

1960

c 111 Dog Tax and Cattle, Sheep and Poultry Protection Act

Ontario

© Queen's Printer for Ontario, 1960

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Dog Tax and Cattle, Sheep and Poultry Protection Act, RSO 1960, c 111

Repository Citation

Ontario (1960) "c 111 Dog Tax and Cattle, Sheep and Poultry Protection Act," *Ontario: Revised Statutes*: Vol. 1960: Iss. 1, Article 114.
Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1960/iss1/114>

CHAPTER 111

The Dog Tax and Cattle, Sheep and Poultry Protection Act

1. In this Act,

Interpre-
tation

- (a) "dog" means a male or female dog;
- (b) "Minister" means the Minister of Agriculture;
- (c) "owner" of a dog includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning. R.S.O. 1950, c. 107, s. 1, cls. (a, c, e).

PART I

DOG TAX

2.—(1) Subject to section 5, an annual dog tax shall be levied in every local municipality upon every person who is assessed as owner or tenant of any land and who is in occupation thereof in respect of every dog that he owns in the municipality or that is habitually kept upon the premises for which he is assessed although the dog may be owned by some other person.

Levy of
dog tax

(2) Where no by-law increasing the tax has been passed by the municipality under subsection 3, the amount of the tax shall be as follows:

Amount
of tax

- 1. For a male dog, if only one is kept..... \$2
- 2. For each additional male dog..... 4
- 3. For a female dog, if only one is kept..... 4
- 4. For each additional female dog..... 6

(3) Any city, town, village or township may pass a by-law increasing the tax.

Increase
of tax

(4) Where a certificate of a veterinary surgeon is produced showing that a female dog has been spayed, such female dog shall be taxed at the same rate as a male dog.

Spayed
females

Tax on
kennel of
pure-bred
dogs

(5) The owner of a kennel of pure-bred dogs registered in the register of The Canadian Kennel Club, Incorporated shall pay an annual tax of \$10 to the treasurer of the municipality as a tax upon the kennel, and he is not liable to pay any further tax in respect of such pure-bred dogs. R.S.O. 1950, c. 107, s. 2, *revised*.

Entry on
assessment
roll of
number
of dogs

3.—(1) The assessor shall enter upon the assessment roll opposite the name of every person assessed the number of male dogs, female dogs and spayed female dogs, respectively, for which the person is liable to be taxed.

Statement
by owner
of dogs

(2) A person when so required by the assessor shall forthwith deliver to him a statement in writing of the number of such dogs owned by him or that are habitually kept upon the premises for which he is assessed by whomsoever owned.

Offence

(3) Every assessor who fails to make all inquiry and to assess all dogs reported to him and every person who neglects or refuses to furnish the statement required by subsection 2 or who makes a false statement is guilty of an offence and on summary conviction is liable to a fine of not more than \$10.

Collection
of tax

(4) The amount payable for dog tax shall be entered upon the collector's roll and the collector shall proceed to collect it in the same manner as other municipal taxes.

Killing of
dog on
failure to
pay tax

(5) When the tax is demanded and is not paid, the person assessed may be summoned before a magistrate who may order the dog to be destroyed unless the tax and costs are paid before a time named in the order.

Powers of
constable

(6) For the purpose of carrying out such order, a constable may enter upon the premises of the owner and destroy the dog.

Offence

(7) Every collector who neglects to collect the tax or take the proceedings provided by this section before the time fixed for the return of his roll to the treasurer is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1950, c. 107, s. 3.

Dog tags

4.—(1) In a municipality in which the dog tax is levied every person in each year on or before the 15th day of February or on or before such earlier or later date as is fixed by by-law of the council shall procure from the clerk or the assessor a tag for each dog in respect of which he is liable for the dog tax and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the

following year, except that the tag may be removed while the dog is being lawfully used for hunting deer in the bush.

(2) A fee not exceeding 25 cents may be charged for each ^{Fee for tag} tag.

(3) The tag shall bear a serial number and the year in ^{Serial number on tag} which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.

(4) Every person who fails to comply with subsection 1 ^{Offence} or who uses a tag upon a dog other than that for which it was issued is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1950, c. 107, s. 4 (1-4).

(5) Where an owner of a dog applies to the clerk for a tag ^{Duties of clerk where owner of dog has not been assessed} after the assessment roll has been returned and before the collector's roll has been delivered to the collector and the clerk finds that such owner has not been assessed for the dog, the owner shall forthwith make and deliver to the clerk the statement mentioned in subsection 2 of section 3 and the clerk shall make the necessary entries in the assessment roll and in the collector's roll, but, where the owner acquired the dog after the expiration of six months of the year, he shall be charged with only one-half of the dog tax. R.S.O. 1950, c. 107, s. 4 (6).

5.—(1) By-laws may be passed by the councils of local ^{Licensing and registration of dogs} municipalities for licensing and requiring the registration of dogs and for imposing a licence fee on the owners of them with the right to impose a larger fee in the case of female dogs or for each additional dog or female dog where more than one is owned by any one person or in any one household.

