

1937

## c 335 Dog Tax and Live Stock Protection Act

Ontario

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CHAPTER 335.

The Dog Tax and Live Stock Protection Act.

INTERPRETATION.

1. In this Act,—

- |  |                      |
|--|----------------------|
|  | Interpreta-<br>tion. |
| (a) "Dog" shall mean any dog, male or female;  | "Dog."               |
| (b) "Live stock" shall mean and include any head of cattle or sheep, and the young of either of them;                        | "Live stock."        |
| (c) "Minister" shall mean Minister of Agriculture;   | "Minister."          |
| (d) "Owner" of a dog shall include any person who possesses or harbours a dog. R.S.O. 1927, c. 300, s. 1; 1936, c. 18, s. 4. | "Owner."             |

PART I.

DOG TAX, ETC.

2.—(1) Subject to the provisions of 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 which he owns within the municipality or which is habitually kept upon the premises for which he is assessed although such dog may be owned by some other person.

(2) The amount of the tax payable where no by-law increasing the tax has been passed by the municipality shall be,—

for a male dog, if only one is kept.....	\$2.00
for each additional male dog.....	4.00
for a female dog, if only one is kept.....	4.00
for each additional female dog.....	6.00

(3) Where a certificate in writing by a veterinary surgeon is produced showing that a bitch has been spayed, she shall be taxed at the same rate as a male dog.

(4) Any municipality may pass a by-law increasing the tax to be paid.

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 shall not be liable to pay any further tax in respect of such pure bred dogs. R.S.O. 1927, c. 300, s 2.

#### COLLECTION OF DOG TAX.

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 dogs, bitches and spayed bitches respectively for which he is liable to be taxed.

Statement  
by owner  
of dogs.

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

Penalty.

(3) Any assessor who fails to make all due inquiry and to assess all dogs reported to him and any person who neglects or refuses to furnish the statement required by subsection 2 or who makes a false statement shall be liable to a penalty not exceeding \$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 the same 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 direct the dog to be destroyed unless the tax and costs shall be paid before a time named.

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.

Penalty on  
collector.

(7) A 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 shall incur a penalty not exceeding \$10. R.S.O. 1927, c. 300, s. 3.

#### DOG TAGS.

Owner  
required to  
secure dog  
tag.

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 may be fixed

by by-law of the council shall procure from the clerk or the assessor a tag for each dog owned by him 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 excepting that the tag may be removed while the dog is being lawfully used for hunting deer in the bush.

(2) A fee not exceeding twenty-five cents may be charged Fee for tag. for each 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 owner of a dog who neglects to obtain a tag and Penalty. keep it securely fixed on his dog or who uses a tag upon a dog other than that for which it was issued shall be liable to a penalty not exceeding \$10.

(5) Every dog which is found off the premises upon which Killing dog found without tag. it is habitually kept without a tag and not under the control of any person may be killed.

(NOTE.—*As to dogs at large pursuing deer in the close season, see Game and Fisheries Act. Rev. Stat. c. 353, s. 35.*)

(6) 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 and collector's roll, but where the owner acquired ownership of the dog after the expiration of six months of the year he shall only be charged on the collector's roll with one-half of the dog tax. R.S.O. 1927, c. 300, s. 4.

5.—(1) By-laws may be passed by the councils of local municipalities for licensing and requiring the registration of dogs and for imposing a license fee on the owners of them with the right to impose a larger fee in the case of bitches or for each additional dog or bitch where more than one is owned by any one person or in any one household. R.S.O. 1927, c. 300, s. 5, *part*; 1929, c. 78, s. 2; 1937, c. 21, s. 2. • Licensing and registration of dogs.

(2) Where the license fee is equal to or exceeds the dog tax required to be levied by this Act, sections 2 and 3 shall not apply while the by-law remains in force. R.S.O. 1927, c. 300, s. 5, cl. (a). Non-application of sections 2 and 3.

Application  
of subss.  
1-5 of  
Section 4.

(3) On payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections 1 and 4 as to keeping the tag securely fixed on the dog, and subsections 2, 3 and 5 of section 4 shall apply. R.S.O. 1927, c. 300, s. 5, cl. (b); 1935, c. 66, s. 7 (1).

Prohibiting  
and regulat-  
ing the  
running at  
large of  
dogs.

**6.**—(1) By-laws may be passed by the councils of towns, 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; 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 may be 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. 1927, c. 300, s. 6.

Penalties.  
Rev. Stat.  
c. 136.

**7.** A by-law passed under the authority of this Act may impose penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any such by-law and every such penalty shall be recoverable under *The Summary Convictions Act*. 1935, c. 66, s. 7 (2).

## PART II.

### THE PROTECTION OF LIVE STOCK.

Interpreta-  
tion.  
"Injured"  
and  
"Injuring."

**8.** In this Part, "injured" and "injuring" shall apply to injuries caused by wounding, worrying, terrifying or pursuing. R.S.O. 1927, c. 300, s. 7.

When dogs  
may be  
killed.

**9.** Any person may kill any dog,—

- (a) which is found killing or injuring live stock; or
- (b) which in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept; or
- (c) which is found straying at any time, and not under proper control, upon premises where live stock are habitually kept. R.S.O. 1927, c. 300, s. 8; 1936, c. 18, s. 3.

**10.**—(1) Whether the owner of any dog killing or injuring live stock is known or not the municipality in which the live stock were killed or injured shall be liable to the owner of the live stock for the amount of damage ascertained as hereinafter provided and shall pay over such amount to the owner within thirty days after such owner has filed with the clerk an affidavit that to the best of his knowledge and belief the live stock were killed or injured by a dog but not by a dog owned by him. R.S.O. 1927, c. 300, s. 9 (1); 1936, c. 18, ss. 3, 5.

