - 11.1.1. Adjusted annually by the annual change in construction cost for the Victoria Area as measured by a quantity surveyor;
  - 11.1.2. Adjusted every 3-5 years or in response to major market changes, based on an economic analysis.
- 11.2. The City will report out annually to track contributions, identify contributors and identify the type and locations of constructed amenities.

### **Disclaimer on Land Speculation**

The City of Victoria cautions against land speculation that attempts to pre-suppose Council's future decisions. The OCP does not create development rights, but sets out a long range vision which Council uses as a guide for development. It is only through a subsequent rezoning that land use and density for a property are determined.



**Attachment B:****Inclusive Housing and Community Amenity Policy – Draft for Discussion**

1. The City of Victoria shall seek to ensure that the impacts of new development, including impacts on affordability and community services, are offset through provision of non-market units and/or community amenity contributions (CACs) when Council considers applications for additional density.
2. The base density for calculating the value of appropriate CACs shall be the existing legally designated density in the Zoning Regulation Bylaw.
3. New density shall be calculated on the basis of the actual net increase of buildable density and change of land use.
4. Subject to negotiation it is expected that the value of the CACs will be approximately 75% of new value created as a result of rezoning beyond the existing density entitlement in the Zoning Regulation Bylaw. Greater flexibility may be considered in the application of this provision for projects that propose fewer than five dwelling units.
5. If the rental housing vacancy rate in Greater Victoria falls below 3%, the City of Victoria will encourage applicants to ensure that between 10% and 20% of total units in new projects are designated as Non-Market Units integrated into the projects. Such designation to be secured through appropriate legal agreements and/or granting title to completed rental units to preapproved Non-Profit Operators or the Capital Region Housing Corporation. The specific number of units may be negotiated between the City and applicants, with affordability criteria based on BC Housing and Canada Mortgage and Housing Corporation criteria for addressing people in core housing need in the first and second income quartiles. For non-residential projects, the City's will invite applicants to consider the provision of voluntary amenity contribution payments to the Housing Reserve Fund, to offset the impact of development. Exceptions to the application of this provision may be considered on a case-by-case basis.
6. A simplified formula, based on voluntary payment of a fixed-rate base fee / flat fee per square metre of the actual net increase of buildable density and change of land use, will be considered as an option for applicants where integration of Non-Market Units into the project is not possible.
7. Transparency shall be provided in calculation of the CACs. To achieve this, reports to Council for rezoning that propose more than four dwelling units and all applications relating to nonresidential uses shall include the following information: the estimated cost of land, estimated total value of completed units and improvements, and the recommended negotiated affordability criteria and/or voluntary CACs for the project.
8. Monitoring and evaluation of this policy shall occur with an annual report to Council identifying metrics for the previous year including: total number of projects and units approved in the City, reported by housing type (Market Strata, Market Rental, Non-Market Rental); number of units created as a result of this policy, including Non-Market Units integrated in new projects and Non-Market Units created through voluntary Community Amenity Contributions to the Housing Reserve Fund; total value of cash contributions allocated to Non-Market Housing and unallocated funds remaining in the Housing Reserve.

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Council Member Motion  
Inclusive Housing and Community Amenity Policy – Draft for Discussion

July 19, 2017

Attachment C

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# Density Bonus and Affordable Housing Policy: Analysis and Recommendations

April 2016

**Prepared for:**  
City of Victoria

**By:** Coriolis Consulting  
Corp.

# Table of Contents

<b>1.0 Introduction .....</b>	<b>1</b>
1.1 Background .....	1
1.2 Report Organization .....	3
Professional Disclaimer .....	3
<b>2.0 Study Area for Analysis .....</b>	<b>4</b>
2.1 Downtown Core Area .....	4
Outside of the Downtown Core Area .....	5
<b>3.0 Analysis for Core Area Study Area .....</b>	<b>7</b>
3.1 Evaluation of Potential Fixed Rate CAC.....	7
3.1.1 Approach .....	7
3.1.2 Case Study Financial Analysis for Residential Density Bonus Locations .....	8
3.1.3 Case Study Financial Analysis for Commercial Density Bonus Locations .....	11
3.1.4 Key Implications .....	12
3.2 Evaluation of Potential Affordable Housing Contributions from Rezonings in the Core Area .....	13
3.2.1 Affordable Housing Assumptions .....	13
3.2.2 Approach .....	14
3.2.3 Summary of Estimates of Supportable Affordable Housing .....	15
3.3 Summary of Core Area Analysis .....	20
3.3.1 Target Fixed Rate CAC Analysis .....	20
3.3.2 Affordable Housing Analysis .....	21
3.4 Policy Options to Consider for Sites in the Core Area .....	22
3.4.1 Identification of Policy Options .....	22
3.4.2 Evaluation of Policy Options .....	23
3.5 Recommendations for the Core Area .....	25
<b>4.0 Analysis for Rezonings Outside the Core Area .....</b>	<b>27</b>
4.1 Evaluation of Potential Fixed Rate CAC Outside of the Core Area .....	27
4.1.1 Smaller Rezonings .....	27
4.1.2 Major Rezonings .....	27

<b>4.2</b>	<b>Evaluation of Potential Affordable Housing Contributions from Rezonings Outside the Core Area .....</b>	<b>28</b>
4.2.1	Approach .....	28
4.2.2	Summary of Estimates of Supportable Affordable Housing .....	28 4.2.3
	Recommended Approach to Affordable Housing Outside the Core .....	31 <b>5.0</b>
	<b>Recommendations .....</b>	<b>33</b>
<b>5.1</b>	<b>Inside the Core Area .....</b>	<b>33 5.2</b>
	<b>Outside the Core Area.....</b>	<b>34 6.0</b>
	<b>Attachments - Financial Analysis .....</b>	<b>36</b>
6.1	Approach to CAC Analysis .....	
36 6.2	Key Assumptions for Financial Analysis .....	
37 6.3	Approach to Affordable Housing Analysis .....	
39 6.4	Representative Case Study Financial Analysis .....	40



## 1.0 Introduction

### 1.1 Background

The City of Victoria is exploring three separate (but related) aspects of negotiating Community Amenity Contributions (CACs) or affordable housing from rezonings.

1. The City currently negotiates contributions from rezonings inside the Downtown Core Area, in order to obtain contributions to help address the impacts of growth and provide benefits to the neighbourhoods that are absorbing extra commercial or residential development.

CACs are currently negotiated on a site-by-site basis. However, the City wants to explore using target fixed rates to calculate CACs in the Downtown Core Area.

The main reasons that City is interested in the possibility of using a target fixed rate approach include:

- The opportunity for greater efficiency in using fixed rates over individual site-by-site negotiations.
  - The guidelines published by the Provincial Government indicating that the use of fixed rates may offer greater transparency and predictability to the development process.
  - Potential for greater clarity/certainty for all stakeholders if the CAC amount can be calculated upfront.
  - Preference expressed by some developers for fixed rates over site-by-site analysis.
2. The Mayor's Housing Affordability Task Force recently proposed that developers make contributions toward affordable housing through inclusionary zoning. The intent is that the City would require projects that rezone to include affordable housing units that would be sold or rented below market prices. Alternatively, developers could make a cash in lieu contribution to an affordable housing fund. Council has directed staff to provide recommendations on implementing inclusionary zoning as a way to support the development of more affordable housing both inside and outside of the Downtown Core Area.
  3. During 2014 and 2015, the City evaluated the feasibility of implementing a fixed rate target CAC approach for bonus density at rezonings outside the Downtown Core Area. Coriolis Consulting Corp. provided financial analysis and policy analysis inputs to this evaluation. Our analysis and recommendations are contained in a report<sup>1</sup> entitled "City of Victoria Density Bonus Policy Study: for Sites Outside the Downtown Core Area".

To address these different questions, the City retained Coriolis Consulting Corp to:

- Analyze the feasibility of implementing a target fixed rate CAC system for the Downtown Core Area density bonus areas.
- Analyze the ability of rezonings in the Core Area density bonus areas to make contributions toward amenities and/or affordable housing.
- Use the results and findings from our 2015 analysis for sites outside of the Core Area to evaluate the potential to obtain affordable housing contributions from rezonings outside the Core Area.
- Recommend an approach to CACs and affordable housing from rezonings inside the Core Area and outside of the Core Area.

<sup>1</sup> Draft report dated 5 March 2015.

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DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

This report summarizes the results of our analysis and documents our conclusions and recommendations. The analysis and conclusions contained in this report for rezonings outside of the Core Area relies on the findings contained in our separate report "City of Victoria Density Bonus Policy Study: for Sites Outside the Downtown Core Area".

## 1.2 Report Organization

This report is organized as follows:

- Section 2.0 identifies the study area for the policy analysis.
- Section 3.0 summarizes our analysis and findings for rezonings inside the Downtown Core Area.
- Section 4.0 summarizes our analysis and findings for rezonings outside of the Downtown Core Area.
- Section 5.0 provides our recommended approach.
- The Attachments include the methodology and key assumptions used for our detailed case study financial analysis as well as examples of our case study analysis.

## 1.3 Professional Disclaimer

This document may contain estimates and forecasts of future growth and urban development prospects, estimates of the financial performance of possible future urban development projects, opinions regarding the likelihood of approval of development projects, and recommendations regarding development strategy or municipal policy. All such estimates, forecasts, opinions, and recommendations are based in part on forecasts and assumptions regarding population change, economic growth, policy, market conditions, development costs and other variables. The assumptions, estimates, forecasts, opinions, and recommendations are based on interpreting past trends, gauging current conditions, and making judgments about the future. As with all judgments concerning future trends and events, however, there is uncertainty and risk that conditions change or unanticipated circumstances occur such that actual events turn out differently than as anticipated in this document, which is intended to be used as a reasonable indicator of potential outcomes rather than as a precise prediction of future events.

Nothing contained in this report, express or implied, shall confer rights or remedies upon, or create any contractual relationship with, or cause of action in favor of, any third party relying upon this document.

In no event shall Coriolis Consulting Corp. be liable to the City of Victoria or any third party for any indirect, incidental, special, or consequential damages whatsoever, including lost revenues or profits.

## 2.0 Study Area for Analysis

### 2.1 Downtown Core Area

In specific subareas inside the Downtown Core Area, the Core Area Plan and OCP identify base densities and potential discretionary additional density. The study area for our analysis of rezonings inside the Core Area includes:

- The locations identified in the Downtown Core Area Plan for density bonusing<sup>2</sup>. The Plan identifies seven different subareas which have a base density of 3.0 FSR with the opportunity for increased density up

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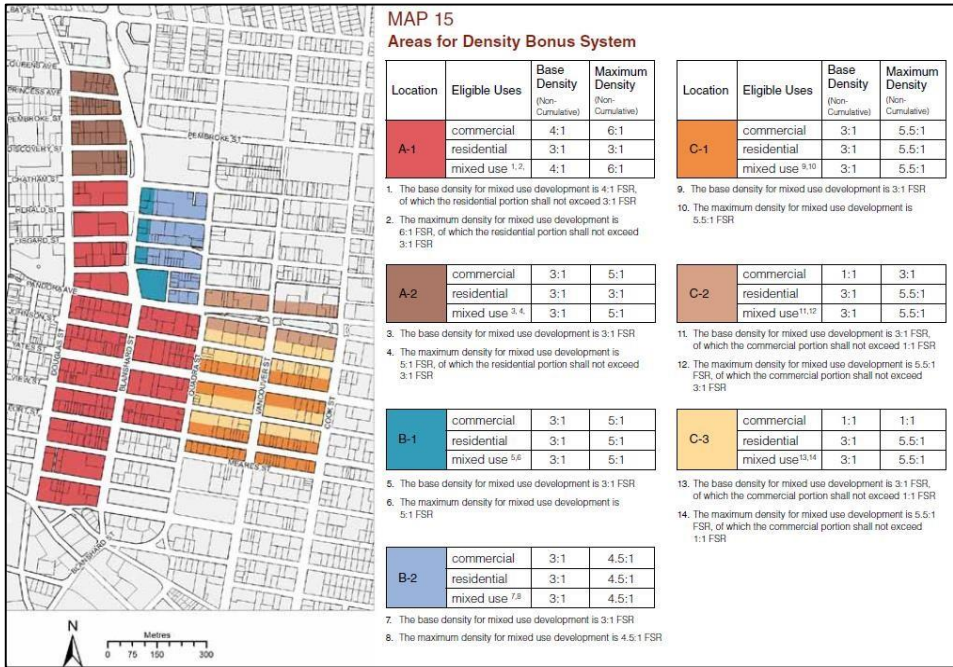
<sup>2</sup> Map 15 on page 39 of the Downtown Core Area Plan identifies the locations included in the density bonus system.

DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

to a range of 4.5 FSR to 6.0 FSR depending on the subarea. The bonus density can only be used for increased commercial floorspace in two of the subareas (A-1 and A-2). In the other five subareas (B-1, B-2, C-1, C-2, C-3) it can be used for increased residential floorspace (or commercial in some instances). These seven subareas are shown on Map 1.

- After the Core Area Plan was adopted, an additional location in the Core was designated for density bonusing. Sites located immediately east of Cook Street and immediately south of Meares Street that are adjacent to density bonus subareas C-1, C-2 and C-3 are designated in the Official Community Plan (OCP) as Core Residential with base densities of 2.0 FSR and the opportunity for increased density up to approximately 3.5 FSR. The OCP indicates permitted heights in the range of 6 to 8 storeys depending on the location. The bonus density at these sites can be used for residential floorspace.

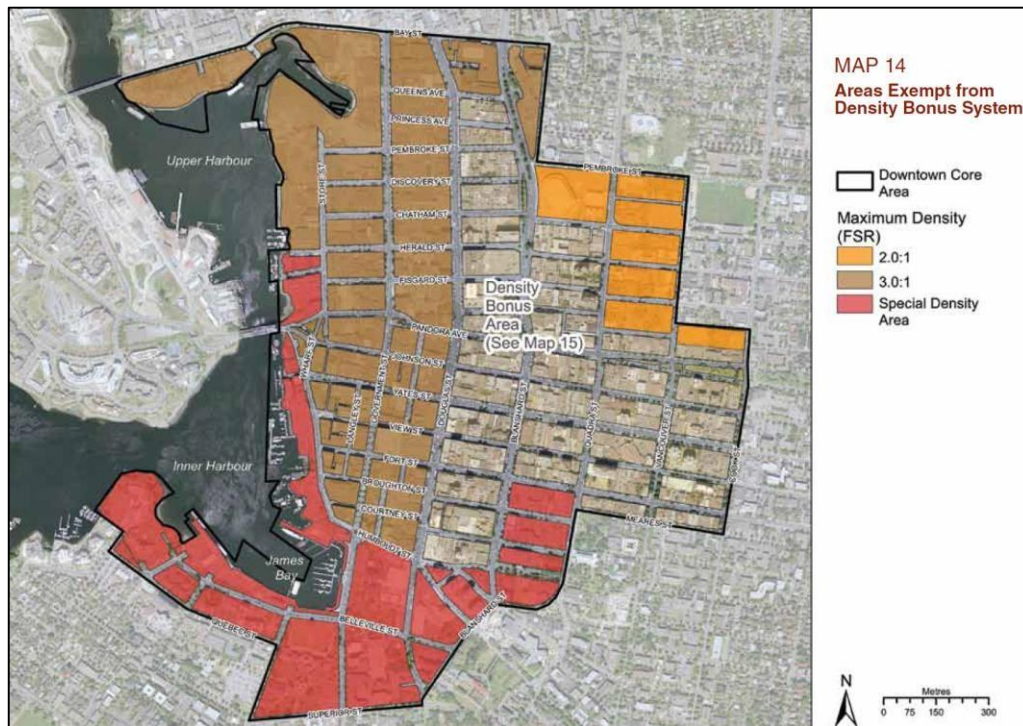
Map 1: Density Bonus Subareas in the Core Area Plan



It should be noted that the study area excludes a large portion of the Downtown Core Area including the Historic Commercial area, the Inner Harbour area and most of Rock Bay. The City instructed us to assume that any rezonings (and associated amenity contributions, heritage agreements, or affordable housing contributions) in these areas will continue to be negotiated on a site-by-site basis. Map 2 shows the locations that are excluded from density bonusing and are not part of our analysis.

Map 2: Areas inside the Core Area Plan Excluded from Study Area

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS



## 2.2 Outside of the Downtown Core Area

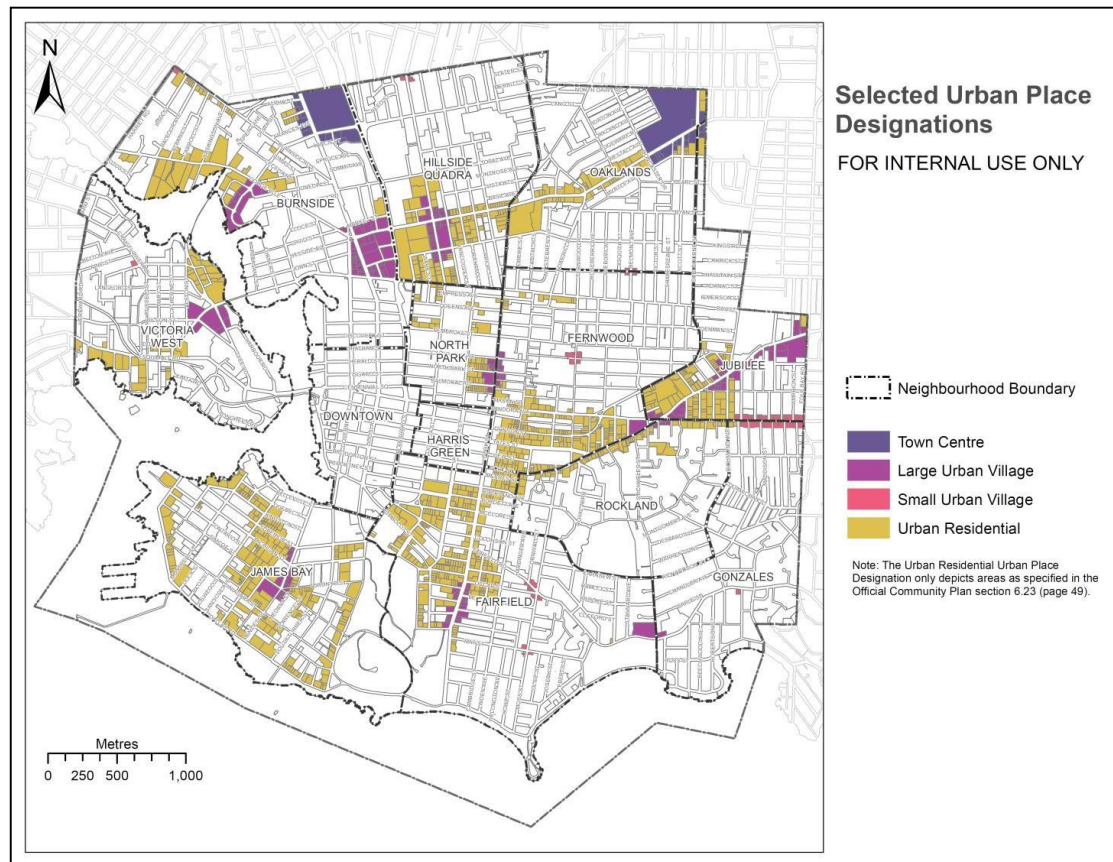
In specific areas outside the Downtown Core Area, the OCP includes base densities and potential discretionary additional density to be considered for some sites in four specific land use categories.

