

**Municipality of North Cowichan
Regular Council
ADDENDUM AGENDA**

Wednesday, May 15, 2019, 1:30 p.m.
Municipal Hall - Council Chambers

	Pages
10. NEW BUSINESS	
10.1 <i>Letter from the Licence Inspectors' and Bylaw Officers' Association BC Re: Request for a Financial Contribution</i>	2 - 4
<i>Recommendation:</i> That Council support giving a \$1,500 contribution to the Licence Inspectors' and Bylaw Officers' Association of British Columbia to assist in off-setting the costs associated with launching an appeal of the case law interpretation of Section 49 of the Community Charter related to protecting the public and their dogs from dangerous dogs as supported at the 2016 UBCM.	
10.2 <i>Regional Invasive Species Symposium on May 29, 2019 in Victoria, BC</i>	5 - 5
<i>Recommendation:</i> That any Council member attending and driving to the May 29, 2019 Regional Invasive Species Symposium in Victoria, BC be authorized to receive mileage reimbursement.	



Licence Inspectors' and Bylaw Officers' Association of British Columbia

To: The District of North Cowichan

Al Siebring & Ted Swabey
7030 Trans Canada Highway
North Cowichan BC V9L 6A1

RE: Financial Support for Precedent-Setting Local Government Dangerous Dog Appeal

We need your help! A critical local government case is before the BC Court of Appeal that directly impacts your bottom line on public safety and dangerous dogs.

The License Inspectors' and Bylaw Officers' Association of British Columbia ("**LIBOA**") was urgently compelled to make an Intervenor application in *Santics v. The Animal Control Officer for the City of Vancouver* ("**Santics**"). On Friday, April 12th, Mr. Justice Savage granted LIBOA Intervenor status on behalf of animal control officers in local governments throughout BC.

The issue involves jurisdiction and the expansion of judicial discretion that has resulted in increased costs to local governments on dangerous dog enforcement since the 2008 decision in *R. v. Kuo*. At 2016 UBCM, you unanimously passed a resolution condemning the case law interpretation in *Kuo* and supported an amendment to section 49 of the *Community Charter* (see attached resolution from the 2016 UBCM Conference).

Financial Hardship to Local Governments

An example of how costly these cases are to local governments since *Kuo*, is outlined below:

SECTION 49 APPLICATIONS – LEGAL COSTS TO LOCAL GOVERNMENTS*

CASE	YEAR	COST
CRD v. Orr	2003	\$5,981.15
CRD v. Wilkinson	2003 – 2004	\$4,045.20
CRD v. Ney	2004 – 2006	\$11,043.03
CRD v. Becker	2004 – 2005	\$10,576.56
CRD v. Koehler	2004 – 2005	\$5,430.16
CRD v. Kuo (BCSC) 2008		
RDCO v. Smith	2012 – 2014	\$45,482.04
RDCO v. Panton	2015	\$67,611.63
RDCO v. Panton- Appeal	2015 – 2018	\$48,439.89
CRD v. Mouner-Johnson & Clark	2016 – 2017	\$24,899.99
City of Revelstoke v. Staume and Daley	2017	\$35,605.82

*These are total legal costs from participating local governments who have agreed to disclose their costs for this appeal.

FILE No. _____	<input type="checkbox"/>	CAO	<input type="checkbox"/>
Council _____	<input checked="" type="checkbox"/>	GM People & Bus. Service	<input type="checkbox"/>
COW _____	<input type="checkbox"/>	GM Fin. & Protective Services	<input type="checkbox"/>
Com. _____	<input type="checkbox"/>	GM Dev. Eng. Services	<input type="checkbox"/>
Info Pack _____	<input type="checkbox"/>	GM Comm. Services	<input type="checkbox"/>
		Other _____	
		For Action _____	

As you can see, the cost to local governments in British Columbia for protecting the public from dangerous dogs has risen from approximately \$5,000 - \$10,000 dollars per case to between \$25,000 - \$67,000 dollars!

LIBOA has retained experienced appellate counsel in Dominion GovLaw LLP ("**GovLaw**") to represent local governments. GovLaw has litigated precedent-setting dangerous dog cases and its principal, Troy DeSouza, was successful in this recent, contested intervenor application which allowed local governments to make its case.

How Your Local Government Can Help

The outcome of this appeal will have a substantial impact to your bottom line in animal control. What is at stake is tens of thousands of dollars for each costly dangerous dog action and the effectiveness of local governments to make and enforce their own bylaws on dangerous or aggressive dogs!

LIBOA moved quickly to protect your interests. However, our capacity to fund this appeal is extremely limited. We have paid for the intervenor application but need your financial support for the appeal. The estimated legal costs to LIBOA for this appeal are approximately \$35,000.

