

**Proposed**  
**BRITISH COLUMBIA GUIDE & ASSISTANCE DOG ACT**

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**Proposed  
BRITISH COLUMBIA GUIDE & ASSISTANCE DOG ACT**

**Part One**

**Access rights for Guide Dogs and Assistance Dogs that have been trained and provided by a Recognized Training Facility**

**1.1 Definitions:**

In this *Act*:

(a) “Assistance Dog” means a working dog specifically trained to undertake more than one task to mitigate an individual's disabilities, and which has the qualifications prescribed by Assistance Dogs International. Assistance Dogs include, but are not limited to:

(i) “Autism Support Dogs” which are dogs trained as assistants for persons with autism and which have the qualifications prescribed by Assistance Dogs International.

(ii) “Hearing Dogs” which are dogs that alert individuals who are deaf or hard of hearing to specific sounds.

(iii) “Seizure Response Dogs” which are dogs trained to provide emergency response for individuals with epilepsy.

(iv) “Service Dogs” which are Dogs trained to assist individuals who utilize a wheelchair.

(b) “Blind person” refers to a person who is blind or has a visual impairment according to accepted medical standards.

(c) “Certified dog trainer” or “Certified dog instructor” refers to an individual who has been licensed and/or accredited by a Recognized Training Facility to participate in the training and preparation of a future Guide Dog or Assistance Dog.

(e) “Guide dog” refers to a dog trained as a guide for a blind or visually impaired person and which has qualifications as prescribed by the International Guide Dog Federation.

(f) “Housing” or “Accommodation” include all forms of housing or accommodation for persons, and the use of common property or other means of access, and includes, without limitation, the following:

- (i) "Co-op unit" which has the same meaning as in the *Cooperative Association Act*, S.B.C.1998, c.28.
  - (ii) "Manufactured home site" which has the same meaning as in the *Manufactured Home Park Tenancy Act*, S.B.C. 2002, c. 77.
  - (iii) "Rental unit" which has the same meaning as in the *Residential Tenancy Act*, S.B.C. 2002, c. 78.
  - (iv) "Strata unit" which has the same meaning as in the *Strata Property Act*, S.B.C.1998, c. 43.
- (g) "Minister" refers to the Solicitor General and Minister of Public Safety for British Columbia.
- (h) "Person with a Disability" refers to an individual who has any degree of disability according to accepted medical standards, excepting blindness or visual impairment.
- (i) "Puppy raiser" refers to an individual who has been licensed and/or accredited by a Recognized Training Facility to participate in the training, socialization and preparation of a future Guide Dog or Assistance Dog.
- (j) "Puppies-in-training" refers to young dogs in the process of being trained for the purposes of becoming a Guide Dog or an Assistance Dog as generally defined in this *Act*.
- (k) "Recognized training facility" refers to individuals or organizations that are accredited by either the International Guide Dog Federation or Assistance Dogs International.

## **1.2 Rights with a Guide Dog or Assistance Dog**

- (a) A Blind Person or a Person with a Disability accompanied by a Guide Dog or Assistance Dog has the same rights and privileges as a person not accompanied by a Guide Dog or Assistance Dog.
- (b) In particular, a Blind Person or a Person with a Disability accompanied by a Guide Dog or Assistance Dog may, in the same manner as would a person not accompanied by a Guide Dog or Assistance Dog, enjoy access to enter and use an accommodation, conveyance, eating place, lodging place or any other place to which the public is invited or has access so long as the Guide Dog or Assistance Dog is held by a leash or harness.

(c) Certified dog trainers and/or instructors and licensed Puppy Raisers may, just as a Blind Person or a Person with a Disability, be accompanied by a Guide Dog, Assistance Dog, or Puppy-in-training and enjoy access to enter and use an accommodation, conveyance, eating place, lodging place or any other place to which the public is invited or has access so long as the Guide Dog, Assistance Dog, or Puppy-in-training is held by a leash, harness and/or identified by a training jacket.

(d) A person must not interfere with the exercise of a right or privilege under this section or charge an additional fee because of the presence of a Guide Dog, Assistance Dog, Puppy-in-training accompanying a Blind Person, Person with a Disability or a Certified dog trainer/instructor and Puppy Raiser.

### **1.3 Tenancy rights**

(a) A person must not:

- (i) Deny to a Blind Person, Person with a Disability, or any person as defined under Section 1.1 of this Act, Housing or Accommodation advertised or otherwise represented as available for occupancy by a tenant, or
- (ii) Impose a term or condition on the use or occupancy of Housing or Accommodation that interferes with or prohibits a Blind Person or Person with a Disability from keeping a Guide Dog or Assistance Dog in the Housing or Accommodation.

