



Committee of the Whole Report

For the Meeting of September 16, 2021

To: Committee of the Whole **Date:** September 1, 2021
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Animal Responsibility Bylaw - Amendments

RECOMMENDATION

That Council instruct the Director of Parks, Recreation and Facilities to bring forward bylaw amendments necessary to remove Gonzales Beach from the designated off-leash areas within the *Animal Responsibility Bylaw* to align with federal regulations within the Victoria Harbour Migratory Bird Sanctuary ("VHMBS").

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval to amend the *Animal Responsibility Bylaw* (No. 11-044). The proposed amendment to the Bylaw is required to align with federal regulations within the VHMBS.

The *Animal Responsibility Bylaw* (the "Bylaw") is the City's primary regulatory tool to designate dog off-leash areas in the city (see Appendix A). The Bylaw includes regulations for dogs in public places, schedules identifying off-leash areas on City land and penalties and enforcement. Previously known as the *Animal Control Bylaw*, the City amended the Bylaw in 2018 to update the name, add new definitions, regulate the number of animals allowed on a lot, and protect animals from abuse and cruelty. Dog off-leash areas are defined within the Bylaw and are allowed for in various City parks and beaches.

The VHMBS was established in 1923 and is the first bird sanctuary in Pacific Canada. The sanctuary is located around the southern tip of Vancouver Island and impacts five municipalities in the Capital Regional District: Victoria, Oak Bay, Esquimalt, Saanich and View Royal (see map in Appendix B). The sanctuary provides important habitat for wildlife including several species at risk. The federal *Migratory Bird Sanctuary Regulations* (the "Regulations") applies to the sanctuary.

In June 2021, the City received a letter from the Canadian Wildlife Service identifying inconsistency between the *Animal Responsibility Bylaw* and subsection 5(1) of the Regulations which states, "no person who owns a dog or cat shall permit the dog or cat to run at large in a migratory bird sanctuary" (See Appendix B). They also stated that they have been receiving complaints about off-leash dogs in the VHMBS and requested that changes be made to the Bylaw to address these issues. On July 29, 2021, staff were directed to review the Bylaw in light of concerns expressed by the Canadian Wildlife Service and report back to Council with any recommendations arising from this review.

Issues & Analysis

Staff have completed further technical analysis and have identified the primary inconsistency between the Bylaw and the Regulations is at Gonzales Beach where the VHMBS boundary overlaps with the beach, which is currently designated as a dog off-leash area under the Bylaw. Amendment of the Bylaw to remove Gonzales Beach as a dog off-leash area will resolve this conflict. Although there are other off-leash areas identified in the Bylaw along coastal areas, they are adjacent to the VHMBS boundary and do not extend into the VHMBS.

In addition to amending the Bylaw, staff also plan to work with the Canadian Wildlife Service on updated signage to provide clarity for the public on the location of dog off-leash areas and the impact that off-leash dogs can have on important habitat and species at risk. The Canadian Wildlife Service has also committed to increasing staff presence in the Victoria area to assist with education and enforcement efforts over the coming months.

Accessibility Impact Statement

The Gonzales Beach dog off-leash area is not accessible to individuals with mobility challenges due to the topography of the park and available infrastructure. As a result, the recommended removal of Gonzales Beach as an off-leash area will have minimal impact on residents with physical mobility issues. There is another dog off-leash area accessible to residents of the Gonzales neighbourhood at Pemberton Park, which is approximately a one-kilometer distance from Gonzales Beach. Additional dog off-leash areas are also located in close proximity at Clover Point Park and Beacon Hill Park along Dallas Road, and at Redfern Park.

2019 – 2022 Strategic Plan

The proposed bylaw amendments support Strategic Plan Objective #6: Climate Leadership and Environmental Stewardship.

CONCLUSIONS

The proposed change will align with federal regulations and help to protect species at risk and migratory birds that depend on the VHMBS as vital habitat seasonally or year-round. Pending Council approval of the recommended approach, staff will continue to work with the Canadian Wildlife Service on updated signage, education and outreach.

Respectfully submitted,

Janelle Wyman
Manager, Park Operations

Thomas Soulliere
Director

Report accepted and recommended by the City Manager

List of Attachments

Appendix A: *Animal Responsibility Bylaw*

Appendix B: June 10, 2021, Correspondence from the Canadian Wildlife Service