1. Town Centres, with base densities of up to 2.0 FSR and increased density up to approximately 3.0 FSR.
2. Large Urban Villages, with base densities of up to 1.5 FSR and increased density up to approximately 2.5 FSR.
3. Small Urban Villages, with base densities of up to 1.5 FSR and increased density up to approximately 2.0 FSR.
4. Urban Residential, with base densities of up to 1.2 FSR and increased density up to approximately 2.0 FSR.

The location of sites in these four OCP designations is shown in Map 3. During 2014 and 2015, we analyzed the financial viability of rezoning and redevelopment of a wide variety of case study sites in these four designations to evaluate the feasibility of implementing a fixed rate target CAC for rezonings outside of the Core Area. Our evaluation of the potential to obtain affordable housing from rezonings outside of the Core Area focuses on sites in these four OCP designations and draws on the work we completed in 2014/2015.

Map 3: Study Area for Analysis outside of the Core Area

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS



### 3.0 Analysis for Core Area Study Area

#### 3.1 Evaluation of Potential Fixed Rate CAC

This section summarizes the key findings from our analysis of the potential value of amenity contributions that can be supported by rezonings in the Core Area study area.

The detailed methodology, assumptions and examples of our financial analysis for case study sites are contained in the Attachments.

##### 3.1.1 Approach

To estimate the CAC that is likely supportable from rezonings inside the Downtown Core Area, we analyzed the financial viability of rezoning and redevelopment of a variety of different case study sites in the different density bonus subareas in the Core Area that are the focus of this study.

We used the financial analysis to model the likely performance of rezoning and redeveloping each site under the maximum density identified in the OCP on the assumption that the developer purchases the site at its current market value under existing use and zoning (i.e., the developer does not pay the rezoned value of the site).

Our analysis was completed in six main steps:

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

1. We identified case study sites for the financial analysis. Sites were either vacant (surface parking) or improved with older, low density commercial/service buildings, similar to the types of properties that have been the focus of development in the Core Area over the past several years. We analyzed eight different case study sites (or assemblies of sites). The sites were selected to represent a cross-section of the different locations, zoning districts and existing uses inside of the Downtown Core Area. Sites were selected from each of the different density bonus subareas that are the focus of this study.
2. We estimated the existing value of each case study in the absence of any bonus density. For this estimate, we considered three different values:
  - The value supported by existing use (i.e., income stream). This is the estimated value that an investor would likely pay to acquire the property to continue to retain the building and collect investment income for the long term.
  - The land value under existing zoning.
  - The land value under base OCP density.

The highest of these three indicators is used as the existing value or “base value” for our analysis.

3. We estimated the land value supported if the site was rezoned to the maximum identified in the OCP, with all the permitted bonus density but without any amenity contribution. If the estimated supportable land value with the bonus density is higher than site’s existing value, then site is viable for redevelopment. Otherwise, it is not yet financially viable for rezoning and redevelopment.
4. We determined whether rezoning and redevelopment of each case study site is financially viable. To be financially viable for redevelopment, the value of the property as a redevelopment site at the maximum permitted OCP density (with no amenity contribution) must exceed the value of the property under its existing use.
5. For the financially viable case study sites, we estimated:
  - The increase in property value due to the bonus density (estimated value in step 3 less estimated value in step 2).
  - The potential CAC amount at 75% of the increased value (the current City practice for negotiated CACs).
  - The equivalent fixed rate CAC in terms of dollars per square foot of floorspace over the base OCP density.
6. We completed sensitivity analysis on a few key variables:
  - For some sites that are improved with existing low density buildings, we tested the impact on the calculated CAC assuming that the property was vacant (not improved). This reduced the estimated value under existing use and zoning (the existing value) resulting in a higher supportable CAC estimate.
  - The City wants to understand the impact on CACs (and affordable housing) of an increase in total permitted density (base plus bonus) beyond the OCP maximum. Therefore, the City asked us to test the impact of increasing the total permitted density (base plus bonus) to 10% beyond the OCP designation. The amount of additional density varies depending on the subarea as the bonus density and maximum OCP density varies by subarea. However, in all sub-areas, the 10% increase in total density results in more than a 10% increase in bonus density.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- For sites east of Cook Street<sup>3</sup>, we tested the impact on the estimated supportable CAC of the assumed construction material for the new development project. The OCP indicates heights in the range of 6 to 8 storeys in this subarea so it is uncertain whether projects in this area will be built using woodframe (permitted up to 6 storeys) or concrete (required beyond 6 storeys). The change in construction material has an impact on construction costs and development economics so it affects the potential supportable CAC.

### 3.1.2 Case Study Financial Analysis for Residential Density Bonus Locations

The bonus floorspace in density bonus subareas B and C as well as the area east of Cook Street can be used for residential use.

Exhibits 1a and 1b summarize the findings of our financial analysis for the six sites we examined in density bonus subareas B and C. For each site, the exhibit shows:

- The density bonus subarea.
- The site size.
- The current use and current zoning.
- The base OCP density and maximum OCP density.
- The assumed number of residential units in the redevelopment scenario.
- The estimated increase in property value due to the permitted bonus density.
- The calculated amenity contribution at 75% of the estimated increase in value due to the bonus density.
- The calculated amenity contribution per square foot of bonus floorspace.

Exhibit 1a: Summary of Estimated Supportable CAC psf of Bonus Floorspace for Sites in Subarea B

Case Study Sites Number	4	5	6
<b>Redevelopment Scenario</b>	Old Low Density Commercial to 4.5 FSR	Old Low Density Commercial to 4.5 - 5.0 FSR	Old Low Density Commercial to 5.0 FSR
Site Size	20,426	21,780	14,602
Current Zoning	R3-C	S-1	S-1
Current Use	Old low density commercial	density commercial + surface	Old low density office building
Bonus Density Subarea	B-2	B-1/B-2	B-1
OCP Base Density (FSR)	3.0	3.0	3.0

<sup>3</sup> All of the sites in the density bonus subareas west of Cook Street need to be built in excess of 6 storeys (requiring concrete construction) to achieve the maximum OCP density. Therefore, we did not analyze woodframe scenarios west of Cook Street.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Potential Bonus Density (FSR)	1.5	2.0/1.5	2.0
OCP Maximum Density (FSR)	4.5	4.77	5.00
Assumed Total Units in Scenario with Bonus Density	89	101	71
<b>Summary of Potential Amenity Contributions (no Affordable Housing)</b>			
Estimated "Base" Value	\$2,953,985	\$2,437,649	\$2,215,535
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC	\$3,338,296	\$3,822,152	\$2,675,425
Estimated Increase in Property Value Due to Bonus Density	\$384,311	\$1,384,502	\$459,890
Calculated Amenity Contribution at 75% of Increased Value	\$288,233	\$1,038,377	\$344,918
Estimated Bonus Density Floorspace	30,639	38,610	29,204
Calculated Amenity Contribution psf of Bonus Floorspace	\$9.41	\$26.89	\$11.81

Exhibit 1b: Summary of Estimated Supportable CAC psf of Bonus Floorspace for Sites in Subarea C

Case Study Sites Number	1a	1b	1c	2a	2b	2c	3
<b>Redevelopment Scenario</b>	Old Low Density Commercial to 5.5 FSR	Old Low Density Commercial to 5.5 FSR + 10% Additional	Vacant Site to 5.5 FSR (illustrative)	Old Low Density Commercial to 5.5 FSR	Old Low Density Commercial to 5.5 FSR + 10% Additional	Vacant Site to 5.5 FSR (illustrative)	Vacant Site to 5.5 FSR
Site Size	14,470	14,471	14,470	23,031	23,031	23,031	28,800
Current Zoning	S-1*	S-1*	S-1*	S-2	S-2	S-2	R-48
Current Use	Older low density commercial	Older low density commercial	Assuming site was vacant	Older funeral home	Older funeral home	Assuming site was vacant	Parking lot
Bonus Density Subarea	C-1	C-1	C-1	C-3	C-4	C-3	C-3
OCP Base Density (FSR)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Potential Bonus Density (FSR)	2.5	3.05	2.5	2.5	3.05	2.5	2.5
OCP Maximum Density (FSR)	5.5	6.05	5.5	5.5	6.05	5.5	5.5
Assumed Total Units in Scenario with Bonus Density	77	85	77	120	133	120	185
<b>Summary of Potential Amenity Contributions (no Affordable Housing)</b>							
Estimated "Base" Value	\$2,648,613	\$2,648,613	\$1,582,564	\$3,550,932	\$3,550,932	\$2,458,109	\$4,849,998
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC	\$2,905,590	\$3,245,770	\$2,905,590	\$4,630,166	\$5,145,803	\$4,630,166	\$4,105,946
Estimated Increase in Property Value Due to Bonus Density	\$256,976	\$597,157	\$1,323,026	\$1,079,234	\$1,594,871	\$2,172,056	-\$744,052
Calculated Amenity Contribution at 75% of Increased Value	\$192,732	\$447,868	\$992,269	\$809,425	\$1,196,153	\$1,629,042	-\$558,039
Estimated Bonus Density Floorspace	36,850	44,957	36,850	57,578	70,245	57,578	72,000
Calculated Amenity Contribution psf of Bonus Floorspace	\$5.23	\$9.96	\$26.93	\$14.06	\$17.03	\$28.29	-\$7.75

Note: \* recently rezoned from S-1 to higher density mixed use.

As shown in Exhibit 1a and 1b:

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- Some sites cannot support an amenity contribution as they are more valuable under existing use than as development sites at the maximum OCP density (with no amenity contribution). These sites are not yet financially viable for rezoning and redevelopment.
- For sites that are financially attractive for rezoning and redevelopment, the calculated supportable CAC ranges from about \$5 to \$29 per square foot of bonus floorspace, depending on the existing use, the density of any existing buildings, and the permitted maximum density.
- The high end of the range is for sites that are vacant, used for surface parking, or built to a very low existing density (i.e. less than 0.3 FSR). We reviewed the number of sites that are used for surface parking in the study area (or built to a very low density). Based on our review, there are very few sites in the study area that would generate a CAC at the high end of our estimated range. Most properties are improved and are built to existing densities in excess of 0.5 FSR and cannot support a CAC at the high end of our estimated range.
- Most of the sites that are improved with older low density buildings are more valuable under existing use than as redevelopment sites at the base density of 3.0 FSR. Therefore, some of the bonus density is required (at no cost to the developer) to make the site financially attractive for redevelopment.
- The calculated supportable CAC ranges from about \$5 to \$14 per square foot of bonus floorspace for sites that are improved with lower density older buildings, with most in the \$10 to \$14 range.
- Increasing the permitted density beyond the OCP maximum total density has a positive impact on the estimated supportable CAC. The City asked us to test an increase in permitted total maximum OCP density of 10% (it should be noted that a 10% increase in total density results in an increase in bonus density of more than 10%). A 10% increase in total permitted density at the sites we analyzed, generates an increase of about \$3 to \$5 per square foot of total bonus floorspace<sup>4</sup> (the estimated supportable CAC is about \$30 to \$31 per square foot on the additional 10% bonus floorspace).

Exhibit 2 summarizes the findings of our financial analysis for the two sites we examined in the density bonus area to the east of Cook Street and south of Meares Street. For each site, our analysis assumes redevelopment to 6 storeys assuming woodframe construction. For one site, we re-ran the analysis assuming concrete construction.

Exhibit 2: Summary of Estimated Supportable CAC psf of Bonus Floorspace for Sites East of Cook

Case Study Sites Number	7	8a	8b
<b>Redevelopment Scenario</b>	Old Low Density Commercial to 3.5 FSR (woodframe)	Old Low Density Commercial to 3.5 FSR (woodframe)	Old Low Density Commercial to 3.5 FSR (concrete)
Site Size	16,554	44,690	44,690
Current Zoning	C-1	S-1	S-1
Current Use	Strip commercial	Car dealership	Car dealership
Bonus Density Subarea	east of Cook	east of Cook	east of Cook

<sup>4</sup> This figure is based on the total bonus floorspace including the additional 10% increase beyond OCP density. If it was calculated solely on the additional floorspace associated the 10% increase in density (which is a smaller amount of floorspace), the rate would be \$30 to \$31 per square foot.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

OCP Base Density (FSR)	2.0	2.0	2.0
Potential Bonus Density (FSR)	1.5	1.5	1.5
OCP Maximum Density (FSR)	3.5	3.5	3.5
Assumed Total Units in Scenario with Bonus Density	53	142	143
<b>Summary of Potential Amenity Contributions (no Affordable Housing)</b>			
Estimated "Base" Value	\$2,887,000	\$6,097,134	\$6,097,134
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC	\$3,266,258	\$8,887,340	\$5,786,320
Estimated Increase in Property Value Due to Bonus Density	\$379,258	\$2,790,206	-\$310,814
Calculated Amenity Contribution at 75% of Increased Value	\$284,443	\$2,092,655	-\$233,110
Estimated Bonus Density Floorspace	24,831	67,035	67,035
Calculated Amenity Contribution psf of Bonus Floorspace	\$11.46	\$31.22	-\$3.48

As shown in Exhibit 2:

- The calculated supportable CAC ranges from about \$11 to \$31 per square foot of bonus floorspace, if rezoning and redevelopment to 3.5 FSR can be achieved at 6 storeys with woodframe construction.
- Based on our review of existing uses and existing built densities at the sites east of Cook Street, few sites could support a CAC at the high end of our estimated range.
- If concrete construction is required (due to a height in excess of 6 storeys), then the rezoning cannot support a CAC.

### 3.1.3 Case Study Financial Analysis for Commercial Density Bonus Locations

Density bonus subarea A-1 has a base density of 3.0 FSR (residential) to 4.0 FSR (commercial or mixed use) with the opportunity for bonus density up to a maximum of 6.0. Density bonus subarea A-2 has a base density of 3.0 FSR with the opportunity for bonus density up to a maximum of 5.0. However, in both subareas, the bonus density cannot be used for residential floorspace. It can only be used for additional upper floor commercial space, such as office space.

We analyzed rezoning and redevelopment of two different case study sites in these subareas. For each site, we analyzed two rezoning and redevelopment scenarios:

- A scenario that assumes the site is redeveloped entirely as commercial space (retail plus office) up to the maximum OCP density.
- A scenario that assumes the base density is residential (or mixed residential and retail) and the bonus floorspace is office space.

Exhibit 3 summarizes the findings of our financial analysis for the two sites.

Exhibit 3: Summary of Estimated Supportable CAC psf of Bonus Floorspace for Bonus Area A

Case Study Site Number	1a	1b	2a	2b
Development Scenario	Residential and	Office Base + Office Bonus 6.0 FSR	Residential Base + Office Bonus	Office Base + Office Bonus 5.0 FSR

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

	Commercial Base + Office Bonus 6.0 FSR		5.0 FSR	
Site Size	21,600	21,600	43,566	43,566
Current Zoning	CA-4	CA-4	T-1	T-1
Current Use	Surface Parking	Surface Parking	Older Motel	Older Motel
Bonus Density Subarea	A-1	A-1	A-2	A-2
OCP Base Density (FSR)	4.0	4.0	3.0	3.0
Potential Bonus Density (FSR)	2.0	2.0	2.0	2.0
OCP Maximum Density (FSR)	6.0	6.0	5.0	5.0
Assumed Total Office Floorspace in Scenario with Bonus Density (sf)	57,240	122,040	71,884	202,582
<b>Summary of Potential Amenity Contributions</b>				
Estimated Increase in Property Value Due to Bonus Office Density	\$236,713	\$24,401	\$580,475	\$117,360
Calculated Amenity Contribution at 75% of Increased Value	\$177,535	\$18,301	\$435,356	\$88,020
Estimated Bonus Density Floorspace	43,200	43,200	87,132	87,132
Calculated Amenity Contribution psf of Bonus Floorspace	\$4.11	\$0.42	\$5.00	\$1.01

As shown in the Exhibit 3:

- The calculated supportable CAC ranges from about \$0 to \$1 per square foot of bonus office floorspace for projects that are entirely commercial (retail plus office).
- For projects where the base density is residential (or residential and retail) and the bonus density is office space, the calculated supportable CAC ranges from about \$4 to \$5 per square foot of bonus office floorspace. This may be optimistic as it assumes that there are no extraordinary development costs associated with mixing the office space and the residential space. In addition, it assumes the office space can be leased at rates near the upper of Downtown Victoria office rents. Some sites in the density bonus area may not be able to achieve rents at the upper end of the office market as they are located on the periphery of the Downtown CBD.

### 3.1.4 Key Implications

The key implications of our CAC analysis for sites in the Core Area are as follows:

1. Many sites in the Core Area cannot support an amenity contribution as they are more valuable under existing use than as redevelopment sites at the maximum OCP density (with no amenity contribution). These sites are not yet financially viable for rezoning and redevelopment.
2. For sites that are financially attractive for rezoning and redevelopment, the calculated supportable CAC ranges from about:
  - \$5 to \$29 per square foot of bonus floorspace in subareas B and C, depending on the existing use, the density of any existing buildings, and the permitted maximum density.
  - \$11 to \$31 per square foot of bonus floorspace for sites east of Cook Street, depending on the existing use and the density of any existing buildings. This assumes that the OCP maximum of 3.5 FSR for sites East of Cook can be achieved using woodframe construction (6 storey or less). If projects need to be taller than 6 storeys (requiring concrete construction) to achieve 3.5 FSR, then rezonings east of Cook will not support an amenity contribution.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

3. The high end of the estimated CAC range is for sites that are vacant, used for surface parking, or built to a very low existing density. However, based on our review of the existing built densities and uses in the study area, there are very few sites in the study area that would generate a CAC at the upper end of our estimated range.
4. Most of the sites that are redevelopment candidates in the study area are improved with older low density buildings. These sites are more valuable under existing use than as redevelopment sites at the base density. Therefore, some of the bonus density is required (at no cost to the developer) to make the site financially attractive for redevelopment. This reduces the potential amenity contribution per square foot of bonus floorspace.
5. The calculated supportable CAC at most of the sites that we analyzed is in the \$10 to \$14 per square foot of bonus residential floorspace.
6. Increasing the available bonus density increases the supportable CAC per square foot. The City asked us to test an increase in permitted total maximum OCP density of 10% (it should be noted that a 10% increase in total density results in an increase in bonus density of more than 10%). The 10% increase in total permitted density at the sites we analyzed generates a supportable CAC of about \$30 to \$31 per square foot on the additional 10% of floorspace.
7. Bonus office floorspace supports a very low CAC per square foot. In addition, office projects tend to have a positive economic impact on the City. Therefore, the City should consider exempting office rezonings from CACs.

