



HOUSE USE ONLY

CHAIR:

WITH / WITHOUT

1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
3 CHARLES III, 2024

(Bill No. 63)

Dog Owners Act

Hon. Bloyce Thompson
Minister of Agriculture

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

ASSEMBLY / SESSION / YEAR
67th General Assembly / 1st / 2024

AMENDMENTS

BILL NUMBER: 63 PAGE No. 2 of 16 PAGES

TITLE: Dog Owners Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



DOG OWNERS ACT

BILL NO. 63

2024

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Definitions

In this Act,

- (a) “**commercial animal**” means a commercial animal as defined in the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2;
- (b) “**dangerous dog**” means a dog that has been declared a dangerous dog by a judge of the Provincial Court pursuant to Part 4;
- (c) “**dog**” means any male or female dog, including a puppy;
- (d) “**enforcement officer**” means a person who is appointed by the Minister as an enforcement officer or has the powers of an enforcement officer by virtue of office pursuant to section 3;
- (e) “**injuring**” includes wounding, worrying, terrifying or pursuing;
- (f) “**licence**” means a valid licence for a dog issued pursuant to this Act;
- (g) “**Minister**” means the Minister of Agriculture;
- (h) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (i) “**owner**”, in respect of a dog, includes
 - (i) a person who has possession or control of the dog,
 - (ii) a person who occupies the premises containing the dog,
 - (iii) a person who possessed or controlled the dog, or occupied the premises containing the dog, immediately before the dog was seized under this Act, and
 - (iv) where the person referred to in subclause (i), (ii) or (iii) or otherwise considered the owner is a minor, the parent or guardian of the person;
- (j) “**premises**” includes any place, building, vehicle or vessel;
- (k) “**public place**” means any premises that is open to the public;
- (l) “**shelter**” means a facility providing for the care of dogs seized under this Act;

- (m) “**veterinarian**” means a person who is authorized by law to practise veterinary medicine in the province.

2. Minister responsible for administration

- (1) The Minister is responsible for the administration of this Act.

Delegation

- (2) The Minister may delegate a power or duty of the Minister under this Act to a person or organization.

Agreement with agent

- (3) The Minister may enter into an agreement with a person or organization to act as an agent of the Minister or to carry out a power or duty of the Minister under this Act.

Operation of shelter

- (4) For the purposes of this Act, the Minister may operate a shelter or enter into an agreement with a person or organization to operate or provide the services of a shelter.

Payment of fees

- (5) The Minister may direct the payment of fees under this Act to an agent.

3. Enforcement officer

- (1) Subject to the regulations, the Minister may, on any terms and conditions the Minister may specify, appoint any of the following persons as an enforcement officer for the purposes of this Act:

- (a) an employee of the Department of Agriculture;
- (b) a person, or an officer or employee of a person or organization, referred to in subsection 2(2), (3) or (4);
- (c) a person specified in the regulations.

Other officers

- (2) The following persons, by virtue of their offices, have all the powers of an enforcement officer under this Act:

- (a) a conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;
- (b) a police officer;
- (c) a person holding an office specified in the regulations.

Certificate of appointment

- (3) The Minister shall issue a certificate of appointment to an enforcement officer appointed under subsection (1).

Production of certificate

- (4) An enforcement officer who exercises powers under this Act shall, upon request, produce the certificate of appointment or other evidence of the officer’s authority.

Assistance

- (5) An enforcement officer may obtain the assistance of a veterinarian or other person in the execution of a power or performance of a duty of an enforcement officer under this Act.

Request for information

- (6) An enforcement officer may, by notice in writing, require a person to provide information respecting any dog owned by the person and the person shall provide the information in the manner and within the time period requested by the enforcement officer.

PART 2 - DOG LICENCE

4. Application of Part

This Part does not apply where

- (a) the owner of a dog is a resident of a municipality or resides in the province for less than 60 days in a calendar year; or
(b) the Minister or an agent of the Minister has taken ownership of a dog under this Act.

5. Licence required

- (1) Subject to subsection (2), where a dog is six months of age or older, the owner of the dog shall have a licence for the dog.

Application for licence

- (2) The owner of a dog shall apply to the Minister, in the form required by the Minister, for a licence not later than 10 days after the owner takes ownership of the dog or the dog turns six months of age, whichever occurs latest.