(2) Where the licence fee is equal to or exceeds the dog tax ^{Non-application of ss. 2 and 3} required to be levied by this Part, sections 2 and 3 do not apply while the by-law remains in force.

(3) On payment of the licence fee, the owner shall be fur- ^{Application of section 4} nished with a dog tag and the provisions of subsections 1 and 4 of section 4 as to keeping the tag securely fixed on the dog, and subsections 2 and 3 of section 4 apply. R.S.O. 1950, c. 107, s. 5.

6.—(1) By-laws may be passed by the councils of towns, ^{Prohibiting and regulating the running at large of dogs} townships, villages and cities having a population of less than 100,000, and by boards of commissioners of police in cities having a population of not less than 100,000, for prohibiting

or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

When deemed running at large

(2) For the purpose of this section, a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person. R.S.O. 1950, c. 107, s. 6.

Penalty

7. A by-law passed under this Part may impose a fine of not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and every such fine is recoverable under *The Summary Convictions Act*. R.S.O. 1950, c. 107, s. 7.

R.S.O. 1960, c. 387

Running at large of dogs in unorganized territory

8.—(1) The Lieutenant Governor in Council may make regulations for prohibiting or regulating the running at large of dogs in territory without municipal organization or in any defined area thereof, for seizing and impounding, and for killing, whether before or after impounding, dogs running at large contrary to the regulations, and for selling dogs so impounded at such time and in such manner as may be provided in the regulations.

What constitutes running at large

(2) For the purpose of this section, a dog shall be deemed to be running at large when found on public lands or in a public place and not under the control of any person.

Offence

(3) Every owner of a dog who allows it to run at large contrary to the regulations made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. 1959, c. 30, s. 1.

PART II

PROTECTION OF CATTLE, SHEEP AND POULTRY

Interpretation

9. In this Part,

- (a) "cattle, sheep and poultry" includes the young of any of them;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "injured" in respect of cattle, sheep or poultry means injured by wounding, worrying or pursuing, and "injuring" has a corresponding meaning. 1957, c. 30, s. 4, *part*; 1959, c. 30, s. 2.

10. Any person may kill a dog,

When dogs
may be
killed

- (a) that is found killing or injuring cattle, sheep or poultry;
- (b) that in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept;
- (c) that is found straying at any time, and not under proper control, upon premises where cattle, sheep or poultry are habitually kept. 1957, c. 30, s. 4, *part*.

11.—(1) Whether the owner of a dog that kills or injures cattle, sheep or poultry is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the cattle, sheep or poultry for the amount of damage ascertained under section 12 and shall pay over such amount to the owner of the cattle, sheep or poultry, as the case may be, within thirty days after the owner of the cattle, sheep or poultry has filed with the clerk of the municipality an affidavit that to the best of his knowledge and belief the cattle, sheep or poultry were killed or injured by a dog other than a dog owned by him or habitually kept upon his premises. 1957, c. 30, s. 4, *part*; 1959, c. 30, s. 3 (1).

Where
subs. 1 does
not apply

(2) Subsection 1 does not apply,

- (a) to cattle, sheep or poultry killed or injured while running at large upon a highway or unenclosed land; or
- (b) in the case of poultry, where the weight of the poultry killed or injured is less than fifty pounds; or
- (c) in the case of a township in a territorial district, where the owner of the cattle, sheep or poultry killed or injured fails to satisfy the council of the township that the killing or injuring was by dogs and not by wild animals. 1957, c. 30, s. 4, *part*.

(3) The council of a local municipality may pass a by-law providing that, where cattle, sheep or poultry are killed or injured by wild animals in the municipality, subsection 1 applies in the same manner as where cattle, sheep or poultry are killed or injured by a dog, but the council in the by-law may fix the maximum amount payable for any head of cattle or sheep so killed or injured, or for poultry of one owner killed or injured in any year, and may fix the proportion of the damages ascertained under section 13 that is payable. 1957, c. 30, s. 4, *part*; 1959, c. 30, s. 3 (2).

By-law for
damages by
wild animals

Appoint-
ment of
valuers

12.—(1) The council of every local municipality shall appoint one or more persons as valuers of cattle, sheep and poultry for the purposes of this Act. 1957, c. 30, s. 4, *part*.

Investiga-
tion and
report by
valuer

(2) Where the owner of cattle, sheep or poultry discovers that any of his cattle, sheep or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a dog other than a dog owned by him or habitually kept upon his premises, he shall immediately notify a valuer for the local municipality in which the cattle, sheep or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor, and he shall at the same time forward a copy of such report to the owner of the cattle, sheep or poultry. 1957, c. 30, s. 4, *part*; 1959, c. 30, s. 4 (1).