There is clearly an opportunity for some rezonings in the Core Area to provide a contribution toward CACs. The City will need to decide whether it wants to use this CAC potential to create amenities in the Core Area or use it to obtain affordable housing units (which is explored in the next section).

### 3.2 Evaluation of Potential Affordable Housing Contributions from Rezonings in the Core Area

The City asked us to examine the implications of using the potential CAC value from rezonings in the Core Area to support new affordable housing rather than other amenities.

An affordable housing contribution will reduce (or eliminate) the opportunity to obtain contributions for other amenities from a rezoning project. Therefore, our estimates of the opportunity for affordable housing contributions from the case study sites are instead of (not as well as) the CAC potential evaluated in Section 3.1.

#### 3.2.1 Affordable Housing Assumptions

The amount of affordable housing that can be negotiated as part of a rezoning application depends on the impact that the affordable housing component will have on overall project revenues and overall project costs. Therefore, to evaluate the opportunity for a rezoning to provide affordable housing, it is important to define

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

the type of affordable housing being sought by the City and the key characteristics that will affect the completed value and creation costs of the affordable housing.

The City asked us to evaluate the potential under four different affordable housing scenarios.

1. Affordable market rental housing with monthly rents set at 100% of HILs<sup>5</sup>. The units could be retained by the developer or sold to an investor. Based on input from the City, we made the following key assumptions:
  - The off-street parking requirement would be 0.5 stalls per affordable housing unit.
  - The affordable housing mix would include 15% studio units, 60% 1 BR units and 25% 2 BR units.
  - The overall average net rentable unit size would be about 640 sf.
  - The average monthly rental rate would be about \$895 per month.
2. Affordable market rental housing with monthly rents set at 90% of HILs. The units could be retained by the developer or sold to an investor. Based on input from the City, we made the following assumptions:
  - The off-street parking requirement would be 0.5 stalls per affordable housing unit.
  - The affordable housing mix would include 15% studio units, 60% 1 BR units and 25% 2 BR units.
  - The overall average net rentable unit size would be about 640 sf.
  - The average monthly rental rate would be about \$805 per month.
3. Affordable market rental housing with monthly rents set at 50% of HILs. The units could be retained by the developer or sold to an investor. Based on input from the City, we made the following assumptions:
  - No off-street parking would be required for the affordable housing units (due to the large discount in rents).
  - The affordable housing mix would include 15% studio units, 60% 1 BR units and 25% 2 BR units.
  - The overall average net rentable unit size would be about 640 sf.
  - The average monthly rental rate would be about \$450 per month.
4. Affordable ownership strata apartment units aimed at households earning \$50,000 to \$60,000 per year. The units would be sold by the developer. We assume that the City would be involved in the administration associated with the creation of an initial list of eligible purchasers for the units and in enforcing restrictions on the resale prices of the units. Based on input from the City, we made the following assumptions:
  - The off-street parking requirement would be based on the City's bylaw requirement for apartment units.
  - The affordable housing mix would include 50% 1 BR units and 50% 2 BR units.
  - The overall average net rentable unit size would be about 750 sf.
  - Average unit prices would be \$195,000 for 1 BR units and \$245,000 for 2 BR units<sup>6</sup>.

It is important to note that any change in these affordable housing assumptions would affect the results of our analysis.

<sup>5</sup> According to the City of Victoria, the Provincial government's Housing Income Limits (HILs) rents for the study area are currently \$728 per month for studio units, \$863 per month for 1 BR units and \$1,075 per month for 2 BR units.

<sup>6</sup> These maximum unit prices are intended to target purchasers with household incomes of \$50,000 (1 BR units) to \$60,000 (2 BR units).

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

### 3.2.2 Approach

We used the results of our financial analysis for each of our case study sites in Section 3.1 to estimate the potential amount of affordable housing that could be supported by rezonings in the Core Area.

Our affordable housing estimates focus on the strata residential (or mixed strata residential and commercial) sites. The office sites were excluded from our affordable housing analysis on the assumption that office projects would not include affordable housing.

For each case study site and for each of the four affordable housing scenarios, we estimated the amount of affordable housing that could be funded by the calculated total value of the amenity contribution (i.e. 75% of the estimated increase in property value associated with the bonus floorspace).

The affordable housing component is assumed to replace space that would otherwise have been used for strata residential. Because the affordable housing has less value than the strata residential space, it negatively impacts the financial performance of the overall project and reduces the estimated increase in value associated with the bonus floorspace. For our calculations we determined the “net cost” per square foot of the affordable housing component for each of the four different types of affordable housing. The net cost was determined as follows:

- Estimated completed value per square foot of the affordable housing.
- Less total cost (and profit margin) per square foot of the affordable housing.
- Less completed value per square foot of the forgone strata residential space.
- Plus total cost (and profit margin) of the foregone strata residential space. □ Equals net cost per square of the affordable housing.

Our estimates assume that all of the calculated amenity contribution value is used to fund affordable housing, leaving no room for contributions toward other amenities.

Therefore, our estimates assume that each rezoning provides affordable housing, but no additional amenity contribution.

### 3.2.3 Summary of Estimates of Supportable Affordable Housing

Exhibits 4a and 4b summarize our findings for the six case sites that we examined in density bonus subareas B and C. For each site, the exhibit shows:

- The density bonus subarea.
- The site size.
- The current use and current zoning.
- The base OCP density and maximum OCP density.
- The assumed number of residential units in the redevelopment scenario.
- The estimated increase in property value due to the permitted bonus density (in the absence of any affordable housing or amenity contribution).
- The calculated amenity contribution at 75% of the estimated increase in value due to the bonus density in the absence of any affordable housing.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- The estimated amount of affordable housing that can be funded by 75% of the estimated increase in value created by the bonus density for each of the four affordable housing scenarios. This affordable housing potential is expressed in a variety of different ways, including (a) the total square footage of affordable housing floorspace (gross square feet), (b) the share of bonus floorspace allocated to affordable housing, (c) the maximum number of affordable housing units supportable by the project and (d) the maximum share of affordable housing units in the total project.

Exhibit 4a: Estimated Supportable Amount of Affordable Housing from Rezonings in Subareas B

Subarea		Sites in Downtown Core Area Plan		
Case Study Sites Number		4	5	6
Redevelopment Scenario		Old Low Density Commercial to 4.5 FSR	Old Low Density Commercial to 4.5 to 5.0 FSR	Old Low Density Commercial to 5.0 FSR
Site Size		20,426	21,780	14,602
Current Zoning		R3-C	S-1	S-1
Current Use		Old low density commercial	Old low density commercial + surface parking	Old low density office building
Bonus Density Subarea		B-2	B-1/B-2	B-1
OCP Base Density (FSR)		3.0	3.0	3.0
Potential Bonus Density (FSR)		1.5	2.0/1.5	2.0
OCP Maximum Density (FSR)		4.5	4.77	5.00
Assumed Total Units in Scenario with Bonus Density		89	101	71
<b>1. Estimated Maximum Potential CAC psf of Bonus Floorspace assuming 75% of Estimated Increase in Value Allocated to CAC</b>				
Summary of Potential Amenity Contributions (no Affordable Housing)				
Estimated "Base" Value		\$2,953,985	\$2,437,649	\$2,215,535
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC		\$3,338,296	\$3,822,152	\$2,675,425
Estimated Increase in Property Value Due to Bonus Density		\$384,311	\$1,384,502	\$459,890
Calculated Amenity Contribution at 75% of Increased Value		\$288,233	\$1,038,377	\$344,918
Estimated Bonus Density Floorspace		30,639	38,610	29,204
<b>2. Estimated Maximum Negotiable Affordable Housing at OCP Maximum Density Assuming 75% of Increased Value Allocated Toward Affordable Housing (i.e. net cost of Affordable Housing = 75% of estimated increase in value due to rezoning)</b>				

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Estimated Maximum (plus or minus 10%) Potential Affordable Gross Floorspace (sf), assuming CAC is the Affordable Housing					
a	Rental at 50% of HILs (avg rent = \$450 per month)		1,048	3,776	1,254
b	Rental at 90% of HILs (avg rent = \$805 per month)		1,406	5,065	1,683
c	Rental at 100% of HILs (avg rent = \$895 per month)		1,558	5,613	1,864
d	Affordable Ownership		1,988	7,161	2,379
Share of Bonus Floorspace					
a	Rental at 50% of HILs		3%	10%	4%
b	Rental at 90% of HILs		5%	13%	6%
c	Rental at 100% of HILs		5%	15%	6%
d	Affordable Ownership		6%	19%	8%
Estimated Maximum Potential Affordable Units (rounded), assuming no CAC					
a	Rental at 50% of HILs (avg rent = \$450 per month)		1	5	2
b	Rental at 90% of HILs (avg rent = \$805 per month)		2	7	2
c	Rental at 100% of HILs (avg rent = \$895 per month)		2	7	2
d	Affordable Ownership		2	8	3
Share of Total Units in Project					
a	Rental at 50% of HILs		2%	5%	2%
b	Rental at 90% of HILs		2%	7%	3%
c	Rental at 100% of HILs		2%	7%	4%
d	Affordable Ownership		3%	8%	4%

Exhibit 4b: Estimated Supportable Amount of Affordable Housing from Rezoning in Subareas C

Subarea	Sites in Downtown Core Area Plan						
Case Study Sites Number	1a	Old Low Density1b	1c	2a	Old Low Density2b	2c	3
Redevelopment Scenario	Old Low Density Commercial to 5.5 FSR	Commercial to 5.5 FSR + 10% Additional	Vacant Site to 5.5 FSR (illustrative)	Old Low Density Commercial to 5.5 FSR	Commercial to 5.5 FSR + 10% Additional	Vacant Site to 5.5 FSR (illustrative)	Vacant Site to 5.5 FSR

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Site Size	14,470	14,471	14,470	23,031	23,031	23,031	28,800
Current Zoning	S-1	S-1	S-1	S-2	S-2	S-2	R-48
Current Use	Older low density commercial	Older low density commercial	Assuming site was vacant	Older funeral home	Older funeral home	Assuming site was vacant	Parking lot
Bonus Density Subarea	C-1	C-1	C-1	C-3	C-4	C-3	C-3
OCP Base Density (FSR)	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Potential Bonus Density (FSR)	2.5	3.05	2.5	2.5	3.05	2.5	2.5
OCP Maximum Density (FSR)	5.5	6.05	5.5	5.5	6.05	5.5	5.5
Assumed Total Units in Scenario with Bonus Density	77	85	77	120	133	120	185

## 1. Estimated Maximum Potential CAC psf of Bonus Floorspace assuming 75% of Estimated Increase in Value Allocated to CAC

<b>Summary of Potential Amenity Contributions (no Affordable Housing)</b>	\$2,648,613	\$2,648,613	\$1,582,564	\$3,550,932	\$3,550,932	\$2,458,109	\$4,849,998
Estimated "Base" Value							
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC	\$2,905,590	\$3,245,770	\$2,905,590	\$4,630,166	\$5,145,803	\$4,630,166	\$4,105,946
Estimated Increase in Property Value Due to Bonus Density	\$256,976	\$597,157	\$1,323,026	\$1,079,234	\$1,594,871	\$2,172,056	-\$744,052
Calculated Amenity Contribution at 75% of Increased Value	\$192,732	\$447,868	\$992,269	\$809,425	\$1,196,153	\$1,629,042	-\$558,039
Estimated Bonus Density Floorspace	36,850	44,957	36,850	57,578	70,245	57,578	72,000

## 2. Estimated Maximum Negotiable Affordable Housing at OCP Maximum Density Assuming 75% of Increased Value Allocated Toward Affordable Housing (i.e. net cost of Affordable Housing = 75% of estimated increase in value due to rezoning)

<b>Estimated Maximum (plus or minus 10%) Potential Affordable Gross Floorsp</b>	<b>acres (sf), assuming 701</b>	<b>CAC is affordable</b>	<b>the Affordable Housing</b>	2,943	4,350	5,924	-2,029
a Rental at 50% of HILs (avg rent = \$450 per month)		1,629	3,608				
b Rental at 90% of HILs (avg rent = \$805 per month)	940	2,185	4,840	3,948	5,835	7,947	-2,722
c Rental at 100% of HILs (avg rent = \$895 per month)	1,042	2,421	5,364	4,375	6,466	8,806	-3,016
d Affordable Ownership	1,329	3,089	6,843	5,582	8,249	11,235	-3,849
<b>Share of Bonus Floorspace</b>							
a Rental at 50% of HILs	2%	4%	10%	5%	6%	10%	-3%
b Rental at 90% of HILs	3%	5%	13%	7%	8%	14%	-4%
c Rental at 100% of HILs	3%	5%	15%	8%	9%	15%	-4%
d Affordable Ownership	4%	7%	19%	10%	12%	20%	-5%
<b>Estimated Maximum Potential Affordable Units (rounded), assuming no CAC</b>							
a Rental at 50% of HILs (avg rent = \$450 per month)	1	2	5	4	6	8	-3
b Rental at 90% of HILs (avg rent = \$805 per month)	1	3	6	5	8	11	-4
c Rental at 100% of HILs (avg rent = \$895 per month)	1	3	7	6	9	12	-4
d Affordable Ownership	2	4	8	6	9	13	-4
<b>Share of Total Units in Project</b>							
a Rental at 50% of HILs	1%	3%	6%	3%	4%	7%	-1%
b Rental at 90% of HILs	2%	3%	8%	4%	6%	9%	-2%
c Rental at 100% of HILs	2%	4%	9%	5%	6%	10%	-2%

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

d Affordable Ownership	2%	4%	10%	5%	7%	11%	-2%
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As shown in the Exhibits 4a and 4b:

- The amount of affordable housing that can be supported by a rezoning varies depending on the type of affordable housing. As the required discount in rents (or sales prices) increases, the amount of affordable housing that is supportable by the project decreases.
- The cost of creating the affordable housing (in all scenarios) is higher than the completed value of the affordable housing, so a significant share of the bonus floorspace needs to be allocated to market strata housing in order to off-set the losses incurred on the affordable housing units. If strata residential unit prices increase, the share of the bonus floorspace that needs to be allocated to market strata housing would decline.
- The total number of affordable housing units that can be supported at the case study sites that we analyzed ranges depending on the value of the site under its existing use, the amount of bonus density available, and the type of affordable housing. The amount of affordable housing that is supportable at the case studies we analyzed is summarized in the Exhibit 5.

Exhibit 5: Summary of Supportable Amount of Affordable Housing from Rezonings in Subareas B and C

Affordable Housing Scenario	Total Supportable Affordable Housing Units	Share of Total Units in Project	Affordable Housing's Share of Bonus Floorspace
50% of HILs	1 to 8 units	1% to 7%	2% to 10%
90% of HILs	1 to 11 units	2% to 9%	3% to 14%
100% of HILs	1 to 13 units	2% to 10%	3% to 15%
Affordable Ownership	2 to 13 units	2% to 11%	4% to 20%

The upper end of these ranges is for case study sites that are vacant, used for surface parking, or built to a very low existing density. We reviewed the number of sites that are used for surface parking in the study area (or built to a very low existing density). Based on our review, there are very few sites in the study area that would generate affordable housing at the high end of our estimated ranges.

- The estimated amount of affordable housing that is supportable from most rezoning candidates (sites that are improved with lower density older buildings) is shown in the Exhibit 6.

Exhibit 6: Summary of Supportable Affordable Housing at Most Rezoning Candidates in Areas B and C

Affordable Housing Scenario	Total Supportable Affordable Housing Units	Share of Total Units in Project	Affordable Housing's Share of Bonus Floorspace
50% of HILs	1 to 4 units	1% to 3%	2% to 5%
90% of HILs	1 to 5 units	2% to 4%	3% to 7%
100% of HILs	1 to 6 units	2% to 5%	3% to 8%
Affordable Ownership	2 to 6 units	2% to 5%	4% to 10%

- Increasing the available bonus density increases the affordable housing that can be supported by a rezoning. The City asked us to test the impact of increasing the total permitted OCP density by 10% at some of the case study sites (it should be noted that a 10% increase in total density results in an increase in bonus density of more than 10%). We estimate that about 15% of the floor area associated with the additional 10% of total density could be allocated to affordable housing if the affordable housing is comprised of rental units with rents set at 100% of HILs. The share would be lower if rents were set below the HILs rate.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Exhibit 7 summarizes our findings for the two sites that we examined in the density bonus area to the east of Cook Street and south of Meares Street. For each site, our analysis assumes redevelopment to 6 storeys assuming woodframe construction. For one site, we re-ran the analysis assuming concrete construction.

