

CONSOLIDATION OF DOG ACT
R.S.N.W.T. 1988,c.D-7

(Current to: May 29, 2011)

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.34

In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2011,c.10,s.2

s.2 in force March 10, 2011

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Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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DOG ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"dog" includes male and female dogs and an animal that is a cross between a dog and a wolf; (*chien*)

"muzzle" means to secure the mouth of a dog in such a fashion that it cannot bite anything; (*museler*)

"officer" means a person appointed as an officer under subsection 2(1) and an officer by virtue of his or her office pursuant to subsection 2(2); (*agent*)

"owner" means a person who owns, harbours, possesses or has control or custody of a dog. (*propriétaire*)

Running at large

(2) For the purposes of this Act, a dog is running at large if it is off the premises of its owner and is not

- (a) muzzled; or
- (b) under the physical control of a person.
S.Nu. 2011,c.10,s.2(2).

OFFICERS

Appointment of officers

2. (1) The Minister may appoint persons to be officers for the purpose of carrying out the provisions of this Act.

R.C.M.P.

(2) Every member of the Royal Canadian Mounted Police is, by virtue of his or her office, an officer under this Act. S.Nu. 2011,c.10,s.2(3),(4).

PROHIBITIONS

Food and water

3. No owner shall allow a dog to remain unfed or unwatered sufficiently long

- (a) to amount to cruelty; or
- (b) to cause the dog to become a nuisance.

Punishment and abuse

4. No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.

Defined area

5. (1) The Commissioner may define an area within which a dog is not permitted to run at large.

Running at large

- (2) No owner shall permit a dog to run at large
- (a) within any area that is defined by the Commissioner under subsection (1); or
 - (b) contrary to a municipal by-law.

Dogs in harness

6. (1) No person shall leave a dog in harness within a settlement or within one kilometre of a settlement unless the dog is

- (a) muzzled; or
- (b) under the custody and physical control of a person over 16 years of age who is capable of ensuring that the dog will not harm the public or create a nuisance.

Driving dogs on sidewalk

(2) No person shall drive a dog or dog team on a sidewalk situated on the street or road of a settlement.

SEIZURE

Seizure

7. (1) An officer may seize a dog from a person whom the officer

- (a) finds contravening this Act; or
- (b) has good cause to suspect of having contravened or being about to contravene this Act.

Recovery by owner

(2) Subject to subsection (6), an officer who has seized a dog under subsection (1) may, in the officer's discretion, restore possession of the dog to its owner where

- (a) the owner claims possession of the dog within five days after the date of seizure; and
- (b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.

Sale by public auction

(3) Where, at the end of five days, possession of a dog has not been restored to the owner under subsection (2), the officer may sell the dog at public auction.

Distribution of proceeds

(4) The proceeds of a sale of a dog by public auction shall be distributed as follows:

- (a) all expenses incurred in securing, caring for and feeding the dog shall be paid to the officer;
- (b) the expenses of the public auction shall be paid;
- (c) any balance shall be paid to the owner or, if the owner cannot be found within a reasonable period of time after the sale, shall be paid into the Consolidated Revenue Fund.

Where dog not claimed nor sold

(5) An officer may, as the officer considers appropriate, destroy or dispose of a dog seized under this section where

- (a) the dog has not been claimed under subsection (2), within five days after the seizure; and
- (b) no bid has been received at a sale by public auction under subsection (3).

Exigent destruction of dog

(6) An officer may destroy a dog seized under this section, as soon after the seizure as the officer thinks fit, without permitting any person to claim the dog under subsection (2) or offering it for sale by public auction under subsection (3), where, in the opinion of the officer, the dog

- (a) is injured; or
- (b) should be destroyed without delay for humane reasons or for reasons of safety.

No damages or compensation

(6.1) No damages or compensation may be recovered on account of the destruction or disposal of a dog pursuant to subsections (5) or (6).

By-laws of municipality

(7) Where the seizure of a dog is made for contravention of a municipal by-law respecting dogs, the provisions of the by-law respecting the impounding, selling or destruction of dogs apply instead of the provisions of this section.

S.Nu. 2011,c.10,s.2(5).

DESTRUCTION

Where unable to seize

8. (1) Where an officer is unable to seize a dog that is running at large contrary to this Act, or an order, rule or regulation made under this Act, the officer may destroy the dog.

No damages payable for destruction

(2) No damages or compensation may be recovered on account of the destruction of a dog by an officer under subsection (1).

PROTECTION FROM DOGS

Destruction of dogs

9. A person may kill a dog that is running at large and in the act of pursuing, attacking, injuring, damaging, killing or destroying

- (a) a person;
- (b) another dog that is tethered;
- (c) a food cache, harness or other equipment; or
- (d) cattle, horses, sheep, pigs, poultry or animals on a fur farm.

Proceedings against owner

10. (1) On complaint made on oath before a justice of the peace that an owner has a dog that has, while running at large, committed any of the acts set out in section 9, the justice may issue a summons directed to the owner of the dog requiring the owner to appear before the justice at a time and place stated in the summons to answer the complaint.

Order

(2) On summary conviction on the evidence of one or more credible witnesses other than the complainant, the justice of the peace may make an order for the destruction of the dog within three days and where the dog is not destroyed pursuant to the order, the justice may, in his or her discretion, impose a fine not exceeding \$20 on the owner.

Action for damages not barred

11. No conviction or order under section 10 bars the owner of cattle, horses, sheep, pigs, poultry, animals on a fur farm, a tethered dog, a food cache, harness or other equipment from bringing an action for the recovery of damages for injury done to these animals or things by a dog.

Nature of proof in civil action

12. It is not necessary for the plaintiff in an action referred to in section 11 to prove that the defendant knew of the propensity of the dog to pursue, worry, injure or destroy animals and the liability of the defendant does not depend on previous knowledge of that propensity.

OFFENCE AND PUNISHMENT

Offence and punishment

13. (1) Every person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$25 or to imprisonment for a term not exceeding 30 days.

Destruction order

(2) The presiding judge or justice of the peace may, on conviction of an owner for an offence under this Act, order the destruction of any dog of that owner that the judge or

justice considers should be destroyed for humane reasons or for the safety of the general public. S.N.W.T. 1998,c.34,Sch.C,s.7.

REGULATIONS AND RULES

Regulations and rules

14. The Commissioner, on the recommendation of the Minister, may make regulations and rules for carrying out the purposes and provisions of this Act.