(b) For the purposes of enumerated under (a), Guide Dog and Assistance Dog shall include retired Guide Dogs and Assistance Dogs, providing they remain in the care and custody of the person for whom they are trained.

### **1.4 Certificate**

(a) A Blind Person or Person with a Disability may apply to the Minister for a certificate to use as evidence that section 1.2 is applicable.

(b) The Minister may issue a certificate under subsection (1) if the Minister is satisfied that a dog to be used is a Guide Dog or an Assistance Dog.

(c) A person to whom a certificate under this section is issued must surrender the certificate to the Minister and the certificate is void if the Minister is satisfied that the Guide Dog or Assistance Dog for which the certificate was issued has died, become permanently disabled, ceased to render the services to which the certificate relates or is not qualified as a Guide Dog or Assistance Dog.

(d) An identification card issued by a Recognized Training Facility is to be presumed valid unless the contrary is shown.

- (e) An identification card issued by a Recognized Training Facility must be surrendered at the request of that Recognized Training Facility, provided proper and reasonable grounds are provided for doing so.

## **Part Two**

**This part refers to limited access rights for certified Medical Therapy Dogs other than Guide Dog or Assistance Dogs that have been provided by a Recognized Training Facility under Part Two of this Act.**

### **2.1 Definitions:**

In this *Act*:

- (a) “Medical Therapy Dog” means a dog that is trained by a Recognized Training Facility and has received Accreditation as a Medical Therapy Dog.
- (b) “Medical Therapy Dog Owner/User” means a person who owns or uses a Medical Therapy Dog for purposes of medical therapy or as an accredited handler who has received certification as such from a Recognized Training Facility and who handles Medical Therapy Dogs. The handler may be an employee in a residential or long term care facility or may be a counsellor, therapist, psychologist or psychiatrist whose patients could benefit from a human-animal bond. The work of a Medical Therapy Dog can include visitations or professional therapy in one or more locations. Public access is permitted only when the dog and handler are working directly with a client with a disability.
- (c) “Accreditation” refers to Medical Therapy Dogs that are accredited by either the International Guide Dog Federation or Assistance Dogs International and, as such, are deemed to have received professional training.

### **2.2 Medical Therapy Dog Tenancy Rights**

- (a) A person must not:
- (i) Deny to a person with a Medical Therapy Dog Housing or Accommodation advertised or otherwise represented as available for occupancy, or
  - (ii) Impose a term or condition on the use or occupancy of Housing or Accommodation that interferes with or prohibits a Medical Therapy Dog User from keeping a Medical Therapy Dog in the Housing or Accommodation.
- (b) A Medical Therapy Dog User has the right to bring and keep a Medical Therapy Dog in Housing or Accommodation used or occupied by the Medical Therapy Dog User.

## 2.3 Certificate

- (a) A person with a Medical Therapy Dog, supported by a letter of recommendation from their Recognized Training Facility may apply to the Minister for a certificate for the purposes of establishing that their Medical Therapy Dog is certified. The letter of recommendation would establish that the principal handler has undergone the appropriate training and passed a competency test. Annual re-certification is overseen by the Recognized Training Facility.
- (b) The Minister may, upon application, support the Recognized Training Facility's recommendation, which recommendation shall be indicated through the issuance of a certificate, that a Medical Therapy Dog be recognized as such, and such Medical Therapy Dog shall thereby be afforded domiciliary rights in the home of the Medical Therapy Dog owner/user irrespective of tenancy, that being ownership or rental, including of a manufactured home, rental unit, strata unit or co-op unit.
- (c) On de-certification of a Medical Therapy Dog by a Recognized Training Facility, the Recognized Training Facility shall in all cases notify the Minister.
- (d) A person to whom a certificate under this section is issued must surrender the certificate to the Minister and the certificate shall be void if the Minister is satisfied that the Medical Therapy Dog for which the certificate was issued has died, become permanently disabled, or otherwise unable to render the services to which the certificate relates.

## **Part Three**

**This part refers to limited access rights for Certified Animals other than a Guide Dog, Assistance Dog or Medical Therapy Dog.**

### 3.1 Definitions:

In this section:

- (a) "Therapy Animal" refers to an animal recommended by a medical practitioner for the purpose of providing emotional well-being to a person with a disability, but does not include Ineligible Exotic Animals.
- (b) "Compelling Medical Need" means that a need for a Therapy Animal has been established in writing by a medical practitioner. The medical practitioner shall certify that the individual has a mental or emotional disability the effects of which may be lessened by the presence of a Therapy Animal or that the Therapy Animal may otherwise assist the individual to cope with their disability.

