

# TRANSCRIPT

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Inquiry into the legislative and regulatory framework relating to restricted breed dogs

Melbourne — 18 November 2015

#### Members

Mr Joshua Morris — Chair

Ms Colleen Hartland

Mr Khalil Eideh — Deputy Chair

Mr Craig Ondarchie

Mr Nazih Elasmr

Ms Gayle Tierney

Mr Bernie Finn

#### Staff

Secretary: Dr Chris Gribbin

#### Witness

Mr Ryan Jestin, director, Animals and By-law Services, City of Calgary.

**The CHAIR** — Thank you very much for making yourself available to speak with the committee. It is very much appreciated.

**Mr JESTIN** — Thanks so much. It is a great opportunity for me to tell you about what we are doing here in Calgary. We are proud of the work we have done for sure on the animal side. Ronna sent a bit of a summary sheet I think the other day.

**The CHAIR** — Yes.

**Mr JESTIN** — I do not know if you have seen that or not. I could go through that if you want.

**The CHAIR** — I might just go through a couple of formalities, if that is okay with you.

**Mr JESTIN** — Please. Absolutely.

**The CHAIR** — I declare open the Standing Committee on the Economy and Infrastructure public hearing. I might explain that the evidence we are hearing today is in regard to the restricted breed dogs inquiry, and today's evidence is being recorded. I also remind you that all evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected for any action against what you say here today, but if you were to repeat the same things somewhere else, those comments may not be protected by that same privilege. At that point I will hand over to you and ask you to state your name and your title, and then we would be very keen to hear the evidence that you would like to present to the inquiry today.

**Mr JESTIN** — Thanks very much, and yes, I understand the information is protected when I give it to you today. Everything I talk about today, in cases, is open source, certainly scrutiny from our perspective, and I am happy to share it with you. My name is director Ryan Jestin. I am the director of animal and by-law services. I know you have had my predecessor speak to you in the fairly recent past; Bill Bruce, I think, testified before you. I think what you will hear from me is not too much different. Also in the event you hear other voices, I have Tara Lowes, who is the superintendent of the animal shelter operations, and I have superintendent Doug Frizzell here, who is the superintendent for animal control in the City of Calgary, and Ronna Balderson is my admin assistant. That is the full complement late on a Tuesday afternoon here in Calgary.

**The CHAIR** — Great. Thank you.

**Mr JESTIN** — I understand the nature of what you are looking for. Specifically I understand it is to review and compare the effectiveness — this is my part anyway — of other current regulatory frameworks in other jurisdictions and the relevant cost and funding models to support these frameworks.

We did a significant review of our responsible pet ownership by-law back in 2006, and what that did was effectively it shifted the onus for animal services and animal licencing to the pet owner. Hence why it is called the responsible pet ownership by-law is because although there is evidence to support — in the places we have looked at — restricting dog breeds and the like, in general terms we found that the socialisation of animals, the licensing of animals and the treatment of animals are at the very base of creating a by-law and using a by-law that creates a great environment, not just for the city of Calgary but for Calgarians and for pet owners.

In very simple terms we demand that every animal that is greater than three months of age is licensed. Typically every animal we get into our system in terms of catching them at large or whatever, we spay and neuter them before they are adopted or licensed when returned to owner, not sprayed or neutered. That is not necessarily the case if it is just a drive home.

We restrict animals from roaming at large anywhere in Calgary, although we do have off-leash parks in a number of areas in Calgary which again helps with the socialisation and I think to a certain degree with the aggressiveness of some animals by being socialised in a pretty open setting. We are aiming for 100 per cent licensing for animals, and we do license both dogs and cats, although I know that cats are not necessary under the purview of what you are looking for in Victoria. We have just done spaying or neutering our animals and in fact have partnered with our partners here, both the Calgary Humane Society, and I think our partners in our vet clinics here, to ensure that spaying and neutering continues to be at a reasonable or no cost to pet owners. Again this is just a way, we think, of controlling the wild population that occasionally we see, although I must admit there is not a huge issue here in Calgary.

