



Memorandum

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Date September 1, 2015 File Number 6500-20 (Dog Sitting Regulations)

To Gabriola Island Local Trust Committee

From Aleksandra Brzozowski
Island Planner, Northern Office

Re Early input regarding possible dog sitting regulations

On June 11, 2015, the Gabriola LTC requested early input from the community on the possibility of bylaw provisions that would allow dog sitting on Gabriola. An online survey and hard copy comment form were circulated August 7 – 28, 2015.

Seventy-eight (78) comments were received. While the sample collected is not statistically valid in relation to the community as a whole, staff has analyzed the opinions and comments to identify trends and themes.

Support for Dog Sitting and Support for Regulation

24 respondents supported the idea, and requested little or no regulation

18 respondents supported the idea and supported the idea of regulations to mitigate impacts.

12 respondents supported the idea conditionally (allowed only if certain regulations were put in place)

24 respondents were fundamentally unsupportive of the idea

Respondent Concerns

a. Noise

Noise concern was the top concern noted across all responses. However, there was little consensus on whether this should be regulated, nor how it should be regulated. Many of the respondents emphasized that neighbours were a crucial consideration and that neighbours should not be bothered by any dog sitting operations. Many respondents commented that noise regulations for dog sitters should be the same as those for dog owners; some believed that dog sitters should not be held to a standard higher than owners, while others made the comment that regulations should be put in place for dog owners as well as dog sitters.

b. Number of Dogs

The overwhelming majority of respondents, including those requesting little regulation, believed that the LTC should regulate the number of dogs allowed on a property. However, suggestions as to the appropriate number of dogs on the property ran across a wide spectrum, from three dogs at one time to up to eight dogs at one time for 0.5 acre properties. Some commenters suggested calculations for number of dogs allowed based on variables including the lot's size, the types and sizes of dogs cared for, and the number of adult employees who would care for the dogs.

c. Fencing/Screening

Most respondents replied that the regulations should require fencing/privacy for safety and aesthetic reasons. Few respondents believed that the nature of operations inside or outside should be regulated beyond a requirement for fencing and privacy.

d. Lot Size

Respondents were split on whether minimum lot size was important to regulate. In general, those who replied that, yes, minimum lot sizes were required did so to propose a mitigation to noise impact; those that did reply that minimum lot size was important generally noted a minimum lot size of 2 acres or larger.

e. Hours of Operation

Hours of operation were not noted as a great concern. Respondents that did comment on hours noted that pick up and drop off times (when clients come onto the property) will be the most disturbing times to neighbours.

f. Waste Removal

Other concerns raised were related to the removal of pet waste. It was noted that the Regional District of Nanaimo's composting and garbage removal programs have restrictions regarding pet waste. Some comments suggested that pet waste could and should be composted on-site using approved composting products (similar to composting toilets).

g. General permission vs. case-by-case approval

A number of respondents noted that dog sitting operations should be permitted on a case-by-case basis. The rationale being that operators should demonstrate that their neighbours are amenable to the business, and that a standard level of pet care will be provided in the operation of the business. Some respondents specifically mentioned the Temporary Use Permit option as their preferred regulatory option.

The suggestion to limit the number of dogs based on particular variables (details noted above) points towards a preference for detailed Home Occupation regulations or Temporary Use Permit regulations.

Regional District of Nanaimo Bylaw Enforcement Early Referral Comments

During the input period, Staff also heard from Bylaw Enforcement at the Regional District of Nanaimo (RDN). The officer wished to convey the position that the current Noise Control Bylaw for Electoral Area B will rarely meet the needs of those wishing to complain about a dog sitting operation, due to the fact that the Noise Control Bylaw only prohibits "persistent" barking or yelping. Persistent is defined in the Noise Control Bylaw for Area B as follows: "**Persistent**" means enduring or constantly repeated."

The Bylaw Enforcement Officer stressed that the nature of dog noise from dog sitting and kennel businesses is typically bursts of sound that are cumulative but intermittent and unpredictable, thus not meeting the definition of "persistent". He also noted that regarding the Animal Control Bylaw for Areas A, B and Lantzville, that a decision was made by the RDN to only enforce on the issue of dangerous dogs. Finally, the officer advised that should commercial dog sitting and kennel operations be permitted in the Gabriola OCP and LUB, that our bylaws feature additional regulations to address this gap.

These comments are significant considering the fact that one-third of positive respondents indicated their belief that enforcement of existing noise and animal control bylaw regulations would address noise concerns in relation to dog sitting businesses.

Next Steps

Staff seeks direction from the LTC regarding next steps on this issue. Should the LTC wish to continue to pursue this matter, it should request Staff to prepare draft language for Home Occupation regulations, Temporary Use Permit regulations, or both. If the LTC wishes to not actively pursue the issue at this time, the LTC should take the item off the Priority Work Program list.