

TORONTO STAFF REPORT

January 8, 2003

To: Board of Health
From: Dr. Sheela V. Basrur, Medical Officer of Health
Subject: Fines for Dogs Off Leash

Purpose:

This report provides information on fines for dogs off leash, the current by-law and enforcement levels as they relate to compliance with the by-law.

Financial Implications and Impact Statement:

There are no direct financial implications resulting from this report.

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting of Monday, June 10, 2002, the Board of Health (BOH) had before it a petition and request from Councillor Moeser to consider an increase in the fines for dogs running off leash. Subsequently, the BOH passed a motion requesting that the Medical Officer of Health (MOH) review the current by-laws, enforcement and fines for efficacy, and submit a report thereon to the BOH.

Comments:

By-law and set fines:

In February 1999, Council passed the harmonized by-law respecting animals, which was later incorporated into the Municipal Code as Chapter 349, Animals. Toronto Animal Services (TAS) enforces this chapter including, Article IV Dogs, Section 11, Dogs running at large. This section establishes that no owner of a dog shall cause or permit the dog to run at large in the City, except in those areas of City parks where it is permitted and on the premises of the dog owner. Also,

that the dog must remain on a leash, no longer than two meters, except where consent is given by the property owner to allow the dog to be unleashed while on that property. Any person who contravenes Chapter 349 is guilty of an offence and if convicted is liable to a fine of not more than \$5,000 in accordance with the Provincial Offences Act, R.S.O. 1990.

In March 1999, Council, granted authority to the City Solicitor to apply from time-to-time to the Chief Judge of the Provincial Court for the establishment of set fines under the Provincial Offences Act, for violations of by-laws of the new City of Toronto. The City Solicitor, in consultation with the appropriate City staff, was also granted authority to similarly apply for increases in the established set fines of the existing City by-laws to amounts that more accurately reflect the seriousness of the violation. In the March report to Council, the City Solicitor advised that “The establishment of set fines allows for easier enforcement of offences since offence notices (i.e., tickets) may be issued by the enforcement officer to the alleged violator. This is an expeditious procedure permitted under the Act. The alternative, proceeding by way of laying an information, requires attendance at court, and is a time consuming and less efficient process.”

The City Solicitor further reported “The maximum set fine which can be established under the Provincial Offences Act is \$500.00. The actual amount of the set fine is within the discretion of the Chief Judge. As a matter of practice, the City prepares an application for a set fine to the Attorney-General, and the Attorney-General makes a recommendation to the Chief Judge as to what is felt to be an appropriate amount for the set fine. In some cases, the amount recommended by the Attorney-General and established by the Chief Judge is less than that suggested by the City in its applications. The Attorney-General and Chief Judge try to follow the principle in establishing set fines, of keeping the amount of the fines for similar offences, relatively the same from municipality to municipality.”

In early 1999, TAS and Legal staff reviewed the set fines that were previously in place in the former six municipalities with the purpose of developing a harmonized schedule of set fines for application to the Chief Judge. Former set fines ranged from approximately \$50 in Scarborough to no more than \$200 in North York. Staff also took into consideration that higher the fines increase the likelihood that the ticketed offender would request the matter be heard at court, resulting in higher staffing costs to the city. A summons to court is normally reserved for more serious occurrences and/or repeat offenders, in which case staff would most likely lay an information and request a summons to court to seek a substantially greater fine (up to \$5,000 maximum).

The current set fines established for use with the Municipal Code, Chapter 349, Animals, were recommended to and ultimately approved by the Chief Judge. These approved set fines became effective in August 1999.

In November 2002, a survey was conducted of surrounding municipalities in the Greater Toronto Area (GTA) regarding set fines for a dog running at large and keeping an unleashed dog. The fines (including victim surcharge) ranged from \$70 in Mississauga to \$150 in Brampton. The City of Toronto’s fines (including victim surcharge) are the highest of the GTA at \$255. Considering the guiding principles indicated above and the option of issuing a summons to court, where a higher fine of up to \$5,000 can be requested, it is the recommendation of staff that the

current set fines are appropriate and that a higher set fine would not improve compliance with the Municipal Code.

Enforcement:

Through years of experience, it is clear that where dog related by-laws are enforced by the ongoing presence of Animal Care and Control Officers (ACCOs) in a specific community, compliance has increased and been maintained. When the ACCOs have been absent from the community for a significant period of time, the rate of non-compliance rises and the number of complaints increases. This pattern is most evident in City parklands where many dog owners/walkers let their dogs off leash in areas that are not designated as leash free. While there are always individuals in the community that will voluntarily comply with leash related by-laws, the effectiveness of the by-law is significantly improved through the physical presence of enforcement staff or ACCOs.

In the City of Toronto, the ratio of field-service ACCOs is one for every 75,000 persons. This ratio falls below the number of 1 field ACCO for every 45,000 persons as recommended by the Humane Society of the United States, which was hired as a consultant by the City in 1999 to do a thorough review of Animal Services. To bring the staffing up to this level, TAS would need an additional 22 equipped field-service ACCOs at a cost of \$1,365,000. In addition, TAS would require 11 more vehicles at a total one-time cost of \$392,000 plus an annual expenditure of \$9,500/vehicle.

The current TAS field-services staff are already over-stretched in providing a number of services to the community. This limits their ability to be present in areas of the community where non-compliance relating to dog leashing by-laws occurs. Furthermore, the 2003 proposed operating budget includes a reduction of 2.5 ACCOs with the elimination of stray cat pick up and the reoccurring pressure to meet the established gapping target. This will further reduce overall staff availability to respond to by-law infractions.

Conclusions:

Compliance with the dog off leash by-law is related to levels of enforcement. Where ACCOs are on site on a regular basis, compliance increases and the number of complaints decreases. However, providing the required level of service consistently across the City would have major budget implications for Toronto Public Health. The current set fines for dogs off leash are the highest in the GTA and an even higher set fine would not improve compliance to the Municipal Code. To effectively improve rates of compliance an increase in staffing levels would be required.

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