Issue of licence

- (3) Upon receipt of the application and the prescribed fee, the Minister shall issue a licence for the dog consisting of
(a) a certificate containing a licence number unique to the dog, a description of the dog and identifying information of the owner; and
(b) a tag that can be suspended from a collar, harness or halter worn by the dog, bearing the licence number.

Period licence effective

- (4) A licence is effective from the date of issue until a specified date or occurrence, in accordance with the regulations.

Use of tag, retention of certificate

- (5) On receipt of a licence, the owner of the dog shall, while the licence is effective,
(a) retain the written certificate; and
(b) suspend the tag from a collar, harness or halter worn by the dog.

Renewal of an existing licence

- (6) Where a licence requires renewal under the regulations, the Minister may evidence the renewal by issuing a new certificate or endorsing the existing certificate in a manner approved by the Minister.

PART 3 – CONTROL OF DOGS

6. Application of Part

This Part does not apply within a municipality.

7. Prohibition, dog at large

- (1) No owner of a dog shall, intentionally or unintentionally, allow the dog to be at large.

At large, public place

- (2) A dog is considered to be at large in a public place, unless
- (a) the dog is secured and restrained by a person using a lead not more than three metres long;
 - (b) the dog is securely confined;
 - (c) the dog is within the sight of and immediately responsive to the commands of a person while
 - (i) engaged in any of the following activities:
 - (A) assisting a person with a disability,
 - (B) law enforcement or security services,
 - (C) tracking a person, animal or thing,
 - (D) hunting with a licensed hunter,
 - (E) managing or protecting commercial animals,
 - (F) showing or sport,
 - (ii) in an area designated for exercising and socializing dogs off of a lead, or
 - (iii) engaged in training in an area designated for training; or
 - (d) otherwise provided in the regulations.

At large, private premises

- (3) A dog is considered to be at large on private premises, other than premises of the owner of the dog, unless
- (a) the dog is permitted to be on the premises by the owner of the private premises; and
 - (b) any terms or conditions of the permission are met.

8. Power to seize dog

- (1) Where a dog is at large according to section 7, an enforcement officer may seize the dog and place the dog in a shelter.

Notice to owner

- (2) On seizing the dog, the enforcement officer shall promptly give notice in writing to the owner of the dog identified on the licence or by other means, which shall include information on the location of the dog and how to retrieve the dog.

Retrieval of dog

- (3) The owner of the dog may, on payment of the prescribed fees and the cost of any necessary veterinary care provided to the dog during seizure, within 10 days after receiving the notice, retrieve the dog from the shelter.

Failure to retrieve dog

- (4) Where the owner of a dog fails to pay the prescribed fees and any veterinary costs and retrieve the dog within 10 days after receiving notice, ownership of the dog transfers to the operator of the shelter.

Owner not identified

- (5) Where the owner of the dog is not identified, ownership of the dog transfers to the operator of the shelter 10 days after the dog is seized.

Powers of operator of shelter

- (6) For greater certainty, where ownership of the dog transfers to the operator of a shelter, the operator may rehabilitate, give away, sell or euthanize the dog.

Owner remains liable for fees

- (7) Despite subsections (4) and (5), the owner of the dog remains liable for the fees and costs payable under subsection (3) and the costs of any action taken to recover these amounts.

PART 4 – DANGEROUS DOGS**9. Duty of dog owner**

The owner of a dog shall take reasonable precautions to prevent the dog from

- (a) biting or attacking a person or animal; or
- (b) behaving in a manner that injures or otherwise threatens the safety of persons or animals.

10. Seizure of dog, with warrant

- (1) Where a judge of the Provincial Court or a judicial justice of the peace is satisfied on the information of an enforcement officer under oath that there are reasonable grounds to believe that
- (a) a dog has bitten or attacked a person or an animal;
 - (b) a dog has behaved in a manner that injured or otherwise threatened the safety of persons or animals; or
 - (c) the owner of a dog has failed to comply with an order made under section 11,
- the judge or judicial justice of the peace, as the case may be, may issue a warrant authorizing an enforcement officer to enter a premises, including a private dwelling, to search for and seize the dog and any muzzle, collar or other equipment for the dog.

Expiry date

- (2) A warrant issued under this section shall state the date on which it expires, which shall not be more than 30 days after the date it is issued.