Exhibit 7: Estimated Supportable Amount of Affordable Housing from Rezoning East of Cook

Redevelopment Scenario		Old Low Density Commercial to 3.5 FSR (woodframe)	Old Low Density Commercial to 3.5 FSR (woodframe)	Old Low Density Commercial to 3.5 FSR (concrete)
Site Size		16,554	44,690	44,690
Current Zoning		C-1	S-1	S-1
Current Use		Strip commercial	Car dealership	Car dealership
Bonus Density Subarea		east of Cook	east of Cook	east of Cook
OCP Base Density (FSR)		2.0	2.0	2.0
Potential Bonus Density (FSR)		1.5	1.5	1.5
OCP Maximum Density (FSR)		3.5	3.5	3.5
Assumed Total Units in Scenario with Bonus Density		53	142	143
<b>1. Estimated Maximum Potential CAC psf of Bonus Floorspace assuming 75% of Estimated Increase in Value Allocated to CAC</b>				
<b>Summary of Potential Amenity Contributions (no Affordable Housing)</b>				
Estimated "Base" Value		\$2,887,000	\$6,097,134	\$6,097,134
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC		\$3,266,258	\$8,887,340	\$5,786,320
Estimated Increase in Property Value Due to Bonus Density		\$379,258	\$2,790,206	-\$310,814
Calculated Amenity Contribution at 75% of Increased Value		\$284,443	\$2,092,655	-\$233,110
Estimated Bonus Density Floorspace		24,831	67,035	67,035
<b>2. Estimated Maximum Negotiable Affordable Housing at OCP Maximum Density Assuming 75% of Increased Value Allocated Toward Affordable Housing (i.e. net cost of Affordable Housing = 75% of estimated increase in value due to rezoning)</b>				
<b>Estimated Maximum (plus or minus 10%) Potential Affordable Gross Floorspace (sf), assuming CAC is the Affordable Housing</b>				
a Rental at 50% of HILs (avg rent = \$450 per month)		1,210	8,905	-848
b Rental at 90% of HILs (avg rent = \$805 per month)		1,724	12,683	-1,137
c Rental at 100% of HILs (avg rent = \$895 per month)		1,962	14,432	-1,260
d Affordable Ownership		2,586	19,024	-1,608

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Share of Bonus Floorspace				
a	Rental at 50% of HILs	5%	13%	-1%
b	Rental at 90% of HILs	7%	19%	-2%
c	Rental at 100% of HILs	8%	22%	-2%
d	Affordable Ownership	10%	28%	-2%
<b>Estimated Maximum Potential Affordable Units (rounded), assuming no CAC</b>				
a	Rental at 50% of HILs (avg rent = \$450 per month)	2	12	-1
b	Rental at 90% of HILs (avg rent = \$805 per month)	2	17	-2
c	Rental at 100% of HILs (avg rent = \$895 per month)	3	19	-2
d	Affordable Ownership	3	22	-2
<b>Share of Total Units in Project</b>				
a	Rental at 50% of HILs	3%	8%	-1%
b	Rental at 90% of HILs	4%	12%	-1%
c	Rental at 100% of HILs	5%	14%	-1%
d	Affordable Ownership	6%	15%	-1%

As shown in Exhibit 7:

- The total number of affordable housing units that can be supported at these case study sites ranges depending on the property value under its existing use, the type of affordable housing and the construction material (wood or concrete). Exhibit 8 summarizes our estimates assuming the rezoned projects are built using woodframe construction.

Exhibit 8: Summary of Supportable Affordable Housing at Rezoning East of Cook Street (woodframe)

Affordable Housing Scenario	Total Supportable Affordable Housing Units	Share of Total Units in Project	Affordable Housing's Share of Bonus Floorspace
50% of HILs	1 to 12 units	3% to 8%	5% to 13%
90% of HILs	2 to 17 units	4% to 12%	7% to 19%
100% of HILs	3 to 19 units	5% to 14%	8% to 22%
Affordable Ownership	3 to 22 units	6% to 15%	10% to 28%

The upper end of these ranges is for case study sites that are vacant, used for surface parking, or built to a very low existing density. There are very few sites in the study area that would generate affordable housing at the high end of our estimated ranges.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- If concrete construction is required (due to a height in excess of 6 storeys), then rezonings in this subarea cannot support any affordable housing (under current market conditions).

### 3.3 Summary of Core Area Analysis

#### 3.3.1 Target Fixed Rate CAC Analysis

1. Many sites in the study area are not rezoning candidates in the foreseeable future because:
  - The site is more valuable under its existing use than as a development site at the maximum OCP density (with no amenity contribution) or
  - The existing zoning permits a higher density than permitted under the OCP designation (e.g. R-48 sites).

Therefore, we would expect the number of rezoning applications in the study area to be small in any given year.

2. For sites that are financially attractive for rezoning and redevelopment, the calculated supportable CAC varies significantly across different sites in the Core Area, ranging from about:
  - \$5 to \$29 per square foot of bonus floorspace in subareas B and C, depending on the existing use, the density of any existing buildings, and the permitted maximum density.
  - \$11 to \$31 per square foot of bonus floorspace for sites east of Cook Street, depending on the existing use and the density of any existing buildings. This assumes that the OCP maximum of 3.5 FSR for sites East of Cook can be achieved using woodframe construction (6 storey or less). If projects need to be taller than 6 storeys (requiring concrete construction) to achieve 3.5 FSR, then rezonings east of Cook will not support an amenity contribution.
3. The high end of the estimated CAC range is for sites that are vacant, used for surface parking, or built to a very low existing density. However, based on our review of existing built densities and uses in the study area, there are very few sites in the study area that would generate a CAC at the upper end of our estimated range.
4. The calculated supportable CAC at most of the sites that we analyzed is in the \$10 to \$14 per square foot of bonus strata residential floorspace. A fixed rate target would need to be set within this range in order to avoid negative impacts on most rezonings. However:
  - Some rezonings could make a significantly larger CAC contribution under the current negotiated approach.
  - Some types of rezonings will not be able to support this CAC rate and would likely need to negotiate the rate lower.
5. Any increase in strata unit sales prices will have a material impact on the CAC rate that is supportable at rezonings in the Core Area. Therefore, the supportable rate could increase over time if there is escalation in strata unit prices.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

8. Increasing the permitted maximum density has a positive impact on the estimated supportable CAC rate. We estimate that the supportable CAC on any strata residential floorspace beyond the current OCP maximum total density supports a CAC of about \$30 to \$31 per square foot on the additional floorspace.
6. Bonus office floorspace supports a very low CAC per square foot. In addition, office projects generate significant positive economic impacts in comparison to residential projects. The City should consider exempting office rezonings from CACs.

### 3.3.2 Affordable Housing Analysis

1. The financial ability of apartment rezonings to provide affordable housing varies significantly depending on the definition of affordable housing. Therefore, if the City wants to define an affordable housing target or requirement for rezonings, it should clearly define the type of affordable housing that the City wants rezonings to provide. For example, the City should identify whether the affordable housing will be rental or ownership, the discount from market rents (or sales prices), any minimum unit size requirements, the amount of off-street parking that will be required, and the preferred location of the affordable housing units within an overall project. Without this information (plus the amount of affordable housing required), developers will not be able to anticipate the impact of an affordable housing policy on the financial performance of a planned rezoning. This will make it difficult to plan projects and acquire sites at prices that make rezoning and redevelopment financially viable.
2. The cost of creating affordable housing (as tested for our analysis) is higher than the value of the completed affordable housing units. Therefore, a significant share of any bonus floorspace will need to be allocated to strata market residential space in order to off-set the losses to the developer from the affordable housing component. In addition, a portion of the bonus floorspace (at most sites) is required (with no amenity contribution or affordable housing contribution) to make rezoning and redevelopment financially viable. The combination of these two factors means that most rezonings in the study area will not support a significant amount of affordable housing (under current market conditions). For the sites and affordable housings scenarios that we tested inside the Core Area, most projects will only be able to provide a small share of affordable housing (3% to 8% of total bonus floorspace). The amount that is supportable depends on the City's definition of affordable housing.
3. Increasing the available bonus density beyond the existing maximum OCP density increases the affordable housing that can be supported by a rezoning. We estimate that about 15% of the floor area associated with any additional density beyond the current total OCP maximum density could be allocated to affordable housing if the affordable housing is comprised of rental units with rents set at 100% of HILs. The share would be lower if rents were set below the HILs rate.
4. An affordable housing contribution reduces (or eliminates) the potential for a rezoning to make contributions toward other types of amenities (such as public realm improvements or contributions toward the seismic improvement fund)<sup>7</sup>. Therefore, if the City wants to obtain amenity contributions as well as

<sup>7</sup> The estimated impact on the supportable CAC from one affordable housing unit is as follows (under the definitions in Section 3.2.1):

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- At 50% of HILs, \$206,250 per unit concrete unit and \$176,250 per unit woodframe unit.
- At 90% of HILs, \$153,750 per concrete unit and \$123,750 per woodframe unit.
- At 100% of HILs, \$138,750 per concrete unit and \$108,750 per woodframe unit.
- For affordable ownership units, \$127,600 per concrete unit and \$96,800 per woodframe unit.

affordable housing from individual projects, any affordable housing component will need to be calibrated to leave room for other amenity contributions. This would further reduce the amount of affordable housing that can be supported by a rezoning.

5. Depending on the target market for the affordable units and the strata market units, an affordable housing requirement could impact the marketability of the market units in the project given that the units will be mixed within the same building. In addition, the affordable housing units could create other issues for the developer, such as a requirement for legal agreements (with the City) as well as different unit finishing specifications and a separate marketing approach for the affordable units.
6. An affordable housing requirement will create administrative and management work for the City.
7. Unless a project is very large, the total number of affordable housing units that it can support will be very low. For example, our analysis suggests that a 100-unit project could support a maximum of about 5 affordable housing units (or less depending on the definition of affordable housing). Given that the inclusion of affordable housing within a project will create impacts on the developer's plans and create an administrative load on the City, the City should consider setting a project size threshold below which the City would seek a cash-in-lieu contribution of affordable housing units.

### 3.4 Policy Options to Consider for Sites in the Core Area

#### 3.4.1 Identification of Policy Options

Because the ability of a rezoning to provide public benefits is finite, the City needs to decide on an allocation of any contributions between affordable housing and other amenities. For example, the City could decide to only seek contributions toward amenities, but not affordable housing units. This could be done through a fixed rate CAC target or through site-by-site negotiations.

However, the City asked us to identify approaches to consider that would include contributions toward affordable housing as well as other amenities, so our policy options focus on this objective.

There are three general policy approaches that the City could consider to obtain affordable housing units and amenity contributions from rezonings in the Core Area.

1. Negotiate a package of amenity contributions and affordable housing from projects that rezone to obtain bonus density. The City would continue to negotiate an overall package of affordable housing and amenities that can be supported by individual rezonings on a site-by-site basis. Under this approach, the City could:
  - Decide on a site-by-site basis whether the rezoning is a candidate to provide affordable housing units or make a cash contribution toward affordable housing or other amenities.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

- Identify an explicit target for affordable housing (say 6% of bonus floorspace up to the OCP maximum plus 15% of an floorspace beyond the OCP maximum – although this would depend on the definition of affordable housing<sup>7</sup>) and the type of affordable housing that it would like to achieve at rezonings. The target may not be achieved by all projects (depending on the specifics of the application and the results of any financial analysis), but it would provide City staff and applicants with a guideline for the amount of affordable housing that should be considered at an individual rezoning.
  - Establish priorities for allocating cash contributions between affordable housing and community amenities.
2. Establish a fixed rate target approach toward CACs and affordable housing for rezonings<sup>8</sup>. Under this approach:
    - The City would establish a target fixed rate CAC per square foot of bonus floorspace and a target requirement for a share of bonus floorspace to be allocated to affordable housing. The type of affordable housing would need to be explicitly defined in order to determine the appropriate target for the affordable housing share and to calibrate the affordable housing target to ensure that the CAC rate and the affordable housing contribution are approximately equivalent from a financial perspective to the developer.
    - A minimum project size could be used to identify rezonings that would provide the affordable housing units rather than a cash CAC.
    - Rezonings would either provide a contribution toward amenities based on the target fixed rate CAC or affordable housing based on the affordable housing target (or a combination of each that is equivalent to the overall value of the target fixed rate).
    - The City could establish priorities for allocating any cash amenity contributions between affordable housing and community amenities.
  3. A combination of the two approaches where a fixed rate CAC is applied to projects under a specified size threshold and a negotiated site-by-site approach is used for projects over the specified threshold.

Under each approach, we recommend that bonus office floorspace be excluded from CACs and affordable housing contributions.

### 3.4.2 Evaluation of Policy Options

A summary of the advantages and disadvantages of each of the policy options is outlined below.

#### 1. **Negotiate CACs and affordable housing contributions on a site-by-site basis for rezonings.**

Advantages include:

- Individual negotiations ensure that the CAC and/or affordable housing contribution does not exceed the amount that can be supported by each rezoning, particularly if a rezoning application does not seek all of the bonus floorspace that is permitted.

<sup>7</sup> These figures assume that affordable housing is rental housing with rents at 100% of HILs.

<sup>8</sup> The City could use this same approach if it wanted to establish density bonus zoning districts in the Core Area.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- The City can determine when it would prefer affordable housing units to be incorporated within the overall project and when it would prefer to collect a cash contribution to fund affordable housing on an alternate site.
- The City could be flexible in its definition of affordable housing as the impact of the affordable housing would be determined individually for each rezoning.
- The City could manage the split of any contributions between affordable housing and other amenities on a site-by-site basis.
- A negotiated approach has the potential to achieve larger contributions toward affordable housing and amenities than a fixed rate approach as the fixed rate approach needs to ensure the target is low enough that it works for most rezonings.
- A negotiated approach takes into account changes in market conditions over time to ensure the City optimizes contributions.

Disadvantages include:

- A negotiated approach is less likely to be supported by the development industry and property owners than a fixed rate approach.
- The cost and timing of negotiations can be an impediment to rezoning and redevelopment for smaller projects.
- The negotiated approach creates uncertainty for developers, land owners, the City, and the community.

## 2. Apply a fixed rate CAC target and an affordable housing target.

Advantages include:

- The fixed rate approach creates certainty for developers, land owners, the City and the community.
- Any cost associated with process of negotiating the value of a CAC or the amount of affordable housing is eliminated by a fixed rate approach. This is particularly helpful for smaller projects. However, there would still be negotiations required to determine the details associated with the affordable housing units (i.e. size, mix, rent, parking, location in project).
- If the fixed rate CAC target is low and the affordable housing target is low, it will not affect the financial viability of many (if any) redevelopment sites so it should not slow the pace of redevelopment. Sites that are not currently viable for redevelopment will continue to be unattractive for rezoning and redevelopment (with or without a CAC or affordable housing target).

Disadvantages include:

- If the CAC rate or affordable housing target is set too high, it will reduce the number of sites that are financially attractive for rezoning and redevelopment which will make it difficult for the City to meet its growth objectives inside the Downtown Core Area. Under this approach the targets will need to be set toward the lower end of the estimated potential range in our financial analysis to ensure there is a supply of sites that are financially viable for redevelopment.
- Some rezonings would have been able to support a CAC or affordable housing contribution that is higher than the fixed rate or affordable housing target, so the fixed rate approach will likely see lower overall contributions toward affordable housing or other amenities. Given the relatively large size of

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

projects in the Core Area (and the large amount of bonus floorspace), this could be a significant dollar value.

- Once targets are established, it is challenging to adjust the targets to reflect changes in market conditions (particularly upward). Therefore, if the value of bonus floorspace increase over time (due to increases in strata residential values), a fixed rate approach will likely achieve lower amenity and affordable housing contributions than a negotiated approach.
- To determine the target share of bonus floorspace that should be allocated to affordable housing, the City will need to define the type of affordable housing required by rezonings upfront. This will reduce the flexibility to obtain different types of affordable housing over time.

### 3. Mix of fixed rate approach or negotiated approach depending on project size.

- This approach captures the benefits of a fixed rate target approach for smaller rezonings and uses the more complicated negotiated approach for larger rezonings. The potential benefits associated with a larger rezoning can off-set the costs, risks and complications associated with the negotiated approach.

## 3.5 Recommendations for the Core Area

We think there are a variety of reasons that the City should continue to negotiate CACs and affordable housing contributions on a site-by-site basis from most rezonings in the Core Area<sup>9</sup>:

- There is wide variation in the amenity contribution and affordable housing that can be supported by rezonings in the Core Area. Some rezonings can support much higher contributions than other rezonings.
- There is not a large number of sites that are financially viable rezoning candidates in the study area, so we do not expect a high volume of rezoning applications in the area in any given year.
- The inclusion of on-site affordable housing units within a rezoning will likely require negotiations (even if a target is established).

However, based on our analysis, it is clear that there will be cases where negotiations would result in a cash CAC rather than affordable housing units because the rezoning is not large enough to support the creation of any (or at least very little) on-site affordable housing.

Because of this, there is a case to be made for setting a threshold below which rezonings would be expected to make a cash CAC based on a fixed rate target, rather than going through a negotiated CAC process (resulting in little or no affordable housing).

Therefore, the City should establish a threshold below which a target fixed rate CAC would be used to negotiate a contribution toward amenities (the cash contribution could be used to help fund affordable housing or fund other amenities). Above the threshold, the City would negotiate the delivery of affordable housing units (or combination of affordable housing and other amenities) on a site-by-site basis.

For rezonings that will be negotiated on a site-by-site basis, the City should introduce policies which:

<sup>9</sup> The Provincial guide encourages municipalities to use a fixed rate CAC approach or density bonus zoning whenever practical. However, we do not think a fixed rate approach is appropriate for the Core Area due to the variation in supportable CAC rates across different sites and the City's interest in securing on-site affordable housing units (which will require negotiations).

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- Define the type of affordable housing that the City would like to be contributed as part of rezonings (rental or ownership, unit mix, discounts on rents or sales prices, parking requirements).
- Identify a target for affordable housing that the City would like to achieve at rezonings. The target will depend on the City's definition of affordable housing (and whether the City wants to obtain other amenities from rezonings), but our financial analysis indicates that it could be in the range of 3% to 8% of bonus floorspace up to the OCP maximum total densities. Beyond the OCP maximum total density, up to 15% of bonus floorspace could be supported as affordable housing, assuming affordable housing is defined as rental housing with rents set at 100% of HILs (the share would need to be lower if rents were lower than the HILs rate). This will provide developers and staff with an understanding of the maximum amount of affordable housing that is expected at any project. If the City wants to also obtain contributions toward other amenities from projects providing affordable housing units, it will need to set the affordable housing target lower.
- Establish priorities for allocating any cash amenity contributions from negotiated rezonings between affordable housing and other community amenities.

The total value of a negotiated CAC or affordable housing contribution should take into account the cost of creating the amenities that the City wants in the neighbourhood and any affordable housing targets. However, the cost of the overall contribution should not exceed 75% of the increase in property value created by the rezoning over the higher of (a) the value under existing use and zoning or (b) the land value under the base density permitted in the OCP. Otherwise, the rezoning may not be financially viable for developers.

For smaller rezonings that are subject to a fixed rate target CAC, the City should:

- Establish a target fixed rate CAC per square foot of bonus floorspace. Based on our analysis, we would recommend a fixed rate CAC target of about \$12 per square foot for bonus floorspace up the current OCP total maximum densities. For any bonus floorspace beyond the current OCP total maximum density, we would recommend a CAC target of \$30 per square foot of additional bonus floorspace.
- Establish priorities for allocating any cash amenity contributions between affordable housing and other community amenities.
- Monitor the fixed rates and affordable housing targets to ensure they are adjusted to reflect changes in market conditions and development policies over time.

Under both approaches, we recommend that the City exclude bonus office floorspace from CACs.

The City will need to determine the threshold for rezonings to be subject to site-by-site negotiations rather than a fixed rate target CAC. Negotiating a CAC involves time, costs and risks to the applicant as well as administrative time for City staff. In addition, including affordable housing within a project involves some additional costs to the developer (e.g., legal, marketing) and could impact project design. Therefore, the threshold for negotiations should be set high enough that projects that go through the site-by-site negotiations can be expected to deliver a meaningful number of affordable housing units. We think that rezonings should be able to support a minimum of about three affordable units to be subject to site-by-site negotiations. Rezoning that can only be expected to deliver zero to two affordable units should be in the fixed rate CAC category.

