Courthouse Libraries BC- *Animal Law Beyond the Bark* - Navigating "Pet Custody" (aka Ownership of the Family Pet) & Dangerous Dog Cases

Presenters: Regional Administrative Judge Rita Bowry, Provincial Court Judge George Leven, and V. Victoria Shroff, KC

1. Dangerous Dogs. 2. Evolving treatment of companion animals under British Columbia's Family Law Act, making this a unique opportunity to hear from judicial legal leaders and BC's pioneering animal law lawyer.

BC COURTHOUSE LIBRARY SEMINAR ⚖️🐾

October 6, 2026

“Beyond the Bark”

Dogs Labelled ‘*Dangerous*’

Panel Chair- V. Victoria Shroff, KC —

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Today, We'll Broadly Cover Dangerous Dogs & Will Then Engage in Dialogue with 2 Honourable Judges of the Provincial Court of BC--: **Regional Administrative Judge Rita Bowry, Provincial Court Judge George Leven**

Broadly speaking:

-Animal liability legislation authorizes municipal or provincial authorities to make orders to control animals that are deemed 'dangerous' for the community, including death sentences (destruction orders).

-Quasi criminal or regulatory law consequences may include fines, & stipulations for signage, insurance etc.

Overarching Goal of the Law in these cases involving Dogs Labelled Dangerous:

Balancing Public Safety with Rights and Responsibilities of Dog Owners & Dog Welfare—

-Frequent tension between Rights and Responsibilities of the dog-owning public and the authorities who enforce the law are seen in ‘Dangerous’ Dog cases

Dangerous or Not Dangerous?

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What/Who is a ‘dangerous’ dog? -How do dogs get labelled?

- Dog-related legal issues in BC are governed by a **patchwork of municipal and provincial laws**, mainly addressing **dog infractions and injuries to people or other dogs**.

- The primary laws governing dangerous dogs in British Columbia are the *Community Charter, the Vancouver Charter,* and municipal by-laws, which empower local governments and animal control officers to regulate, seize, and manage ‘dangerous’ dogs for public safety.

- A *dangerous dog* is generally defined as one that, without provocation, bites, attacks, or injures a person or another animal.
- Animal control officers have the authority to:
  - Seize, impound, and detain dogs deemed dangerous.
  - Apply for court orders for destruction if a dog poses an unacceptable risk.
- Municipalities may also introduce by-laws for further regulation, including requirements for muzzling, confinement, and higher licence fees

Provincial Dangerous" Dog legislation & cases in BC-

- S.49 B.C.'s ***Community Charter*** deals with "dangerous" dogs.
- A person can be charged for their dog, biting, scratching, injuring or killing a person or animal
- Consequences include death sentences ie. dog destruction orders.

"dangerous dog" *means a dog that*
(a) has killed or seriously injured a person,
(b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
(c)an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.
(2)In addition to the authority under section 48 but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog.

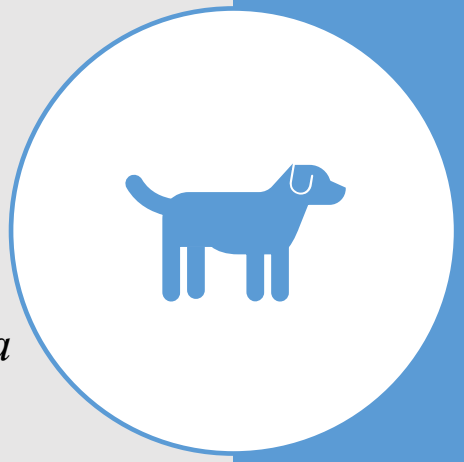
Analysis: The label of "**dangerous**" determined by an Animal control officer (ACO) provides for broad discretionary powers to designate who is a dangerous dog. An ACO can apply for a dog's destruction/ Death order based largely on their beliefs and often without a medical examination of the dog by a vet.
-Given the wide scope of discretion of ACO's, there should be veterinary oversight and accountability before a dog is destroyed.

NB: 'Seriously Injure' is not defined.