Denial of
liability

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

- (a) that any of the cattle, sheep or poultry was not killed or injured by a dog; or
- (b) that the killing or injuring was caused by a dog owned by or habitually kept on the premises of the owner of the cattle, sheep or poultry; or
- (c) that the owner had not taken reasonable care to prevent the killing or injuring of his cattle, sheep or poultry by dogs,

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

Damages
limited

(4) The amount of damage for which the local municipality is liable shall not include damage incurred under the circumstances set out in clause *a*, *b* or *c* of subsection 3 and for which the municipality has denied liability in accordance with subsection 3. 1959, c. 30, s. 4 (2).

(5) The owner of cattle, sheep or poultry shall not destroy ^{Where carcass not to be destroyed} or permit to be destroyed the carcass of any cattle, sheep or poultry reported killed under subsection 2 until the carcass has been seen by the valuer.

(6) If the owner of the cattle, sheep or poultry or the council is dissatisfied with the award of the valuer made ^{Appeal to Commissioner} under subsection 2, the owner or the council may appeal to the Commissioner who may name a valuer to make a further investigation and award, and the award of such valuer is final and conclusive as to the amount of the damage.

(7) Such appeal shall be made within thirty days after the making of the report of the clerk of the local municipality by ^{Time for appeal; deposit} its valuer and \$25 shall be deposited with the Commissioner at the time of making the appeal to be forfeited to the Crown if the award of the valuer for the local municipality is sustained on the appeal. 1957, c. 30, s. 4, *part*.

(8) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties imposed ^{Where no municipal valuer} upon him by this Act, the Commissioner, on the application of the owner of any cattle, sheep or poultry killed or injured by a dog other than a dog owned by him, or habitually kept upon his premises, may name a valuer to make an investigation and an award, and the award so made is final and conclusive as to the amount of damage, and the municipality, in addition to its liability to the owner of the cattle, sheep or poultry as provided by section 11, shall forthwith pay to the Commissioner the cost of such investigation as fixed by him. 1957, c. 30, s. 4, *part*; 1959, c. 30, s. 4 (3).

(9) A copy of the award of a valuer named by the Commissioner under subsection 8 shall be forwarded by the ^{Copy of award of special valuer to be sent to clerk and owner} Commissioner as soon as practicable to the clerk of the local municipality and to the owner of the cattle, sheep or poultry. 1957, c. 30, s. 4, *part*.

(10) No valuer appointed by a local municipality or named ^{Amount of damage limited} by the Commissioner shall make an award of an amount in respect of,

- (a) a head of cattle in excess of \$250;
- (b) a head of sheep in excess of \$100; or
- (c) poultry of one owner, killed or injured in any year, in excess of \$1,000. 1959, c. 30, s. 4 (4).

Right of recovery from owner of dog

13. A local municipality having paid to the owner of cattle, sheep or poultry the amount of the damage ascertained under section 12 is entitled to recover the amount so paid from the owner of the dog that did the damage in any court of competent jurisdiction without proving that it was vicious or accustomed to worry cattle, sheep or poultry. 1957, c. 30, s. 4, *part.*

Proceedings for ascertaining owner of dog

14. In order to ascertain the owner of the dog that killed or injured the cattle, sheep or poultry, the clerk on the instructions of the head of the municipality may issue a subpoena calling upon the persons named therein to attend before the council, and the member of the council presiding may administer an oath to any such person and any member of the council may examine any such person upon his knowledge of the matter. 1957, c. 30, s. 4, *part.*

Apportionment of damage

15. Where it appears that the damage was caused by more dogs than one, the council may apportion the damage in such manner as is deemed just having regard to the strength, ferocity and character of such dogs. 1957, c. 30, s. 4, *part.*

Duty to destroy dog

16.—(1) Where the owner of a dog has knowledge that the dog has killed or injured cattle, sheep or poultry, he shall destroy the dog or cause the dog to be destroyed within forty-eight hours after acquiring such knowledge.

Failure to destroy dog

(2) Where the owner of a dog refuses or neglects to destroy it when required so to do by subsection 1, he may be summoned before a magistrate who may order the dog to be destroyed, and for the purpose of carrying out the order a constable may enter upon the premises of the owner and destroy the dog, and the magistrate may, in addition to any other penalty provided by this Act, direct the owner of the dog to pay the costs of the proceedings and of the destruction of the dog. 1957, c. 30, s. 4, *part.*

Liability of owner in un-organized territory

17. Where in territory without municipal organization cattle, sheep or poultry are killed or injured by a dog, the owner of the dog is liable to the owner of the cattle, sheep or poultry for the amount of the damage, and it is not necessary in an action to recover the amount of such damage to prove that the dog was vicious or accustomed to worry cattle, sheep or poultry. 1957, c. 30, s. 4, *part.*

18. The times and procedures set out in this Part shall be regarded as directory, and a proceeding that is in substantial conformity with this Part is not open to objection on the ground that it is not in strict compliance therewith. 1957, c. 30, s. 4, *part*.

19. Every person who contravenes any of the provisions of this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. 1957, c. 30, s. 4, *part*.
