

Report

Date November 15, 2023
Subject Appointment of Animal Control Officers

File:

PURPOSE

To appoint Coastal Animal Control Services of B.C. Ltd. as the Poundkeeper and their employees as Animal Control Officers to provide them with the legal authority to enforce the Animal Responsibility Bylaw and issue municipal tickets for non-compliance.

BACKGROUND

In accordance with [Animal Responsibility Bylaw No. 3740, 2019](#) (Bylaw 3740), Animal Control Officers and the Poundkeeper are appointed by Council resolution. Council can appoint the Poundkeeper as a person or as the authorized employee or agent of the corporation or society with which Council has an agreement to act as the Poundkeeper [*Animal Control Bylaw No. 2856, 1995, which was repealed by Bylaw 3740, included the same provisions*].

DISCUSSION

Poundkeeper Appointment

The current Poundkeeper service agreement with Coastal Animal Control Services of B.C. Ltd. (Attachment 1) is for a term of five years and expires on December 31, 2025. Coastal Animal Control Services of B.C. Ltd. have been North Cowichan's animal control service providers since January 1, 2006.

A resolution of Council to authorize Coastal Animal Control Services' employees or agents to act as the Poundkeeper is required.

In keeping with the intent of section 10(2) of the Delegation of Authority Bylaw, staff recommend that Bylaws 3740 and 3814 be amended to delegate the authority to enter into agreements for the purchase of animal control and shelter services to the director responsible for bylaw compliance to reduce unnecessary bureaucracy.

Animal Control Officers Appointment

Council allows several classes of persons, such as Peace Officers, Bylaw Compliance Officers, Animal Control Officers, and other municipal positions to issue municipal tickets for any given contravention. This means that individuals with specialized knowledge of the bylaw in question may be authorized to apply that knowledge in the investigation and issuing of a municipal ticket (i.e., a Bylaw Offence Notice (BON) or Municipal Ticket Information (MT)).

[Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021](#), designates Peace Officers, Bylaw Compliance Officers, *Animal Control Officers*, and the Municipal Forester as persons authorized to enforce municipal bylaws and issue a BON.

[Municipal Ticket Information System Bylaw No. 3464, 2013](#), designates *Animal Control Officers*, Bylaw Compliance Officers, the Manager of Fire and Bylaw Services, the *Poundkeeper*, and RCMP Officers as persons authorized to lay a MTI under Animal Responsibility Bylaw and [Highway Use Bylaw No. 2261, 1988](#) (for violations under section 11 Animals on highways).

Animal Control Officers must be appointed to have the authority to issue a municipal ticket. Historically, Coastal Animal Control Services' employees issued municipal tickets for non-compliance with Animal Responsibility Bylaw No. 3740, 2019, without any formal appointment by Council. However, those tickets (MTIs), had they been challenged, would have been quashed by the provincial courts as the persons issuing the ticket did not have the legal authority to do so.

Once staff discovered that the Animal Control Officers did not have the authority to issue municipal tickets, Bylaw Compliance Officers undertook the responsibility for reviewing the animal complaint investigations and determining whether a municipal ticket (BON or MTI) would be issued, which the Bylaw Compliance Officer would subsequently issue if warranted.

Given that the Agreement for Services with Coastal Animal Control Services of B.C. Ltd. includes the *"issuance of tickets relating to offences under the Animal Responsibility Bylaw and appear on behalf of prosecution in relation to such offences"* as a mandatory service, staff recommends that Bylaws 3740 and 3814 be amended to delegate the authority to appoint Animal Control Officers to the Manager responsible for bylaw compliance.

OPTIONS

1. **(Recommended Option)** THAT Council:

- (1) Appoint Trevor Hughes, Chris Hunt, Jordon Montgomery, and Mattaius Brueckl as Animal Control Officers effective immediately and terminating on December 31, 2025;
- (2) Authorize the employee or agent of Coastal Animal Control Services of B.C. Ltd. to act as the Poundkeeper for the District of North Cowichan for the purpose of the establishment, maintenance, operation, and regulation of a Pound and the enforcement of the provisions contained in Animal Responsibility Bylaw No. 3740, 2019, effective immediately and terminating on December 31, 2025, when the Agreement for Services between the District of North Cowichan and Coastal Animal Control Services of B.C. Ltd. expires; and,
- (3) Direct staff to amend the Animal Responsibility Bylaw and the Delegation of Authority Bylaw to delegate Council's authority to appoint the Poundkeeper and Animal Control Officers and to enter into agreements for animal control and animal shelter services to the Director responsible for bylaw compliance.

IMPLICATIONS

When a BON or an MTI issued by an Animal Control Officer or the Poundkeeper is disputed, the person must provide a copy of their letter of appointment and their oath/affirmation to the Adjudicator (for a BON) or Provincial Court Justice (for an MTI) as evidence of their authority to issue the municipal ticket, otherwise the municipal ticket will be deemed invalid.

Appointing employees of Coastal Animal Control Services of B.C. Ltd. as Animal Control Officers will free up resource time for Bylaw Compliance Officers to respond to other bylaw violations. Amending the Delegation of Authority Bylaw will ensure that all Animal Control Officers issuing a municipal ticket has the authority to do so.

RECOMMENDATION

THAT Council:

- (1) Appoint Trevor Hughes, Chris Hunt, Jordon Montgomery, and Mattaius Brueckl as Animal Control Officers effective immediately and terminating on December 31, 2025;
- (2) Authorize the employee or agent of Coastal Animal Control Services of B.C. Ltd. to act as the Poundkeeper for the District of North Cowichan for the purpose of the establishment, maintenance, operation, and regulation of a Pound and the enforcement of the provisions contained in Animal Responsibility Bylaw No. 3740, 2019, effective immediately and terminating on December 31, 2025, when the Agreement for Services between the District of North Cowichan and Coastal Animal Control Services of B.C. Ltd. expires; and,
- (3) Direct staff to amend the Animal Responsibility Bylaw and the Delegation of Authority Bylaw to delegate Council's authority to appoint the Poundkeeper and Animal Control Officers and to enter into agreements for animal control and animal shelter services to the Director responsible for bylaw compliance.

Report prepared by:



Michelle Martineau
Manager, Legislative Services

Report reviewed by:



Talitha Soldera
General Manager, Corporate Services

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachment: 2020-2025 Coastal Animal Control Services Contract