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 DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS
 

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Based on our analysis, we would expect rezonings that involve about 30,000 square feet of bonus residential floorspace to be able to support up to three affordable housing units (depending on the definition of affordable housing and the size of the affordable units). Therefore, we suggest that the City consider establishing 30,000 square feet of bonus residential floorspace as the threshold below which rezonings would be subject to a fixed rate CAC target.

## 4.0 Analysis for Rezonings Outside the Core Area

### 4.1 Evaluation of Potential Fixed Rate CAC Outside of the Core Area

In 2015, Coriolis evaluated the feasibility of implementing a fixed rate target CAC approach for bonus density outside the Downtown Core Area.

Our recommended approach for rezonings outside of the Core Area is to apply a fixed rate CAC target to smaller site rezonings, but continue to negotiate major rezonings on a site-by-site basis. This section summarizes our recommended approach.

Our detailed analysis and recommendations are contained in a report entitled “City of Victoria Density Bonus Policy Study: for Sites Outside the Downtown Core Area”.

#### 4.1.1 Smaller Rezonings

A fixed rate CAC target should apply where the rezoning involves a small site and the rezoning is from residential or commercial to apartment or mixed-use residential and commercial. We recommend that:

1. The fixed rate be set at \$5 per square foot of additional floorspace that is permitted over the greater of the OCP base FSR or existing zoning FSR (the existing zoning for some sites allows greater density than the base OCP density).
2. Projects that include at least one floor of upper floor office space should be exempt from CACs.
3. Projects where the City requires new rental apartment units or the replacement of existing rental apartment units (either on-site or at an alternate site) should be exempt from CACs.
4. Rezonings of sites in the Small Urban Village designation should be exempt from CACs (unless the density exceeds the 2.0 FSR identified in the OCP).

There may be rezoning applications where the developer determines that the fixed rate CAC target is inappropriate and in those cases, the developer should have the option of requesting a negotiated CAC (at the applicant's expense).

#### 4.1.2 Major Rezonings

It is not possible to determine the potential CAC from major rezonings outside of the Core Area in advance of a detailed development application that outlines the mix of uses, heights, density and on-site servicing and

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DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

infrastructure requirements. Therefore, these large rezonings are not good candidates for a fixed-rate target CAC.

CACs should continue to be negotiated for:

1. Rezoning of large sites (e.g., over one City block) that will require the dedication of part of the site for new roads and services.
2. Rezoning involving sites that have been identified as a location for a large on-site amenity or public facility as part of the rezoning process (e.g., park space, community centre).
3. Sites that are being rezoned from industrial or institutional uses to residential or mixed-use.
4. Rezoning that exceed the density identified in the OCP.

The total value of a negotiated CAC should take into account the estimated cost of creating the amenities that the City wants in the neighbourhood, but the CAC should not exceed 75% of the increase in property value created by the rezoning over the higher of (a) the value under existing use and zoning or (b) the land value under the base density permitted in the OCP. Otherwise, the rezoning will not be financially viable for developers.

## 4.2 Evaluation of Potential Affordable Housing Contributions from Rezoning Outside the Core Area

Drawing on the financial analysis completed for our previous 2014-2015 analysis, we evaluated the opportunity for rezoning outside Core Area to provide affordable housing rather than an amenity contribution.

### 4.2.1 Approach

We used the results of our financial analysis for two case study sites from our 2014-2015 analysis to estimate the potential amount of affordable housing that could be supported by a typical rezoning outside of the Core Area. The case study sites we selected supported an estimated CAC of about \$5 per square foot of bonus floorspace (matching our recommended rate for rezoning outside of the Core) so the affordable housing estimates will be consistent with the recommended fixed rate target.

For each of the two case study sites and for each of the four affordable housing scenarios, we estimated the amount of affordable housing that could be funded by the calculated total value of the amenity contribution (i.e. 75% of the estimated increase in property value associated with the bonus floorspace).

Our estimates assume that all of the calculated amenity contribution value is used to fund affordable housing, leaving no room for contributions toward other amenities.

Therefore, our estimates assume that each rezoning provides affordable housing, but no additional amenity contribution.

## 4.2.2 Summary of Estimates of Supportable Affordable Housing

Exhibit 6 summarizes our findings for the two case sites that we examined outside of the Core Area. For one of the sites, we included some sensitivity analysis showing the impact of increasing the permitted by 10% beyond the density indicated in the OCP.

For each site, the exhibit shows:

- The density bonus subarea.
- The site size.
- The current use and current zoning.
- The base OCP density and maximum OCP density.
- The assumed number of residential units in the redevelopment scenario.
- The estimated increase in property value due to the permitted bonus density (in the absence of any affordable housing or amenity contribution).
- The calculated amenity contribution at 75% of the estimated increase in value due to the bonus density in the absence of any affordable housing.
- The estimated amount of affordable housing that can be funded by 75% of the estimated increase in value created by the bonus density for each of the four affordable housing scenarios. This affordable housing potential is expressed in a variety of different ways, including (a) the total square footage of affordable housing floorspace (gross square feet), (b) the share of bonus floorspace allocated to affordable housing, (c) the maximum number of affordable housing units supportable by the project and (d) the maximum share of affordable housing units in the total project.

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DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Exhibit 9: Estimated Supportable Amount of Affordable Housing from Rezonings Outside of the Core Area

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

Subarea		Outside Core		
Case Study Sites Number		Old Low9	Old Low10a	Old Low10b
Redevelopment Scenario		Density Commercial to 2.5 FSR	Density Commercial to 2.5 FSR	Density Commercial to 2.5 FSR + 10%
Site Size		12,947	8,891	8,891
Current Zoning		C-1S	CR-4	CR-4
Current Use		Old low density commercial	Old low density commercial	Old low density commercial
Bonus Density Subarea		Urban Village	Urban Village	Urban Village
OCP Base Density (FSR)		1.5	1.5	1.5
Potential Bonus Density (FSR)		1.0	1.0	1.0
OCP Maximum Density (FSR)		2.5	2.5	2.5
Assumed Total Units in Scenario with Bonus Density		28	19	19

**1. Estimated Maximum Potential CAC psf of Bonus Floorspace assuming 75% of Estimated Increase in Value****Summary of Potential Amenity Contributions (no Affordable Housing)**

Summary of Potential Amenity Contributions (no Affordable Housing)				
Estimated "Base" Value		\$1,757,900	\$839,600	\$839,600
Estimated Supportable Rezoned Land Value with Bonus Density, but no CAC		\$1,848,813	\$896,050	\$1,066,471
Estimated Increase in Property Value Due to Bonus Density		\$90,913	\$56,450	\$226,871
Calculated Amenity Contribution at 75% of Increased Value		\$68,185	\$42,338	\$170,153
Estimated Bonus Density Floorspace		12,947	8,891	11,114

**2. Estimated Maximum Negotiable Affordable Housing at OCP Maximum Density Assuming 75% of Increased Value Allocated Toward Affordable Housing (i.e. net cost of Affordable Housing = 75% of estimated increase in value due to rezoning)****Estimated Maximum (plus or minus 10%) Potential Affordable Gross Floorspace (sf), assuming CAC is the Affordable Hous**

a	Rental at 50% of HILs (avg rent = \$450 per month)	267	197	791
b	Rental at 90% of HILs (avg rent = \$805 per month)	369	292	1,173
c	Rental at 100% of HILs (avg rent = \$895 per month)	413	368	1,480
d	Affordable Ownership	524	446	1,791

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Share of Bonus Floorspace				
a	Rental at 50% of HILs		2%	2% 7%
b	Rental at 90% of HILs		3%	3% 11%
c	Rental at 100% of HILs		3%	4% 13%
d	Affordable Ownership		4%	5% 16%
Estimated Maximum Potential Affordable Units (rounded), assuming no CAC				
a	Rental at 50% of HILs (avg rent = \$450 per month)		0	0 1
b	Rental at 90% of HILs (avg rent = \$805 per month)		0	0 2
c	Rental at 100% of HILs (avg rent = \$895 per month)		1	0 2
d	Affordable Ownership		1	1 2
Share of Total Units in Project				
a	Rental at 50% of HILs		1%	1% 6%
b	Rental at 90% of HILs		2%	2% 8%
c	Rental at 100% of HILs		2%	3% 10%
d	Affordable Ownership		2%	3% 11%

As shown in Exhibit 9:

- The amount of affordable housing that can be supported by a rezoning varies depending on the type of affordable housing. As the required discount in rents (or sales prices) increases, the amount of affordable housing that is supportable by the project decreases.
- The cost of creating the affordable housing (in all scenarios) is higher than the completed value of the affordable housing, so a significant share of the bonus floorspace needs to be allocated to market strata housing in order to off-set the losses incurred on the affordable housing units. If strata residential unit prices increase, the share of the bonus floorspace that needs to be allocated to market strata housing would decline.
- The total number of affordable housing units that can be supported at the case study sites that we analyzed ranges depending on the value of the site under its existing use, the amount of bonus density available, and the type of affordable housing. The amount of affordable housing that is supportable at the case studies we analyzed is summarized in the Exhibit 10.

Exhibit 10: Summary of Supportable Affordable Housing at Case Study Sites outside the Core Area

Affordable Housing Scenario	Total Supportable Affordable Housing Units <sup>11</sup>	Share of Total Units in Project	Affordable Housing's Share of Bonus Floorspace
50% of HILs	1 unit	1%	2%
90% of HILs	1 unit	2%	3%
100% of HILs	1 unit	2% 3%	3% to 4%
Affordable Ownership	1 unit	2% to 3%	4% to 5%

- The total number of affordable units supported by the typical case study rezonings outside of the core is very low (1 unit at most), in part due to the small size of most rezonings outside of the Core.
- If affordable housing units are required, it eliminates the opportunity to obtain any contributions toward community amenities<sup>12</sup>.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- Increasing the permitted OCP maximum density has a positive impact on the amount of affordable housing that can be supported by a rezoning. The City asked us to test the impact of a 10% increase in permitted total maximum density. Our analysis indicates that a 10% increase in the OCP maximum density, generates an increase in the share of bonus floorspace that can be allocated to affordable housing by about 5 to 9 percentage points of total bonus floorspace (including the 10% additional density). However, the total number of affordable units that is supportable is still very low at about 1 or 2 units (due to the small size of typical rezonings outside of the Core).

#### 4.2.3 Recommended Approach to Affordable Housing Outside the Core

Typical, smaller rezonings outside of the Core Area cannot provide any material number of affordable housing units (likely 1 unit at most). Any requirement for affordable housing units within the smaller rezonings will leave no room for contributions toward other amenities. Therefore, we recommend that smaller rezonings outside of the Core not be required to include affordable housing units.

<sup>11</sup> The estimated supportable affordable housing floorspace is generally between about 200 and 550 square feet, depending on the type of affordable housing. This is less than one full unit at the assumed unit sizes and mix used in our analysis. However, if the City was interested, these rezonings could likely support one small affordable unit.

<sup>12</sup> The estimated impact on the supportable CAC from one affordable housing unit at the case study rezonings outside of the Core is as follows (under the definitions in Section 3.2.1):

- At 50% of HILs, \$161,250 to \$191,250 per unit, depending on the property location. □ At 90% of HILs, \$108,750 to \$138,750 per unit, depending on the property location.
- At 100% of HILs, \$86,250 to \$123,750 per unit, depending on the property location.
- For affordable ownership units, \$83,600 to \$114,400 per unit, depending on the property location.

The City should determine whether it would like to allocate a portion of any cash contributions (from a fixed rate CAC) from smaller rezonings outside the Core toward an affordable housing fund.

If the City wants to secure affordable housing units at rezonings outside of the Core, it should only consider this approach for the major negotiated rezoning applications outside of the Core Area.

## 5.0 Recommendations

### 5.1 Inside the Core Area

There are a variety of reasons that the City should continue to negotiate CACs and affordable housing contributions on a site-by-site basis from most rezonings in the Core Area:

- There is wide variation in the amenity contribution and affordable housing that can be supported by rezonings in the Core Area. Some rezonings can support much higher contributions than other rezonings.
- There is not a large number of sites that are financially viable rezoning candidates in the study area, so we do not expect a high volume of rezoning applications in the area in any given year.
- The inclusion of on-site affordable housing units within a rezoning will likely require negotiations (even if a target is established).

However, based on our analysis, it is clear that there will be cases where negotiations would result in a cash CAC, rather than affordable housing units, because the rezoning is not large enough to support the creation of any meaningful amount of on-site affordable housing. Therefore, we have the following recommendations:

1. The City should establish a threshold below which a target fixed rate CAC would be used to negotiate a cash (or in-kind) contribution toward amenities (the cash contribution could be used to help fund affordable housing or fund other amenities). Above the threshold, the City should negotiate the delivery of affordable housing units (or combination of affordable housing and other amenities) on a site-by-site basis. We suggest that the City consider establishing 30,000 square feet of bonus residential floorspace as the threshold below which rezonings would be subject to a fixed rate CAC target, rather than site-bysite negotiations.
2. For rezonings that will be negotiated on a site-by-site basis, the City should introduce policies which:
  - Define the type of affordable housing that the City would like to be contributed as part of rezonings (rental or ownership, unit mix, discounts on rents or sales prices, parking requirements).
  - Establish a target requirement for a share of bonus floorspace to be allocated to affordable housing. This will provide developers and staff with an understanding of the maximum amount of affordable housing that is expected at any rezoning. Based on our analysis, we would recommend an affordable housing target of about 3% to 8% of bonus floorspace (depending on the definition of affordable housing) with a higher share for any floorspace bonus beyond the current OCP maximum density. For example, if affordable housing is defined as rental housing with rents set at 100% of HILs, we would recommend a target of 6% of bonus floorspace up to the OCP maximum density and 15% for any additional bonus floorspace beyond the OCP maximum. If the City wants to also obtain contributions toward other amenities from projects providing affordable housing units, it will need to set the affordable housing target lower. The City needs to explicitly define the type of affordable housing in advance in order to determine the appropriate target for the affordable housing share and calibrate the affordable housing target to ensure that the fixed rate CAC target and the affordable housing contribution are approximately equivalent from a financial perspective to the developer.
  - Establish priorities for allocating cash amenity contributions between affordable housing and other community amenities.

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

The total value of a negotiated CAC or affordable housing contribution should take into account the cost of creating the amenities that the City wants in the neighbourhood and any affordable housing targets. However, the cost of the overall contribution should not exceed 75% of the increase in property value created by the rezoning over the higher of (a) the value under existing use and zoning or (b) the land value under the base density permitted in the OCP. Otherwise, the rezoning may not be financially viable for developers.

3. For smaller rezonings that are subject to a fixed rate target CAC, the City should:
  - Establish a target fixed rate CAC per square foot of bonus floorspace. Based on our analysis, we would recommend a fixed rate CAC target of about \$12 per square foot for bonus floorspace up to the current OCP maximum densities. For any bonus floorspace beyond the current OCP maximum density, we would recommend a CAC target of \$30 per square foot of additional bonus floorspace.
  - Establish a minimum project size to identify rezonings that would provide the affordable housing units rather than a cash CAC.
  - Establish priorities for allocating any cash amenity contributions between affordable housing and other community amenities.
  - Monitor the fixed rates and affordable housing targets to ensure they are adjusted to reflect changes in market conditions and development policies over time.
4. The City should exclude bonus office floorspace from CACs.

## 5.2 Outside the Core Area

1. A fixed rate CAC target should apply where the rezoning involves a small site and the rezoning is from residential or commercial to apartment or mixed-use residential and commercial. We recommend that:
  - The fixed rate be set at \$5 per square foot of additional floorspace that is permitted over the greater of the OCP base FSR or existing zoning FSR (the existing zoning for some sites allows greater density than the base OCP density).
  - Projects that include at least one floor of upper floor office space should be exempt from CACs.
  - Projects where the City requires new rental apartment units or the replacement of existing rental apartment units (either on-site or at an alternate site) should be exempt from CACs.
  - Rezoning of sites in the Small Urban Village designation should be exempt from CACs (unless the density exceeds the 2.0 FSR identified in the OCP).
2. There may be rezoning applications where the developer determines that the fixed rate CAC target is inappropriate and in those cases, the developer should have the option of requesting a negotiated CAC (at the applicant's expense).
3. Smaller rezonings outside of the Core should not be required to include affordable housing units. Otherwise, there will be no room for contributions toward other amenities. The City should determine whether it would like to allocate a portion of any cash contributions (from a fixed rate CAC) from smaller rezonings outside the Core toward an affordable housing fund.

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DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

4. It is not possible to determine the potential CAC from major rezonings outside of the Core Area in advance of a detailed development application that outlines the mix of uses, heights, density and on-site servicing and infrastructure requirements. Therefore, these large rezonings are not good candidates for a fixed-rate target CAC. CACs should continue to be negotiated for:

- Rezoning of large sites (e.g., over one City block) that will require the dedication of part of the site for new roads and services.
- Rezoning involving sites that have been identified as a location for a large on-site amenity or public facility as part of the rezoning process (e.g., park space, community centre).
- Sites that are being rezoned from industrial or institutional uses to residential or mixed-use. □

Rezoning that exceeds the density identified in the OCP.

The total value of a negotiated CAC should take into account the estimated cost of creating the amenities that the City wants in the neighbourhood, but the CAC should not exceed 75% of the increase in property value created by the rezoning over the higher of (a) the value under existing use and zoning or (b) the land value under the base density permitted in the OCP. Otherwise, the rezoning will not be financially viable for developers.

5. If the City wants to secure affordable housing units at rezonings outside of the Core, it should only consider this approach for the major negotiated rezoning applications.

## 6.0 Attachments - Financial Analysis

These attachments summarize the approach and main assumptions that we used for our case study financial analysis for sites in the Core Area. The approach, assumptions and analysis used for our analysis of sites outside of the Core Area is contained in our separate report "City of Victoria Density Bonus Policy Study: for Sites Outside the Downtown Core Area".

### 6.1 Approach to CAC Analysis

To estimate the CAC that is likely supportable for rezonings inside the Downtown Core Area, we analyzed the financial viability of rezoning and redevelopment of a variety of different case study sites throughout the study area.

We used the financial analysis to model the likely performance of rezoning and redeveloping each site under the maximum density identified in the OCP on the assumption that the developer purchases the site at its current market value under existing use and zoning (i.e., the developer does not pay the rezoned value of the site).

The analysis allows us to determine whether rezoning and redevelopment of each case study is financially viable and, if so, whether the rezoning supports a CAC.

