

BARKING DOGS



Lodging a Complaint With Council

Introduction

Dogs are an important part of our local community, but dogs that bark excessively can become a source of irritation for neighbours and others using the local environment. Our best friend can if it barks continually, become an intrusion and create friction between neighbours.

Approaching the dog's owner in a neighbourly manner and discussing your concerns with them can sometimes easily resolve this type of complaint.

The dog's owner may not realise that the barking is causing an annoyance to other people.

- The dog may only bark excessively when the owner is not home.
- The owner may not hear the barking from various areas within the house.
- The owner may be a very sound sleeper and not woken when the dog/s bark.

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Why dogs bark

Dogs bark for many reasons, and even though they appear to be “barking for no reason” they are in fact trying to communicate something to their owner or anyone who is willing to pay attention.

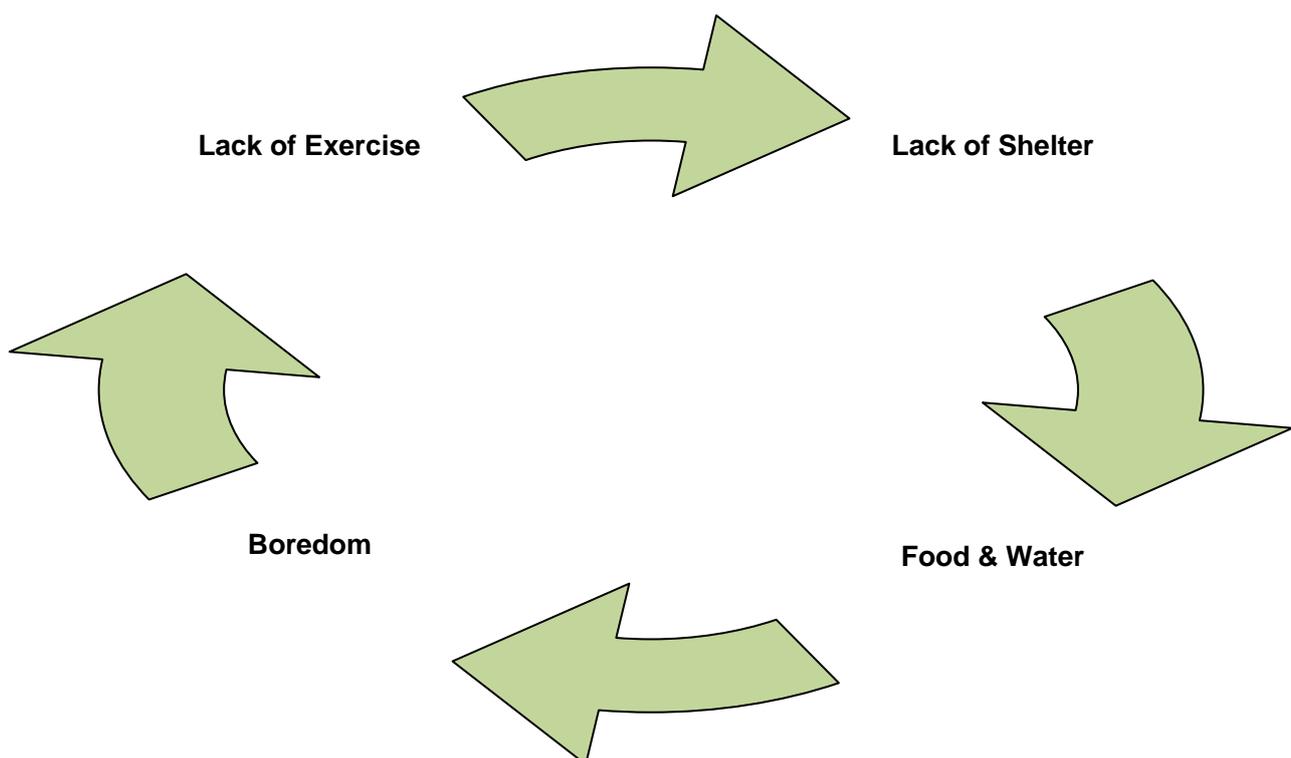
The following provides some of the main reasons why dogs bark:

- Lack of exercise
- Inadequate yard space
- Boredom or lack of stimulation, both mental and physical
- Not enough human companionship
- Inadequate shelter from weather conditions
- Hunger or thirst
- Medical condition such as an illness or discomfort
- Provocation/Disturbances
- Change to family structure/separation anxiety that can lead to destructiveness, howling or escaping

Of course dogs also bark to alert their owners of trouble, such as an intruder entering the property or perhaps a fire. Remember, a dog’s idea of an “Intruder” may differ to that of the owner. It could include cats, possums, other dogs, or even birds flying across the property.

