



INFINITY LAW

May 19, 2016

Mayor Lisa Helps and Victoria City Councillors

City Hall
1 Centennial Square
Victoria, BC V8W 1P6

Dear Ms. Helps and City of Victoria Councillors:

Re: Cody – An Open letter to Mayor Lisa Helps and City of Victoria Councillors

As a lawyer, a downtown resident, and a person who works on Fort Street, I was saddened to hear about the City of Victoria's enforcement of municipal by-laws in relation to Cody – The "Charmaine's Past and Present" Golden Retriever. Having lived in this city for 6 years, Cody has been a staple of Fort Street. As we all know, he cheerfully sits on the sidewalk greeting those who walk by. He causes no harm. He creates no trouble. He is a paw-sitive force for the City. He is a good boy, a very good boy.

I think all citizens understand that "the law is law". But as citizens, we trust that our authorities will enforce laws fairly. Sometimes uniformly enforcing those laws is not fair. Sometimes fairness is treating others differently to allow for the consideration of special facts and circumstances. For example, police would not likely fine a person for speeding if they were rushing a pregnant woman to the hospital to deliver a baby.

Cody is a clear example of authorities needing to use discretion in the blanket application of the law. The application of the law in this circumstance, and by all objective standards, is unfair. While I understand the rationale behind it, I don't agree with it. This letter is to ask Council to pass a lifelong exemption for Cody from the parts of the Animal Control By-law (or whatever by-law was enforced to remove Cody from the side-walk) that were used to remove Cody from his rightful place on the sidewalk.

I'm sure Cody doesn't want to be exempt from all aspects of the by-law, just the parts that prevent him from doing his job of making people in this city smile. I know the importance of this issue for Council ranks lower than other pressing needs of this city. But once in awhile, opportunities present themselves for a municipal council to do something small that will make a city a happier and friendly place. This is an opportunity for you all to do that.

Yours truly,

MARK NORTON, ESQ.
Lawyer and Cody-Supporter
cc. Cody