(c) “Non-Accredited” Therapy Animals are not accredited by either the International Guide Dog Federation or Assistance Dogs International and, as such, are deemed to not have received any professional training. Therapy Animals do not have public access rights.

(d) “Domiciliary Rights” affords a right of access for a Therapy Animal to occupy private living quarters and to access all common areas within the residential property.

(e) “Ineligible Exotic Animals” means animals defined as such in the *Wildlife Act* SBC 1996 c. 488; B.C. Reg. 94/2009.

### **3.2 Therapy Animal Tenancy Rights**

(a) A person must not:

(i) Deny to a person with a Therapy Animal Housing or Accommodation advertised or otherwise represented as available for occupancy, or

(ii) Impose a term or condition on the use or occupancy of Housing or Accommodation that interferes with or prohibits a person from keeping a Therapy Animal in the Housing or Accommodation.

### **3.3 Certificate**

(a) A person with a disability, supported by a letter of recommendation from their medical practitioner, must apply to the Minister for a certificate to use as evidence that their Therapy Animal is certified, in order to be afforded tenancy rights under this *Act*.

(b) The Minister may, on application, support the medical practitioner’s recommendation through the issuance of a certificate, which recognizes the Therapy Animal and thereby affords it and its owner tenancy rights under this *Act*.

(c) A person to whom a certificate under this section is issued must surrender the certificate to the Minister, and such certificate shall become void if the Minister is satisfied that the Therapy Animal for which the certificate was issued has died, become permanently disabled, or otherwise unable to render the services to which the certificate relates.

### **3.4 “Facility Animals”**

(a) “Facility Animals” mean animals that are not accredited by either the International Guide Dog Federation or Assistance Dogs International and not deemed to have received any professional training, but are certified by a Recognized Facility Animal Program to meet a standard of behaviour.

(b) "Recognized Facility Animal Program" means a program that is provided by St. John's Ambulance, British Columbia Pets and Friends, or a similar organization with standards and codes of conduct that are or may be recognized by the Minister.

(c) The work of a Facility Animal may include visitations or professional therapy with individuals or groups involving people with disabilities, both physical and mental, and which may include the elderly, chronically ill and mentally ill in settings such as hospitals, seniors' homes, special needs programs, extended healthcare facilities, palliative care units, and other such facilities to patients of varied ages who may benefit from a human-animal bond.

(d) Public access for Facility Animals must be permitted for a Facility Animal and its handler where the handler is a certified volunteer or professional representing a Recognized Facility Animal Program and is directly working with a client at a Recognized Facility Animal Program facility.

### **3.5 Facility Animals Tenancy Rights**

Facility Animals do not hold any tenancy rights as defined in this Act.

### **3.6 Certificate**

A certified Facility Animal is an animal that works with a volunteer or professional that is certified by a Recognized Facility Animal Program.

## **Part Four**

### **Interference under the Act**

#### **4.1 Definitions:**

In this Act:

(a) "Notice" refers to a warning made orally, in writing or by conduct, which reasonably draws attention to a person's conduct of another person and would reasonably be understood as a request to that person to stop engaging in that conduct.

(b) "Value" refers to value accruing to a Guide Dog, Assistance Dog or Medical Therapy Dog user and does not refer to cost or fair market value.

## 4.2 Interference

(a) Any person who has received notice that his or her behaviour is interfering with the use of a Guide Dog, Assistance Dog or Medical Therapy Dog and who continues to interfere with the use of such animal by obstructing, intimidating, or otherwise jeopardizing the safety of the animal user or the animal itself is guilty of an offence under this *Act* and will be subject to fines or penalties as defined under Part Five of this *Act*.

(b) Any person who permanently or temporarily incapacitates, injures, disables, or causes the death of a Guide Dog, Assistance Dog or Medical Therapy Dog is guilty of an offence under this *Act* and will be subject to fines and penalties as defined under Part Five of this *Act*.

(c) Any person whose animal permanently or temporarily, injures, disables, or causes the death of a Guide Dog, Assistance Dog or Medical Therapy Dog is guilty of an offence under this *Act* and will be subject to fines and penalties as defined under Part Five of this *Act*.

