Bylaw No. 8176, The Dangerous Animals Bylaw, 2003, Proposed Amendments

The following amendments to The Dangerous Animals Bylaw, 2003 (the "Bylaw") are proposed:

1. Add a definition of "muzzle" and identify what type of muzzling is satisfactory.
   Justification: Currently, in dangerous animal matters, there is sometimes confusion over what constitutes a "muzzle". A definition will be added, which includes the following elements:
   a) the muzzle must be capable of being securely fastened to the dog to prevent it from coming loose;
   b) the muzzle must cover the entirety of the jaws, mouth and nose;
   c) the muzzle must be sufficiently strong and well-fitted to prevent biting;
   d) the muzzle must be humane and permit the dog to breathe, pant, drink and see; and
   e) the muzzle must be commercially or professionally made.

2. Enable owners of dangerous animals to apply for reviews of their dangerous animal orders after 24 months from the date of the order
   Justification: Currently, if a dog (or cat) is declared dangerous, the animal will remain subject to a dangerous animal order for its entire life. Apart from the ability to appeal an order to the Court of King's Bench within seven days of receiving the order, there is no mechanism to apply to either amend or remove a dangerous animal order. However, there may be situations where the amendment or removal of a dangerous animal order is warranted.

   The proposed amendment would permit an owner, after 24 months from the date of the order, to submit an application for re-consideration to the City of Saskatoon (City) Bylaw Court.

   The review period would be included as an additional amendment to the Bylaw, as an additional term of the dangerous animal order.

   After the review period has passed, and the owner has submitted an application for re-consideration, the owner would be able appear in person or by agent before the presiding Justice of the Peace to request the dangerous animal order be either amended or removed. The court, in making this determination would need to consider a non-exhaustive list of factors, including:
   a) Previous history of dangerous behaviour;
   b) Severity of the initial incident;
   c) Compliance efforts by the owner with the current dangerous animal order;

d) Steps the owner has taken to address the declared dangerous behaviour of the animal;

e) Any instance of dangerous behaviour since the dangerous animal order was granted; and

f) Any other relevant factor presented.

If the presiding Justice of the Peace is satisfied that the removal of a dangerous animal order is warranted and the animal is no longer dangerous, the order would be vacated, and the owner would no longer need to follow the requirements set out in the previous order for the animal. The court would also have the ability to modify the order rather than completely removing it, if the situation warranted.

If their application for re-consideration is denied, they would be permitted to submit a second application after an additional 24 months, from the date of the denial.

Similar to when a dangerous animal order is granted, the Bylaw will provide that any decision rendered on an application for re-consideration, could be appealed to the Court of King's Bench by filing a notice of appeal, within seven days of the decision being rendered.

In the event the dangerous animal order is removed and a subsequent complaint is received, another dangerous animal hearing would be held pursuant to the Bylaw. The court would be permitted to consider the previous dangerous animal order as a relevant factor to consider at the subsequent hearing. In the event the animal is declared dangerous again, the owner would be permitted to submit an application for re-consideration as proposed above.

While adding a review process may result in use of additional court time, it would reduce the number of annual compliance checks the Saskatoon Animal Control Agency is required to perform. Owners who understand there is an opportunity to have an order reviewed in the future may also be more receptive to agreeing to a dangerous animal order, which would forgo the need to run a full hearing.

A scan of other jurisdictions was conducted to determine whether a similar process has been implemented or considered. The following cities were reviewed: Regina, Edmonton, Calgary, Winnipeg, Brandon, Vancouver, Victoria, Toronto and Ottawa. For example, the city of Vancouver provided a Report in 2020 requesting that City Council consider the possibility of relief for a dangerous animal designation, but no further updates have been provided. The city of Victoria allows for an animal control officer to make a designation, subject to a specified period of time, but there is no procedure in place for an owner to appeal this designation. Therefore, it has been determined that none of the jurisdictions reviewed have a similar mechanism in place to the one being proposed.

3. Amend Clause 8(4)(f) to clarify that a dangerous animal must remain licensed
Justification: The current wording of this section lacks clarity with respect to whether the dangerous animal must remain licensed while being kept in the city as part of a dangerous animal order.

4. Resolve conflicting language in dangerous animal signage provisions
Justification: Clause 8(5)(c) allows a court to order that a dangerous animal owner display dangerous animal signage on their property "so long as the animal is present". Subsection 20(2) requires signage to be placed where the animal is "kept". There is a lack of clarity in whether signs must be posted only when the animal is physically present at a property or if they must be posted at any property where the animal is kept, regardless of whether it is physically present at any given moment.

One or both of these sections will be amended to clarify that signage must be in place wherever the dangerous animal is kept, regardless of whether it is physically present. It is often not possible for an investigating officer to determine if the dangerous animal is present at any given time which may cause issues with respect to enforcement of signage provisions. Dangerous animal signage should remain even if, for example, the dog is out for a walk with their owner.

Similarly, Clause 8(5)(c) allows a court to choose whether to order a dangerous animal owner display dangerous animal signage. Subsection 20(1) requires signage to be placed "where an animal has been declared dangerous pursuant to Section 8". The Bylaw will also be amended to provide clarity as to when the signage provisions under Section 20 apply to the owner of a dangerous animal.

5. Add provisions clarifying the impoundment of dangerous animals
Justification: While the City is currently entitled to impound and hold alleged dangerous animals, there is currently a lack of clarity as far as what can be done with animals that are impounded and subsequently declared dangerous but remain unclaimed. Likewise, the Bylaw lacks clarity around the authority of the City to continue to hold an alleged dangerous animal once impounded, even if the owner is able to pay the associated fees for the purposes of reclaiming the animal under the Animal Control Bylaw.

The proposed amendment will authorize the City, at its discretion, to impound an alleged dangerous animal and either release the animal upon payment of any associated fees, or continue to hold an alleged dangerous animal, pending a determination by the Court. Possible determinations would include release of the animal, release of the animal pursuant to an Interim Order, or denial of release until the conclusion of the matter.

The Bylaw will also be amended to indicate, if the animal is subsequently declared dangerous, the animal must be redeemed within 15 days of the order, unless the order is appealed, by retrieving the animal and paying any associated fees, including pound fees and licensing as required. If the animal is not redeemed, the Bylaw will indicate that the City may dispose of the animal at its discretion.