Execution

- (3) A warrant issued under this section shall be executed between 6 a.m. and 9 p.m., unless the warrant otherwise authorizes.

Seizure of dog, without warrant

- (4) Where an enforcement officer has reasonable grounds to believe that the circumstances described in clause (1)(a), (b) or (c) exist, the enforcement officer may, without a warrant,

- (a) in exigent circumstances, enter a premises, including a private dwelling, to search for and seize the dog and any muzzle, collar or other equipment for the dog; or
- (b) seize the dog in a public place.

Duty to commence proceeding

- (5) An enforcement officer who seizes a dog for a reason described in clause (1)(a) or (b) shall promptly
 - (a) commence a proceeding, if one has not already been commenced, under section 11;
 - (b) deliver the dog to a shelter for care pending the outcome of the proceeding; and
 - (c) where the dog was seized without a warrant, give notice in writing of the seizure to the owner of the dog.

Duty to lay information

- (6) An enforcement officer who seizes a dog for the reason described in clause (1)(c) shall promptly
 - (a) lay an information pursuant to section 18;
 - (b) deliver the dog to a shelter for care pending the outcome of the prosecution of the offence; and
 - (c) where the dog was seized without a warrant, give notice in writing of the seizure to the owner of the dog.

11. Proceeding in respect of dog

- (1) An enforcement officer may commence a proceeding in the Provincial Court in respect of a dog, where the enforcement officer believes, on reasonable grounds, that
 - (a) the dog has bitten or attacked a person or an animal; or
 - (b) the dog has behaved in a manner that injured or otherwise threatened the safety of persons or animals.

Commencement of proceeding

- (2) To commence a proceeding under subsection (1) the enforcement officer shall
 - (a) complete a statement in the prescribed form under oath attesting to facts supporting the grounds for the proceeding;
 - (b) serve a copy of the statement on the owner of the dog; and
 - (c) file a copy of the statement with the Provincial Court.

Interim order

- (3) When a proceeding has been commenced under subsection (2), a judge of the Provincial Court may, on the application of the enforcement officer or on the judge's own motion, with notice to the owner of the dog, make an interim order
 - (a) requiring the owner of the dog to take measures specified in the interim order for the more effective control of the dog;
 - (b) requiring an evaluation of the dog by a veterinarian; or
 - (c) where the dog has not already been seized, requiring an enforcement officer to seize the dog and place the dog in a shelter.

Order, dangerous dog

- (4) On the conclusion of the proceeding, a judge of the Provincial Court may make an order declaring a dog to be a dangerous dog and providing for measures to protect persons or animals, where the judge
- (a) finds that the dog
 - (i) has bitten or attacked a person or animal, or
 - (ii) has behaved in a manner that injured or otherwise threatened the safety of persons or animals; and
 - (b) is satisfied that an order is necessary for the protection of persons or animals.

Factors to consider

- (5) In determining whether to make an order or the contents of an order under subsection (4), the judge may take into consideration factors including
- (a) the dog's past and present temperament and behaviour;
 - (b) the seriousness of any injuries caused by the dog;
 - (c) any circumstances contributing to the dog's actions or behaviour, particularly where
 - (i) the dog was protecting or defending a person or animal within the immediate vicinity of the dog from an attack or assault,
 - (ii) a person was committing a crime or offence upon the property of the owner of the dog,
 - (iii) a person was teasing, tormenting, abusing, or assaulting the dog, or had done so in the past,
 - (iv) the dog was attacked or threatened by an animal, or an animal was on the property of the owner of the dog,
 - (v) the dog was responding to pain or injury, or protecting itself or its offspring, or
 - (vi) a person or animal disturbed the dog while the dog was engaged in a natural function, such as sleeping or eating;
 - (d) the likelihood that the dog will repeat the actions or behaviour;
 - (e) the dog's physical capacity for inflicting harm; and
 - (f) any precautions taken by the owner to preclude similar incidents in the future.

