



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

## **DOG ACT**

## PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## DOG ACT

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## DOG ACT CHAPTER D-13

### 1. Definitions

In this Act

- (a) “**at large**” means not under control;
- (b) “**dog**” means any male or female dog and includes the young thereof;
- (b.1) “**domestic animal**” means
  - (i) any livestock, or
  - (ii) any companion animal, as defined in the *Companion Animal Protection Act* R.S.P.E.I. 1988, Cap. C-14.1;
- (c) “**enforcement officer**” means
  - (i) a conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap W-4.1, and
  - (ii) a person designated as an enforcement officer by the regulations;
- (d) “**injuring**” includes wounding, worrying, terrifying or pursuing;
- (e) “**justice**” means a judge of the Supreme Court of Prince Edward Island, and a provincial court judge;
- (f) repealed by 2005,c.30,s.1;
- (g) “**livestock**” means cattle, goats, horses, mink, foxes, sheep, swine or poultry and includes a game animal designated under the *Wildlife Conservation Act* R.S.P.E.I. 1998, Cap. W-4.1 that is held on a game farm;
- (h) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to have the administration of this Act;
- (i) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (j) “**owner of a dog**” includes any person who possesses or harbours a dog and, where the owner is a person under the age of eighteen years, the adult person responsible for the person’s custody;
- (j.1) “**Provincial Court**” means the Provincial Court as established in the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25;
- (k) “**Society**” means the Prince Edward Island Humane Society (S.P.C.A.). *R.S.P.E.I. 1974, Cap. D-14, s.1; 1975, c.27, s.5; 1975, c.78, s.3; 1983, c.33, s.66.; 1994, c.39, s.75 {eff.} March 31/95; 1997(3rd), [1998], c.107, s.34 {eff.} Sept. 15/98; 2005, c.30, s.1; 2012(2nd), c.5, s.1; 2013, c.9, s.1; 2016, c.44, 266.*

## PART I — DOG LICENSE

### 2. Annual license fee

- (1) Every owner of a dog shall on or before June 1 in each year pay an annual license fee for each dog owned by him; the license fee shall be in such amount and for such types or classes of dogs as may be prescribed by regulation.

#### Payable to

- (2) The license fee shall be paid to the Minister or such other person as he may designate in writing.

#### Issue of license

- (3) Upon receipt of payment of the license fee the Minister or his designate shall issue a license for the dog.

#### Dog license defined

- (4) The dog license is
- (a) a written certificate describing the dog, identifying the owner and assigning to the dog a unique number that identifies the dog and its owner; and
  - (b) a metal tag not less than two inches square that can be suspended from a collar around the dog's neck and that bears the unique number referred to in clause (a).

#### Period license effective

- (5) The dog license shall be in full force and effect from the date of issue up to and including June 1 of the year next ensuing.

#### Acquisition of dog in mid-year

- (6) Where a person purchases, acquires or comes into possession of a dog between June 1 in one year and June 1 of the next year, he shall forthwith pay the license fee and upon receipt of payment of the license fee the Minister or his designate shall issue a license described in subsection (4) that shall, notwithstanding subsection (5), be in full force and effect until June 1 next ensuing.

#### Use of metal tag, retention of certificate

- (7) Every owner shall upon receipt of a license suspend the metal tag referred to in clause (4)(b) from a collar that is fastened around the dog's neck, and shall
- (a) retain the written certificate in his possession during the period of its effectiveness; and
  - (b) ensure that the metal tag remains suspended from a collar fastened around the dog's neck during the period of its effectiveness.

#### Renewal of an existing license

- (8) The Minister or his designate may in any year after the issue of a license described in subsection (4) renew the existing license by endorsement to the certificate referred to in clause (4)(a), and where a renewal is made the certificate and the metal tag remain in full force and effect for the period stated on the endorsement but in no case shall the endorsement state a period that would extend beyond June 1 of the year next ensuing. *R.S.P.E.I. 1974, Cap. D-14, s.2.*



**3. Kennel fees**

Repealed by 2005,c.30,s.2. *R.S.P.E.I. 1974, Cap. D-14, s.3; 2005,c.30,s.2.*

**4. Requirement for information**

An enforcement officer may by notice in writing require any person to deliver to him a statement in writing of

- (a) the number of dogs owned by that person, and where that person receives the notice in writing he shall comply with the requirement forthwith; or
- (b) the particulars of the license of each dog. *R.S.P.E.I. 1974, Cap. D-14, s.4.*

**5. Order for destruction of dog, license fee not paid**

Where the license fee is not paid in respect of any dog, the owner may be summoned before a justice and where the justice is satisfied that the license fee has not been paid and will not be paid forthwith, he may order that the dog be destroyed by an enforcement officer on a specified date unless the license fee and such costs as he may allow are paid prior to that date. *R.S.P.E.I. 1974, Cap. D-14, s.5.*