‘Conditional Release’ orders in BC’s DD cases in BC- 2005-2019

- *…between approx. 2005 and 2019, ‘conditional release’ and alternate court orders relating to dangerous dogs were ordered by some, but not all, courts in BC. ,,i.e., that a dog found to be dangerous could still be released back to an owner, guardian on certain safety conditions, largely due to the case of Capital Regional District v. Kuo.39*

- *Up to 2019, there were high profile cases like R. v. Whittle,40 and other post-2006 cases like Panton v. Central Okanagan (Regional District),41 which held that following a court ruling that though a dog was dangerous, the court could issue a conditional release order of the dog. ….”*
  – ***Canadian Animal Law*** (2025 Lexis Nexis)



- 39[2006] B.C.J. No. 1953, 2006 BCSC 1282 (B.C.S.C.).
- 40[2005] B.C.J. No. 2833, 2005 BCPC 610 (B.C. Prov. Ct.).
- 41[2016] B.C.J. No. 69, 2016 BCSC 69 (B.C.S.C.).

2019 'Dangerous' Dog Cases - BC 's precedent setting appeal case for clarifying the law is *Santics*. Case went to SCC (leave refused) - *Santics* is *The* Case on Dangerous Dogs

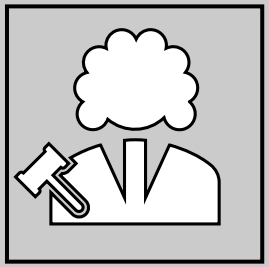
Santics v. City of Vancouver, 2020 CanLII 1843 (SCC), https://canlii.ca/t/j4mtk

Punky Santics-pic

- In 2019, the *Santics* case went to BC's Court of Appeal.
- Appeal Court ***Clarified*** the law by ruling that 'conditional orders' ie. Releasing dogs on conditions by courts were not permitted. (We appealed & granted leave to apply for leave to SCC. (leave refused)
- **Prevailing Test from *Santics*** for whether a dog destruction order will be granted is whether the dog poses an "***unacceptable* risk to the public**".
- *Santics* [66] *….the overarching question on an application for destruction order is whether the dog poses an unacceptable risk to the public—that is, whether it is likely, on a balance of probabilities and given the totality of the evidence, to kill or seriously injure in the future …"*
- Courts *since Santics*, perform a contextual & prospective analysis of the risk posed by the dog to the public—so even if a dog is found to be 'dangerous' they may still not pose an **un***acceptable* risk
- Court can conclude that a dog does not pose an unacceptable risk to the public ie. if the dog is not likely to kill or seriously injure in the future, then the dog is returned to their owner.

(*City of Nanaimo and Aubie*, 2019 BCPC 345 (CanLII), https://canlii.ca/t/j528h)

‘Acceptable’ Risk i.e.. manageable risk of the dog to the public



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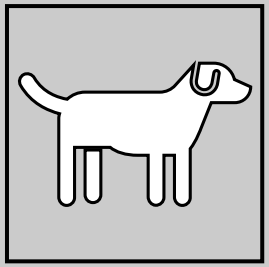


Court can conclude that a dog does not pose an unacceptable risk to the public i.e.. if the dog is <u>not</u> likely to kill or seriously injure in the future, & dog is returned to their owner.

-Also noteworthy--in my experience, many DD cases do not need to go to trial and settle out long before if both sides are reasonable.

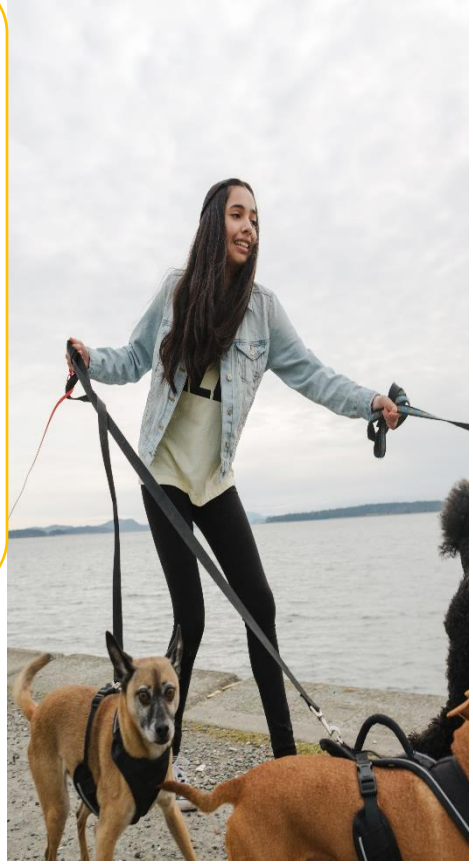
Key Point: DD cases are about the Dog and the Dog's Owners- 2025 BCPC case

