

CANADA / JUDGMENT

Madi v. North Vancouver (District)

2025 BCCA 369

COURT

British Columbia Court of Appeal

DECIDED

16 October 2025

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2025 BCCA 369 Madi v. North Vancouver (District)

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation:

Madi v. North Vancouver (District),

2025 BCCA 369

Date: 20251016

Docket: CA50434

Between:

George Madi

Appellant

(Petitioner)

And

District of North Vancouver, Doug Blayney, and Carol Walker

Respondents

(Respondents)

Before:

The Honourable Mr. Justice Groberman

The Honourable Justice Riley

The Honourable Justice MacNaughton

On appeal from: An order of the Supreme Court of British Columbia, dated

December 4, 2024 (Madi v. North Vancouver (District), 2024 BCSC 2539,
Vancouver Docket S246027.

Oral Reasons for Judgment

The Appellant, appearing in person:

G. Madi

Counsel for the Respondents:

M.R. Voell

Place and Date of Hearing:

Vancouver, British Columbia

October 16, 2025

Place and Date of Judgment:

Vancouver, British Columbia

October 16, 2025

Summary:

The appellant Mr. Madi appeals from the dismissal of his petition for judicial review of an Aggressive Dog determination made under the respondent District of North Vancouver's Dog Tax and Regulation Bylaw. Mr. Madi argues that both the decision of the Senior Animal Welfare Officer and the subsequent informal review conducted by the Chief Bylaw Officer were unreasonable and procedurally unfair. His principal arguments are that the Aggressive Dog determination was (1) unreasonable because neither decision maker expressly addressed whether the incident that led to the determination was "unprovoked" as required in the bylaw definition, and (2) procedurally unfair because he was never given an opportunity to present a statement from his wife, who was the dog owner present to witness the incident. HELD: Appeal dismissed. The District's "Aggressive Dog" determination was transparent and intelligible, and the outcome is justifiable in light of the relevant factual and legal constraints. The complainant's statement characterized the incident as an "unprovoked attack", and gave details to support that characterization. By contrast, Mr. Madi's account contained only a general denial that the incident was "unprovoked", and included comments that could reasonably be construed as tacit acknowledgments of responsibility. The decision-making process was also conducted fairly. The Madis were given an opportunity to provide a statement regarding the incident, and they did so by way of an email authored by Mr. Madi. There was no indication that a further statement from Mrs. Madi was forthcoming, and in his subsequent request for reconsideration Mr. Madi made no mention of a separate statement that had been or was being prepared by Mrs. Madi.

- [1] RILEY J.A.: This is an appeal from the dismissal of a petition for judicial review, in connection with the District of North Vancouver Bylaw and Animal Services Department's determination that Mr. Madi's dog is an "Aggressive Dog" under the District's Dog Tax and Regulation Bylaw No. 5981, 1988 (the "Bylaw").

Background

- [2] The appellant Mr. Madi and his wife Mrs. Madi are the owners of a large white Kuvasz breed dog named Solo.
- [3] On 6 June 2024, the District's Bylaw and Animal Services Department received a report about a dog bite incident involving Solo. The incident occurred on 29 May 2024, in Doran Park (the "Incident"). The matter was assigned to Mr. Blayney, the District's Senior Animal Welfare Officer.
- [4] The complainant described the Incident as an "attack" that was "unprovoked". Solo "lunged" at the complainant's dog and "bit his neck". The two dogs were "about 10 feet" apart when Solo lunged. Solo was on a leash, but was "too strong for his owner", and pulled the leash out of her hands. The complainant tried to separate the dogs and sustained a "small bite" on the wrist.
- [5] The complainant added that Solo's owner, who from the context was clearly Mrs. Madi, was "gracious and understanding through the process". She paid the complainant's veterinary bill and subsequently "purchased a muzzle for Solo".
- [6] On 7 June 2024, Mr. Blayney wrote an email to the Madis, referencing the Incident. Mr. Blayney's email attached an "Aggressive Dog Incident Notification" form. The form: (i) advised that the District had received a report of an incident that could lead to a determination that Solo was an "Aggressive dog", (ii) set out, among other things, the Bylaw definition of an "Aggressive dog", namely "Any dog which has, without provocation, attacked, bitten, or harassed or pursued in a hostile fashion a person or domestic animal", (iii) advised that the matter was "being investigated", and (iv) set out interim management steps that the Madis were required to follow in order to ensure Solo's safety in the community, pending the outcome of the investigation. Mr. Blayney's email also invited the Madis to send a statement regarding the Incident via email and to contact Mr. Blayney if they had any questions.
- [7] On the morning of 20 June 2024, Mr. Blayney, having received no response to his email, telephoned the Madis. In the ensuing phone conversation, Mr. Madi said they had not received the email. Mr. Blayney immediately sent a second email, forwarding the original and its attachment, the incident notification form. Mr. Blayney again invited a response setting out Mrs. Madi's recollection of the Incident.
- [8] Later in the morning of 20 June 2024, Mr. Madi responded by email. He asserted that it was "completely unjustified to call Solo an aggressive dog", and that Solo was three years' old and "has been in two altercations" in his entire life. Mr. Madi went on to address the two

altercations, the second of which was the Incident. Mr. Madi described the Incident and Mrs. Madi's reaction to it as follows. He said Solo was "playing with a female dog" when the complainant's unneutered male dog "butted in" and "that's when the fight started". Mr. Madi said it was not an "unprovoked attack". Mr. Madi further asserted that it was a "one-off situation", and the Madis would "make sure it never happens again". He said his wife was "so shocked by this encounter that she bought a muzzle for [Solo], but truly it is not needed because he is not an aggressive dog".

