

---

# HALDIMAND COUNTY

## Report BME-01-2024 Animal Control By-law Amendment – Keeping of an Additional Dog for Compassionate Reasons

For Consideration by Council in Committee on April 30, 2024

---



### OBJECTIVE:

To amend the Animal Control By-law – Number of Animals, to permit an additional dog for compassionate reasons, thereby increasing the number of dogs kept on any one premise in a residential area and all other areas.

### RECOMMENDATIONS:

1. THAT Report BME-01-2024 Animal Control By-law Amendment – Keeping of an Additional Dog for Compassionate Reasons be received;
2. AND THAT an amendment to the Animal Control By-law 1396/13 be brought forward for Council approval at the May 6, 2024 Council meeting incorporating the changes noted in Report BME-01-2024.

**Prepared by:** Randy Charlton, CMM III MLEO(c), CPSO, Chief Building Official, Manager of Building and Municipal Enforcement Services

**Reviewed & Respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

**Approved:** Cathy Case, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The Haldimand County Animal Control By-law regulates the number of dogs permitted on a residential lot. Recent complaints regarding the keeping of more than the permitted number of dogs on a residential lot has given rise to the following question: Should there be a provision in the Animal Control By-law that grants an exemption to allow a person to keep an additional dog for compassionate reasons on any one premise?

In response, staff are recommending amendments to the Haldimand County Animal Control By-law regulations, specifically to permit an additional dog for compassionate reasons thereby increasing the number of dogs permitted to be kept on any one premise in a residential and all other areas. The recommended changes will recognize legitimate circumstances whereby residents are placed in a difficult situation and there may be a need to temporarily exceed the legal number of dogs permitted to be kept on any one property.

### BACKGROUND:

Recent complaints received by the Building & Municipal Enforcement (BME) Services have focused on situations where residents are keeping more than the permitted number of dogs on their property, specifically, when a family member is going through a difficult period. This includes providing shelter

and care for dogs when a family member (or other relation) is ill, has passed away, is experiencing a domestic problem, or when multiple households come together under one roof. Individuals in these situations often reach out to family members or close acquaintances to care for their dog(s). These situations are intended to be temporary and have as their motivation, compassionate care in response to difficulties being experienced. Staff are recommending that a change be made to the Animal Control By-law to recognize these situations on limited grounds and with limited permissions.

## **ANALYSIS:**

The County's Animal Control By-law 1396/13 currently provides for the regulation of the number of dogs that can be kept on any one premise in the following manner:

- In a residential area, no more than three (3) dogs can be kept on any one (1) premise.
- All other areas, no more than five (5) dogs can be kept on any one (1) premise.
- An additional dog can be kept on any one (1) premise where such dog is part of a Foster Program or Service Animal operated by/or registered with the O.S.P.C.A. or Humane Society in a residential and all other areas.

There are currently no provisions or flexibility in the Animal Control By-law to permit additional dogs on a companionate basis as described in the background section above.

Staff have researched by-laws from other municipalities to see if there are 'tried and tested' provisions providing for an exemption which would allow a person to keep an additional dog for compassionate reasons. In undertaking the research, staff determined that Haldimand County's limits on keeping dogs is in-line with what most other municipalities are doing. In fact, of those municipalities researched Haldimand County was on the more permissive side. Of the research completed, only one municipality yielded some basis for the compassionate care provision which is the City of Brampton.

Staff reviewed the City of Brampton Animal Control By-law, which like Haldimand, limits the number of dogs to three (3) on any one premise. The City of Brampton's Animal Services By-law provides the ability for a person in the City of Brampton to keep an additional dog for compassionate reasons. Brampton's by-law sets out the exemption when:

- the fourth (4th) dog has been acquired as a result of a family death or illness; or,
- there is joint occupancy where occupants had their own pets prior to deciding to live together; and,
- in the opinion of the Manager, there are other compassionate reasons conducive to responsible dog ownership.

Brampton's Animal Control By-law sets out the criteria for the Manager of Animal Services to consider in deliberating whether or not to grant the one (1) additional dog on compassionate grounds as follows:

- will the dog being kept be in accordance with other provisions of this By-law and will not cause a nuisance to neighbours or other residents;
- is there a legitimate fact giving the person a moral or ethical responsibility regarding an additional dog, and not just because they want more than three (3) dogs or have the room for a fourth (4<sup>th</sup>) dog;
- previous convictions or founded complaints under the by-law respecting dogs;
- previous convictions under other municipalities' by-laws or provincial legislation respecting dogs;
- the size and breed of the dogs;
- reasonable concerns of neighbours in the area; and,
- the suitability of the Premises.

Animal Services also requires the person to provide notice to adjoining property owners that they are applying to keep a fourth (4<sup>th</sup>) dog.

Any exemption granted by the Manager pursuant to the Animal Control By-law, is limited in duration until one (1) of the four (4) dogs dies or is no longer owned by the person(s) holding the exemption. An exemption can be revoked by the Manager at any time due to concerns related to any of the factors outlined above.

Staff is recommending adopting an approach similar to that utilized in Brampton and as described above.

### **Impact of permitting an additional dog for compassionate reasons**

Haldimand County currently permits a fourth (4<sup>th</sup>) dog on one premise in a residential area provided that the dog is part of a Foster Program or Service Animal operated by/or registered with the O.S.P.C.A. or Humane Society in a residential area.

By simply amending the Animal Control By-law and permitting an additional dog for compassionate reasons, it becomes possible for a resident to have up to five (5) dogs on a premise in a residential area. Five (5) dogs on a premise in a residential area could be achieved where the resident owns three (3) dogs, then takes in one (1) foster dog, and then takes in one (1) dog for compassionate reasons.

This amendment would also permit an additional dog for compassionate reasons in all other areas (agricultural) which would allow up to seven (7) dogs. Currently, five (5) dogs are allowed as well as one (1) foster dog.

To address the above situations, staff recommends that the Animal Control By-law be amended to permit an additional dog for compassionate reasons provided that the resident is not part of a Foster Program or Service Animal program. A resident will need to choose between taking in a dog for compassionate reasons or Foster Program/Service Animal – they could not do both. In this way, the County reduces the impact on neighbouring property owners with respect to the number of dogs being kept on adjacent properties and supports the principles for responsible animal ownership.

### **Summary**

Staff are recommending an amendment to the Animal Control By-law to allow for the accommodation of one (1) additional dog, in all areas, on the grounds of compassionate care. The amendment is structured in the same manner as that described for the City of Brampton and will clearly set out:

- what constitutes compassionate grounds;
- the criteria for permitting an additional dog under compassionate grounds;
- duration for accommodation; and,
- enforcement safeguards/authorities.

Should Council enact the amended by-law, the new permissions will come into force immediately.

### **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

### **STAKEHOLDER IMPACTS:**

The proposed Animal Control By-law amendments to permit an additional dog on a compassionate basis will create clarity and positive impacts. It will provide clarity for the general public and specifically residents when it comes to applying for more than the permitted number of dogs on one premise.

**REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

**REFERENCES:**

None.

**ATTACHMENTS:**

1. Draft By-law Amendment.