We do have a separate provision underneath our responsible pet ownership that talks about threats and nuisances in our community, and again this has been a tool that I have managed to use and my team manages to use in identifying animals that tend to come back to us frequently. In other words, we catch them at large, or we catch them being aggressive to other dogs, not necessarily to the point of causing death or serious injury. But, nonetheless, we can designate them as a nuisance, and therefore there would be a higher licensing fee for them to be kept as pets.

The final thing is that really the only way to get a pet in Calgary is through a reliable kennel. We have been very successful, not just here in Calgary but in the province of Alberta at large, in ensuring that kennels are operating ethically and that we do not see too much evidence anyway of puppy mills. It is a concern because of our relatively tolerant use of licencing that we do see a large number of rescue animals coming into Alberta and coming into Canada. Our laws are actually pretty lax coming across the border from the US or in fact from anywhere. In fact my daughter brought back a rescue pet from Rwanda in the spring, and all she needed was a rabies certificate to get into the country — for the animal obviously. Sorry about that; I should be clear about that. Certainly my daughter might not appreciate that.

On the basis of that we generate through our licensing program pretty well enough money to cover our whole shelter costs here in Calgary. The City of Calgary you are probably familiar with, but if you are not we are about 1.2 million people in Calgary, about 400 000 houses. Our estimation is that I think the full number of animals based on the last census we had was about 122 000 pets, so basically 1 in 10 people, roughly, have a pet at home or have a dog at home in any case. And as you can see by our figures on the back on page 4 in terms of bite and aggression, the statistics were about 20 bites per 100 000 population, which I think if you look at the number in 2006 in Calgary, we have seen a steady decrease in the really aggressive dog bites in Calgary, and I would argue that it would be hard to get that below 20 per 100 000, although we have at some points been slightly below that.

You also see I have provided a few statistics around the number of bites we have seen per breed group. Of course we may have put the groups in slightly different terms perhaps than other jurisdictions around the world, but we use the CKC groups, being working terrier, herding, sporting, non-sporting, toy and hound, and you can see that over the past at least three years we have tended to go between working terrier and herding dogs in terms of those that have been reported as having bites.

Certainly we investigated breed-specific licensing. We have looked at breed bans, and at this point, at least in Calgary, we do not see the strong rationale for necessarily restricting one breed or another from a ban perspective. You can see that last year the percentage of bites for breed was about 16 per cent for pit bulls. Once again it just demonstrates to me that the problem is not necessarily in the breed. But what we are seeing is, I would say, the socialisation of the animal.

On the next page I talk a little bit about — we are now on page 5 — bites from rescues. We have very few controls and restrictions on getting rescues into Calgary. You see quite a number of those every year, and if you look at those statistics, almost 1 in 4 bites tend to come from animals that we are not really sure of their lineage and their socialisation. In the past three years we have had 641 bites, and again I put that against pretty well 120 000 licensed animals in Calgary. That is a pretty low percentage. A large number of them we have seen have had a prior history of aggression — almost 50 per cent. Oftentimes, and I have seen this myself, the bites happen while they are under the control and care of their owner, which again speaks to how well the animal has been socialised and what their upbringing has been to get them to that point.

On the enforcement side, which is to be the next piece of it which I will spend a minute or two talking about, we can impose a fine of up to \$10 000, of course subject to what the courts decide. At least in the last few years I have been here we have seen court-ordered euthanasia as well on the most serious aggressive animals, but honestly, one or two a year is what we see typically. It is certainly not the norm.

I think with that I could cover a couple of other things you are probably aware of. We use Dr Ian Dunbar's aggression scale here in Calgary. We assess according to that. We also assess every animal that we do pick up that has been aggressive. We do a complete workup in terms of determining their suitability for adoption or whether they should be euthanised. I would say that that is another area, in my estimation, of real proof of how well our responsible pet ownership program works, because we have a 2 per cent euthanasia rate for animals.

