

Animal Control Bylaw Amendment - Emotional Support Animals

RECOMMENDATION:

That Committee of Council recommend that Council:

1. Adopt Bylaw No. 4168 to allow for the provision of emotional support animals; and
2. Adopt amendments to Bylaw Notice Enforcement Bylaw No. 3814 and Ticket Information Bylaw No. 2743 to add ticketing provisions for:
 - S 10 (12) Aggressive Dog no muzzle - \$500.00
 - S 11(9) Dangerous Dog no muzzle - \$500.00

REPORT SUMMARY

This report outlines proposed amendments to Animal Control Bylaw No. 3990, to allow for the keeping of emotional support animals within specific parameters.

This report also recommends a housekeeping amendment to add ticketing provisions for aggressive and dangerous dogs without muzzles.

BACKGROUND

In recent years the Bylaw Division has come across situations via complaint in which people have been keeping animals as pets that are not permitted in residential zones. Specifically, they are not permitted under Animal Control Bylaw No. 3990 or Zoning Bylaw No. 3630. In some of these situations, individuals have claimed that the animals provide them emotional support or comfort. Examples of the types of animals that are being brought forward as emotional support animals are chickens, goats and pigs.

Currently, the animal control bylaw only addresses a service animals or guide dogs. It is important to distinguish between the commonly known service animal (usually dogs) and emotional support animals. Service dogs differ from emotional support animals in a few key ways. Service dogs have been trained to perform specific tasks for individuals, and are usually given access to anywhere their owner goes. Emotional support animals do not require any specific training, and may not be given access to establishments such as restaurants, malls, or airports like service dogs are.

Training and certification for Guide Dog and Service Dogs are regulated in British Columbia as per the Guide Animal Act. Dogs certified and registered under these guidelines are for animals used for person with blindness or disabilities other than blindness. The legislation defines a "Guide Animal" as "if that animal is used by a person with a disability to avoid hazards or to otherwise compensate for a disability; and" it further defines person with a disability as " a person who is apparently blind or otherwise disabled and is dependent on a guide animal or white cane."

Certified guide dog or service animals are permitted in Port Coquitlam and are exempt from a license fee.

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DISCUSSION

Recognizing that animals may serve as emotional support to persons in need, this report recommends that Animal Control Bylaw No. 3990 be amended to allow emotional support animals in specific and limited circumstances, subject to approval by the Bylaw Services Manager on a case by case basis. The recommended bylaw amendment stipulates that a person must apply to the Bylaw Services Manager to have a farm animal designated as an emotional support animal by submitting an application, providing the address at which the animal will be kept, and providing a letter from a qualified person or psychiatrist evidencing that the animal is used for a disability-related illness.

The proposed amendment stipulates further that the Bylaw Services Managers may designate the animal as an Emotional Support Animal subject to the owner meeting certain provisions that mitigate potential disturbances such as noise or odour, or conversely; reject the application. The Bylaw Services Manager may review and cancel the designation if conditions are not met or if the animal becomes a nuisance or is not adhering to the provisions.

Provisions of the amendment also outline that the owner can only keep the animal at the address on the application and that the designation is specific to the animal and cannot be transferred upon the death of the animal.

The following guidelines will be adopted in applying the bylaw:

- No specific time limit on designation however the designation will be reviewed if complaints are received. The designation is good for as long as the animal and the owner live at the address on the application.
- A one designation per animal requirement. Some owners might suggest that they should be permitted to keep a pig and that they can replace one pig with another without making a new application. In that case it is the owner that has special status, not the animal, and it is likely easier to administer an animal specific regulation.
- No amendment to the Zoning Bylaw. This is for two reasons. First the prohibition against keeping farm animals in a residential zone is found in the animal control bylaw, not the zoning bylaw. Second, the definition of agriculture in the zoning bylaw refers to “farm use” in the Agricultural [Land] Commission Act, which in turn refers to using “agricultural land for farming ... animals”. That use is not occurring here, as a person is using residential land to keep a domestic animal for a residential purpose. The difference being that this species of animal might be farmed by others.

The guidelines for applying for an animal to become an emotional support are quite stringent in that the amendment is very tight to ensure this isn't a wide scale item, and the application is onerous to also ensure it isn't abused.


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A concern around adopting this amendment is the potential of opening a floodgate of applications for animals that are not suitable to live in residential areas. Denials of applications could lead to Canadian Charter legal challenges under the equity of rights for mental and physical disabilities; section 15. Most municipalities however, do not have a provision for support animals that extend beyond domestic animals.

FINANCIAL IMPLICATIONS

None.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Recommend adoption of the bylaw amendments.
	2	Request further information from staff.
	3	Take no action and leave the current bylaw unchanged.

ATTACHMENTS

Att#1: Bylaw 4168 – Animal Control Amendment Bylaw

Att#2: Bylaw 4170 – Bylaw Notice Enforcement Amendment

Att#3: Bylaw 4171 – Ticket Information Utilization Amendment

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