

MAKING A DOG NUISANCE COMPLAINT

The City of Bayswater can fully appreciate that a barking or nuisance dog can be disruptive however the treatment and solution for a nuisance dog can often be a lengthy and complex issue.

The laws relating to dog nuisances are prescribed under State legislation and Local Authorities are bound to follow that process, *Section 38 of the Dog Act 1976*.

The majority of reports that are received by the City of Bayswater can see the complainant requesting immediate action. The reality is that dog nuisance complaints are sometimes difficult to resolve and therefore substantial evidence is required before enforcement action can be taken.



There are a number of reasons why Community Rangers request this evidence:

1. Barking is very subjective, with many different interpretations how a dog nuisance is defined. The degree of annoyance often varies with the location of the dog, and the level of tolerance of the people affected.
2. It is extremely difficult for investigating officers to collect reliable and permanent evidence of the frequency and loudness of a dogs barking.
3. A barking complaint may in some cases be one aspect of a neighbourly dispute, and therefore the standard of evidence has to be of a high level and often takes time to gather.
4. Dog owners are seldom bothered by their own dogs barking, and are often unaware that it is causing a nuisance to others. Some dog owners do not believe that their dog/s barks excessively. This is usually because the dog barks when the owners are out, and once they return home, the dog discontinues barking or it decreases to an acceptable level.



If you believe you are affected by a nuisance dog and wish to pursue the matter, you can access the Dog Nuisance Pack on the City of Bayswater website.

What happens next?

Once you have returned your Dog Nuisance Diary, a Ranger will be in contact with you to discuss. If the dog is deemed to be a nuisance the owner will be issued with an order to 'Prevent a dog being a nuisance', the order will be in effect for 6 months from the date of issue. Failure to comply with the order may result in a penalty being issued to the owner.



NUISANCE DOG PACK COMPLETION GUIDANCE



Included within the Nuisance Dog Pack is a Letter to Neighbour Template, 7 Day Dog Nuisance Diary Guidance Document, Dog Nuisance Diary and 'Form 7 Complaint as to a nuisance created by a dog'.

If you are affected by a nuisance dog, you may wish to initially use the 'Letter to Neighbour' Template which allows you to anonymously make your neighbour aware that you are affected by their dog/s behaviour.

If you feel that this letter has not improved the situation or you would like the City to investigate without you providing the letter to your neighbour you will be required to complete a Dog Nuisance Diary. The Diary must be completed over (7) seven days on each occasion you are affected by the nuisance dog.

Note: *Great care is to be observed when compiling this record as you may need to rely on the records you keep should you be called to give evidence in Court.*

To formally request the City of Bayswater investigate the nuisance, please provide a complete 'Form 7 Complaint as to a nuisance created by a dog' and the complete 7 Day Dog Nuisance Diary either by post to City of Bayswater, PO Box 467, Morley WA 6943, in person to City of Bayswater, 61 Broun Avenue Morley or by email to mail@bayswater.wa.gov.au.

Once Rangers have received your Dog Nuisance Pack, a Ranger will review the information provided and contact you to discuss.

If you require further information, please contact Rangers and Security on 9272 0972



Dear Neighbour

I am writing to let you know that your dog is causing a nuisance to me by barking.

The intention of this letter is to advise you that this nuisance is occurring so that you may take action to resolve the situation.

1. Your dog barks during the _____ day / night / both
2. Barking continues for periods of up to _____ minutes
3. The barking is worse when you are _____ home / not home
4. The dog barks at the _____ front / rear / side of the yard
5. Your dog appears to be barking at _____
6. The dog predominantly barking is (if two dogs) _____

I understand that this may be the first contact you have received bringing this issue to your attention. I hope that the information provided allows you to address the nuisance barking and that this matter may be resolved amicably.

Regards

Concerned Neighbour

This note is supplied by the City of Bayswater Rangers and Security to encourage neighbours to work together. For further information please contact Rangers Services on 9272 0972 or visit www.bayswater.gov.wa.au



7 DAY NUISANCE DOG DIARY



How to fill out the Dog Diary correctly

- Address of Dog - clearly type or write the address of the house where you believe the dog resides.
- Description of behavior - indicate what type of behavior was disruptive. Be as descriptive as possible.
- Start Date: list dates of the 7 continuous days that you will be monitoring the dogs behavior.
- Time and duration of the dog's disruptive behavior - across the top of the table are columns that represent hours in the day.

Write the minutes past the hour that the incident occurred in the box below. In brackets write the total amount of time that the issue took place. If the incident occurred over two hours then indicate in the box the minutes past and the total time in each hour that it occurred.

When you are not at home show this in the boxes with an X. If you are at home but the dog is not being disruptive then leave the area blank.

EXAMPLE: **Dog barked at 3:30am for 15 minutes**

Address of Dog: 99 My Street, Bayswater																										
Date	Day	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm	12am	Description of Behaviour
22/2/16	1		15 (06)	30 (15)	45 (03)	05 (02)			X	X	X	X	X	X	X	X	X	X								Barking
23/2/16	2	23 (08)	25 (04)	20 (10)					X	X	X	X	X	X	X	X	X	X		25 (30)						Barking, whining

EXAMPLE: **Dog barked at 7:25pm for 30 minutes**

PLEASE RETURN COMPLETED DIARIES TO THE CITY OF BAYSWATER PROMPTLY AFTER COMPLETION.

This form can be populated either electronically or by hand. All electronic submissions must still have a physical signature.



7 DAY NUISANCE DOG DIARY



Address of Dog:

Date	Day	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm	12am	Description of Behaviour
	1																									
	2																									
	3																									
	4																									
	5																									
	6																									
	7																									

I declare the recordings to be a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this complaint if required to do so by the City.

Signed	Name and Address	Date
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61 Broun Avenue Morley Western Australia 6062
Telephone: 08 9272 0622 **Facsimile:** 08 9272 0665
Postal Address: PO Box 467 Morley Western Australia 6943
Email: mail@bayswater.wa.gov.au
www.bayswater.wa.gov.au

Dog Act 1976

Complaint created by a nuisance dog

To: The City of Bayswater		
Take notice that a dog believed to be a (1)		
has created a nuisance by (2)		
The dog is believed to belong to (3)		
and is usually kept at (4)		
and I (5)		
of		
Email.		Telephone No.
request the City to institute proceedings if the nuisance does not stop and I undertake to:		
a. give full information to the City as to this matter; and		
b. appear in court and give evidence as a witness to the truth of this complaint.		
Dated the	day of	20
SIGNATURE		

1. Insert breed or kind of dog and where possible its sex and identifying marks.
2. Describe details of the alleged nuisance, including the kind of nuisance and where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.
3. State name and address of the person believed to be the owner.
4. State, where the dog is usually kept.
5. Name and address of complainant.