I have been speaking to my counterparts across North America and certainly across Canada. Many of the statistics I have just given you, I think, are the envy of many municipalities in Canada, our euthanasia rate. I spoke to a colleague in Quebec City earlier this year, and they euthanise up to 5000 dogs a year, which is an incredible amount for a very similar sized municipality as Calgary.

With that, that is probably my 15 minutes of fame. Sorry if I have bored you to death, but those are kind of the high levels, as I see them, from Calgary, unless there is somebody in my team here who wanted me to add something that I missed. I am happy to take questions or queries on anything that I spoke of.

**The CHAIR** — Excellent. Thank you, Mr Jestin. Throughout a lot of the hearings that we have already had, the Calgary model has been spoken about very, very highly, so we are very, very interested in what you have to say today. I will open it up to questions from the committee.

**Ms HARTLAND** — I was interested when you said that the cost of the fee or the licence for the dogs covers your shelter and covers everything else. Can you give us a rough idea of what those costs are?

**Mr JESTIN** — Sure. Our licence fee per year for an animal is — \$37. Of course I knew that right off the top of my head! I should know that figure. As I said, we have about 122 000 animals licensed, so that brings us pretty close to \$4 million that we raise annually, and our full shelter costs here, with a full team, including vets — and of course because we have animals here 24/7 we run it around the clock, 365 days of the year — is about \$5 million. It is close to being 100 per cent recovery based on the percentage of licensed animals we have in Calgary. Does that answer your question, ma'am?

**Ms HARTLAND** — Yes, it does. Thank you.

**The CHAIR** — I thought I might ask a question in regard to the dogs that leave shelters and the like who are rehomed whose history and prior socialisation you may not know a lot about. There seemed to be high representation in dog bites from those particular animals. Is there temperament testing that those animals go through prior to being rehomed with new families?

**Mr JESTIN** — Yes. Good question, Joshua. We do do a behavioural assessment on every animal that comes into our shelter, and we do the full workup, including, as you would guess, giving them vaccination (Distemper Adenovirus Parainfluenza Parvovirus and Bordetella) shots. We give them 100 per cent vaccinations. We spay/neuter them if they not already spay/neutered. Then we have an animal behaviour specialist to ensure that the animal is okay to be sent to a new home — to be adopted. It is a certified pet dog trainer we use; it is a certified member of the CPDT — certified pet dog trainer. I guess that is what CPDT is. There you go. Sorry about that.

Our behavioural specialists look at every animal, and if we are not sure, we keep them here for a slightly extended time just to make sure both that they are going to be children friendly and, more importantly, that they are going to be socialised in a new setting when they leave the shelter.

**The CHAIR** — Okay. With regard to the percentage of dog bites per breed, I see that pit bulls have the highest representation in that particular chart there, with, in 2014, 16 per cent of dog bites being from pit bulls. Obviously our current breed-specific legislation does refer to pit bulls and the controls that are applied to pit bulls. In terms of that high representation, with pit bulls still prevalent with dog bites in Calgary, do you see that as a result of the breed itself or as a result of the types of owners who choose to have pit bulls? What do you see as the reason behind the high representation there of bites?

**Mr JESTIN** — I think there are two primary reasons here. One is that what we typically see for rescues moving into Calgary — unfortunately, or fortunately, I guess, there are rescue groups here that really tend to specialise in animals who are going to be euthanised in other jurisdictions. Last year we probably got upwards of 1000 from California, where their euthanasia of pit bulls tends to be a lot higher than ours. So what we see is two things: first of all, pit bull owners tend not to license their animal because of course they know — the owners, anyway, know — that they are at higher risk to bite and to be aggressive. The second part is that I think the amount of socialisation that some of these animals get when they are brought from a rescue society is really problematic because I am not sure that those rescue groups actually do a full behaviour analysis before they allow those animals to be adopted.

We have done some intensive work with them over the last year, because these rescue organisations tend to be volunteers. We have done some training, because we have a team that is really well renowned on stuff that could be aggressive. We have done some work with these rescue societies to make them understand how important it is to go through the behavioural assessment before these animals are put up for adoption. So I think it is twofold: it is, one, the owners do not really want to identify their dogs if they own a pit bull, therefore they will not get it licensed; and secondly, I am not sure if these animals are properly set from a behaviour perspective before they are allowed to be adopted.