Whilst it is acceptable for a dog to bark to warn its owner of an intruder, it is the owner’s responsibility to train the dog not to bark at “normal” occurrences such as possums, cats, birds etc.

Barking excessively at normal movement/noises from adjoining properties should be considered to be unacceptable behaviour.



WORKING TOGETHER



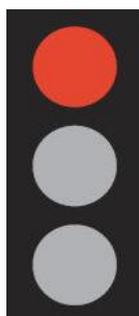
In solving barking dog issues sometimes all we need to do is **B.A.R.K**

B – Be understanding and listen to your neighbours' concerns

A – Accept your neighbours perspective and try be considerate of their situation

R – Respect the other person's position as these can be emotive and often stressful times.

K – Keep lines of communication open so everyone is on the same page about the issue.



Talk to your neighbours

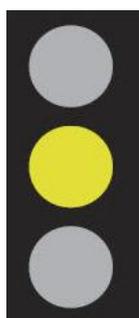
Neighbours can help each other to solve barking problems by communicating to each other their concerns and needs. Neighbours can assist by identifying the reasons for excessive barking and noting what is happening in the area when the dogs barks and provide this feedback to the owner.

A neighbour may be in a position to offer to exercise a dog when its owner is unable due to work commitments, illness or other reasons. Approach your neighbour and offer this service. It will also help to build your relationship with the dog.

As mentioned in the introduction, the owner of the offending dog may not know the animal is causing a nuisance. Try the following to attempt to resolve the issue in a neighbourly manner:

Approach the dog's owner when the problem arises and state your case clearly and politely. He or she may not be aware of the barking situation. Provide the dog owner or keeper with a copy of the diary contained in this brochure.

If the dog owner is unapproachable or you are not comfortable approaching them, try placing the '**Dear Neighbour**' and '**Some simple tips**' letter provided at the back of this brochure into their letterbox.



Assess your options

If the neighbour takes no action or does not agree that a problem exists, you should try the Department of Justice which funds a Dispute Settlement service for people who find themselves in a situation of dispute/conflict with another person. This service uses mediation as a way of settling neighbourhood disputes without expensive legal action. It is a private and a free service.

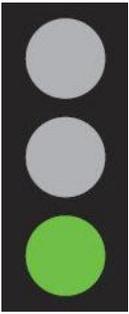
Dispute Settlement Service of Victoria

4th Floor 456 Lonsdale Street, Melbourne 3000

Phone: 9603 8370 Fax: 9603 8355 Email: dscv@justice.vic.gov.au

Website: www.justice.vic.gov.au

If these options have not proved successful, you should then contact the Darebin City Council's Animal Management Unit on 8470 8888 to lodge your complaint.



Proceed to Lodge your complaint with Council

To lodge a complaint with Council you **must** first demonstrate that **you** have

- Tried the above consultative steps to resolve the problem with your neighbour.
- Identified other immediate neighbour/s that are also affected by the barking and willing to support your claim, (*this may also involve attending court to give evidence*).
- Completed the 'Lodging a complaint with Council – Barking Dog form and the first set of diaries.

Solving the Problem

Once you have –

- Identified the correct address and description of the offending dog/s
- Completed the 'Lodging a complaint with Council – Barking Dog form including a reference number for the Dispute Settlement Centre.
- Keep a diary of the dog's barking habits for a period of seven days, noting the date, time, weather conditions and duration of the barking and the reason.
- Include what the effect of dog's barking is having on you



Forward this information to Council for assessment.

- Continue to keep a diary of the dog's barking habits for a further one month.
- This will monitor whether the problem continues or improves as a result of any action taken.
- Contact other neighbour/s affected who are prepared to corroborate with you about the barking dog/s.

Council Action

On receipt of a barking dog complaint, together with an initial barking dog diary, Council will appoint an Investigation Officer (Ranger) who will:

- Study the diaries provided to establish barking patterns to try to determine the reason for the dog's barking.
- Confirm whether other nominated residents are being affected by the dog's barking.
- Advise the owner of the offending dog/s of their obligations and discuss possible solutions to ensure they meet their responsibilities as a pet owner.

If the Ranger believes that there is an issue with the dog/s a Notice to Comply to abate the barking can be issued however at this stage a verbal discussion/warning is appropriate.

- Should the dog owner fail to take any action the Officer may issue a notice to abate the nuisance or issue an infringement notice against the owner. These actions will normally occur after further evidence is received from you. (*see diary process below*)

If the noise complaint persists after an infringement notice has been Issued, Council may proceed with legal action against the dog owner in a Magistrates Court and seek a Court Order.