[55] ***This decision is about two things. This is about Luna and this is about Luna's owners.***

The responsibility for the decision I make today is, first and foremost, with Luna's owners who have had ample time to reflect the proper attitude and make sure that she is safely kept, and that the community is safe. This has simply not happened. **–**

-HONOURABLE JUDGE G. LEVEN

Animal Control Officer (CSRD) v. Burger, 2025 BCPC 247 (CanLII)



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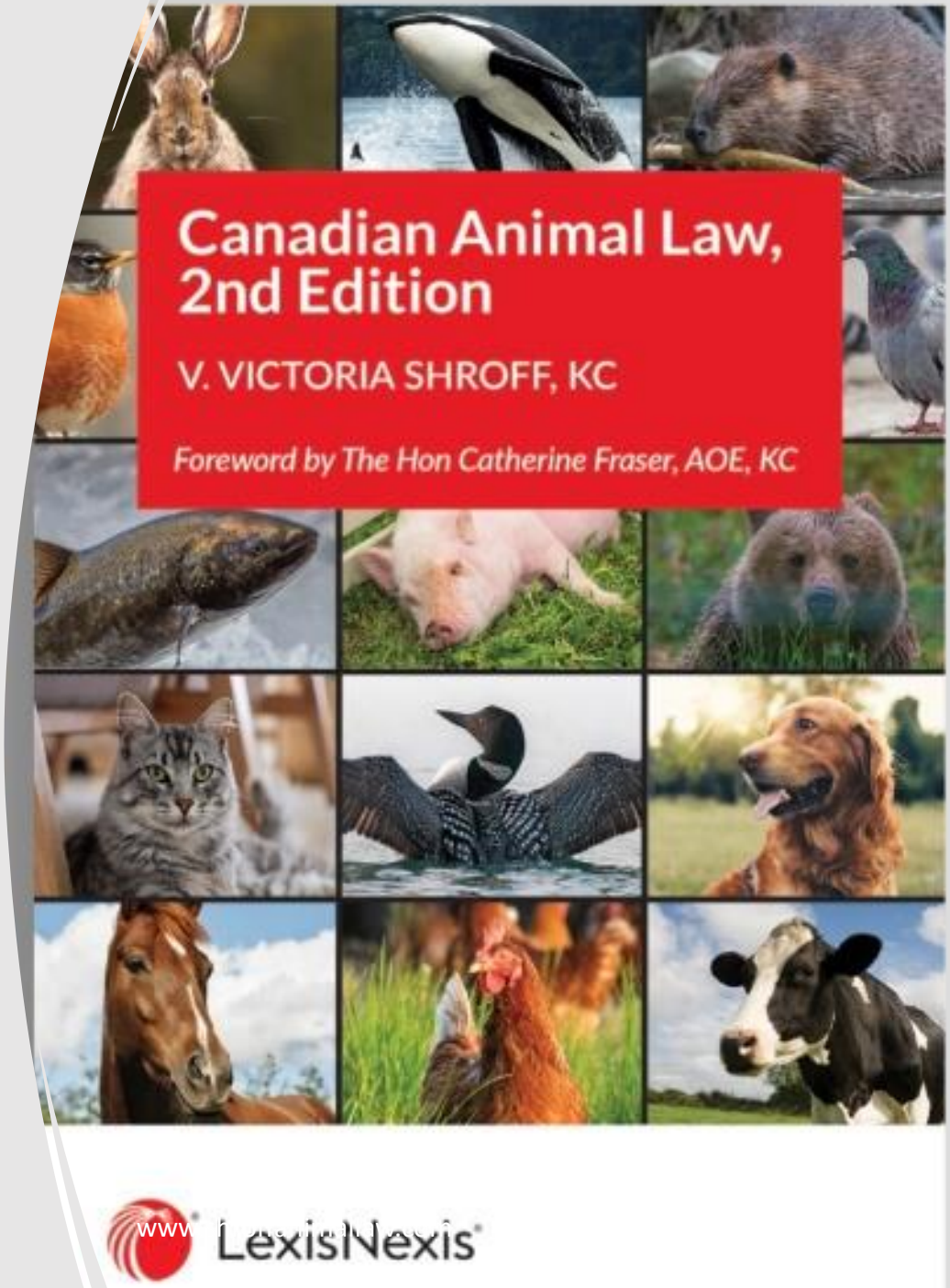
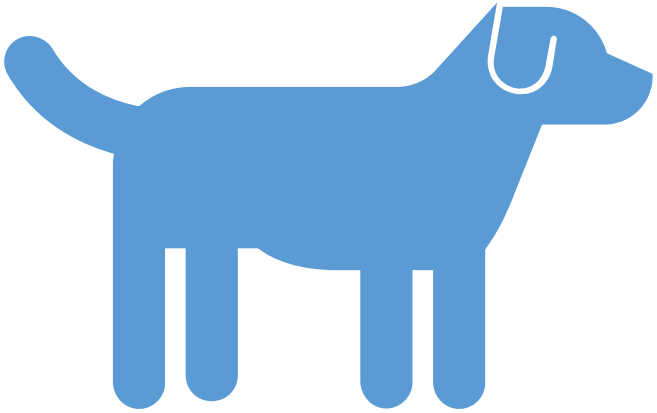
Chapter 5 of ***Canadian Animal Law (Lexis Nexis, 2025)*** is all about Dangerous Dogs, Torts https://store.lexisnexis.ca/en/categories/shop-by-jurisdiction/federal-13/canadian-animal-law-skusku-cad-6857/details-

