



Français

Protection of Livestock and Poultry from Dogs Act

R.S.O. 1990, CHAPTER L.24

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Legislative History: [+]

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Definitions

1 In this Act,

“fur-bearing animal” means an animal designated by name as a fur-bearing animal in the *Fur Farms Act* or declared to be a fur-bearing animal in the regulations made thereunder; (“animal à fourrure”)

“injured” in respect of livestock or poultry means injured by wounding, worrying or pursuing, and “injury” has a corresponding meaning; (“blessé”, “blessures”)

“livestock” means cattle, fur-bearing animals, goats, horses, rabbits, sheep or swine; (“bétail”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs or such other member of the Executive Council to whom administration for this Act is assigned under the *Executive Council Act*; (“ministre”)

“poultry” includes game birds where game birds are kept pursuant to a licence under the *Fish and Wildlife Conservation Act, 1997*. (“volaille”) R.S.O. 1990, c. L.24, s. 1; 1994, c. 27, s. 28 (1-3); 1997, c. 41, s. 121; 1999, c. 12, Sched. A, s. 17; 2010, c. 16, Sched. 1, s. 4 (2, 3).

Section Amendments with date in force (d/m/y) [+]

Director

1.1 The Minister may appoint a director who shall be responsible to him or her for the administration and enforcement of this Act. 1994, c. 27, s. 28 (4).

Section Amendments with date in force (d/m/y) [+]

PART I PROTECTION OF LIVESTOCK AND POULTRY

When dogs may be killed

2 Any person may kill a dog,

- (a) that is found killing or injuring livestock or poultry;
- (b) REPEALED: 2002, c. 17, Sched. F, Table.
- (c) that is found straying at any time, and not under proper control, upon premises where livestock or poultry are habitually kept. R.S.O. 1990, c. L.24, s. 2; 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y) [+]

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).

Where subs. (1) does not apply

(2) Subsection (1) does not apply,

- (a) to livestock 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 twenty-five kilograms. R.S.O. 1990, c. L.24, s. 3 (2).

By-law for damage by wild animals

(3) The council of a local municipality may pass a by-law providing that where livestock or poultry are killed or injured by wild animals in the municipality, subsection (1) applies in the same manner as where livestock or poultry are killed or injured by a dog, but the council in the by-law may fix the maximum amount payable for any livestock or poultry so killed or injured in any year and may fix the proportion of the damages ascertained under section 4 that is payable. 2010, c. 16, Sched. 1, s. 4 (5).

Section Amendments with date in force (d/m/y) [+]

Appointment of valuers

4 (1) The council of every local municipality shall appoint one or more persons as valuers of livestock and poultry for the purposes of this Act. R.S.O. 1990, c. L.24, s. 4 (1).

Investigation and report by valuer

(2) Where the owner of livestock or poultry discovers that any of the owner's livestock or poultry has been killed or injured and to the best of the owner's knowledge and belief such killing or injuring was done by a dog other than the owner's dog or habitually kept upon the owner's premises, the owner shall immediately notify a valuer for the local municipality in which the livestock 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 a 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 or her award therefor, and shall at the same time forward a copy of such report to the owner of the livestock or poultry. R.S.O. 1990, c. L.24, s. 4 (2); 2010, c. 16, Sched. 1, s. 4 (6).

Affidavit of owner

(3) An owner of livestock or poultry who notifies a valuer or a clerk of a municipality under subsection (2) shall, within ten days, file with the clerk an affidavit that to the best of the owner's knowledge and belief the livestock or poultry were killed or injured by a dog other than a dog owned by the owner or habitually kept upon the owner's premises. R.S.O. 1990, c. L.24, s. 4 (3); 2010, c. 16, Sched. 1, s. 4 (7).

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,

the valuer shall include in his or her report to the clerk of the local municipality and to the owner of the livestock or poultry a statement of his or her 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 livestock or poultry within thirty days after the filing of the affidavit with the clerk. R.S.O. 1990, c. L.24, s. 4 (4); 2010, c. 16, Sched. 1, s. 4 (8, 9).

Report of valuer

(5) The valuer shall include in the report a finding as to whether the livestock or poultry were killed or injured by dogs. R.S.O. 1990, c. L.24, s. 4 (5); 2010, c. 16, Sched. 1, s. 4 (10).

Damages limited

(6) The amount of damage for which the local municipality is liable shall not include damage incurred under the circumstances set out in clause (4) (a), (b) or (c) and for which the municipality has denied liability in accordance with subsection (4). R.S.O. 1990, c. L.24, s. 4 (6).

Where carcass not to be destroyed

(7) The owner of livestock or poultry shall not destroy or permit to be destroyed the carcass of any livestock or poultry reported killed under subsection (2) until the carcass has been seen by the valuer. R.S.O. 1990, c. L.24, s. 4 (7).

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).

Time for appeal; deposit

(9) Such appeal shall be made within thirty days after the making of the report to the clerk of the local municipality by its valuer, and \$25 shall be deposited with the director at the time of making the appeal to be forfeited to the Crown if the report of the valuer for the local municipality is sustained on an appeal under this section. R.S.O. 1990, c. L.24, s. 4 (9); 1994, c. 27, s. 28 (5).

Where no municipal valuer, etc.