Contents of order

- (6) An order made under subsection (4) in respect of a dangerous dog may
- (a) require the owner of the dog to do any of the following:
 - (i) confine the dog to the owner's property,
 - (ii) restrain the dog by means of a leash,
 - (iii) restrain the dog by means of a muzzle,
 - (iv) post warning signs about the dog,
 - (v) have the dog trained or undergo education or training, with or without the dog, and report back to the court,
 - (vi) have the dog sterilized by a veterinarian;
 - (b) require the owner of the dog to surrender the dog or some or all of the dogs owned by the owner to the operator of a shelter or other person;
 - (c) order that the dog be euthanized by a veterinarian;

- (d) require the owner of the dog to pay the operator of a shelter, a veterinarian or other service provider for all or part of the cost of care or treatment of the dog while seized under this Part or sterilization or euthanasia ordered under this section; or
- (e) prohibit the owner of the dog from owning a dog for a specified period, where the dog or another dog owned by the same person has been the subject of an order under this section within the preceding two years.

12. Protection of commercial animal

- (1) An enforcement officer or the owner of a commercial animal may, where necessary for the immediate protection of the commercial animal, kill a dog that is killing or injuring or attempting to kill or injure the commercial animal, except where the commercial animal is on property held by the owner of the dog.

Limitation on liability

- (2) An enforcement officer or the owner of a commercial animal who acts pursuant to subsection (1) is not liable to the owner of the dog for any loss or damage arising from the killing of the dog.

13. Civil liability of owner of dog

- (1) In a civil action taken in the Supreme Court, the owner of a dog is liable for damages resulting from the dog biting, attacking or injuring a person or animal.

Joint and several liability

- (2) Where there is more than one owner of the dog, they are jointly and severally liable under this section.

Strict liability

- (3) The liability of the owner of a dog does not depend upon knowledge of the propensity of the dog to bite, attack or injure persons or animals or fault or negligence on the part of the owner.

Contributory negligence

- (4) The court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages.

Cross claim

- (5) An owner of a dog who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person's fault or negligence caused or contributed to the damages.

Occupiers' Liability Act does not apply

- (6) Where the dog bites, attacks or injures a person or animal on the premises of the owner of the dog, the liability of the owner shall be determined under this Act, not under the *Occupiers' Liability Act* R.S.P.E.I. 1988, Cap. O-2.

No liability, criminal activity

- (7) Subsection (1) does not apply where the person is on the premises of the owner of a dog with the intention of committing, or in the commission of, a criminal act, when bitten, attacked or injured by the dog.

PART 5 - GENERAL**14. Notice**

- (1) Subject to subsection (2), any notice required to be given in writing under this Act or the regulations is deemed to have been given
- (a) upon being personally served on the person to whom it is directed;
 - (b) upon being sent by electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or
 - (c) five days after being sent by regular mail addressed to the person to whom it is directed at the last known address for that person.

Service

- (2) For greater certainty, service of any document in relation to a court proceeding under this Act shall be effected by personal service on the person to whom it is directed.

15. Records

An enforcement officer who responds in respect of a contravention or possible contravention of this Act or the regulations shall prepare and maintain a record that includes

- (a) the name and address of the owner of the dog;
- (b) a description of the dog, including the breed, name, age, weight, sex, and licence or microchip number of the dog;
- (c) the date, location, and time of the alleged incident and any prior incidents;
- (d) a description of the alleged incident and, where applicable, the nature and severity of any injuries to persons or animals;
- (e) the name and address of any injured person or owner of any injured animal; and
- (f) any enforcement action taken by the enforcement officer.

16. Care or treatment

- (1) Subject to subsection (2), where a dog has been seized pursuant to this Act, an enforcement officer or the operator of the shelter caring for the dog shall provide the dog or ensure the dog is provided with the care or treatment the enforcement officer or operator, as the case may be, considers necessary or that has been directed by a veterinarian.

Euthanasia

- (2) For the purpose of subsection (1), a dog that has been seized may be euthanized only if
- (a) the owner of the dog consents to the euthanasia; or
 - (b) on examination, two veterinarians are of the opinion that the dog is in such distress or is so ill or injured that the dog cannot be cured or healed or continue to live without suffering.

17. Protection from liability

No action or proceeding may be brought against a person for anything done or omitted to be done, in good faith, in the exercise or performance, or intended exercise or performance, of a power, function or duty under this Act or the regulations, including

- (a) the Minister;

- (b) a delegate or agent of the Minister;
- (c) an enforcement officer, or a person assisting an enforcement officer;
- (d) a veterinarian; and
- (e) the operator of a shelter.