Please bring this matter to your Council to make a contribution of \$1,500 to our non-profit society to be used for this appeal.

Time is of the essence!

The hearing of the appeal is set for May 22nd.

Please make your commitment at your next available meeting.

We cannot imagine a better investment on behalf of all our local governments.

Thank you very much for your consideration!

Sincerely,



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LIBOA President

P.S. If you require further information regarding this appeal, please contact Troy DeSouza of GovLaw at office@govlaw.ca or (250) 590-1840.

UBCM Resolution at 2016 Conference

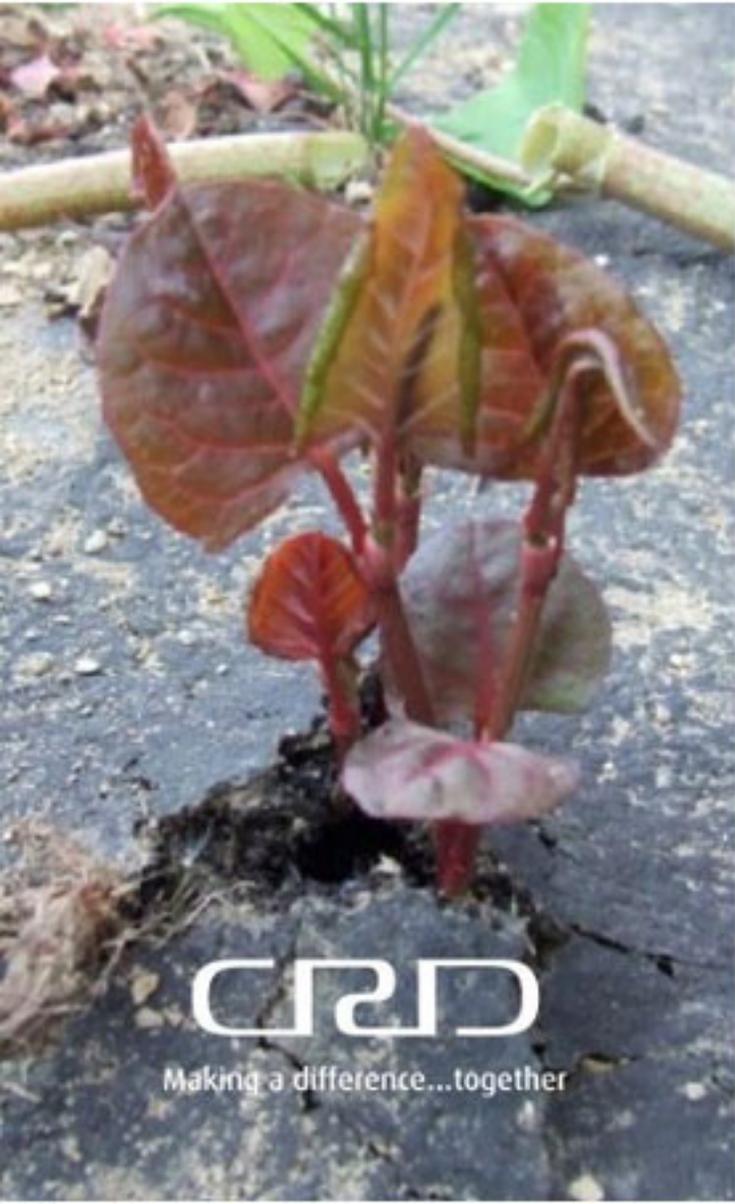
B88 DANGEROUS DOGS:

WHEREAS local governments protect the public from dangerous dogs and incur significant costs and uncertainty in court due to narrowly drafted provisions under s. 49 of the Community Charter;

AND WHEREAS case law interpretation from judges has expanded judicial discretion and oversight beyond the court's statutory jurisdiction and at the full expense, continuing cost and liability to local government;

AND WHEREAS such interpretation of s. 49 undermines public safety to persons, dog owners and their victim dogs or domestic animals and adds increased and unnecessary costs and liability to local government:

THEREFORE BE IT RESOLVED that UBCM support adoption of the Hugo's and Charley's Law amendments to s. 49 of the Community Charter, to protect the public and their dogs from dangerous dogs.



CRD

Making a difference...together

Regional Invasive Species Symposium

Wednesday, May 29, 2019

9:00 a.m. — 3:00 p.m.

University of Victoria

This event is intended for municipalities, First Nations and large land managers who manage invasive species on their properties or would like to learn more about this important regional issue.

Concurrent sessions will be held for both elected officials and staff. The afternoon will consist of working sessions around disposal.

Registration is required and lunch will be provided.

Please RSVP by May 15 to Lori Nickerson at 250.360.3256 or invasive@crd.bc.ca.

For event details, contact Jenny Eastman at invasive@crd.bc.ca.