That is why, I think on page 5, I just identify that a lot of these animals have tended to come in either illegally or unlicensed — 31 per cent of the 641 bites were unlicensed animals, 44 per cent unvaccinated. To me that says that these owners have gotten these animals from some place that is not from where we would suggest they get them from, which is the legitimate breeders and folks who actually do the right amount of work to make sure that, you know, the animals are able to behave in a standard residential setting with pet owners. I do not know if I specifically answered the question.

**The CHAIR** — No, you did indeed, absolutely.

**Mr EIDEH** — Mr Jestin, in your view, what other aspects, if any, of the Calgary model should be retained or modified or abolished?

**Mr JESTIN** — We are going to do a responsible pet ownership by-law review next year. Basically there are a couple of things. I am still not sure, even though we have talked about the fact that we are at about the 90th percentile for licensed dogs being registered [inaudible] in the City of Calgary. I still think that in some cases the amount of money we ask for a licence fee would tend to be not attainable for low-income folks and for folks who perhaps do not have the means to properly support the animals, and so one of the things I think I would like to see happen here in Calgary is perhaps we reduce the cost for the licence so that licensing becomes closer and closer to 100 per cent of the animals that are here in Calgary. I think the licensing helps on the returns. It helps on making sure that we actually can identify all the different types of breeds that we see in Calgary, and right now it is a real problem to do that if I do not have 100 per cent of the animals licensed. I recognise that it is a utopian state to say we should try to get there, but I think we would have a look at potentially reducing the registration cost.

On the other hand, I do think that our fines are not yet enough of a deterrent for those folks who would have their pit bulls and have the very aggressive animals at home. Although we can get up to \$10 000 from a fine through the courts and the court system, what I would really like is our fines to be a true deterrent to folks to make sure that, no. 1, they have their pet licensed, and no. 2, they actually have them under control. Again, I look back at our statistics, where I see that 73 per cent of our bites have been under the good care and control of a pet owner. It does give me concern when it seems that we are not taking maybe seriously enough our responsible pet ownership by-laws. So that is the part.

I do not think there is anything specifically I would seek in terms of eliminating some of the aspects of our by-law. The only other thing I would say is that I would probably ask for permission to spay/neuter every animal that we got, even if it was a return-to-owner, because I would say that unless there is a specific reason — say, as a purebred whereby you are interested in breeding the animal — I would suggest that we want to control as much as we can the animal population in Calgary, and I think one of the ways we can do it is to have an automatic spay/neuter program when they come into our possession. So those are kind of two or three of the things I would like to see them talk about. We have not had a huge clamour from our councillors — from our city council — nor from our citizens to significantly revamp our responsible pet ownership, I think because of the very significant positive aspects we have seen in the past nine years since we implemented this by-law in 2006. I hope I have answered your question, but that is what I would be looking for for a bit of a goal to reach.

**Mr EIDEH** — That is good. Thanks very much, Mr Jestin.

**Ms TIERNEY** — Thank you, Mr Jestin. The committee has a copy of the article that was in the *Calgary Herald* dated 13 May that talked about a new batch of incidents, and you make mention that the responsible pet ownership by-law will be reviewed. That review — is it a normal periodic review, or has that review been instigated as a result of the incidents that happened earlier this year?

**Mr JESTIN** — Good question. I think there are two aspects to that. Yes, we do regularly review our by-laws. We have done so on about a four or five-year routine basis. What I was specifically referring to in that article in May was that I was very concerned about what I have been seeing from pet owners not being responsible for the animals. What I mean by that is that we have, I think, a good framework for our by-laws, but what I have not seen is pet owners themselves realising the importance of socialising their animals and realising the importance of ensuring lineage in the background of their animals. As I mentioned, the big problem I see here is that we get a sizeable influx of rescue animals from literally all over the world and there is nobody who is assessing them before they get sent out to adoption.

