

File No: 81758  
Registry: Kelowna

**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA**  
IN THE MATTER OF AN APPLICATION BY THE  
REGIONAL DISTRICT OF CENTRAL OKANAGAN  
PURSUANT TO SECTION 49 OF THE COMMUNITY CHARTER,  
S.B.C. 2003, CHAPTER 26

AND

SECTION 707.1 OF THE LOCAL GOVERNMENT ACT,  
R.S.B.C. 1996, CHAPTER 323

AND

IN THE MATTER OF DREW PANTON

ORDER



BEFORE THE HONOURABLE  
JUDGE A.K. WALLACE

THURSDAY, THE 3<sup>RD</sup> DAY OF SEPTEMBER 2015

**THIS MATTER COMING ON FOR HEARING** on May 11<sup>th</sup> & 12<sup>th</sup>, June 11<sup>th</sup>, and July 16<sup>th</sup>, 2015 at Kelowna, B.C. and on hearing Troy Desouza, counsel for the Regional District of Central Okanagan, and Tom Doust, counsel for Mr. Panton.

**AND** Judgment having been released July 31<sup>st</sup>, 2015.

**AND ON** hearing further submissions on August 31<sup>st</sup>, 2015 from Mr. Troy deSouza and Mr. Panton.

**THIS COURT ORDERS** that the dog "Jake" be humanely euthanized by a veterinarian licensed to practice in the Province of British Columbia. The euthanization shall not occur before September 14, 2015 at 5:00 p.m. and then only if an Appeal of this decision has not been filed in the Court Registry before that time. If an Appeal has been filed by that time, the order for euthanization is stayed until further Order of a Court.

**THIS COURT FURTHER ORDERS** that the dog "Buddy" be released to Mr. Andrew "Drew" Panton (Mr. Panton) who currently resides at 4421 1<sup>st</sup> Avenue, Peachland, B.C. on the following terms and conditions:

1. Mr. Panton, his agents, friends, family or any other person who Mr. Panton delegates for the care and control over Buddy shall by September 14, 2015:

(a) obtain and implant microchip identification for Buddy and Mr. Panton shall provide the Regional District of Central Okanagan (RDCO) with proof that the microchip has been implanted in Buddy;

(b) shall enroll Buddy in a training program conducted by an experienced certified dog trainer, with special expertise in addressing animal aggression. The

trainer and curriculum will, prior to enrollment, be reviewed and approved of by Dr. Rebecca Ledger and Dr. Ledger shall submit a written report to the Regional District at the conclusion of the training as to Buddy's response to, and behavior after, the training;

(c) when Buddy is not on Mr. Panton's property and not within a closed vehicle, keep Buddy controlled on a leash securely held and within a tightly fastened muzzle;

(d) not permit Buddy to be at any sports field, playground, public beach, swimming area, off-leash park or school grounds at any time.

2. Mr. Panton shall ensure that when Buddy is in Mr. Panton's dwelling house, the doors to the dwelling house are locked and no person can inadvertently enter the dwelling which might permit Buddy to escape;

3. When Buddy is not confined within Mr. Panton's house but is on his property, Mr. Panton shall ensure that:

(a) Buddy is confined in an area in the rear yard ("the yard") on Mr. Panton's property suitable for Buddy's size and within a secure fence of a minimum of 5' in height with secure sides and strength to prevent Buddy from escaping;

(b) the bottom of the yard shall be kept clean and sanitary and shall be surfaced such that it is impervious to digging or any other means by which Buddy might escape;

- (c) the yard is kept locked at all times to prevent entry of young children or other unauthorized persons;
- (d) a sign (conforming with Schedule "F" of the RDCO bylaw #1343) is posted visible to the public at the front and back of his property warning that a dangerous dog resides on the property;
- (e) there is shelter for Buddy in the secure yard which provides shade for him from the sun and protection from varying weather conditions. Such shelter is not to be used more than 12 hours in every 24 hours;
- (f) the yard is kept clean and sanitary;
- (g) he regularly checks the yard to ensure it is secure, clean and that signage is properly posted, visible and readable.

4. If Mr. Panton moves with Buddy from his current residence to any other location he shall notify the BC Animal Control Office for RDCO of his move and his new contact information. If the move is to a location within BC, he will provide the BC Animal Control Office in the region where he re-locates with a copy of this order.

5. If Mr. Panton finds he can no longer care for Buddy, he shall notify BC Animal Control and together they will seek an alternative care arrangement for Buddy. If no reasonable alternative can be found, Mr. Panton will surrender Buddy to BC Animal Control.

6. If Buddy goes missing or dies, Mr. Panton will notify BC Animal Control as soon as reasonably possible after he discovers such event.

7. If Mr. Panton fails to abide by the terms of this Order as determined by an Animal control Officer, then the Animal control Officer (accompanied by the RCMP or other peace officer) may take custody of Buddy. BC Animal Control will notify Mr. Panton in writing that they have Buddy, within 48 hours of taking control of Buddy and Mr. Panton will have 14 days from receiving that notice to file with the Court a request for a hearing into whether or not Buddy should be euthanized.

8. Costs

The application for costs, not raised until the hearing on August 31<sup>st</sup>, 2015, is dismissed.



THE HONOURABLE JUDGE A.K. WALLACE