Our analysis was completed in six main steps:

1. We identified case study sites for the financial analysis. Sites were either vacant or improved with older, low quality improvements, similar to the types of properties that have been the focus of development in Victoria. The sites were selected to represent a cross-section of the different density bonus subareas, zoning districts and existing uses inside the Downtown Core Area.
2. We estimated the existing value of each case study in the absence of any bonus density. For this estimate, we considered three different values:
  - Value supported by existing use (income stream or house value).
  - The land value under existing zoning.
  - The land value under base OCP density.

The highest of these three indicators used for analysis

3. We estimated the land value supported if the site was rezoned to the maximum identified in the OCP, with the bonus density but without any amenity contribution. If the estimated supportable land value with the bonus density is higher than site's existing value, then site is viable for redevelopment. Otherwise, it is not yet financially viable for rezoning and redevelopment.
4. We determined whether rezoning and redevelopment of each case study site is financially viable.
5. For the financially viable case study sites, we estimated:
  - The increase in property value due to the bonus density (estimated value in step 3 less estimated value in step 2).
  - The potential CAC amount at 75% of the increased value (the current City practice).

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENDATIONS

- The equivalent fixed rate CAC in terms of dollars per square foot of floorspace over the base OCP density
6. We completed sensitivity analysis on a few key variables:
- For some sites that are improved with existing low density buildings, we tested the impact on the calculated CAC assuming that the property was vacant (not improved). This reduced the estimated value under existing use and zoning (the existing value) resulting in a higher supportable CAC estimate.
  - For some sites, we tested the impact of increasing the permitted density to 10% beyond the OCP designation. This allowed us to evaluate the potential impact on the estimated CAC (and affordable housing contribution) of a small increase in permitted density.
  - For sites east of Cook Street, we tested the impact on the estimated supportable CAC of the assumed construction material for the new development project. The OCP indicates heights in the range of 6 to 8 storeys in this subarea so it is uncertain whether projects in this area will be built using woodframe (permitted up to 6 storeys) or concrete (required beyond 6 storeys). The change in construction material has an impact on construction costs and development economics so it affects the potential supportable CAC.

## 6.2 Key Assumptions for Financial Analysis

This attachment summarizes the key assumptions used in our case study financial analysis for sites in the Core Area. Some assumptions vary on a property by property basis (to reflect building form, property assessments and servicing costs).

The key assumptions for are strata residential and mixed use case study analysis are as follows:

1. Average sales price assumptions vary by form of construction:
  - Woodframe strata apartment projects are assumed to achieve average sales prices of \$450 per square foot (at sites east of Cook). Some new projects currently marketing in Victoria are achieving higher average prices, but these projects are located in unique, high amenity locations (such as adjacent to Beacon Hill Park).
  - Concrete strata apartment projects are assumed to achieve average sales prices of \$520 per square foot, consistent with projects currently marketing in (or near) the study area.
2. Average lease rates for new retail space is assumed to be \$25 per square foot net. Net operating income from retail space is capitalized at 6.0% to estimate total market value.
3. Residential commissions are assumed to be 3% of sales revenue.
4. Marketing is assumed to total 2% of sales revenue.
5. Leasing commissions on the commercial space are set at 17% of Year 1 lease income.
6. Rezoning costs (application fees, architects, consultants, management, disbursements) are assumed to total \$100,000. This assumes that rezoning is consistent with the OCP plan so costs are minimized, otherwise the cost would likely be higher.
7. Construction cost assumptions are as follows:

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- Hard construction costs (excluding parking) for woodframe apartment buildings are assumed to range from about \$130 per square foot to \$150 per square foot depending on the number of storeys.
- Hard costs for concrete apartment buildings (excluding parking) are \$210 per square foot.
- Costs for grade level commercial space in mixed-use buildings is assumed to be \$175 per square foot (for shell space).
- Parking costs are assumed to average \$35,000 per stall to \$40,000 per stall (depending on the number of levels of underground parking).

In total, hard costs including parking range from about \$190 to \$200 per square foot for mixed use lowrise buildings and \$255 for concrete buildings.

The construction costs are based on information published by BDC Development Consultants, Altus Group, BTY Group and on discussions we had with developers who are active in the Victoria multifamily residential market.

8. A separate landscaping cost allowance of \$10 per square foot of site area is included.
9. An allowance of \$2,500 per lineal metre of site frontage is included for upgrades to the adjacent sidewalks, boulevard, street trees, lighting, and road to centre line.
10. Connection fees are assumed to total about \$50,000 per site.
11. Soft costs and professional fees (permits, engineering, design, legal, survey, appraisal, accounting, new home warranties, insurance, deficiencies and other professional fees) and development management total 12% of hard costs. This excludes the soft costs and professional fees associated with the rezoning process.
12. Post construction costs are included for six months following project completion.
13. A contingency allowance of 3.5% of hard and soft costs is included.
14. Interim financing is charged on all costs (including land) at 5% per year. In addition, a financing fee equivalent to 1% of total projects costs is included.
15. Residential and commercial DCCs are included at current rates.
16. Property taxes are based on 2015 mill rates and our own estimate of the assessed value during development.
17. Developer's profit margin is set at 15%, which is the typical minimum profit margin target for new multifamily development in Victoria.

The key assumptions for are office case study analysis are as follows:

1. Average lease rates for new office space is assumed to be \$29 per square foot net, assuming a \$25 tenant improvement allowance. This may be optimistic under current market conditions.
2. Parking income is assumed to average \$125 per stall per month.
3. Net operating income from retail space is capitalized at 5.75% to estimate total market value.
4. Rezoning costs (application fees, architects, consultants, management, disbursements) are assumed to total \$100,000. This assumes that rezoning is consistent with the OCP plan so costs are minimized, otherwise the cost would likely be higher.
5. Construction cost assumptions are as follows:
  - Hard costs for the office building (excluding parking) are \$210 per square foot for shell space.

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DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

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- Parking costs are assumed to average \$35,000 per stall to \$40,000 per stall (depending on the number of levels of underground parking).
- An allowance of achieving LEED Gold certification is also included.

In total, hard costs including parking range from about \$270 to \$275 per square foot.

6. A separate landscaping cost allowance of \$10 per square foot of site area is included.
7. An allowance for site servicing is included for upgrades to the adjacent sidewalks, boulevard, street trees, lighting, and road to centre line.
8. Connection fees are assumed to total about \$50,000 per site.
9. Soft costs and professional fees (permits, engineering, design, legal, survey, appraisal, accounting, new home warranties, insurance, deficiencies and other professional fees) and development management total 15% of hard costs. This excludes the soft costs and professional fees associated with the rezoning process.
10. Leasing commissions on the commercial space are set at 17% of Year 1 lease income.
11. A separate marketing allowance is included.
12. Post construction leasing costs are included for twelve months following project completion.
13. A contingency allowance of 5% of hard and soft costs is included.
14. Interim financing is charged on all costs (including land) at 5% per year. In addition, a financing fee equivalent to 1% of total projects costs is included.
15. Commercial DCCs are included at current rates.
16. Property taxes are based on 2015 mill rates and our own estimate of the assessed value during development.
17. Developer's profit margin is set at 15%.

### 6.3 Approach to Affordable Housing Analysis

We used the results of our financial analysis for each of our case study sites in Section 3.1 to estimate the potential amount of affordable housing that could be supported by rezonings in the Core Area.

Our affordable housing estimates focused on the strata residential (or mixed strata residential and commercial) sites. The office sites were excluded from our affordable housing analysis on the assumption that office projects would not include affordable housing.

For each case study site and for each of the four affordable housing scenarios, we estimated the amount of affordable housing that could be funded by the calculated total value of the amenity contribution (i.e. 75% of the estimated increase in property value associated with the bonus floorspace).

The affordable housing component is assumed to replace space that would otherwise have been used for strata residential. Because the affordable housing has less value than the strata residential space, it negatively impacts the financial performance of the overall project and reduces the estimated increase in value associated with the bonus floorspace. For our calculations we determined the "net cost" per square foot of the affordable housing component for each of the four different types of affordable housing. The net cost was determined as follows:

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

- Estimated completed value per square foot of the affordable housing.
- Less total cost (and profit margin) per square foot of the affordable housing.
- Less completed value per square foot of the forgone strata residential space.
- Plus total cost (and profit margin) of the foregone strata residential space. □ Equals net cost per square of the affordable housing.

The estimated net cost per square foot for the different types of affordable housing that we tested is summarized in the following exhibit. As shown in the exhibit, the net cost varies by the type of affordable housing, location and type of construction material (as woodframe has a different completed value construction cost than concrete).

Estimated "Net Cost" PSF of Affordable Housing by Location and Construction Type

Affordable Housing Scenario	Core Area Concrete	Core Area Woodframe	Outside Core Area Woodframe
50% of HILs	\$275 psf	\$235 psf	\$215 to \$255 psf
90% of HILs	\$205 psf	\$165 psf	\$145 to \$185 psf
100% of HILs	\$185 psf	\$145 psf	\$115 to \$165 psf
Affordable Ownership	\$145 psf	\$110 psf	\$95 to \$130 psf

Our affordable housing analysis assumes that all of the calculated amenity contribution value is used to fund affordable housing, leaving no room for contributions toward other amenities.

Therefore, our estimates assume that each rezoning provides affordable housing, but no additional amenity contribution.

## 6.4 Representative Case Study Financial Analysis

Because of the number of sites and scenarios analyzed, we have not included all of the detailed proformas for each site and each scenario in this report. This section provides an example of our analysis for one site.

The case study site shown in this example is located in the Core Area. It is a 14,600 square feet site that is currently improved with an older 9,000 square foot office building. The property is currently zoned S-1, Limited Service District allowing a wide range of commercial and service uses at a maximum density of 1.5 FSR. It is located within density bonus subarea B-1 allowing apartment or mixed use development at a base density of 3.0 FSR with an opportunity for bonus density up to a maximum overall density of 5.0 FSR.

### Existing Value

To estimate the existing value, we examined a number of indicators of potential value:

- The capitalized value of the net income that could be generated by the existing commercial building.
- The land value of the property as a development site at the base density of 3.0 FSR.
- Recent sales of similar properties. □ The existing assessed value.

The highest estimated of value is based on the capitalized value of the potential net income from the existing commercial building of \$2.2 million. Therefore, for our analysis we use a base existing value of is \$2.2 million.

### Estimated Land Value Assuming Mixed Use Development at the Maximum Density of 5.0 FSR

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

The following proforma shows our estimate of the site's value if rezoned and redeveloped to mixed use retail and strata apartment at a density of 5.0 FSR (the maximum permitted) without any amenity contribution for the bonus floorspace. As shown in the proforma, the estimated land value under this scenario about \$2,675,000 million and the estimated supportable CAC is \$12 per square foot of increased permitted floorspace.

## Land Residual – Mixed Use Redevelopment at 5.0 FSR - Assumptions

<b>Major Assumptions</b> (shading indicates figures that are inputs; unshaded cells are formulas)					
<b>Site and Building Size</b>					
Site Size	14,602	sq.ft.			
	122	feet of frontage			
Total Assumed Density (Blended Avg Maximum)	5.00	FAR include a bonus of	2.00	FAR	
<b>Total Gross floorspace</b>	73,010	sq.ft.			
<b>Commercial floorspace</b>	2,920				
	70,090				
<b>Market Strata Residential floorspace</b>		gross square feet			
Net saleable space	59,576	sq.ft. or	85%	of gross area	
Average Gross unit size	987	sq.ft. gross			
Average Net unit size	839	sq.ft.			
Number of units	71	units or			
Total Market Strata Unit Parking Stalls (including visitors)	85	stalls or	1.2	per unit	
			37.5		
Total Commercial Parking Stalls	7	stalls or 1 per		square metres	
Total Parking Stalls	92	stalls			
<b>Strata Revenue and Value</b>					
Average Sales Price Per Sq. Ft.	\$520	per sq.ft. of net saleable residential space			
<b>Commercial Revenue and Value</b>					
Average Retail Lease Rate for Retail Space	\$25.00	per sq. ft. net for shell space, no TI's			
	6.00%				
Capitalization Rate for Retail Space					

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Value of Retail Space on Lease Up	\$396	per sq. ft. of leasable area, with	5.00%	allowance for vacancy	
<b>Pre-Construction Costs</b>					
Allowance for Rezoning Costs	\$100,000				
<b>Construction Costs</b>					
On-Site Servicing (Upgrade of adjacent roads/sidewalks/etc)	\$92,746	or	\$2,500	per metre of frontage	
Connection fees	\$50,000				
Hard Construction Costs					
Market Strata Residential Area	\$210	per gross sq.ft. of residential area			
	\$175				
Commercial Area	\$37,500				
	\$7,500				
Cost Per Underground Parking Stall		per underground/structured parking stall			
Cost Per Surface Parking Stall		per at grade stall			
Overall Costs Per Square Foot	\$256	per gross sq.ft.			
Hard Cost Used in Analysis	\$256				
Landscaping	\$73,010	or	\$10	per sq.ft. on 50% of site	
Soft costs/professional fees (excluding management)	9.0%	of above			
	3.0%				
Project Management	\$0	of above			
Car Share Costs					
Post Construction Holding Costs	\$350	per unit on average of	25%	of units	12 months
Contingency on hard and soft costs	3.5%	of hard and soft costs			
<b>Local Government Levies</b>					
Residential DCCs	\$3.33	per sq.ft. of floorspace			
	\$2.15				
Commercial DCCs		per sq.ft. of floorspace			
<b>Financing Assumptions</b>					
Financing rate on construction costs	5.0%	on 50% of costs, assuming a	1.75	year construction period	
		and a total loan of	75%	on costs	

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Financing fees	1.00%	of financed construction costs			
Financing on Land Acquisition	5.0%	during construction on		75%	of land cost
<b>Marketing and Commissions</b>					
Commissions/sales costs on residential	3.0%	of gross strata market residential revenue			
	2.0%				
Commissions on commercial sale	2.0%	of commercial value			
	17.0%				
	\$0				
Marketing on residential		of gross strata market residential revenue			
Leasing commissions on commercial		of Year 1 income			
Marketing on commercial					
<b>Property Taxes</b>					
Tax Rate (res)	0.719%	of assessed value			
	2.254%				
Tax Rate (comm)	\$2,107,000	of assessed value			
Current assessment (Year 1 of analysis)					
Assumed assessment after 1 year of construction (Year 2 of analysis)	\$16,067,797	(50% of completed project value)			
<b>Allowance for Developer's Profit</b>	13.0%	of gross revenue, or	15.0%	of total costs	

## Land Residual – Mixed Use Redevelopment at 5.0 FSR – Analysis and CAC Calculation

<b>Analysis</b>					
<b>Revenue</b>					
Gross Market Residential Sales Revenue	\$30,979,603				
Less commissions and sales costs	\$929,388				
Net residential sales revenue	\$30,050,215				
Commercial Value	\$1,155,992				
Commission on Commercial Sale	\$23,120				
Net commercial value	\$1,132,872				
Total Value Net of Commissions	\$31,183,087				

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

<b>Project Costs</b>					
Allowance for Rezoning Costs	\$100,000				
On-Site Servicing (Upgrade of Adjacent Roads/Sidewalks/Etc)	\$92,746				
Connection fees	\$50,000				
Hard construction costs	\$18,679,886				
Landscaping	\$73,010				
Soft costs	\$1,700,608				
Project Management	\$620,888				
Residential Marketing	\$619,592				
Commercial Marketing	\$0				
Leasing commissions on commercial space	\$12,412				
Post Construction Holding Costs	\$74,550				
Contingency on hard and soft costs	\$770,829				
DCCs - residential	\$233,431				
DCCs - commercial	\$6,289				
Less property tax allowance during development	\$16,384				
Construction financing	\$756,349				
Financing fees/costs	\$178,552				
Total Project Costs Before Land Related	\$23,985,526				
<b>Allowance for Developer's Profit</b>	\$4,190,482				
<b>Residual to Land and Land Carry</b>	<b>\$3,007,080</b>				
Less financing on land during construction and approvals	\$279,095				
Less property purchase tax	\$52,560				
<b>Residual Land Value</b>	<b>\$2,675,425</b>				

## DENSITY BONUS AND AFFORDABLE HOUSING POLICY: ANALYSIS AND RECOMMENATIONS

Residual Value per sq.ft. buildable	\$36.64				
Residual Value per sq.ft. of site	\$183.22				
<b>CAC Analysis</b>					
Estimated Rezoned Value	\$2,675,425				
Estimated Base Value	\$2,215,535	higher of (a) base OCP, (b) existing use, (c) existing land value			
Estimated Increase in Value for CAC Analysis	\$459,890				
CAC at 75% of Increased Value	\$344,918				
Floorspace at Base OCP Density	43,806	square feet			
Assumed Floorspace Approved	73,010	square feet			
Increase in Floorspace over Base Density	29,204	square feet			
<b>CAC per square foot of additional floorspace over base</b>	<b>\$11.81</b>				

# Inclusionary Housing and Density Bonus Policy



## Purpose

- Seek direction on a new inclusionary housing approach to meet Council's objectives in achieving affordable housing units in projects
- Determine community amenity priorities given the limitations with density bonus opportunities in Victoria under current policy and regulatory frameworks
- Determine specific consultant services needed to support this work and ensure strategies are feasible



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Background

### Strategic Plan, 2015-2018

- Action: Establish a predictable flat fee per square metre for bonus density

### Victoria Housing Strategy, 2016-2025

- Action: Create an inclusionary housing density bonus policy within the Downtown Core Area to seek on-site non-market housing as part of amenity contributions for projects above a certain threshold

### City of Victoria Density Bonus Policy, 2016

- Developed in response to the above actions



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Density Bonus Policy, 2016

- Identifies areas for bonus density opportunities
- Sets amenity contribution targets, including fixed-rate targets and threshold for a negotiated approach
- Identifies base and maximum densities consistent with the OCP
- Identifies projects exempted from amenity contribution requests such as purpose-built rental and non-market housing



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Outcomes of Current Policy

- Community benefits:
  - ✓ Cash contributions
  - ✓ In-kind contributions
- Supports various policy areas and off-sets impacts of growth



	DCCs	Heritage Improvement	Contributions In-Kind and to Funds	Affordable Rental and Supportive Housing Units	Market Rental Units
Total	\$4,610,000	\$5,100,000	\$3,086,000	97	359



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Limitations of Current Policy

- Major developments not subject to policy (e.g. Vivid project on Johnson and Yates Streets)
- Low or negative land value impacts
- Little to no use of fixed rate by applicants
- No proposals for 10% additional density above current OCP limits for affordable housing
- Lack of focus on affordable housing