Liability of municipality for damages to live stock.

(2) The council of a township in unorganized territory with the assent of the municipal electors secured at any annual municipal election may pass a by-law providing that the municipality shall not be liable to the owner of the live stock for the amount of the damage, unless such owner furnishes proof to the satisfaction of the council that the live stock were killed or injured by dogs and not by wild animals. 1929, c. 78, s. 3; 1936, c. 18, s. 3.

Unorganized territory,—when municipality not liable.

(3) The municipality shall not be liable under subsection 1 if at the time the live stock were killed or injured they were running at large upon the highway or unenclosed land, provided that the council of a township in unorganized territory may with the assent of the municipal electors pass a by-law declaring that this subsection shall not apply in determining its liability. R.S.O. 1927, c. 300, s. 9 (2); 1936, c. 18, s. 3.

When municipality not liable.

**11.**—(1) The council of every local municipality shall appoint one or more competent persons as live stock valuers.

Appointment of live stock valuers.

(2) Within forty-eight hours after it is discovered by the owner that his live stock has been killed or injured he shall notify a live stock valuer for the municipality in which the live stock is killed or injured or the clerk of such municipality who shall forthwith notify a live stock valuer, and the valuer so notified 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 done and he shall at the same time forward a copy of such report to the owner of the live stock.

Duty of live stock valuers.

(3) The carcass of the live stock shall not be destroyed until it has been seen by the valuer for the municipality.

When carcass not to be destroyed.

(4) If the owner of the live stock, or the council, is dissatisfied with the report of the valuer for the municipality an appeal may be had to the Minister who may name a valuer to make a further investigation and the report of such valuer shall be final and conclusive as to the extent and amount of the damage done.

Appeal to Minister.

Time for appeal.

(5) Such appeal shall be made within thirty days after the making of the report by the valuer for the municipality and \$25 shall be deposited with the Minister at the time of the appeal to be forfeited if the report of the valuer for the municipality is sustained.

Naming of valuer where no live stock valuers appointed.

(6) If no live stock valuer has been appointed by the council or the clerk or valuer does not discharge the duty imposed upon him by this Act, the Minister on the application of the owner of the live stock may name a valuer to make investigation and the report made by such valuer shall be final and conclusive as to the extent and amount of damage done, and the municipality in addition to its liability to the owner of the live stock as provided by section 10, shall forthwith pay to the Minister the cost of such valuation as fixed by him.

Report of valuer appointed by Minister.

(7) The report of the valuer appointed by the Minister shall be made to the Minister and the Minister shall forward a copy of such report to the clerk of the municipality and to the owner of the live stock. 1936, c. 18, s. 6.

#### LIABILITY OF OWNER OF DOG.

Liability of owner of dog to municipality.

**12.**—(1) A municipality having paid to the owner of the live stock the amount of the damage ascertained as above provided shall be entitled to recover the amount so paid from the owner of the dog in any court of competent jurisdiction without proving that it was vicious or accustomed to worry live stock.

Proceedings for ascertaining owner of dog.

(2) In order to ascertain the owner of the dog which killed or injured the live stock the clerk on the instructions of the head of the municipality may issue a subpoena calling upon any persons to attend before the council and the member of the council presiding may administer an oath to such persons and any member of the council may examine such persons touching his knowledge of the matter. R.S.O. 1927, c. 300, s. 11 (1, 2); 1936, c. 18, s. 3.

Apportionment of damages.

(3) When it appears that the damage was caused by more dogs than one the court may apportion the damages as may be deemed just, having regard to the strength, ferocity and character of the dogs concerned. R.S.O. 1927, c. 300, s. 11 (3).

Duty of owner to kill dog.

(4) Where a dog is known to have killed or injured live stock the owner on being duly notified shall within forty-eight hours cause the dog to be killed. R.S.O. 1927, c. 300, s. 11 (4); 1936, c. 18, s. 3.

Neglect to kill dog.

(5) When the owner refuses or neglects to kill the dog he may be summoned before any magistrate who may order that

the dog be killed and in such case a constable may enter upon the premises of the owner and may kill the dog.

(6) The magistrate may direct the owner to pay the costs of <sup>Penalty.</sup> the proceedings and of the destruction of the dog and if he deems the neglect or refusal of the owner to have been unreasonable may impose on him a penalty not exceeding \$10. R.S.O. 1927, c. 300, s. 11 (5, 6).

**13.** The times and the method of procedure set out in this <sup>Times and procedure</sup> Act shall be regarded as merely directory and a proceeding <sup>directory.</sup> which is in substantial conformity with this Act shall not be open to objection on the ground that it is not in strict compliance therewith. R.S.O. 1927, c. 300, s. 12.

#### PENALTIES.

**14.** All penalties recovered under this Act shall belong to <sup>Application</sup> the municipality. R.S.O. 1927, c. 300, s. 13. <sup>of penalties.</sup>

**15.** Where in territory without municipal organization live <sup>Liability</sup> stock have been killed or injured by a dog, the owner of the <sup>of owner in</sup> dog shall be liable to the owner of the live stock for the amount <sup>unorgan-</sup> of the damage sustained, and it shall not be necessary in any <sup>ized terri-</sup> action to recover such damages to prove that the dog was <sup>tory.</sup> vicious or accustomed to worry live stock. 1934, c. 13, s. 2.

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