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111 Dog Tax and Cattle, Sheep and Poultry Protection Act

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CHAPTER 111

The Dog Tax and Cattle, Sheep and Poultry Protection Act

1. In this Act,

(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.

(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:

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.

(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.
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 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 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 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- 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 furnished 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, 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.

(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.

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.

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.

(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.

(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

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,  

(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).

(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).
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.

(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).

(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.

(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 is 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 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 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 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 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 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).
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.

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.

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.

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.

(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.

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.