

1981

c 31 Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1981

Ontario

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Bibliographic Citation

Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1981, SO 1981, c 31

Repository Citation

Ontario (1981) "c 31 Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1981," *Ontario: Annual Statutes*: Vol. 1981, Article 33.

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CHAPTER 31

An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 16 (2) and (3) of the *Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 123 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

s. 16 (2, 3),
re-enacted

(2) For the purposes of this section, every agricultural representative and every assistant agricultural representative is *ex officio* a valuer in territory without municipal organization.

Valuers in
unorganized
territory

(3) Every agricultural representative to whom subsection (2) applies shall designate a person or persons who may carry out the duties of the agricultural representative or assistant agricultural representative, as the case may be, as a valuer in all cases where the agricultural representative or assistant agricultural representative is absent or otherwise unable to carry out his duties as a valuer under this section.

Designation
by
agricultural
representative

(4) Where, in territory without municipal organization, live stock or poultry are killed or injured by a wolf, the Commissioner may pay compensation to the owner of the live stock or poultry for the amount of the damage determined in accordance with this section.

Payment of
compensation

(5) Where, in territory without municipal organization, the owner of live stock or poultry discovers that any of his live stock or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a wolf, he shall immediately notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the Commissioner giving in detail the extent and amount of the damage and his award therefor, and he shall at

Investigation
and report
by valuer

the same time forward a copy of such report to the owner of the live stock or poultry.

Affidavit
of owner

(6) Where an owner of live stock or poultry notifies a valuer under subsection (5), such owner shall, within ten days, file with the Commissioner an affidavit that to the best of his knowledge and belief the live stock or poultry were killed or injured by a wolf.

Denial of
liability

(7) Where the valuer finds evidence that to the best of his knowledge and belief shows,

(a) that any of the live stock or poultry was not killed or injured by a wolf; or

(b) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by wolves,

the valuer shall include in his report to the Commissioner and to the owner of the live stock or poultry a statement of his belief and shall make forthwith a further report to the Commissioner giving particulars of the evidence found, and the Commissioner may thereupon deny liability in whole or in part by written notice given by the Commissioner to the owner of the live stock or poultry within thirty days after the filing of his affidavit with the Commissioner.

Report

(8) The valuer shall include in his report a finding as to whether the live stock or poultry were killed or injured by wolves.

Damages
limited

(9) The amount of damage incurred by an owner shall not include damage incurred under the circumstances set out in clause 7 (a) or (b) and for which the Commissioner has denied liability in accordance with subsection (7).

Where
carcass
not to be
destroyed

(10) No owner of live stock or poultry shall destroy or permit to be destroyed the carcass of any live stock or poultry reported killed under subsection (5) until the carcass has been seen by the valuer.

Appeal to
Commissioner

(11) Where the owner of live stock or poultry is dissatisfied with the report of the valuer made under subsection (5), the owner may appeal to the Commissioner who shall name a valuer, and the valuer so named shall make a further investigation and report.

Time for
appeal;
deposit

(12) Such appeal shall be made within thirty days after the making of the report to the Commissioner by the valuer under subsection (5), and \$25 shall be deposited with the Commissioner

at the time of making the appeal to be forfeited to the Crown if the report of the valuer is sustained on an appeal under this section.

(13) A copy of the report of a valuer named by the Commissioner under subsection (11) shall be forwarded by the Commissioner as soon as practicable to the owner of the live stock or poultry. Report of valuer appointed by Commissioner

(14) A valuer named by the Commissioner under subsection (11) shall, where applicable, include in his report a statement of his belief that the amount of damage to live stock or poultry includes damage incurred under the circumstances set out in clause (7) (a) or (b), and the Commissioner may thereupon deny liability in whole or in part by written notice given by him to the owner of the live stock or poultry within thirty days after receipt of the report of the valuer. Idem

(15) Where the owner of live stock or poultry is dissatisfied with the report of the valuer made under subsection (11), the owner may, within thirty days after receipt of the report, appeal to a judge of the district court of the district in which he resides, and the judge may determine liability and, subject to subsection (16), the amount payable to the owner. Appeal from report of valuer

(16) No compensation shall be paid to an owner in excess of the maximum amount prescribed for live stock or poultry in the regulations made for the purposes of subsection 11 (14). Amount of compensation

- 2.** This Act comes into force on the day it receives Royal Assent. Commencement
- 3.** The short title of this Act is the *Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1981*. Short title

