

**ANIMAL CONTROL APPEAL COMMITTEE****DECISION**

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Hearing held at: Mountain View County Office  
Council Chambers

Date of Hearing: September 8, 2017

Members Present: Greg Harris – Chair  
Gil Hegel  
Alana Gibson  
Laural Pedersen  
Keith Branter

Basis of Appeal: This is an appeal to an Additional Dog permit refused by the Animal Control Review Committee on August 4, 2017. The Appellant has cited the following as the Reason for Appeal:

- Due to the lack of interaction with their neighbours the nature of their dogs have been unfairly misjudged on their disposition and temperament.
- The integrity and containment abilities of their fencing have been questioned.
- Excessive barking has been addressed.

Appealed By: Lindsay Edwards, & Joey Hagell

**Description of Application:**

On September 8, 2017, the Animal Control Appeal Committee heard an appeal by Lindsay Edwards & Joey Hagell, in regard to the refusal of an additional dog permit by the Animal Control Review Committee on NW 3-29-5-W5M Plan 9811870, Block 4, Lot 4. The Animal Control Review Committee refused the application on August 4, 2017.

The essential Policy areas that the Animal Control Appeal Committee must consider in this appeal are:

- Land Use Bylaw No. 15/15
- Animal Control Bylaw No. 10/16
- Registered Document 981 198 123 which is registered on title

**Findings of Fact:**

1. The animal Control Appeal committee has jurisdiction under the Animal Control Bylaw No. 10/16 to hear this appeal.
2. The subject parcel is 4.37 acres in size and is zoned Country Residential District located within Winchell Estates.
3. There are four dogs on the property. The fourth dog was brought onto the property approximately one (1) year ago.

4. An application under the Animal Control Bylaw No. 10/16 for an additional dog was refused by the Animal Control Review Committee on August 4, 2017. The inability of the invisible fence to hold dogs and surrounding land uses were the reasons for denying the application.
5. Registered Document 981 198 123, Section 6.V (registered on title) reads as follows:  
“The keeping of Domestic Animals must comply with the County’s Land Use Bylaw and dogs must be confined within a fence on the owner’s property. This is a strict requirement in this sub-division.”
6. Fencing provided by the landowners is known as an “Invisible Fence”
7. Up to five (5) dogs may be allowed by approval of the Animal Control Review Committee on multi lot parcels on a quarter when the acreage size is between 3 and 9.99 acres.

**Decision:**

The decision of the Animal Control Appeal Committee is to **deny the appeal** and uphold the decision of the Animal Control Review Committee to not allow the additional (fourth) dog.

**Reasons:**

1. The integrity of the Invisible Fencing system is in doubt. The evidence provided shows that the fence has failed in the past due to battery failure, and human error in not replacing spent batteries.
2. The Committee has reservations over the ability of the “Invisible Fence” to contain a dog when it is in an excited state.
3. The “Invisible Fence” is not a fence as defined in County Land Use Bylaw No. 15/15.
4. The “Invisible Fence” is not compliant with the Registered Document 981 198 123, specifically Section 6.V. as registered on the title of the property.
5. The appeal Committee is not satisfied that the Appellants definition of a fence conforms to the Land Use Bylaw definition, nor does it comply with the Registered Document on title.
6. The increase in the number of dogs to four (4) is not compatible with the community specifically the high residential density of the surrounding lands.

**Evidence:**

The Committee considered the following evidence in making its decision:

1. Verbal presentation, and written submission by the appellant to the Animal Control Appeal Committee.
2. The letters and verbal submission in support of the Appellant.
3. The report and verbal presentation to the Animal Control Appeal Committee including all attachments presented to the Committee by the Animal Control Review Committee and the Planning and Development Department.

**ANIMAL CONTROL APPEAL COMMITTEE  
OF MOUNTAIN VIEW COUNTY**Per: ChairDate Signed: September 20, 2017