Then what happens is that problem becomes ours. They are not spayed or neutered, and in some cases they are being left to be controlled by children — and I am sure you have experienced it with pit bulls, because if a pit bull is going after a target and you are a 25-pound child, you are not going to stop that dog, that is plain and simple. My concern is that the adults who adopt the animals are the adults who think that they are doing a good thing by accepting a rescue animal and have not taken the steps to train the animal, have not taken the steps to socialise the animal and have not taken the steps to ensure that behaviour-wise they are able to be socialised in even just a simple thing like walking in their neighbourhood with one of their children perhaps leading the animal. When I talk about responsible pet ownership, those are the types of things I would like to see us enhance.

I did also talk at that point — and that is why we have done a quick bit of research over the last three or four months — about my concerns around specific breeds. Pit bulls in particular — I think we were seeing a large incidence of those at the start of the year — but when we did the analysis over the last four or five years in fact it is pretty equitable between the pit bulls, the terriers and the shepherds. It has been pretty well equal depending upon the year. Again I go back to what the heritage is of these animals — where did they come from, are they from reputable kennels? In most cases we have found that it is because they have come from a rescue organisation that think they are doing a good thing but on the other hand have just not taken the due diligence to make sure their animals are actually going to be safe when they are at home.

**Ms TIERNEY** — I gather from those comments that you are still absolutely convinced that the Calgary model is the way to go, but is there an opportunity in the review to revisit the issue of restricted breed laws?

**Mr JESTIN** — I do believe there is an opportunity to have that discussion. I would say that in Calgary there is certainly not much of an appetite from our council to do so. They have had those debates over the past 8 or 10 years, and it does come up on a routine basis. Certainly there is a small minority of politicians that would see us look for breed-specific legislation or in fact restrict breeds, but at this point certainly our research does not indicate that that is necessarily a way ahead for us here in Calgary. I guess to simply answer your question, yes, I believe our responsible pet ownership by-law is a very sound approach to putting the responsibility for those breeds on the pet owners and holding them responsible as opposed to looking at or blaming the animal for their behaviour. That is my opinion, and I am not an animal behaviour specialist, for sure.

**Ms TIERNEY** — What is your assessment in terms of community support for the Calgary model versus any renewed attempts to raise the issue of restricted breeds?

**Mr JESTIN** — There always is a bit of a debate whenever we have a number of severe dog bites around whether we should consider breed-specific legislation, no question — it becomes a very political discussion very quickly. I think at this point, though, we are very happy with the approach we have taken. I do not think there is a community or public appetite for us to seek breed-specific legislation, but we will ask that question. When we revise our by-laws we always do public engagement to ask what citizens think — is our responsible pet ownership by-law meeting the mark in terms of their expectations? Typically our animal control program here in Calgary gets very, very high marks from the citizens. I have not seen our citizen satisfaction survey for this year, but I know we do it on an annual basis, and typically it is seen as one of the areas of pride in our public service offering here in Calgary.

**Ms TIERNEY** — Great; thank you.

**Mr JESTIN** — You are welcome.

**Mr FINN** — Mr Jestin, I am very interested to hear your comments on the agencies that provide rescue dogs. I am a great advocate of adopting dogs instead of going to breeders, so I am just interested to know, in

your part of the world, what lengths do rescue services and shelters go to to provide dogs to the appropriate owners or vice versa?

**Mr JESTIN** — It is certainly one of the areas of big concern for us here — how much attention rescue organisations pay to the social environment they are placing their animals in. Certainly from our perspective we want to assess the new owners of the pet just as much as we want to assess the pet itself. I would not say the same for the rescue societies, that they go through that same level of due diligence to ensure that there is a good fit between the animal and the home.

We have been, though, actively educating the public, I would say, educating those rescue societies. We have had them in over the past year and in particular since May, as you refer, when we had a large number of incidents. In fact during that same period we had a large number of rescue animals coming into Canada, specifically pit bulls — as I said, upwards of 300 to 500 of them all in one fell swoop. We took the initiative of having these rescue societies into our educational sessions on the weekend to train them about how to assess animals from a behaviour perspective and also to help them go through the Dr Ian Dunbar scale of aggression. We showed them what the potentially aggressive dogs could do to people and to other animals, and we helped them recognise the signs of aggressive behaviour and antisocial behaviour in animals.