**6. Power to search**

An enforcement officer if authorized by a warrant issued by a justice who is satisfied by information upon oath that there are reasonable and probable grounds for believing that a dog is unlicensed or that there are unlicensed dogs on a premises, may enter and search any premises to determine whether there is an unlicensed dog on the premises and for the purpose of destroying an unlicensed dog an enforcement officer may without warrant enter any premises, seize and destroy the unlicensed dog pursuant to an order of a justice issued under section 5. *R.S.P.E.I. 1974, Cap. D-14, s.6; 1987,c.6,s.4.*

**7. Funds payable to**

- (1) Funds collected pursuant to this Act shall be paid to the Minister of Finance.

**Enforcement officer, remuneration**

- (2) The Minister may reimburse or remunerate any person who assists him in the administration or enforcement of this Act; the reimbursement or remuneration shall be in such amount and for such purposes as may be prescribed by regulation. *R.S.P.E.I. 1974, Cap. D-14, s.7; 1983,c.1,s.6; 1986,c.5,s.2; 1993,c.29,s.4; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

**8. Regulations**

The Lieutenant Governor in Council may make regulations respecting

- (a) the licensing of dogs;
- (b) the amount or amounts of license fees to be paid under this Act;
- (c) the classification of dogs for the purpose of establishing license fees;
- (d) the reimbursement or remuneration of persons who assist the Minister or his designate in administering or enforcing this Act;
- (e) the designation of the Society and certain of its members and employees to assist the Minister in administering or enforcing this Act;
- (f) the powers and duties of the Society where it is designated under clause (e);

- (g) generally for the better administration and enforcement of this Part. *R.S.P.E.I. 1974, Cap. D-14, s.8.*

## PART II — DOGS RUNNING AT LARGE

### 9. Dogs running at large prohibited

No owner of a dog shall allow his dog to run at large; any dog found at large shall be deemed to have been allowed to be at large by its owner. *R.S.P.E.I. 1974, Cap. D-14, s.9.*

### 10. Killing dog permitted

- (1) The owner of livestock or any enforcement officer authorized by the owner of livestock, may kill a dog that is killing or injuring the owner's livestock, except where the livestock is on property held under lease, license or permit by the owner of the dog.

#### Pursuing dog onto another's premises

- (2) Repealed by *2005, c.30, s.3.*

#### Liability of person who kills dog

- (3) Where a person kills a dog pursuant to this section he is not liable to the owner of the dog for general or special damages respecting the dog or the killing of the dog. *R.S.P.E.I. 1974, Cap. D-14, s.10; 1975, c.44, s.1; 2005, c.30, s.3.*

### 11. Liability of dog owner for injury caused by dog

- (1) Where livestock is killed or injured by a dog, the owner of the dog is liable to the owner of the livestock for general and special damages; where the owner of the dog and the owner of the livestock are unable to agree as to the amount of the damages or to effect recovery of damages, the owner of the livestock may make application to a justice to settle the amount of the damages or to make an order respecting the recovery of damages.

#### Certain facts not necessary to prove

- (2) It is not necessary for the owner of livestock in an action to recover damages to prove that the dog was vicious or accustomed to worry livestock. *R.S.P.E.I. 1974, Cap. D-14, s.11.*

### 12. Notification of owner *re* injury to livestock

Repealed by *2005, c.30, s.4. R.S.P.E.I. 1974, Cap. D-14, s.12; 2005, c.30, s.4.*

### 13. Impounding dog, power to

Any licensed or unlicensed dog that is at large may be caught and impounded by a police officer, a security police officer or by an enforcement officer. *R.S.P.E.I. 1974, Cap. D-14, s.13; 2006, c.16, s.63(2).*

### 14. Notice of impounding

- (1) Where a licensed dog is caught and impounded pursuant to section 13, the captor shall give notice by registered mail to the owner of the dog identified on the license that the dog has been caught and impounded and specifying therein the name of the captor and the place of impounding.





**Repossession of dog**

- (2) The owner of the dog may within ten days of the date of the notice take possession of his dog after paying to the person impounding the dog such fees as may be prescribed by regulation respecting the catching and maintenance of the dog, but if the owner of the dog fails to take possession of his dog within the ten days the dog shall be destroyed by the person impounding the dog.

**Liability for fees where dog killed**

- (3) Where a dog is destroyed pursuant to subsection (2) the owner of the dog is liable for the fees referred to in subsection (2) and for the costs of any action that may be necessary to recover the fees.

