

FILED

JUL 23 2008

MINISTRY OF ATTORNEY GENERAL
SURREY PROVINCIAL COURT

File No. 168858-1
Surrey Registry

PROVINCIAL COURT OF BRITISH COLUMBIA
*In the matter of Section 49 of the
Community Charter SBC 2003, Chapter 26*

*And in the matter of an application to destroy
"Ray" an unlicensed Sheppard cross dog*

BETWEEN

THE ANIMAL CONTROL OFFICER for the CITY OF SURREY

APPLICANT

AND:

EDWARD CHASE

RESPONDENT

APPLICATION

This is the Application of: The Animal Control Officer for the City of Surrey
c/o The Society for the Prevention of Cruelty to Animals
6706 - 152nd Street
Surrey, BC V3S 3L4

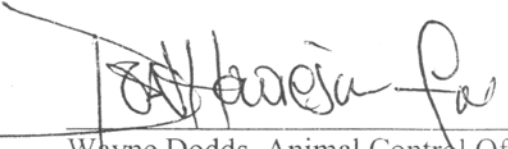
On Notice to: Edward Chase

The Animal Control Officer applies to have "Ray", an unlicensed German Sheppard or German Sheppard cross dog owned by the Respondent, destroyed.

The Animal Control Officer's grounds for the destruction order are that the dog has seriously injured a person, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog

The facts upon which the application is based are as follows:

1. The Respondent is a homeless person approximately 45 years of age who lives on the City road allowance at the southeast corner of that intersection of 96th Avenue and 160th Street in the City of Surrey. The Respondent owns two unlicensed dogs, one of which is a German Sheppard or German Shepard cross dog called "Ray"
2. On June 28th, 2008, John Barichello, a 60 year old resident of Surrey, was purchasing gas at a service station located near the intersection. The Respondent, a homeless man approached Mr. Barichello and an altercation ensued during which the Respodent and another man assaulted Mr. Barichello. During the assault Ray, while at large, bit Mr. Barichallo repeatedly on the right leg and foot.
3. Mr. Barichello's injuries required hospital treatment and stitches.
4. As a result of that incident, Ray met the definition of "dangerous dog" as that term is defined in the Surrey Dog Responsibility Bylaw, 1999, No. 13880 (the "Dog Responsibility Bylaw"). The Respondent was required to muzzle and contain Ray. SPCA staff observed the dog at large after the incident at large and without a muzzle.
5. The dog was seized on July 3rd, 2008, as it was at large on public property.
6. On July 12th, 2008 the dog bit Daniel Gorowski on the middle finger of his right hand as he was visiting the Surrey City Pound.
7. During the winter of 2007/2008, the Respondent was living in Tynhead Park, a Regional Park in the City of Surrey operated by the Greater Vancouver Regional District. Ray was aggressive towards Park's staff on a number of occasions.


Wayne Dodds, Animal Control Officer for
City of Surrey