(d) Any person who wrongfully obtains or exerts unauthorized control over a Guide Dog, Assistance Dog or Medical Therapy Dog with the intent to deprive the Guide Dog, Assistance Dog or Medical Therapy Dog user of his or her Guide Dog, Assistance Dog or Medical Therapy Dog is guilty of an offence under this *Act* and will be subject to fines and penalties as defined under Part Five of this *Act* and the *Criminal Code*. [R.S., c. C-34, s.1.]

(e) In any case in which a person is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the Guide Dog, Assistance Dog or Medical Therapy Dog user and the Guide Dog, Assistance Dog or Medical Therapy Dog training facility, and which may arise out of or are related to the offence at hand.

(f) Restitution for a conviction under this section shall include, but is not necessarily limited to:

(i) The value of the replacement of an incapacitated or deceased Guide Dog, Assistance Dog or Medical Therapy Dog, the training of a replacement Guide Dog, Assistance Dog or Medical Therapy Dog, or retraining of the affected Guide Dog, Assistance Dog or Medical Therapy Dog and all related veterinary and care expenses;

(ii) Medical (veterinary) expenses of the Guide Dog, Assistance Dog or Medical Therapy Dog user, training of the Guide Dog, Assistance Dog or Medical Therapy Dog user, and compensation for wages or earned income lost by the Guide Dog, Assistance Dog or Medical Therapy Dog user; and

(iii) Damages for the inconvenience, emotional upset and loss of a sense of security caused, together with damages for solace for loss of or injury to the Guide Dog.

(g) Nothing in this section shall affect any civil remedies that may be available against any person for violating this section.

## **Part Five**

### **Offences and Penalties**

5.1 A person, corporation or firm that contravenes any of the provisions of this *Act* commits an offence.

5.2 It shall be a further offence under this *Act* for anyone to misrepresent that an uncertified dog is a certified dog.

5.3 A person, corporation, or firm that commits an offence under subsection (5.1) or (5.2) of this *Act* is liable on conviction to the following fines:

(a) For a person convicted of an offence, a fine of at least \$500 and not more than \$3,000.

(b) For a corporation or firm convicted of an offence, a fine of at least \$2,500 and not more than \$5,000.

(c) For a person convicted of second or subsequent offences, a fine of at least \$1,000 and not more than \$5,000.

(d) For a corporation or firm convicted of a second or subsequent offences, a fine of at least \$5,000 and not more than \$10,000.

## **Part Six**

### **Civil Remedies**

#### **6.1. Tortious Liability**

(a) Any act taken in contravention of the provisions of this *Act* shall be a tort actionable without proof of damage.

(b) If a corporation or society engages in a prohibited act, every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act may be held liable for such act.

(c) In an action brought under this section, the individual commission of a prohibited act by any director or officer of a corporation or society must be presumed, unless the contrary is shown, to be done, authorized or acquiesced in by the corporation or society.

## **6.2. The Attorney General of British Columbia may intervene in an action**

(a) The Attorney General of British Columbia may intervene in an action commenced under sections 1.2, 1.3, 2.2, 3.2, 3.4, 4.2 of this Act.

(b) If the Attorney General of British Columbia does intervene, the Attorney General of British Columbia becomes a party to the proceedings.

(c) If a person commences an action under sections 1.2, 1.3, 2.2, 3.2, 3.4, 4.2 of this Act, the person must serve the Attorney General of British Columbia with a copy of the writ of summons within 30 days after commencing the action.

## **6.3 Remedies**

(a) A party to an action brought under sections 1.2, 1.3, 2.2, 3.2, 3.4, 4.2. may be awarded damages or exemplary damages.

(b) The minimum damages awarded shall be \$3000 for each person against whom the prohibited act was directed.

(c) Each occasion on which a prohibited act is committed constitutes a separate tort for the purposes of sections 1.2, 1.3, 2.2, 3.2, 3.4, 4.2.

(d) In an action brought under section 10 in the Supreme Court of British Columbia, the Court may, in addition to any other relief, grant injunctive relief.

## **Part Seven**

### **Power to make regulations**

(1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*. RSBC 1996, c. 238.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) specifying those dogs or classes of dogs that are Guide Dogs, Assistance Dogs or Medical Therapy Dogs;

(b) specifying the conditions that must be met for a dog to become or to continue to be a Guide Dog, Assistance Dog or Medical Therapy Dog;

- (c) specifying those animals or classes of animals that are therapy animals;
  - (d) specifying the conditions that must be met for a dog to become or to continue to be a therapy animal.
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