CHAPTER 107

The Dog Tax and Live Stock Protection Act

1. In this Act,

(a) “dog” means any dog, male or female;

(b) “live stock” means any head of cattle or sheep, and includes the young of either of them;

(c) “Minister” means Minister of Agriculture;

(d) “municipality” means city, town, village or township;

(e) “owner” of a dog includes any person who possesses or harbours a dog and “owns” and “owned” have a corresponding meaning;

(f) “poultry” means domestic chickens, ducks, geese and turkeys and includes the young of any of them.

R.S.O. 1937, c. 335, s. 1; 1942, c. 12, s. 1, amended.

PART I

DOG TAX

2.—(1) Subject to section 5, an annual dog tax shall be levied in every 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 is owned by some other person.

(2) Where no by-law increasing the tax has been passed by the municipality, the amount of the tax 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 the certificate of a veterinary surgeon is produced showing that a female dog has been spayed, it shall be taxed at the same rate as a male dog.

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

(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. 1937, c. 335, s. 2.

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 he is liable to be taxed.

(2) Any 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 which are habitually kept upon the premises for which he is assessed by whomsoever owned.

(3) Every assessor who fails to make all due 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 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than $10.

(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.

(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 therein.

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

(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 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than $10. R.S.O. 1937, c. 335, s. 3.
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 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 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 or who uses a tag upon a dog other than that for which it was issued shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than $10.

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

(6) 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 only be charged with one-half of the dog tax. R.S.O. 1937, c. 335, s. 4.

5.—(1) By-laws may be passed by the councils of 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 required to be levied by this Act, sections 2 and 3 shall not apply while the by-law remains in force.
Application of section 4.

(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, 3 and 5 of section 4 shall apply. R.S.O. 1937, c. 335, s. 5.

Prohibiting and regulating 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 within the municipality or within 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 may be provided by the by-law. R.S.O. 1937, c. 335, s. 6 (1); 1945, c. 6, s. 1.

(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. 1937, c. 335, s. 6 (2).

When deemed running at large.

Penalties.

7. A by-law passed under this Act may impose a penalty of not more than $50, exclusive of costs, upon every person who contravenes the by-law, and every such penalty shall be recoverable under The Summary Convictions Act. R.S.O. 1937, c. 335, s. 7.

PART II

PROTECTION OF LIVE STOCK

Interpretation.

8. In this Part, “injured” and “injuring” apply to injuries caused by wounding, worrying, terrifying or pursuing. R.S.O. 1937, c. 335, s. 8.

When dogs may be killed.

9. Any person may kill any dog,

(a) found killing or injuring live stock; or

(b) found in a township or village between sunset and sunrise straying from the premises where it is habitually kept; or

(c) found straying at any time, and not under proper control, upon premises where live stock are habitually kept. R.S.O. 1937, c. 335, s. 9.
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 30 days after the 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 other than a dog owned by him.

(2) The council of a township in a territorial district, with the assent of the electors secured at any 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 the owner furnishes proof to the satisfaction of the council that the live stock were killed or injured by dogs and not by wild animals.

(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 a territorial district may with the assent of the electors pass a by-law declaring that this subsection shall not apply in determining its liability. R.S.O. 1937, c. 335, s. 10.

11.—(1) The council of any municipality may pass a by-law providing that where poultry owned by any person is damaged or injured by any dog within such municipality to the amount of 50 pounds or more, the provisions of this Act respecting live stock shall apply to such poultry. 1942, c. 12, s. 2.

(2) The council of any municipality may pass a by-law providing that where live stock or poultry or both owned by any person is damaged or injured by any wild animal within such municipality the provisions of this Act respecting live stock shall apply, provided that in the case of poultry the provisions of any such by-law shall apply only where the poultry is damaged or injured to the amount of 50 pounds or more. 1945, c. 6, s. 2.

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

(2) Within 48 hours after the owner of live stock discovers that his live stock has been killed or injured he shall notify a live-stock valuer for the municipality in which the live stock was 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 10 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.

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

(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.

(5) Such appeal shall be made within 30 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.

(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 the 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.

(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. R.S.O. 1937, c. 335, s. 11.

(8) No live-stock valuer appointed by a municipality or by the Minister shall report the extent and amount of damage done to a head of cattle in excess of $250. 1947, c. 32, s. 1.

13.—(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.
(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 person to attend before the council and the member of the council presiding may administer an oath to such person and any member of the council may examine such person touching his knowledge of the matter.

(3) Where 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.

(4) Where a dog is known to have killed or injured live stock, the owner, on being duly notified shall within 48 hours cause the dog to be killed.

(5) Where 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 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 of not more than $10.

14. The times and the method of procedure set out in this Act shall be regarded as merely directory, and a proceeding 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. 1937, c. 335, s. 13.

15. All penalties recovered under this Act shall belong to the municipality. R.S.O. 1937, c. 335, s. 14.

16. Where in territory without municipal organization any live stock has been killed or injured by a dog, the owner of the dog shall be liable to the owner of the live stock for the amount of the damage sustained, and it shall not be necessary in any action to recover such damages to prove that the dog was vicious or accustomed to worry live stock. R.S.O. 1937, c. 335, s. 15.