



News Release

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Regional District Dog Bylaw Upheld by Court of Appeal

A ruling by the BC Court of Appeal has upheld the Regional District of Central Okanagan Dog Regulation and Impounding Bylaw.

The Regional District asked the province's highest court to overturn a Supreme Court ruling in June last year after a Kelowna resident challenged the validity of a section of Bylaw No. 366 and the authority of the Regional District to provide Dog Control enforcement within the City of Kelowna.

Regional District Chair Robert Hobson says, "We and our member municipalities are very pleased with the ruling which reinforces the ability of regional district's and member municipalities to adopt agreements for the most effective and efficient provision of services. Our goal has always been and continues to ensure the safety and protection of citizen's right across the region."

In light of the Court of Appeal ruling, the regional district intends to seek payment of the \$200 fine levied in November 2008 against a Kelowna dog-owner for violating Section 17.5 of the bylaw. That section requires dog owners to control their animal so that the dog doesn't without provocation, aggressively pursue, inflict minor injury, chase, harass or approach a person in an attitude of attack. With the judgment Regional District Bylaw Enforcement Officers will again enforce this section of the bylaw.

Earlier this year, the Regional District argued before a three justice panel of the High Court that it has the Statutory Authority under the Local Government Act to enter into Service Agreements with member municipalities for the delivery of bylaw enforcement services including the Dog bylaw. As a result, it argued the bylaw is applicable throughout the Regional District of Central Okanagan and City of Kelowna, along with other member municipalities. The District believes the authority for these working relationships between local governments comes from the Local Government Act and is available and applicable to all local governments in British Columbia.

The Union of B.C. Municipalities agreed to provide funding assistance for the appeal process as the ruling had the potential to affect other regional districts and working relations with their member municipalities.

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