

*To the Honourable the Legislative Assembly of the Province of British Columbia, in  
Legislature Assembled:*

Please accept this petition as an **urgent request for change in the Community Charter, Section 49 – “Special Powers in Relation to Dangerous Dogs”** or **alternatively, introduce a mediation process for the prosecution of alleged Dangerous Dog Cases.**

The petition of the undersigned, \_\_\_\_\_, of the \_\_\_\_\_, states that: It is clear **Section 49 provides “Absolute Power” to Animal Control Authorities** without balance, is lacking clarity for judicial and legal authorities and results in long-term confinement and cruelty to dogs and dog owners, **without recourse.**

The question of whether a dog is “Dangerous”, thereby enabling an Animal Control Officer to seize, impound and apply to destroy a dog, is based on the **sole belief of ONE person (the Animal Control Officer) and cannot be challenged without a trial, generally a year away.** In some cases, a Judge will decide that a dog should be released back to its owner with conditions after many months of confinement of the dog and undue stress to the dogowner.

To provide balance and clarity in the legislation, we suggest an additional clause be added after clause #11, in order to **provide “bail” for dogs** and to **provide clarity for Judges** deciding these cases. **Bail is currently available in criminal courts, but is not legislated for dogs under Section 49.** Solicitors argue in court about the extent of a Judge’s authority to make final conditional release orders and/or the authority for a Judge to provide interim release (bail). **The legislation should provide clarity to Solicitors and Judges about what authority a Judge has because the Legislation is unclear.**

Currently Regional Districts and Municipalities are spending hundreds of thousands of taxpayer dollars in court battles and for the long term care of dogs in short term impoundment facilities, awaiting their day in court. The “Absolute Power” granted to Animal Control Officers under this legislations **results in inhumane animal practices and cruelty to both dogs and dog owners.** Most people in our society are not aware of this system and are shocked when they hear of it.

In order to provide clarity to the legislation, prevent inhumane treatment to dogs and dog owners and to reduce the taxpayer burden, we suggest an additional clause be added to the Legislation similar to the following:

**“12) If an “Application to Destroy” a dog is made under this Section and an Animal Control Officer is unwilling to negotiate conditional release terms with a dog owner directly or is unable to schedule a court proceeding within 30 days of confinement of a dog at an Animal Control facility, a judicial hearing may authorize interim release of the dog to his owner (bail) until the matter has been heard before a Judge and a decision rendered. A Judge also has the authority to order a final conditional release in his final Judgment.”**

This additional clause would place the onus on the “Animal Control Authority”, who seizes a dog under Section 49’s “Absolute Power” provisions, to obtain an early court proceeding or, if unable to do so, to negotiate a conditional release with the dog owner directly. If neither of these options is available, then **a judicial hearing may provide for bail for the dog,** pending the outcome of trial.

We advocate for justice for **both** the public safety and dogs/dog owners. We advocate for **balance in this legislation, rather than “Absolute Power” for Animal Control Authorities.**

Your petitioners respectfully request that the Honourable House incorporate the above additional clause to the Charter or alternatively, introduce a mediation process for the prosecution of alleged Dangerous Dog cases.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name (printed)

Address (printed)

Signature