



Staff Report

Report To: Council Meeting
From: Terri Towstiuc, Clerk
Date: 2024-04-25
Subject: Claim pursuant Protection of Livestock and Poultry from Dogs

Recommendation:

That West Elgin Council hereby receives the report from Terri Towstiuc, Clerk Re: Claim pursuant *Protection of Livestock and Poultry from Dogs Act, 1990*; And

That Council authorize payment for \$730.00, payable to the applicant, pursuant to Section 3 of the *Protection of Livestock and Poultry from Dogs Act*; And

That Council direct staff to recover the cost of the claim from the owner of the dogs, pursuant to Section 5 of the *Protection of Livestock and Poultry from Dogs Act, 1990*; And

That Council direct the Clerk to immediately advertise for a Livestock Valuer for the Municipality.

Purpose:

The purpose of this report is to provide Council with an incident report, where a resident had multiple poultry killed by a neighbour's two dogs, at various times.

Background:

The Municipality received complaints from a resident, indicating that multiple poultry have been killed by DOG 1, a large dog, and companion DOG 2, both owned by a neighbour. Both dogs are known to the applicant from previous times of being at large on their property (escaping their compound) with poultry taken and killed on at least two prior occasions that were reported to By-law and/or the Ontario Provincial Police (OPP).

This report was received and was presumed to be closed by By-law Enforcement, understanding that no compensation was available. However, this claim does not fall within the Ontario Wildlife Damage Compensation Program, administered, and funded through the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), which does not consider dogs to be eligible predators. This claim is eligible for compensation through the *Protection of Livestock and Poultry from Dogs Act, 1990*, funded by the Municipality.

Unfortunately, with the shift in staff and no appointed Livestock Valuer, this file was overlooked. The applicant is seeking, and is eligible for compensation, under the *Protection of Livestock and Poultry from Dogs Act, 1990*. The dogs indicated have not been seen since the most recent incidents and have been presumed to have been euthanized. The OPP and By-law completed and closed their files on this case.

Attached to this report is the *Protection of Livestock and Poultry from Dogs Act*, which is short, however the relevant sections relating to the Municipality's responsibilities can be found below.

Liability of municipality

- 3 (1) Where a dog kills or injures livestock or poultry, the local municipality in which the killing or injury occurred is liable to the owner of the livestock or poultry for the amount of damages that is determined under section 4 and shall pay over the amount to the owner within 30 days of the determination. 2010, c. 16, Sched. 1, s. 4 (4).

Denial of liability

- (4) Where the valuer finds evidence that to the best of his or her knowledge and belief shows,
- (a) that any of the livestock or poultry was not killed or injured by a dog;
 - (b) that the killing or injuring was caused by a dog owned by or habitually kept on the premises of the owner of the livestock or poultry; or
 - (c) that the owner had not taken reasonable care to prevent the killing or injuring of the livestock or poultry by dogs,

Appeal to director

- (8) Where the owner of livestock or poultry or the council is dissatisfied with the report of the valuer made under subsection (2), the owner or the council may appeal to the director who shall name a valuer, and the valuer so named shall make a further investigation and report. R.S.O. 1990, c. L.24, s. 4 (8); 1994, c. 27, s. 28 (5).

The Applicant was able to catch and identify the dogs on all occasions. The owner of the dogs cooperated with OPP and By-law enforcement and did not deny their dogs killing the poultry listed.

The Municipality can recover expenses from the owner of the dogs, for the cost of the poultry killed, pursuant to the S.5 of the *Protection of Livestock and Poultry from Dogs Act*.

Right of recovery from owner of dog

- 5 A local municipality having paid to the owner of livestock or poultry the amount of the damage ascertained under section 4 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 livestock or poultry. R.S.O. 1990, c. L.24, s. 5.

Due to the Municipality not having a current Livestock Valuer, the values of the Poultry were obtained from the OMAFRA website, with valuation dates as of April 1, 2024. A list of the killed poultry is included, along with a chart created, indicating value used and the recommended amount.

Publication Date	Species	Livestock Species	Pricing Source	Source Month	Last Reviewed	Unit	Valuation (\$)	Max. Allotted Value (Up to)	Max. Allotted Value (Up to)	Premiums for Registered	Premiums for Pregnancies
1-Apr-24	Other Poultry	Duck, for egg production	OMAFRA poultry specialist technical review	Annual Update	24-Jan-23	\$/head	Claims submitted for this category	-	\$60	Fair Market	Fair Market
1-Apr-24	Other Poultry	Duck, grandparent breeder	OMAFRA poultry specialist technical review	Annual Update	24-Jan-23	\$/head	Claims submitted for this category	-	\$250	N/A	N/A
1-Apr-24	Other Poultry	Duck, parent breeder	OMAFRA poultry specialist technical review	Annual Update	24-Jan-23	\$/head	Claims submitted for this category	-	\$85	N/A	N/A
1-Apr-24	Other Poultry	Goose, grandparent breeder	OMAFRA poultry specialist technical review	Annual Update	24-Jan-23	\$/head	Claims submitted for this category	-	\$300	N/A	N/A
1-Apr-24	Other Poultry	Goose, parent breeder	OMAFRA poultry specialist technical review	Annual Update	24-Jan-23	\$/head	Claims submitted for this category	-	\$100	N/A	N/A

*Current value chart obtained online from OMAFRA

POULTRY KILLED OR INJURED (Details from applicants claim submission)

One adult breeding-age Sebastopol goose killed by both dogs acting as a pack, it was DOG 1 that had the bird in its jaws when I caught him in our barn. The goose died from its injuries within a few minutes. **\$100 Value**

One female Muscovy adult duck, dead, about 2m from the goose and in the barn where the dogs were found and caught. **\$60 Value**

One male Muscovy duck, a tame bird considered a pet, severely injured with large puncture and open wounds under each wing at the top of the legs. He was in the barn where the dogs were caught. I suspect he may not survive the night. (Duck later passed away) **\$85 Value.**

One female Muscovy adult female discovered in our car port severely injured - this was after the OPP had left and several ducks in hiding were rounded up.

Two female ducks taken by DOG 1 in two separate incidents in or around May 2023, witnessed and reported to By-law. Both ducks were deceased by the time Mr. got to them. DOG 1 ran or was chased off. **\$60 Value x2 = \$120**

Approx. April 2023

One killed Muscovy duck, female, adult, estimated 10lb live weight, reported to By-law. **\$60 Value**

Early May 2023

One killed Muscovy duck, female, adult, estimated 10lb live weight, reported to By-law. **\$60 Value**

October 2023

One killed Muscovy drake, male, adult, estimated 16lb live weight, reported to OPP and By-law **\$85 Value.**

One killed Sebastopol goose or gander, adult, breeding stock, estimated 30lb live weight, reported to OPP and By-law **\$100 Value.**

One killed Muscovy duck, female, estimated 10lb live weight, reported to OPP and By-law **\$60 Value**

One female Muscovy duck, 10lbs, seriously injured, survived 48 hours, and was released back into the flock after that time, I assume she is still alive. That one was not reported to OPP only to By-law as we discovered her after the police left.

Type of Poultry Killed	Total Killed	Reference to OMAFRA	Value of each	Total Value
Muscovy Duck, Male	2	Duck, Parent Breeder	\$85.00	\$170
Muscovy Duck, Female	6	Duck, for egg production	\$60.00	\$360
Good, Breeding	2	Goose, Parent Breeder	\$100.00	\$200
Total Compensation				\$730