-Attendees can get 15% off for a limited time at checkout with "Shroff15" –
-Book is available at BC Courthouse Library Call # KN84.3.S37 2025



Extra Content on Dangerous Dogs



Victoria's **Practice Management- Lawyer Tips & Warnings for Lawyers to Provide Dog Owners (BC)**

- **Comply with municipal bylaws** (licensing, leash rules, restricted areas).
- It is important for defence lawyers to explain to their clients to adhere to the law. Many do not grasp that they too, need to licence and leash their dog per the bylaw. **C**ourts respond much better to **structured safety plans with evidence behind them**.
- **Always control your dog** — leash where required and ensure secure fencing.
- **Train and socialize pets early** to reduce risk of aggressive behaviour.
- **Never ignore warning signs** (growling, snapping, guarding).
- **Supervise dogs around children and strangers.**
- **Post warning signs** and use a muzzle if your dog has shown aggression.
- **Carry liability insurance** (often through homeowner or tenant policies).
- **After any bite or incident:** secure the dog, document what happened, and notify insurance if applicable.
- **Avoid** discussing incidents publicly online.
- **Explain the risks:** bites can lead to lawsuits, fines, dangerous-dog designations.
- **Going to court is expensive & hard** on litigants so unless it's necessary, try to settle. Most cases settle out of court.
- most clients do not wants to be a legal test case!

Extra resources

- Dangerous Dogs or Dangerous Owners? Rethinking Legal Responsibility - YouTube https://www.youtube.com/watch?v=ZdAeaPDsBmk
- Punky Santics: Canada's death-row dog takes run at SCC https://www.canadianlawyermag.com/news/opinion/punky-santics-canadas-death-row-dog-takes-run-at-scc/306149
- Supreme Court of Canada | 38816 https://www.scc-csc.ca/cases-dossiers/search-recherche/38816/
- Punky's execution stayed as owner takes run at the Supreme Court of Canada | CBC News https://www.cbc.ca/news/canada/british-columbia/punky-dog-death-row-bite-vancouver-scoc-leave-to-appeal-1.5257663