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Inclusionary Zoning

- Regulation that requires developments of a certain size to include affordable housing as a condition of approval
- Inclusionary zoning in many US cities require the cost of affordable units be offset by tax relief or other incentives
- May have impacts on project feasibility
- Density bonusing in BC incentivizes voluntary amenities such as affordable housing to offset development impacts
- While Council cannot require affordable housing specifically as a condition of granting a rezoning, an inclusionary approach could be embedded within the Zoning Bylaw



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Strategic Approaches

1. Negotiated approach optimal for securing on-site affordable units in larger projects
  - Wide variation in amenity contributions in the Core Area
  - High volume of rezoning applications not expected
  - Inclusion of on-site affordable housing units will likely require negotiations, even if target is established
2. Establish affordable housing targets and levels of affordability to guide CAC negotiations
  - Levels of affordability will affect unit yield
  - Clarity for developers and staff
  - Consultant support required



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Strategic Approaches (continued)

3. Prioritize City objectives for CACs given limits on bonus density
  - Forgo public realm improvements while affordable housing remains a priority
  - Maintain heritage revitalization as a priority given the city's heritage conservation objectives and community values
4. Consider densities higher than OCP
  - Limitations under current density framework
  - Reconsider base and max densities
  - Bonus density should not be calculated from current zoning
  - Public engagement recommended



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Strategic Approaches (continued)

5. Consider pre-zoning areas of the City where on-site affordable housing units would be feasible
  - New zoning that provides additional density for affordable and/or purpose-built rental housing as-of-right
  - Consider areas of the city conducive to this approach
  - Application review would be limited to DPs
  - Application approval times and risk to applicants would be reduced
  - Community benefits would be limited to affordable housing
  - Defining unit targets and levels of affordability critical to ensuring project feasibility and not discouraging development



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Recommendations

1. Consider the following strategic approaches in the development of a new Inclusionary Housing and Density Bonus Policy and direct staff to:
  - a) Establish affordable housing targets and levels of affordability to guide community amenity contribution negotiations
  - b) Prioritize City objectives for community amenity contributions given limits on bonus density
  - c) Develop a framework for consideration of higher densities above those envisioned in the Official Community Plan in support of affordable housing goals



Strategic Direction: Inclusionary Housing and Density Bonus Policy

## Recommendations (continued)

- d) Develop a framework for the provision of bonus density in exchange for on-site affordable housing units, where feasible, within areas of the City through the zoning bylaw in a manner consistent with the Local Government Act
  - e) Retain a consultant to update the economic analysis that informed the Density Bonus Policy (2016) to inform the above considerations, and
2. Direct staff to consult with stakeholders and the Community Association Land Use Committees on a draft policy



Strategic Direction: Inclusionary Housing and Density Bonus Policy



## Committee of the Whole Report

### For the Meeting of March 8, 2018

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**To:** Committee of the Whole **Date:** February 23, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** **Victoria Housing Fund Application for the North Park Manor at 875 North Park Street**

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### RECOMMENDATIONS

That Council approve a Victoria Housing Fund grant to the North Park Manor Society in the amount of \$30,000 to assist in the construction of three bachelor units of housing for low and medium income seniors at the North Park Manor, located at 875 North Park Street, subject to the following conditions:

1. The grant will be disbursed to the applicant once the Housing Fund Grant Agreement and Housing Agreement have been executed by the applicant.
2. The North Park Manor Society enters into a Housing Fund Grant Agreement to the satisfaction of the City Solicitor that includes the requirements that:
  - a) the North Park Manor Society will identify the City of Victoria as a contributor on publications, documents, and public events related to the development, completion and operation of the project;
  - b) upon project completion, North Park Manor Society will submit a final report to the Sustainable Planning and Community Development Department; and
  - c) the grant is to be repaid by the North Park Manor Society if the project does not proceed as proposed.
3. The North Park Manor Society enters into a Housing Agreement securing the housing units at rental levels consistent with the Victoria Housing Fund Guidelines in a form satisfactory to the City Solicitor and Director of Sustainable Planning and Community Development.

### EXECUTIVE SUMMARY

The City of Victoria is in receipt of a Victoria Housing Fund (VHF) grant application for \$30,000 from North Park Manor Society to assist in the construction of three bachelor units for low and medium income seniors at the North Park Manor, located at 875 North Park Street. The North Park Manor Society is proposing to convert underutilized amenity space on the ground floor of the building into the three units. North Park Manor currently contains 158 bachelor and one bedroom units. The rent for the new units will be equal to the subsidy cap for the Shelter Aid For Elderly Renters program (SAFER) which is currently set at \$667 per month.

If awarded, the grant will enable the North Park Manor Society to build three additional units of housing for low and medium income seniors at the North Park Manor. The rents from these units will contribute to the overall financial health and long-term sustainability of the apartment building as whole. If the grant were denied, construction of the units may not be financially viable. For these reasons, staff recommend Council consider approving this grant request.

## PURPOSE

The purpose of this report is to present Council with information, analysis and recommendations for a Victoria Housing Fund grant application from North Park Manor Society to assist in the construction of three infill housing units at the North Park Manor, located at 875 North Park Street.

## BACKGROUND

The North Park Manor Society is an established provider of housing for low and medium income seniors, currently owning and managing a total of 210 units. The North Park Manor Society has been a housing provider for over 40 years. On October 19, 2017, Council approved a Land Use Contract Discharge for 875 and 877 North Park Street (Rezoning Application No. 00568) to allow for the addition of three new affordable rental dwelling units in the existing apartment building. As detailed in their letter to Council (Attachment 2), the applicant is proposing that these three units be affordable for seniors with low to medium income.

## ISSUES AND ANALYSIS

The North Park Manor currently consists of 158 subsidized affordable rental units for low income seniors. The North Park Manor Society is proposing to convert underutilized amenity space on the ground floor of the building into three bachelor units for low and medium income seniors.

In 2014, the City commissioned a study to support the *Official Community Plan, 2012 (OCP)* implementation regarding aging in place. The City of Victoria Housing Strategy, 2016-2025 was informed by the final study document, *Housing & Supports for an Aging Population: Recommended Strategies & Actions, April 2015*. The study recommends that the City “provide financial support for the development of non-market housing for older adults”. The provision of this grant would align with this strategic recommendation.

Staff have completed an eligibility evaluation of the North Park Manor Society’s VHF application and conclude that the application meets the VHF guidelines, and is a secure investment for the City which will lead to the construction of three housing units for low and medium income seniors. The evaluation form also notes how the project aligns with other City objectives such as those outlined in the *Official Community Plan*. The project eligibility evaluation form is appended to this report in Attachment 3.

## Affordability Requirements

Rental rates for the three proposed units at the North Park Manor, will be equal to the subsidy cap for the Shelter Aid For Elderly Renters program (SAFER) which is currently \$667 per month. These rental rates fall within the City's lowest affordable housing rent limits as set out in the Victoria Housing Fund Guidelines which define low income at or below current Housing Income Limit rents, which is currently \$800 per month for a bachelor unit. An operating budget has been provided by the applicant as part of their application package (Attachment 1).

## Leveraging Additional Funding

This project does not qualify for funding under BC Housing's programs, nor is there federal money available for this type of infill project. Operations at the North Park Manor are currently supported by the rents received. For further details on project funding please see the operating budget enclosed in North Park Manor Society's application package (Attachment 1).

## Legal Agreements

The applicant has made a commitment to enter into a legal agreement with the City of Victoria if Council approves the grant request. The legal agreement (Housing Fund Grant Agreement) will secure the conditions of the grant. The applicant has also agreed to enter into a Housing Agreement with the City that secures the three new units at rent levels and to households with incomes that align with the VHRF guidelines for low incomes. The property is already subject to an existing Housing Agreement that requires the units to remain rental in perpetuity. The applicant is also required to provide a one-year progress report to the City of Victoria outlining how the project is achieving the affordability targets outlined in the Housing Agreement.

## Capacity of the Victoria Housing Fund

As of December 31, 2017, the balance of the VHRF is \$1,908,280; however, there is \$612,000 in funding that is committed to a previously approved projects (Cottage Grove and the Fairfield Hotel); therefore, the resulting balance of \$1,296,280 is sufficient to provide the requested grant and will leave sufficient monies in the reserve to support forthcoming applications.

## OPTIONS AND IMPACTS

### Option 1 - Approve the Grant Request (Recommended)

Approval of this grant request will allow the North Park Manor Society to provide affordable housing for three of the City's low or medium income seniors.

### Option 2 - Decline the Grant Request

Should the grant be declined, the construction of the units may not be economically feasible

### *Accessibility Impact Statement*

This grant request will have no accessibility impacts.

### *2015 - 2018 Strategic Plan*

Providing grants to support the development of supportive and affordable rental housing aligns with and supports Council's strategic priority to Make Victoria More Affordable (Objective 6). Support for the development also aligns with Council's strategic priority to Facilitate Social Inclusion and Community Wellness (Objective 7).

### *Impacts to Financial Plan*

The recently updated Victoria Housing Fund (VHF) Guidelines permit consideration of grant applications for up to \$10,000 per residential unit of one or fewer bedrooms; the new bachelor units proposed for the North Park Manor qualify for this amount. Issuance of this grant will not

affect this year's financial plan, as the current VHRF balance of \$1,908,280 is sufficient to fund this application, as well as committed grants and one forthcoming request for funding, should Council choose to approve this as well.

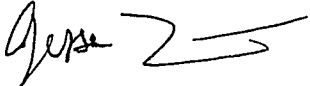
*Official Community Plan Consistency Statement*

This project supports OCP policies related to working with coordinated community and regional efforts to enable stable affordable housing for seniors.

**CONCLUSIONS**

The application for funding to the North Park Manor presented in this report meets the updated VHF guidelines in that the fund would lead to the construction of three rental units for seniors with low and medium incomes. The recommendations presented in this report also include conditions that allow for the provision of the grant to the applicant in a way that provides additional security for the City's financial investment.


Respectfully submitted,

  
Jesse Tarbotton, Senior Planner  
Housing Policy

Alt.

  
Jonathan Tinney, Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

  
Date: Feb 27, 2018

**List of Attachments:**

- Attachment 1: Application to the Victoria Housing Fund
- Attachment 2: Letter to Mayor and Council
- Attachment 3: Project Eligibility Evaluation Form
- Attachment 4: Aerial Map



Sustainable Planning and  
Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

T 250.361.0382  
E communityplanning@victoria.ca

# Victoria Housing Reserve Fund Application for Funding

The Victoria Housing Reserve Fund Program Guidelines contain important information on project eligibility and the application process. Please review the guidelines prior to completing an Application for Funding.

The entire Application for Funding must be completed along with all other documents identified on the Application Checklist. Please attach additional pages if more space is needed.

An appointment is strongly encouraged prior to applying for funding to ensure the project meets eligibility criteria. To make an appointment, email communityplanning@victoria.ca.

If you have any questions about the criteria or the process, please contact the Community Planning Division at communityplanning@victoria.ca or 250.361.0382.

## 1. Letter to Mayor and Council

Please include a letter to Mayor and Council highlighting key aspects of the proposed project and how it meets the objectives of the Victoria Housing Reserve Fund Program as outlined in the Program Guidelines.

## 2. Proponent Information

Organization Name North Park Manor Society (NPMS) Non-profit Society Yes ☒ No ☐  
Contact Person/Position Terry Gagne - Operations Manager  
Business Address 875 North Park Street  
Telephone 250-383-7611  
Fax 250-383-2574  
Email Terry.Gagne@northparkmanor.org  
Date of Incorporation February 23, 1972  
Canada Revenue Agency Charity # 119247674RR0001  
Previous Projects Funded through the Victoria Housing Reserve Fund, if any: 0

I have read and understand the Victoria Housing Reserve Fund Program Guidelines ☒

I understand funding is a one-time, non-renewable grant ☒

Application Date mm/dd/yyyy 01/12/2018 (prior application 08/11/2016 put on hold pending rezoning)  
Applicant Signature [Signature]

## 3. Project Summary

Submission of building and site plans are required as part of the application package.

Address/location of project 875 North Park Street

Developer and contact information (if different from the Proponent) \_\_\_\_\_

Project Architect and contact information Mark Anthony - Number Ten Architecture

Owner and Operator of Housing North Park Manor Society

Housing type (strata/apt etc.), number of units and sizes (bedrooms) Subsidized Seniors Housing



Sustainable Planning and Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6  
T 250.361.0382 E communityplanning@victoria.ca victoria.ca

## Victoria Housing Reserve Fund Application for Funding

### 4. Experience and Capacity to Develop and Manage Affordable Housing

Outline the proponent's experience in the development and management of affordable housing. How does this project compare to this previous experience and the proponent's capacity to complete the project in the short-term and manage it over the long-term?

North Park Manor Society currently owns and manages 210 units of subsidized housing for seniors. North Park Manor Society has been providing subsidized housing for over 40 years. North Park Manor Society renovates between 15 and 20 suites every year.

### 5. Project Financing and Sustainability

A. Describe how the funding model will support long-term financial sustainability and housing affordability. Please also attach a detailed Capital Budget and 10-year Operating Budget. For affordable home ownership projects, detail how the units will be affordable and will remain so over time.

The project will be funded by North Park Manor Society. The new units will be rented at rates that fall within the SAFER cap. This approach should enable qualifying seniors to get SAFER funding for the portion of rent that exceeds 30% of their income. Capital Costs should not exceed \$125 per square foot as the construction is similar to a renovation as it within an existing building that recently (2014) had the windows and roof upgraded.

### 6. Partnerships

List partners in this project (developers, agencies, other levels of government etc.), and detail their involvement.

NPMS has advised BC Housing that we are proceeding with this project but they have had no direct involvement. NPMS has employed Number Ten Architectural Group. NPMS has good relationships with North Park Neighborhood Assoc.

### 7. Other Information

Provide any other information that supports your application.

NPMS completed an Upgrade Project for North Park Manor in 2014. The original budget for this project was 5.1 million (budget developed by BCH). NPMS was able to complete this project at a cost of 4.1 million including additional support.

## Attachment - Victoria Housing Reserve Fund Application for Funding

Operating costs for similar units in North Park Manor are  
\$307 per unit excluding financing, depreciation and replacement reserves

	\$	Per Month	Annual	* 10 Year Projection
Suite Revenue	@ 667 per unit	2001	24012	See notes below
Operating Costs	@ 307 per unit	921	11052	
Mortgage		\$74	10488	

Contribution to reduction of NPM 206 24/72  
overall operating costs will be capped based on the Rental Revenue

- Rents may escalate based on RTB annual allowed increases
- Annual Operating costs

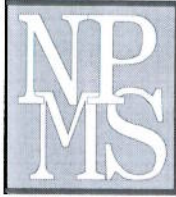
\* At present North Park Manor does not charge Tenants for utilities the new suites could be metered if NPMS wishes to improve the revenue.

\* Vacancy - Generally NPMS can turn a suite over in less than two weeks (this includes painting and repairing any damages). There may be a delay in occupancy if the new tenant needs to give notice.  
- NPM vacancy is less than 1% NPMS has a large waiting list

\* Financing - The project will be funded by NPMS out of an existing Contingency Fund.  
An internal mortgage will be set up to repay the Contingency Fund.  
The Mortgage will have a 25 year amortization with 5 year Terms.  
The first Term will be at a rate of 3.5%. The next Terms rate will depend on prevailing market rates at the time.

\* Capital Costs - Our Architect has provided an order of magnitude estimate of \$175,000.  
- It is likely NPMS can reduce the capital costs by doing ~~performing~~ the painting, flooring, bath room finishing, kitchen cupboards and counters internally. NPMS renovation costs are approximately 60% of market value.  
NPMS renovation costs are approximately 60% of market value.





**North  
Park  
Manor  
Society**

875 North Park Street  
Victoria B.C. V8W 3B8  
(250) 383-7611

Providing  
Non-profit Housing  
For Seniors

An Outreach of  
First Baptist Church

1/30/2018  
Mayor and Council  
City Of Victoria

Re: Victoria Housing Reserve Fund North Park Manor Society (NPMS)  
Application for Funding

The City of Victoria recent approval of the Rezoning for 875 & 877 North Park Street plus approval of a Development Permit is greatly appreciated by NPMS.

NPMS has applied to the City for funding from the Housing Reserve Fund. Current expenditures for the project total \$24600. NPMS is committed to completing this project and receipt of the Reserve monies will help NPMS in the goal of constructing of three suites at 875 North Park Street

Continued support by City of Victoria Council demonstrates the city's commitment to providing more units of housing for seniors with low to medium income.

If the past is any indication of the future this housing will be in place 40 years from now.

Thank you for your time and consideration.

Terry Gagne  
Operations Manager  
North Park Manor Society



## Attachment 3

**Project Eligibility Evaluation Form – 875 North Park Street (North Park Manor)**

Applications for funding will be evaluated by staff based on the following evaluation criteria.