Council's Obligations and Your Legal Requirements for Court Action

In complaints of this nature Council must comply with the provisions of the Domestic Animal Act 1994. The primary method available to Council to abate the noise completely is to go to court and obtain a court order.

To take a barking dog complaint to court **you will be required to attend**, as the complainant to give evidence in court. Your evidence will be critical in convincing a Magistrate that the dog is causing a nuisance.

It is important you keep comprehensive dairies over a period of time that shows the patterns of a dog's barking behaviour. This is broken into four steps as follows -

Diary Process



During the investigation three 10 day documented diary periods will be required by you as outlined below. The last diary will be ongoing until court.

Diary 1 - The first diary is to establish and validate your complaint to Council. A Council Officer will be assigned to assess the information provided and contact you to discuss the information when it's received. If the Investigating Officer feels there is an issue they will attend the property and discuss the issue with the dog owner. Attempts to inform you of this action will be made before the Officer attends and you will also be updated when the owner has been spoken with by the Officer and to start **Diary 2**.

Diary 2 – The second diary will be required to establish if the nuisance is continuing after your Investigating Officer has discussed the issues with the dog owner and advised them of their obligations to not allow a noise nuisance. Should this diary show a continuing nuisance then a Notice to Comply will be issued to the dog owner. This notice is a Council direction and must be complied with. The Officer will inform you when this Notice has been issued and to commence **Diary 3**.

Diary 3 - The third diary is to establish that the dog owner has failed to comply with the Notice to Comply issued by Council and the nuisance barking is still occurring. This diary will trigger enforcement action and may result in fines being issued or an immediate progression to Court.

All diaries provided by you form the foundation of any Council action and will be used as part of a Brief of Evidence for the purposes of a prosecution.

Diary 4 - The fourth diary is a diary for you to keep and must be maintained on an ongoing basis until court. Your investigating Officer may check back with you on occasion to obtain updated information from this diary to assess the nuisance during this period.

Please be aware that you will be required to document the nuisance barking up until the matter is heard in a Magistrates Court. Remember in a court of law the evidence you give may be subjected to cross-examination and you may need to explain your records to the court

Council will only consider taking the matter to court if:

- All other avenues to resolve the problem have been tried and attempts for reconciliation of the problem have not been successful.
- It is fully established that there is a case to answer through the evidence provided.
- A supporting witness has been established they are prepared to give evidence at court.

Council will not get involved in any unrelated domestic dispute between you and your neighbour. If this occurs, Council will inform you to take your own legal action.

Court Orders

Where an order has been made by a Magistrate's Court it must be complied with. Failure to do so is an offence, and a magistrate may impose further penalties.

Council will only start taking court action if:

1. The owner of the appropriate dog/s is not responding adequately to Council's request;
2. The dogs/s continue to be a problem; and
3. You and other corroborated neighbour/s are prepared to go to court

The success of any court action relies on the support and assistance of the complainant. If relevant information is not provided, Council will be unable to pursue the matter.

It should be noted that a successful prosecution of the owner does not have a direct impact on the behaviour of the offending dog/s.

Further action will need to be undertaken by the owner to address this, and may be ordered by the court.



Lodging a complaint with Council – Barking Dog

Council reference no:

This document and log sheet must be completed in full, signed and returned to the Animal Management Unit at Darebin City Council with completion of diaries (please PRINT all details).

Complainant's Name: _____
(Your name)

Address: _____
(Your address)

Contact Phone: (H): _____ (W): _____ (M): _____

Exact address of Offending Dog(s): _____

Description of Dog(s): _____
(Colour and Breed of Dog/s)

Have you spoken to the dog/s owners/about this problem?

YES/NO

Outcome: _____

Have you attempted to have the matter mediated via the Dispute Settlement Centre of Victoria?

YES/NO

Reference number from them: _____

Outcome: _____

Are any other neighbours prepared to support your claim?

YES/NO

If YES, please supply their name and address and contact details below:

Neighbour 1 Name: _____

Address: _____

Contact Phone: _____

I, the undersigned wish to lodge a formal complaint with City of Darebin Council in relation to the dog(s) described above which bark persistently to such a degree that it unreasonably interferes with my peace, comfort, or convenience in my premises.

I submit all documented evidence of this as being truthful and accurate and **will** give evidence on oath before a Court should the complaint not be rectified by the attending Council Officer. I also understand that this evidence may be subject to cross examination should the matter proceeds to court.

No action will be taken against the dog owner, by Council or it's Officers until the Complaint Form and relevant evidence has been signed, and the information returned to Council by you.

Signature of Complainant: _____

Date: _____

Privacy City of Darebin is collecting the personal information on this form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and will not be disclosed to another party except as required by law. If you fail to provide the information, no action can be taken in regard to this complaint.

