



**REPORT TO ELECTORAL AREA SERVICES COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 10, 2018**

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**Subject**      **Bylaw 1465 Amendment – Compensation for Livestock Killed by Dogs**

**ISSUE**

On September 19, 2018, the Board directed staff to bring forward bylaw amendments to eliminate future compensation claims following any claims that are currently in process.

**BACKGROUND**

A Regional Board which charges dog licensing fees may, at its choosing, pay compensation to the owner of livestock killed or injured by any dog more than four months in age, whose owner cannot be located, and where the owner of the livestock has taken all reasonable precautions against such attacks (*Local Government Act*, RSBC 2015, c 1, s. 319(4)).

CRD has a compensation program in its *Animal Impounding and Regulation Bylaw No. 1, 1986* (Bylaw No. 1465), ss. 19 to 23, contained in Appendix A. The CRD has paid compensation since the creation of its animal control service, starting with the *Dog Regulation and Impounding Bylaw No. 1, 1979* (Bylaw No. 551).

The per animal limit is presently \$750. No annual maximum limit is set out for compensation claims. The two most recent compensation claims have been for \$2,043.75 (approved) and \$4,500 (pending).

The typical process is for the CRD to send staff, along with a qualified veterinarian, to investigate and determine whether an animal kill was by a rogue dog. The cost of this process can be greater than \$1000 when all staff, veterinary and administrative time is considered depending on the location and nature of the claim, not inclusive of the compensation claim itself. The CRD has processed approximately 10 such claims in the last 15 years.

**ALTERNATIVES**

**Alternative 1**

That the Electoral Area Services Committee recommends to the Capital Regional District Board:

- a) That Bylaw No. 4264, Animal Regulation and Impounding By-law No. 1, 1986, Amendment Bylaw No. 12, 2018, be introduced and read a first and second time;
- b) That Bylaw No. 4264 be read a third time;
- c) That Bylaw No. 4264 be adopted.

**Alternative 2**

Send the amendment back to staff for further review and revision based on Committee direction.

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**IMPLICATIONS**

The original provisions were introduced in the *Domestic Animal Control Act* in order to compensate farmers who were experiencing hardship due to rogue dog kills. Regional Boards were thought to be the best groups to administrate these compensation programs, but did not place an obligation on a Regional Board to do so.

Removing this provision will no longer make participants in the service area insurers for those who keep livestock. It will shift the responsibility of compensation onto the individual livestock owner to insure their animals, which most already do. It will allow budgeted funds to be spent on animal control activities, rather than providing a large potential liability, with no annual maximum.

There is no legal requirement to have these provisions and there is no legal benefit to continuing with these provisions. The existence of such a compensation program may not forgive a Regional Board for operational negligence. Providing payment under the bylaw as written also does not require an owner to waive a claim against the Regional Board for such negligence.

The CRD does not specifically budget for these claims. This amount is borne by the operating budget for animal control, as dog licensing fees are an inadequate form of collection for such compensation. Since this function was introduced, livestock insurance has become widely available, which often includes coverage for home and contents, farm products, and other damage.

**CONCLUSION**

The Board directed staff to bring forward bylaw amendments to eliminate future compensation claims. The CRD is under no obligation to provide a livestock compensation program. Insurance coverage for livestock is available from the private market. The current compensation program does not prevent claims against the CRD for operational negligence nor provide an offset to any damages. There are no specific allocated funds for this unknown liability.

**RECOMMENDATIONS**

That the Electoral Area Services Committee recommends to the Capital Regional District Board:

- a) That Bylaw No. 4264, Animal Regulation and Impounding By-law No. 1, 1986, Amendment Bylaw No. 12, 2018, be introduced and read a first and second time;
- b) That Bylaw No. 4264 be read a third time;
- c) That Bylaw No. 4264 be adopted.

Submitted by:	Shawn Carby, CD, BHSc, MAL, Senior Manager Protective Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech, Acting Chief Administrative Officer

Attachments: Appendix A: Bylaw 4264 – A Bylaw to Amend the Animal Regulation and Impounding Bylaw (Bylaw No. 1465)  
Appendix B: Bylaw 1465 Consolidated

SC/cp