Eligibility Criteria	Yes	No	Notes
1. Does the proponent qualify as a non-profit society?	Yes		North Park Manor Society
2. Does the project address the Housing Fund's objectives?	Yes		The 3 units will rent equal to the current subsidy cap for the Shelter Aid For Elderly Renters program (SAFER). The current SAFER subsidy cap is \$667 per month.
3. Is the project in keeping with the OCP, Neighbourhood Plan policies and zoning?	Yes		
4. Does the proponent have experience in developing and operating non-profit housing?	Yes		North Park Manor Society (NPMS) currently owns and manages 210 units of subsidized housing for seniors. NPMS has been providing subsidized housing for over 40 years.
5. Does the project leverage funding from other sources?		No	The construction of the 3 units will be solely funded by NPMS. However the NPMS completed upgrade project for North Park Manor in 2014 in partnership with BC Housing on time and substantially under budget.
6. Are the project Capital and Operating budgets viable and sustainable?	Yes		

### Project Risk Evaluation

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Type of Risk	Project Score (from 1 – 10)
What is the risk that the project will not be completed?	1
What is the risk that the project will not continue to be used over the long term?	1
<b>Project Score</b>	2

#### **RISK ASSESSMENT CRITERIA**

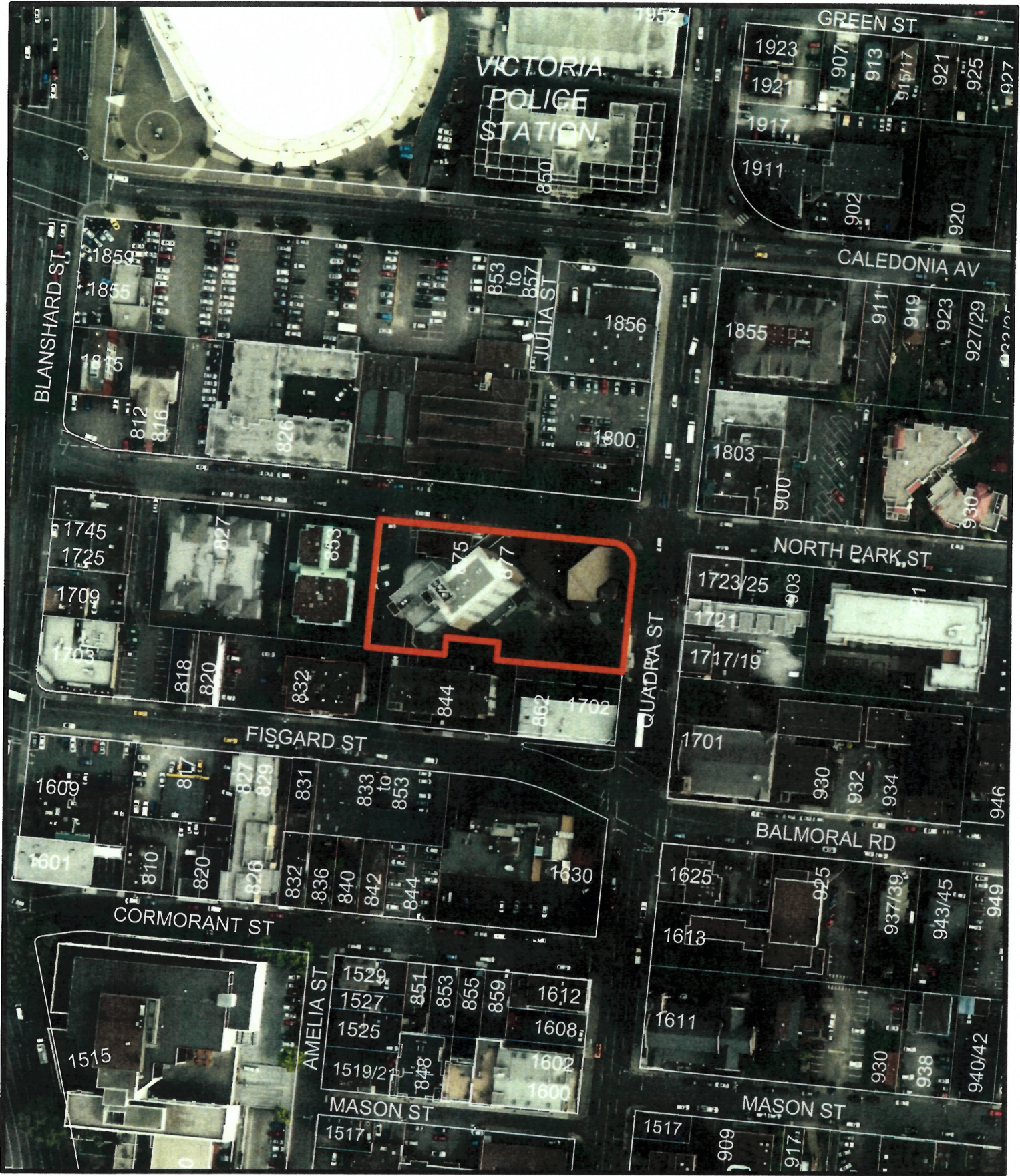
Scoring from 1 – 10 with the risk increasing from 1 being an extremely low risk to 10 being an extremely high risk.

*1. What is the risk that the project will not be completed?*

This evaluation should take into account the track record of the proponents in getting projects built and completed through to occupancy. Consideration should be given to the proponent's experience with projects of similar scale and complexity and the specifics of the business plan for the current project.

*2. What is the risk that the project will not continue to be used over the long term?*

This evaluation should take into account the track record of the proponents in owning and operating projects of a similar scale and complexity. Consideration should be given to the proponent's operating plan for the project.





875-877 NORTH PARK STREET

# Victoria Housing Fund Application



## Applicant

- North Park Manor Society is a registered non-profit charitable society
- Over 40 years as a provider of housing for low and medium income seniors
- Holds and operates 210 Units in the City of Victoria



875-877 North Park Street

# 875-877 North Park Street



875-877 North Park Street

# 875-877 North Park Street



875-877 North Park Street

## Project Summary

- Council approved a Land Use Contract Discharge for 875 and 877 North Park Street (Rezoning Application No. 00568) to allow for the addition of three new affordable rental dwelling units in the existing apartment building (158 Units).
- Rents in the three new units will be equal to the subsidy cap for the Shelter Aid For Elderly Renters program (SAFER) which is currently set at \$667 per month
- Units will range in size from 342 to 435 square feet
- Total Costs estimated at approximately \$231,100



875-877 North Park Street

## Project Summary (continued)



North Park Manor Rezoning | New Main Floor Plan

A-05  
September 20th, 2017  
12:00  
201809



875-877 North Park Street

## Unit Types and Proposed Rents

Unit Type	Number of Units	Affordability Levels	Estimated Monthly Rents
Bachelor	3	Low-Moderate Income	\$667



875-877 North Park Street

## Funding

Funding Source	Amount	Status
Victoria Housing Fund	\$30,000	Pending
CRD	\$45,000	Pending
North Park Manor contingency Fund Mortgage	\$156,100	Confirmed
Total	\$231,100	



875-877 North Park Street

## Capacity of Victoria Housing Fund

Victoria Housing Fund Current Balance:	<b>\$1,908,280</b>
Committed Funding (Not Paid Yet):	<b><u>\$ 612,000</u></b>
Available Funding:	<b>\$1,296,280</b>



875-877 North Park Street

## Eligibility and Legal Agreements

- Application meets the eligibility criteria identified in the Victoria Housing Fund Guidelines
- Grant will be secured through legal agreements:
  - to secure obligations to repay if conditions are not met; and
  - ensure the units are rented at or below the SAFER subsidy cap.



875-877 North Park Street

## Recommendation

That Council approve a Victoria Housing Fund grant to the North Park Manor Society in the amount of \$30,000 to assist in the construction of 3 bachelor units of housing for low and medium income seniors at 875 North Park Street, subject to:

- Execution of a Housing Fund Grant Agreement and Housing Agreement.
- Housing Fund Grant Agreement to include provisions to identify City of Victoria as a contributor, project completion report to the City and grant repayment if the project does not proceed.
- Housing Agreement to secure rent levels.



875-877 North Park Street



**Council Member Motion**  
**For the Committee of the Whole Meeting of March 8, 2018**

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**To:** Committee of the Whole **Date:** February 28, 2018  
**From:** Councillor Alto  
**Subject:** Attendance at the Federation of Municipalities Annual Conference, May 31 – June 3, 2018

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**BACKGROUND**

The annual FCM conference will be held in Halifax, NS, on May 31 through June 3, 2018, and the costs are as follows:

Registration	\$845.00
Transportation:	
• Airfare \$657.21	
• Airport bus \$40.00	
• Local transit \$20.00	\$717.21
Accommodation	\$618.84
Incidentals	\$106.00
Approximate total:	\$2,287.05

**RECOMMENDATION**

That Council authorize the attendance and associated costs for Councillor Alto to attend the FCM Conference to be held in Halifax, NS, May 31 through June 3, 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Alto".

Councillor Alto



<b>Council Attendance Requests 2018</b> <b><i>Approved Council Requests with Probable Future Requests</i></b>	<b>Budget</b>
--	---------------

Council Budget 2000.4116 (Conferences/Travel)	\$	35,000
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**Approved Requests:**

Councillor Coleman - FCM Airfare \*\*

\*\*Council gave approval for Councillor Coleman to attend all FCM meetings

**January 25, 2018 Council Meeting:**

Councillor Alto - CCCO Board Meeting in Ottawa - Feb 6-8

Mayor Helps - FCM Sustainable Communities Conference - Feb 6-8

Councillor Loveday - Local Government Leadership Academy - Jan 31 - Feb 2

**\* Upcoming Events:****AVICC Annual Conference (Victoria) April 13 - 15**

per Council member attending:

**FCM Annual Conference (Halifax) May 31 - June 3**

per Council member attending

**UBCM Annual Conference (Whistler) September 10 - 14**

per Council member attending

**Miscellaneous Conferences Attended in 2016**

<b>Total Requests/Actuals</b>
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<b>Remaining</b>
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\* Note: These estimated costs are based on an average of 2017 expenses

Approved 2018 Request	Probable Future Requests *	Actual Claims	Total
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			\$ 35,000
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\$ 556.74 \$ 556.74

\$967.00 \$ - \$967.00  
\$2,435.00 \$2,435.00  
\$1,060.36 \$1,060.36

\$ 800.00  
\$ - \$ -  
\$ 2,500.00  
\$ -  
\$ 1,700.00  
\$ - \$ -

\$ 5,019	\$ 5,000	\$ -	\$ 10,019
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\$ 24,981
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**To:** Committee of the Whole **Date:** March 1, 2018  
**From:** Mayor Helps  
**Subject:** Attendance at the AVICC 2018 Annual Convention and AGM – April 13-15, 2018



<b>Council Attendance Requests 2018</b> <b><i>Approved Council Requests with Probable Future Requests</i></b>	<b>Budget</b>
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Council Budget 2000.4116 (Conferences/Travel)	\$	35,000
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\$ -			
	\$ 1,700.00		
	\$ -		\$ -

\$ 5,019	\$ 5,000	\$ -	\$ 10,019
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			\$ 24,981
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**To:** Committee of the Whole **Date:** March 1, 2018  
**From:** Mayor Helps  
**Subject:** Attendance at the FCM 2018 Annual Conference and Trade Show -- May 30 – June 3, 2018



<b>Council Attendance Requests 2018</b> <b><i>Approved Council Requests with Probable Future Requests</i></b>	<b>Budget</b>
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Council Budget 2000.4116 (Conferences/Travel)	\$	35,000
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**Approved Requests:**

Councillor Coleman - FCM Airfare \*\*

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**UBCM Annual Conference (Whistler) September 10 - 14**

per Council member attending

**Miscellaneous Conferences Attended in 2016**

<b>Total Requests/Actuals</b>
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<b>Remaining</b>
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\* Note: These estimated costs are based on an average of 2017 expenses

Approved 2018 Request	Probable Future Requests *	Actual Claims	Total
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\$ 5,019	\$ 5,000	\$ -	\$ 10,019
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\$ 24,981
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**To:** Committee of the Whole **Date:** March 4, 2018  
**From:** Councillor Alto & Mayor Helps  
**Subject:** Further Support for the 2020 North American Indigenous Games

Songhees Nation submitted an expression of interest January 12, 2018. A letter from the City of Victoria was included in that expression of interest package, based on the motion adopted by Council on December 14, 2017, which stated:

*That the City of Victoria supports, in principle, a bid by local First Nations for the 2020 North American Indigenous Games, contingent on sustaining funding, as set out by the NAIG Council bid requirements, from the provincial and federal governments.*

*That once sustaining provincial and federal funding has been confirmed, the City of Victoria enter into conversation with the Host Nation about the details of the City's administrative, in-kind and/or financial support.*

The North American Indigenous Games Selection Committee reviewed and approved the Songhees Nation's expression of interest, allowing the Nation to proceed to the next, final phase of the bidding process. On February 26, 2018, Chief Ron Sam and the Songhees Nation Leadership formally announced their Nation's bid for the 2020 NAIG. Present at that announcement were elected representatives from Oak Bay, Saanich, Esquimalt, Highlands, Langford, Colwood, among others. Provincial government MLAs and staff were also present, along with business leaders.

At that announcement, Chief Sam spoke to the economic impact of the NAIG, referencing the financial benefits accrued by Greater Toronto from the 2017 NAIG, in the range of \$44 million. Further analysis by the 2020 Bid Committee proposes a draft budget for the games with expenses in the range of \$11 million, based on extrapolation of games budgets from Toronto (2017), Cowichan (2007) and Victoria (1997).

For the final bid package, due March 31, 2018, the host Nation must include clear expressions of financial support from their partners. Requests for such support have been submitted to all municipalities within the region, the provincial and federal governments, and select corporate, media, and other sponsors. Follow up to those requests is ongoing.

Assuming a successful bid, the province has been asked to provide significant funding to support the 2020 NAIG. The federal government is expected to match this funding.

It is now time for the City to consider its financial support for the 2020 North American Indigenous Games.

## MOTION

That, should the Songhees Nation be awarded the 2020 North American Indigenous Games, the City of Victoria will:

1. contribute to the 2020 NAIG up to \$225,000 in each of its 2019 and 2020 budget years, from 2018 and 2019 budget surpluses;
2. encourage its municipal neighbours to contribute per capita amounts of the same range (approximately \$2.50/per person for two years);
3. work with the 2020 NAIG organizing committee(s) to facilitate use of city sports facilities as needed.

Respectfully submitted,



Councillor Alto



Mayor Helps



**Council Member Motion**  
**For the Committee of the Whole Meeting of March 8, 2018**

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**Date:** March 6, 2018

**From:** Councillor Ben Isitt and Councillor Jeremy Loveday

**Subject:** Advocacy for Youth Programs Funding for Quadra Village Community Centre

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**Background:**

As noted in the attached memorandum, the Quadra Village Community Centre (QVCC) youth programs recently received word that a \$60,000 annual Foundation grant that has been the backbone of its Youth Centre-based programs for over 10 years will not be renewed effective April 1, 2018. This represents 2/3 of the Youth Centre-based program budget for 2018-19 (excluding youth outreach programs funding, which are at maximum capacity).

The Community Centre provides vital services for youth and families in the Hillside-Quadra neighbourhood, the City of Victoria, and the Capital Region, including youth from the largest concentrated low-income housing development in Greater Victoria, which is located across the street from the community centre. The QVCC is located in the heart of a low-income, high-density, inner-city area of Victoria. This creates a community where risk factors such as family violence, mental health challenges, addiction and poverty are common for children and youth.

Over 50 percent of the youth attending QVCC Youth Centre programs are Indigenous. As well, youth from other neighbourhoods, including Burnside-Gorge, have been referred to the QVCC Youth Centre programs as a result of funding reductions in other neighbourhoods.

A number of Youth programs will be impacted if the funding shortfall is not addressed: Youth Drop-ins (3 nights a week); The Crew (Life Skills, Team Building, Pre-employment Program for Youth); Crisis Response (including responding to suicidal ideation, hospitalization and substance misuse crises); Emotional Response and Family Outreach; System Navigation. Two other programs are also at risk in light of other funding challenges: Youth Recreation Nights (2 nights a week); and Girls Group and Boys Group (weekly).

In light of the importance of this programming for the wellbeing of individuals, families and the wider community, it is recommended that Council advocate to the Provincial Government to provide funding to ensure continuity for QVCC Youth Programs.

**Recommendation:**

That Council request that the Mayor, on behalf of Council, write to the Member of the Legislative Assembly for Victoria-Swan Lake, copying the provincial Minister of Children and Family Development, requesting that funding be identified and allocated within provincial jurisdiction to ensure continuity and improvements over time for youth programs delivered by the Quadra Village Community Centre.

Respectfully submitted,



Councillor Isitt



Councillor Loveday

Attachments

1. Memorandum relating to Quadra Village Community Centre Youth Programs



Downtown Blanshard Advisory Committee (Est.1974)

901 Kings Rd. Victoria, BC V8T 1W5 T: 250.388.7696 F: 250.388.7607

## **Quadra Village Community Centre Youth Programs: The Problem with Losing \$60,000 in Grants and Possible Solutions**

### **The Challenge:**

- Quadra Village Community Centre (QVCC) youth programs recently received word that a \$60,000 annual Foundation grant that has been the backbone of its Youth Centre based programs for over 10 years will not be renewed effective April 1, 2018. This represents 2/3 of our Youth Centre based program budget for 2018-19 (excluding MCFD/Children's Health Foundation co-funded Youth Outreach which is at maximum capacity).
- Quadra Village Community Centre is located directly across from the largest concentrated low income housing development in Greater Victoria and in the heart of a low-income, high-density, inner-city area of Victoria. These ingredients serve to create a community where risk factors such as family violence, mental health challenges, addiction and poverty are common for children and youth.
- Over 50% of the youth attending our Youth Centre programs are Indigenous, which amplifies the significance of our programs.
- Youth from other organizations (including Burnside-Gorge) that have lost funding have been referring youth to our programs as an alternative.

### **The Programs:**

The programs affected include:

- Youth Drop-ins (currently offered 3 nights a week)
- The Crew (Life Skills, Team Building, Pre-employment Program for Youth)
- Crisis Response (including responding to suicidal ideation, hospitalization and substance misuse crises), Emotional Response and Family Outreach.
- System Navigation

Other programs winding up this fiscal include due to short-term funding/inability to renew:

- Youth Recreation Nights (2 Nights a week)
- Girls Group and Boys Group (Weekly)

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[www.quadravillagecc.com](http://www.quadravillagecc.com)



## Downtown Blanshard Advisory Committee (Est.1974)

901 Kings Rd. Victoria, BC V8T 1W5 T: 250.388.7696 F: 250.388.7607

### Additional Staffing Impacts:

- We have worked hard to have two staff on for youth drop-ins and during other of the programs which have intensive staffing needs such as Food Skills For Youth, the Food Kart and Crew Events. This loss of funding will limit how often we can provide two staff.

### Possible Solutions:

- Short-term bridge funding that would allow us to apply for funding through 2 major local Foundations in 2018-19
- Funding to recognize the critical role that we play with the children, youth and families in Evergreen Terrace (formerly Blanshard Court), Greater Victoria's concentrated low income housing project. Work towards this has begun with BC Housing and the response indicates initial receptiveness to examine the issue.
- Explore whether funding could be allocated given the large number of Indigenous youth served (even though we are not an Indigenous-specific organization).
- Ideas from our valued community partners including Foundations, Government, BC Housing, Non-profits and Individuals.
- 

### Conclusion

Many of the youth that we serve come to us because they struggle with a sense of purpose and hope that frequently manifests as minimal school attendance/involvement, depression, mental health issues and suicidal ideation. In contrast our success stories include a significant majority of youth who surpass what their parents have been able to accomplish whether in the form of self-esteem, overall wellness, social skills and employment readiness. Our Youth Centre programs including Youth Drop-in (safe environment reducing social isolation and providing positive supports and activities for youth) and The Crew (self-esteem, life-skill, team building and employment building group) are critical to promoting the health and resilience of youth in the short term. In the long-term these programs help youth enter adulthood with good coping skills, self-esteem, life skills and work skills.

**Please help us in the ways that you can so that we can continue to offer programs that offer hope and a critical safety net for youth now and in the years to come.**

Please follow up with Kelly Greenwell, Executive Director, Quadra Village Community Centre: 250.388.7696 ext.; [kelly@quadravillagecc.com](mailto:kelly@quadravillagecc.com)

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[www.quadravillagecc.com](http://www.quadravillagecc.com)