**Evidence that dog was destroyed**

- (4) In an action for the recovery of fees under subsection (3) evidence of the notice by registered mail and the metal tag of the dog shall be deemed to be sufficient evidence that the dog was destroyed. *R.S.P.E.I. 1974, Cap. D-14, s.14.*

**15. Unlicensed dog destroyed, owner not found**

- (1) Where an unlicensed dog is caught pursuant to section 13, the dog, if the owner of the dog does not take possession of it after paying the fees referred to in subsection 14(2), shall be destroyed at any time after five days from the day of its being caught and impounded.

**Owner identified, liability for costs**

- (2) Where the owner of the dog referred to in subsection (1) is identified, he is liable for the payment of the fees referred to in subsection 14(2), and for the costs of any action that may be necessary to recover the fees. *R.S.P.E.I. 1974, Cap. D-14, s.15.*

**PART III — DANGEROUS DOGS****16. Proceeding commenced in Provincial Court**

- (1) A peace officer or an enforcement officer may commence a proceeding in the Provincial Court against an owner of a dog if the peace officer or enforcement officer, as the case may be, believes, on reasonable grounds, that
- (a) the dog has bitten or attacked a person or a domestic animal; or
  - (b) the dog has behaved in a manner that poses a menace to the safety of persons or domestic animals.

**Orders under statutes**

- (2) A peace officer or an enforcement officer who wishes to commence a proceeding referred to in subsection (1) shall
- (a) complete a statement in the prescribed form under oath attesting, on reasonable grounds, to the existence of facts that would justify the order sought;
  - (b) serve a copy of the statement on the owner or owners of the dogs; and
  - (c) file a copy of the statement with the Provincial Court.

**Interim order**

- (3) When a proceeding has been commenced under subsection (1), the Provincial Court may, pending a determination of whether an order should be made under subsection (4), make an

interim order requiring the owner to take measures specified in the interim order for the more effective control of the dog.

**Order**

- (4) If, in a proceeding under subsection (1), the Provincial Court finds that the dog has bitten or attacked a person or a domestic animal or that the dog's behaviour is such that the dog is a menace to the safety of persons or domestic animals, and the Provincial Court is satisfied that an order is necessary for the protection of the public, the Provincial Court may order
- (a) that the dog be destroyed in the manner specified in the order;
  - (b) that the dog be neutered or spayed, as the case may be; or
  - (c) that the owner of the dog take the measures specified in the order for the more effective control of the dog or for purposes of public safety.

**Measures**

- (5) Measures that may be ordered under subsection (3) or clause (4)(c) include
- (a) confining the dog to its owner's property;
  - (b) restraining the dog by means of a leash;
  - (c) restraining the dog by means of a muzzle; and
  - (d) posting warning signs.

**Restraint of dog**

- (6) If a dog whose destruction has been ordered under clause (4)(a) is not taken into custody immediately, the owner shall restrain the dog by means of a leash and muzzle and such other means as the Provincial Court may order until the dog is taken into custody.

**Factors**

- (7) In exercising its powers to make an order under subsection (4), the Provincial Court may take into consideration the following factors:
- (a) the dog's past and present temperament and behaviour;
  - (b) the seriousness of the injuries caused by the biting or attack;
  - (c) unusual contributing circumstances tending to justify the dog's action;
  - (d) the improbability that a similar attack will be repeated;
  - (e) the dog's physical potential for inflicting harm;
  - (f) precautions taken by the owner to preclude similar attacks in the future;
  - (g) any other circumstances that the court considers to be relevant. *R.S.P.E.I. 1974, Cap. D-14, s.16; 2005, c.30, s.6; 2013, c.9, s.2.*

**16.1 Order**

Where, in a proceeding under subsection 16(1), the Provincial Court finds that the dog has bitten or attacked a person or a domestic animal or the dog's behaviour is such that the dog is a menace to the safety of persons or domestic animals, the Provincial Court may make an order prohibiting the dog's owner from owning another dog during a specified period of time. *2005, c.30, s.6.*

**16.2 Peace officer**

For the purposes of sections 16.3 to 16.8, a peace officer includes

- (a) a police officer, a security police officer or municipal bylaw enforcement officer; and



- (b) an enforcement officer. *2005,c.30,s.6; 2006,c.16,s.63(2).*

### 16.3 Application

- (1) Where a justice of the peace is satisfied by information on oath or affirmation that there are reasonable grounds to believe that
- (a) a dog is in any building, receptacle or place, including a private dwelling; and
  - (b) it is not in the interests of public safety for the dog to be in that location,

the justice of the peace may issue a warrant authorizing a peace officer named in the warrant to enter any building, receptacle or place, including a private dwelling, to search for and seize the dog and any muzzle, collar or other equipment for the dog.

#### Public safety

- (2) Without limiting the generality of clause (1)(b), it is not in the interests of public safety for a dog to be in a location if
- (a) the dog has on one or more occasions bitten or attacked a person or a domestic animal; or
  - (b) the dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals.