18. Obstruction

No person shall obstruct, impede or interfere with an enforcement officer, or any person assisting an enforcement officer, while the officer is exercising a power or performing a duty under this Act or the regulations.

19. Offence and penalty, Part 1, 2 or 3

- (1) A person who fails to comply with or contravenes subsection 3(6) in Part 1 or a provision of Part 2 or Part 3 is guilty of an offence and is liable on summary conviction to a fine of not less than \$250 and not more than \$5,000.

Offence and penalty, Part 4 or 5

- (2) A person who fails to comply with or contravenes a provision of Part 4 or Part 5 or an order under Part 4 is guilty of an offence and is liable on summary conviction to a fine of not less than \$500 and not more than \$10,000 or imprisonment for up to six months, or both.

Prohibition against owning dog

- (3) Where the owner of a dog is guilty of an offence under subsection (1) or (2) within 12 months after the dog has been declared a dangerous dog, a judge of the Provincial Court may, in addition to imposing a penalty under subsection (1) or (2), make an order that does one or both of the following:
 - (a) requires the owner of the dog to surrender the dog or some or all of the dogs owned by the owner to a shelter or another person;
 - (b) prohibits the owner of the dog from owning a dog during a specified period of time.

Tickets

- (4) An enforcement officer may issue a ticket under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, for an offence under this Act as provided in the Ticket Regulations (EC58/08).

20. Regulations

The Lieutenant Governor in Council may make regulations for the better administration and enforcement of this Act and to carry out the intent and purpose of the Act, including regulations

- (a) prescribing qualifications for appointment as an enforcement officer;
- (b) specifying other persons who may be appointed as enforcement officers;
- (c) specifying other persons who, by virtue of their offices, have the powers of an enforcement officer;
- (d) respecting the effective period of a licence and when a licence requires renewal;
- (e) prescribing circumstances in which a dog is not considered to be at large in a public place;
- (f) defining words or phrases used but not defined in this Act;
- (g) prescribing fees for a licence or the seizure or care of dogs;
- (h) prescribing forms for the purposes of this Act.

21. Transitional, enforcement officer

- (1) A person who, on the commencement of this Act, is an enforcement officer by designation under the regulations of the former Act, is deemed to have been appointed as an enforcement officer under subsection 3(1) of this Act.

Transitional, licence

- (2) A licence issued under the former Act that, on the commencement of this Act, is valid and effective is deemed to have been issued under this Act and remains valid and effective until it expires.

Transitional, warrant, notice or order

- (3) Subject to subsection (4), a warrant, notice or order issued under the former Act that is in effect on the commencement of this Act is deemed to have been issued under this Act.

Order, warrant cease to have effect

- (4) An order issued under section 5 of the former Act that has not been satisfied, or a warrant issued under section 6 of the former Act that has not been executed, ceases to have effect on the commencement of this Act.

Transitional, impoundment

- (5) Where, on the commencement of this Act, a dog is subject to impoundment under Part II of the former Act, the matter shall be concluded as if the dog were seized pursuant to subsection 8(1) of this Act.

Transitional, seizure

- (6) Where, on the commencement of this Act, a dog is subject to seizure under Part III of the former Act but a proceeding has not been commenced, the enforcement officer responsible for the seizure shall commence a proceeding in respect of the dog under section 11 of this Act.

Definition, former Act

- (7) In this section, “former Act” means the *Dog Act* R.S.P.E.I. 1988, Cap. D-13.

22. Animal Welfare Act

- (1) **This section amends the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2.**

- (2) **Subsection 1(3) of the *Animal Welfare Act* is amended**

- (a) **by the deletion of the words “a provision of the *Dog Act* R.S.P.E.I. 1988, Cap. D-13” and the substitution of the words “a provision of the *Dog Owners Act* R.S.P.E.I. 1988, Cap. D-13.01”; and**
- (b) **by the deletion of the words “the provision of the *Dog Act*” and the substitution of the words “the provision of the *Dog Owners Act*”.**

23. Repeal

The *Dog Act* R.S.P.E.I. 1988, Cap. D-13, is repealed.

24. Commencement

This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

(Bill No. 63)

Dog Owners Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 5, 2024
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Bloyce Thompson
Minister of Agriculture

GOVERNMENT BILL

2024
1st SESSION, 67th GENERAL ASSEMBLY