How to Complete a Barking Dog Diary

Your accuracy in recording the nuisance barking is of extreme importance as it may be presented as evidence in Court.

Please create a detailed diary **over a 10 day period** as shown in the example below and attach the diary to the Barking Dog Complaint Form.

Completed form **must** be returned to Council within 7 days of the last date recorded or Council can not take action and another diary set will need to be completed.

EXAMPLE DIARY ENTRIES **(C) Continuous (I) Intermittent**

Date	Time barking started	Time Barking stopped	Type of Barking How many barks and what type (C) or (I)	Reason for barking (Person walking past, another animal, weather, etc)	Noise How does the noise affect you
11/02/06	3:00pm	3:02pm	4 barks (I)	Nobody in street	Can't sleep
11/02/06	3:10pm	3:13pm	8 barks (I)	Man walking dog	Trying to entertain friends
11/02/06	3:18pm	3:18pm	2 barks (C)	Nobody in street	
11/02/06	3:28pm	3:30pm	16+ barks (C)	Children in street	
11/02/06	3:33pm	3:33pm	3 barks (C)	Nobody in street	
11/02/06	3:45pm	3:47pm	6 barks (I)	Plane passing over	
11/02/06	3:52pm	3:55pm	10 barks (I)	Nobody in street	
11/02/06	3:58pm	4:03pm	16+ barks (C)	Cat on fence	

All entries must document when the dog starts barking, then when it stops barking. One (1) diary for each dog must be completed.

Records stating 'Barking all day' or barking 9am – 12pm will not be considered detailed enough to act upon.

Please document when you are not at home to record barking.

ALL ENTRIES MUST BE TO THE MINUTE. This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence.

Forward completed '**Barking Dog Complaint form**' and '**Barking Dog Diary**' to:
Darebin City Council
Animal Management Unit
PO Box 91
PRESTON VIC 3072
Fax: 9261 4815

Dear Neighbour,

You may not be aware but your dog is currently causing a noise nuisance in the neighbourhood by barking.

I have discussed this problem with Darebin City Council who has suggested that as a first step, I express my concern to you, to allow you the opportunity to rectify the situation.

Accompanied with this letter is some information that may be of assistance to you in resolving the problem.

Your co-operation at this stage would be much appreciated.

Please find below some information that may assist you.

PS: Your dog appears to bark at the following times:

For the following reason(s):

I am happy to discuss this with you further and have included my details if you would like to discuss the times your dog is barking.

Details:

Thank you

Some Simple Tips for Reducing Barking

(Together with the Dear Neighbour Letter)

- Make sure that you do not reward your dog for barking too much.
- Don't let the dog inside or give it attention when it barks.
- Instead, give the dog attention when it is quiet.
- If the dog is barking at people or noises on the other side of a fence, move the dog to another part of the yard, or put up a barrier to keep the dog away from that area
- If the dog barks at regular disturbances such as children walking to school or rubbish trucks, keep the dog inside or in an enclosed area these times.
- If the dog races along a path or fence barking at passing distractions, put barriers or obstacles in the dog's way to slow it down.
- Ensure that the dog has adequate exercise and obedience training.
- Make sure that the dog has food, water and shelter from the weather.
- If the dog is barking at gaps and cracks in the fence, fill them in
- If the dog is barking at people it can see passing by, try blocking the dog's view
- Teach the dog to stop barking on command. When the dog is barking give a firm command such as "cease" and call the dog to you. Praise the dog when it stops barking.
- Attend accredited dog obedience training.

Dogs bark for many reasons and, if these simple tips do not help you, you may need to seek further advice.



Useful Contacts

Dog training establishments

Victorian Dog Training Academy 9478 6365
Shop 11/800 Plenty Road
Reservoir Vic 3073

Warringal Obedience Dog Club Inc 9484 0143
Cnr Chrissane & Waterdale Road
Bundoora Vic 3083

Wiltja Dog Obedience Club 9308 2466
Bundoora Park
Bundoora Vic 3083

Australian Dog Training 9761 2772
Head Officer
Level 1/260 Dorset Road
Boronia Vic 3155

A Perfect Spot Dog Training 9350 1281
Preston Vic 3072

Veterinarians

Preston Vet Clinic 9484 1908
267 Bell Street, Preston

Reservoir Vet Clinic 9471 0155
226 Spring Street, Reservoir

Northcote Plaza Vet Clinic 9489 3322
43a Dennis Street, Northcote

Bundoora Vet Clinic 94672255
17-19 Plenty Road, Bundoora

Mediation Services

Dispute Settlement Centre of Victoria 9603 8370
456 Lonsdale Street, Melbourne