(10) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties imposed on him or her by this Act, the director, on the application of the owner of any livestock or poultry killed or injured by a dog other than a dog owned by the owner or habitually kept upon the owner's premises, shall name a valuer, and the valuer so named shall make an investigation and report, and the municipality shall pay to the director the cost of such investigation and report as fixed by him or her. R.S.O. 1990, c. L.24, s. 4 (10); 1994, c. 27, s. 28 (5); 2010, c. 16, Sched. 1, s. 4 (11).

Report of valuer appointed by director

(11) A copy of the report of a valuer named by the director under subsection (8) or (10) shall be forwarded by the director as soon as practicable to the clerk of the local municipality and to the owner of the livestock or poultry. R.S.O. 1990, c. L.24, s. 4 (11); 1994, c. 27, s. 28 (5).

Idem

(12) A valuer named by the director under subsection (8) or (10) shall, where applicable, include in his or her report a statement of his or her belief that the amount of damage to livestock or poultry includes damage incurred under the circumstances set out in clause (4) (a), (b) or (c), 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 livestock or poultry within thirty days after receipt of the report of the valuer. R.S.O. 1990, c. L.24, s. 4 (12); 1994, c. 27, s. 28 (5).

Appeal from report of valuer

(13) Where the owner of livestock or poultry or the council is dissatisfied with the report of the valuer made under subsection (8) or (10), the owner or the council may, within thirty days after receipt of the report, appeal to a judge of the Superior Court of Justice, and the judge may determine the liability of the municipality and, subject to subsection (14), the amount payable to the owner. R.S.O. 1990, c. L.24, s. 4 (13); 2006, c. 19, Sched. C, s. 1 (1).

Amount of liability limited

(14) No municipality shall be liable to an owner for an amount in respect of livestock or poultry in excess of the maximum amount prescribed therefor in the regulations made under this Act. R.S.O. 1990, c. L.24, s. 4 (14).

Section Amendments with date in force (d/m/y) [+]**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.

Inquiry to ascertain owner of dog

6 (1) The council of a municipality may conduct an inquiry in order to ascertain the owner of a dog that has killed or injured livestock or poultry within the municipality. R.S.O. 1990, c. L.24, s. 6 (1).

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act, 2009* applies to an inquiry under subsection (1). 2009, c. 33, Sched. 6, s. 65.

Section Amendments with date in force (d/m/y) [+]**Apportionment of damage**

7 Where it appears that the damage was caused by more dogs than one, the council may apportion the damage in such manner as is considered just having regard to the strength, ferocity and character of such dogs. R.S.O. 1990, c. L.24, s. 7.

Duty to destroy dog

8 (1) The owner of a dog who has knowledge that the dog has killed or injured livestock or poultry shall destroy the dog or cause the dog to be destroyed within forty-eight hours after acquiring such knowledge. R.S.O. 1990, c. L.24, s. 8 (1).

Failure to destroy dog

(2) An owner of a dog who refuses or neglects to destroy it when required so to do by subsection (1) may be summoned before a provincial judge 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 provincial judge may, in addition to any other penalty provided by this Act, direct the owner of the dog to pay the cost of the proceedings and of the destruction of the dog. R.S.O. 1990, c. L.24, s. 8 (2).

Liability of owner in unorganized territory

9 (1) Where in territory without municipal organization livestock or poultry are killed or injured by a dog, the owner of the dog is liable to the owner of the livestock 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 livestock or poultry. R.S.O. 1990, c. L.24, s. 9 (1).

(2)-(16) REPEALED: 2010, c. 16, Sched. 1, s. 4 (12).

Section Amendments with date in force (d/m/y) [+]

10 REPEALED: 2010, c. 16, Sched. 1, s. 4 (13).

Section Amendments with date in force (d/m/y) [+]

11 REPEALED: 1994, c. 27, s. 28 (6).

Section Amendments with date in force (d/m/y) [+]

12 REPEALED: 2010, c. 16, Sched. 1, s. 4 (13).

Section Amendments with date in force (d/m/y) [+]

13 REPEALED: 2010, c. 16, Sched. 1, s. 4 (13).

Section Amendments with date in force (d/m/y) [+]

14 REPEALED: 2010, c. 16, Sched. 1, s. 4 (13).

Section Amendments with date in force (d/m/y) [+]**Offence**

15 Every person who contravenes this Part is guilty of an offence and on conviction is liable to a fine of not more than \$50. R.S.O. 1990, c. L.24, s. 15.

Regulations

16 The Minister may make regulations prescribing maximum amounts for livestock and poultry or any species or class thereof for the purposes of subsection 4 (14). 2010, c. 16, Sched. 1, s. 4 (14).

Section Amendments with date in force (d/m/y) [+]

17 REPEALED: 2010, c. 16, Sched. 1, s. 4 (15).

Section Amendments with date in force (d/m/y) [+]

**PART III
LIMITATION ON AMOUNT OF COMPENSATION**

Amount of payment limited

18 Subject to subsection 4 (14), if compensation is payable under this Act, the amount payable shall not exceed the market value of the livestock or poultry at the time of the death, injury or damage in respect of which payment is made. 2010, c. 16, Sched. 1, s. 4 (16).

Section Amendments with date in force (d/m/y) [+]**Reduction in market value by reason of insurance**

19 If an owner receives an amount under a contract of insurance by reason of the death of or injury to livestock or poultry for which compensation is payable under this Act, for the purpose of calculating the amount of compensation, the market value of the livestock or poultry shall be deemed to be reduced by that amount. 2010, c. 16, Sched. 1, s. 4 (16).

Section Amendments with date in force (d/m/y) [+]

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