We have taken those extra steps, as I have said. Although typically we would not see that many aggressive dog bites at this time of the year because we are just coming into the winter, I think we have had success by helping to train those rescue societies on what we see as their civil responsibilities to make sure these animals go to good homes and that the animals themselves are appropriate to be adopted. I think because most of these rescue societies tend to be volunteers, it is very tough for us to physically legislate that requirement for them to do the assessment of the home, but nonetheless we are reaching out to them to help them understand the consequences of not doing that due diligence before those animals go to a bad home or conversely the animals themselves become ferocious and aggressive. Of course then that becomes our problem from a legislative and an enforcement perspective.

**Mr FINN** — I know it is only a relatively recent event, but do you have any statistics, any figures, which would indicate the success of the discussions that you have had with these groups earlier this year, and any drop since those discussions in the number of dog attacks by rescue dogs?

**Mr JESTIN** — The only thing, Mr Finn, is that compared to the last year and based on the fact that we are almost through 2015, in 2014 we had 85 vicious attacks, and year to date we are at 58. It is very early days, but we would tend to say that the number of vicious attacks we have had this year, as altercation and intervention, has dropped, notwithstanding the fact that there are a large number of these rescue animals coming to Calgary this year.

I would say indications are that us helping to educate and inform the rescue societies is helping the problem. Obviously I am still not happy with any animals that attack. We care about people and animals, and even 58 this year is too many — obviously people have been injured as a result of unsocial animals.

I do not know if I have answered your question, Mr Finn, but that is my impression, that we have seen some success as a result of educating those societies.

**Mr FINN** — Thank you very much.

**Mr JESTIN** — You are welcome, sir.

**Ms HARTLAND** — Can you talk a little bit about the transition to your current model? Obviously we have different legislation and that is what we are reviewing, but if we were to look at something like a Calgary model, how long do you think it would take us to transition to that?

**Mr JESTIN** — We started our transition to the responsible pet ownership by-law regime in 2004, so it took us a full two years of public engagement, of trying to determine what strategic outcomes we were looking for from our responsible pet ownership by-law. We did a lot of environmental scans from other jurisdictions across Canada and across the world, and much of Europe, googling, to determine best practices. But in short summary I would say it takes at least two years to get buy-in.

We started from a licensing regime perspective by offering reduced licence fees to get more folks to license their animals and whatnot. That is not effective in the long run, but in the short term that got us very high compliance numbers with having folks register their animals with us.

I would say a minimum of two years. We are at 1.2 million; when we started to implement this by-law we were at 800 000, 850 000. Certainly we have grown in size in those ensuing years, so it would probably take longer than two years, I am going to say, but nonetheless it is a lengthy process to ensure the community is onside, the neighbourhoods are onside, the pet owners themselves are in agreement with the changes we made in our responsible pet ownership by-law.

**The CHAIR** — If there are no further questions, Mr Jestin, I thank you very much for the opportunity to hear your evidence today. It has certainly been enlightening. The Calgary model is something that we have certainly heard a lot about from our various witnesses that have come before us, so we were very keen to have a conversation with you. I think it has certainly been very enlightening, and we appreciate your time.

**Mr JESTIN** — I certainly thank you for your questions, and if you need any further information or follow-up, feel free to contact us. In the event you send us Qantas airline tickets I can explain this in a lot more detail face to face. You are welcome and see Banff and the Rocky Mountains up here as well.

**The CHAIR** — Thanks for the suggestion. I will just remind you that the evidence that has been provided today will be provided to you via email for your proofreading and ultimately will be placed on the committee's website. Once again, thank you very much for presenting to us today. We certainly appreciate your time.

**Mr JESTIN** — Thank you so much for your attention, and as I said, if there is anything further I can do to help, please feel free to contact us.

**Witness withdrew.**