#### Warrant

- (3) A peace officer who is executing a warrant under this section may be accompanied by one or more veterinarians or animal control personnel as are reasonably required to give effect to the safe and humane seizure of the dog, whether the accompanying persons are named in the warrant or not.

#### *Idem*

- (4) Every warrant issued under this section shall name a date on which it expires, which date shall be not later than 30 days after the date of its issue.

#### *Idem*

- (5) Every warrant shall be executed between 6 a.m. and 9 p.m., unless the warrant otherwise authorizes. *2005,c.30,s.6.*

### 16.4 Exigent circumstances

- (1) Where the circumstances in clauses 16.3(1)(a) and (b) exist and it would be impracticable to obtain a warrant due to exigent circumstances, a peace officer may, without a warrant,
- (a) enter any building, receptacle or place, including a private dwelling, to search for and seize the dog and any muzzle, collar or other equipment for the dog; or
  - (b) be accompanied by one or more veterinarians or animal control personnel as are reasonably required to give effect to the safe and humane seizure of the dog, whether the accompanying persons are named in the warrant or not.

#### *Idem*

- (2) In this section, exigent circumstances include circumstances in which the peace officer has reasonable grounds to suspect that entry into any building, vehicle, receptacle or place, including a private dwelling, is necessary to prevent imminent bodily harm or death to any person. *2005,c.30,s.6.*

### **16.5 Seizure of dog**

- (1) A peace officer may seize a dog in a public place if the peace officer believes, on reasonable grounds that,
- (a) the dog has on one or more occasions bitten or attacked a person or a domestic animal;
  - (b) the dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals;
  - (c) an owner of the dog has on one or more occasions failed to exercise reasonable precautions to prevent the dog from
    - (i) biting or attacking a person or a domestic animal,
    - (ii) behaving in a manner that poses a menace to the safety of persons or domestic animals; or
  - (d) there is reason to believe that the dog may cause harm to a person or domestic animal.

#### ***Idem***

- (2) Subsection (1) shall not be interpreted to restrict seizure of a dog in a public place if the seizure is otherwise lawful. *2005,c.30,s.6.*

### **16.6 Force as necessary**

A peace officer may use as much force as is reasonably necessary to execute a warrant issued under section 16.3 or to exercise any authority given by section 16.4 or section 16.5. *2005,c.30,s.6.*

### **16.7 Shelter**

A peace officer who seizes a dog under section 16.3, 16.4 or 16.5 shall promptly deliver the seized dog to a shelter operated by the Society. *2005,c.30,s.6.*

### **16.8 Obstruction**

No person shall obstruct, impede or assault a peace officer, or any person assisting a peace officer, while the peace officer is exercising his or her authority or performing a duty under this Act or the regulations, and no person shall aid or assist any person in obstructing, impeding or assaulting a peace officer. *2005,c.30,s.6.*

## **PART IV — GENERAL**

### **17. Application of Act to persons**

Repealed by *2005,c.30,s.8. R.S.P.E.I. 1974, Cap. D-14, s.17 2005,c.30,s.8.*

### **18. Procedures not in strict conformity**

The times and procedures set forth in this Act shall be deemed to be directory and a proceeding that is in substantial conformity with this Act is not open to objection on the ground that it is not in strict compliance therewith. *R.S.P.E.I. 1974, Cap. D-14, s.18.*



**19. Regulations**

The Lieutenant Governor in Council may make regulations for the better administration and enforcement of this Act and to carry out the intent and purpose of the Act, and without limiting the generality thereof

- (a) defining words or phrases for which no or an imperfect definition is given;
- (b) respecting the taking and impounding of dogs;
- (c) respecting the duties, powers and liabilities of the Minister and any person designated, appointed or employed by him to administer or enforce this Act;
- (d) prescribing fees for catching, impounding, feeding and maintaining dogs; and
- (e) prescribing such forms as may be necessary for carrying out the provisions of this Act. *R.S.P.E.I. 1974, Cap. D-14, s.19; 2005,c.30,s.9.*

**20. Application**

- (1) Part I and Part II of this Act do not apply to any municipality.

***Idem***

- (2) Part III and Part IV of this Act apply to municipalities and areas of the province not within municipalities. *R.S.P.E.I. 1974, Cap. D-14, s.20; 2005,c.30,s.10.*

**21. Offences and penalties**

Every person who fails to comply with this Act or an order made under subsection 16(4) or section 16.1 is guilty of an offence and liable upon summary conviction to a fine of not less than \$100 and not more than \$5,000. *R.S.P.E.I. 1974, Cap. D-14, s.21; 1994, c.58, s.6; 2005,c.30,s.11.*

**22. Tickets**

A peace officer referred to in section 16, a peace officer as defined in section 16.2 and an enforcement officer may issue a ticket under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 in respect of a contravention of a provision of this Act or the regulations that such officer is authorized to enforce. *2013,c.9,s.3.*