



Guide to Barking Dog Complaints

This document is intended as a guide to assist you in dealing with your barking dog complaint.

Barking Dog

Excessive dog barking can be annoying for neighbours and the community. In Dryden, a dog is considered a nuisance if it barks consistently, disturbing the inhabitants or residents of the neighbourhood for a minimum of 10 minutes.

Step 1 – Discuss the Barking issue with the dog Owner

The Animal Control/Municipal Bylaw Enforcement Officer encourages good neighbor relations. If you are able, approach the dog owner in a courteous, informative, and neighbourly fashion to work together to solve the barking issue.

Sept 2 – Contact the Animal Control/Municipal Bylaw Enforcement Officer

Should your approach fail to get desirable results in a reasonable amount of time, the Animal Control/Municipal Bylaw Enforcement Officer may need to get involved.

Contact the Animal Control/Municipal Bylaw Enforcement Officer at 807-223-2225 ext. 518, to lodge a complaint.

Step 3 – The Animal Control/Municipal Bylaw Enforcement Officer will send First Notice to the Dog Owner

Some basic information is required such as: your name, address and phone number, the correct address of the dog owner, dates and times of the barking, a description of the offending dog and a statement describing how the barking has affected you.

You must have personally observed the dog barking. It is not good enough to assume it is your neighbor's dog.

At this point, the Animal Control/Municipal Bylaw Enforcement Officer will send a first notice to the dog owner. The notice will advise the dog owner that their dog's barking is creating a disturbance in the neighbourhood. Information on ways to manage the barking will also be sent to the dog owner.

You will receive a letter acknowledging receipt of your complaint along with a Record of Disturbance where you required to record the dates and times you personally observe the barking and provide a description of how the barking has interfered with your activities. This information will be required should the matter proceed to court.

If the barking is resolved at this stage, you will not be required to complete the Record of Disturbance.

Step 4 – The Animal Control/Municipal Bylaw Enforcement Officer will send a second Notice to the Dog Owner

If the barking continues after the first notice has been issued, contact the Animal Control/Municipal Bylaw Enforcement Officer again.

A second notice will be sent to the dog owner, once again advising them of their dog's nuisance barking. If the problem is not resolved after the second notice, the Animal Control/Municipal Bylaw Enforcement Officer will investigate, and legal action may be commenced against the dog owner. If the barking is resolved for a period of time (30+ days) and then starts up again, a new complaint must be filed. The Animal Control/Municipal Bylaw Enforcement Officer will determine appropriate action. i.e. a verbal issue may be given.

Step 5 – The Legal Process

Should the excessive barking continue after both notices have been sent, then legal action may be commenced against the dog owner. Please note that legal action is not automatic and will depend on an assessment of each case. This will also require further evidence to be gathered in the form of a Record of Disturbance (see attached).

During an investigation, the Animal Control/Municipal Bylaw Enforcement Officer shall investigate the complaint as follows:

- Discuss the details of the complaint with the dog owner and offer some suggestions to resolve the problem/
- Visit the neighbourhood to corroborate the evidence;
- Conduct a neighbourhood survey to determine if there is more than one individual disturbed by the barking.

In most cases, the Courts require that there be at least two (2) independent witnesses (yourself and a neighbor) affected by the barking before taking legal action. The witnesses cannot reside at the same property and must be willing to testify in court if necessary. If you know of a neighbor that is also disturbed by the dog's barking, have them contact the Animal Control/Municipal Bylaw Enforcement Officer. The identity of the person responsible for making the noise (homeowner, pet owner, etc.) will need to be established in court. Any information you may have regarding the identity of this individual is critical to a successful prosecution.

How to Complete a Record of Disturbance:

Please remember the Record of Disturbance is a legal document and will be presented in court as evidence if required. As such it needs to be neat, accurate, precise and unemotional. If more than one person in your household is keeping track, a separate sheet must be completed and signed by each person. It needs to be completed in the following manner:

Date: The date of each instance is to be recorded. DITTOS are not acceptable.

Time: The time that the barking started and ended is to be recorded. If the barking lasts for 10 minutes every 20 minutes, it still needs to be recorded. Each occurrence must be recorded.

Comments: This is an important requirement and is a condition of any complaint. Avoid generalizing such as “it annoys me”. Specify it in words such as; “kept me awake”, “woke me up”, “prevented my studying”, “woke the baby”, etc.

SAMPLE – Record of Disturbance

Date	Time	Comments
July 2, 2017	9:00 am - 9:22 am	The dog barked consistently for 22 minutes and woke up my 3 month old daughter
July 2, 2017	10:15 pm – 10:27 pm	The dog was barking and woke my family up
July 3, 2017	6:00 pm – 7:20 pm	The dog was barking and we can’t sit outside on our deck and enjoy our dinner

When Legal Action is Not an Option:

If at the end of an investigation, the Animal Control/Municipal Bylaw Enforcement Officer concludes that there is insufficient proof beyond a reasonable doubt to get a conviction, charges will not be laid. If you are not satisfied with this investigation, you have the option of pursuing the matter on your own. Under Section 23 of the Provincial Offences Act, any person may swear an Information before a Justice of the Peace to initiate a Part III proceeding. As well, civil remedy is another option available to you.



Record of Disturbance

[illegible]