- [9] On 26 June 2024, Mr. Blayney made a determination that Solo met the definition of an "Aggressive Dog" within the meaning of the Bylaw. He sent a letter to the Madis setting out his decision. The letter also enclosed two bylaw infraction notices in relation to the Incident. (Note: what is in issue in these proceedings is the District's determination that Solo is an Aggressive Dog, not the bylaw infractions, which are governed by a separate regime for disputing bylaw infraction tickets).
- [10] In his 26 June 2024 letter to the Madis, Mr. Blayney referred to the "reported off-leash dog bite incident" that took place in Doran Park on 29 May 2024. He stated that, "Based on 'Solo's' actions on that day 'Solo' meets the definition of an 'Aggressive Dog' under the [Bylaw]". The letter also set out, in full, the Bylaw's definition of the term "Aggressive Dog". It went on to set out the obligations of the Madis as the owners of an "Aggressive Dog", as set out in s. 8A of the Bylaw. These included ensuring that Solo was leashed and muzzled when in any public place, was spayed or neutered, was safely confined while on the owner's premises, and maintaining a minimum of \$1,000,000 in liability insurance.
- [11] On 8 July 2024, the Madis sent an email to the District, objecting to Mr. Blayney's decision. The email asserted that the entire process was "very unfair and skewed against us", and requested that the Aggressive Dog determination "be set aside and a new hearing be held" before a different District employee. The Madis set out the following specific complaints in their email:
- a) The decision was allegedly made without considering "our version of events", and was based "solely on the complainant's side of the story".
 - b) The Madis "did not fully understand the process", because "it was not explained" to them. Although they were told to give a statement, they were not told "what should be included in the statement or what the statement was for". They were "not aware that our statement would be used in making the decision", and were never "informed of the criteria" for making an Aggressive Dog determination.
 - c) The Madis "did not actually have the opportunity to properly defend" Solo's actions.
 - d) The Madis received two bylaw infraction tickets in connection with the Incident, while the owner of the other dog was not ticketed.

- [12] On 15 July 2024, the District's Chief Bylaw Officer, Ms. Walker, responded to the Madis' email, confirming their request for reconsideration.
- [13] While the Bylaw does not contain any mechanism for reconsideration of an Aggressive Dog determination, Ms. Walker reviewed the matter "out of a good-faith desire to address concerns about procedural fairness" raised by the Madis.
- [14] On 15 August 2024, Ms. Walker sent an email to the Madis, communicating her decision to "uphold the determination that Solo was an 'aggressive dog'".
- [15] Ms. Walker explained that she had reviewed the actions of the District's Animal Services Officers in relation to the Incident. Ms. Walker's email also cited "previous and past concerns brought forward by the public regarding [the Madis] not following the regulations".
- [16] Ms. Walker's email specifically set out her reasons for concluding that the Madis were given an opportunity to provide a statement about the Incident, and for concluding that the Madis were properly informed of the Aggressive Dog determination and its consequences. Ms. Walker cited prior and subsequent incidents or complaints about Solo, to demonstrate that the Madis had been "repeatedly warned" about the "requirements and consequences" of the Bylaw. The concluding paragraph of Ms. Walker's email stated, in part, that Solo was "determined to fit the definition of an 'Aggressive Dog'", due to ["Solo's] actions", and "after careful consideration of all evidence" and the Bylaw.

Chambers Judge's Decision

- [17] Mr. Madi filed a petition for judicial review of the District's determination that Solo is an Aggressive Dog under the Bylaw.
- [18] In oral reasons given on 4 December 2024, the chambers judge dismissed the petition.
- [19] The chambers judge assessed Mr. Blayney's initial decision on the standard of reasonableness, concluding that, on the basis of his letter and the evidence Mr. Blayney had at his disposal, "the decision maker adequately and coherently justifies the conclusion" that Solo fit the Bylaw's definition of an "Aggressive Dog". In the chambers judge's view: "[t]he fact that there is not an extensive analysis of whether the dog was provoked or unprovoked, there was certainly a sufficient evidentiary body in the materials in front of the decision maker to rationally reach the decision he did".
- [20] The chambers judge also considered and rejected Mr. Madi's argument that the process was unfair. The chambers judge noted that "[t]he concept and requirements of procedural fairness are variable" and depend on the context, citing the leading case of *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817. The judge was not satisfied that Mr. Madi was "not afforded a chance to provide input into the decision-making process, or that he was somehow unable" to do so.

- [21] Turning to the subsequent review conducted by the Chief Bylaw Officer Ms. Walker, the chambers judge explained that a petition for judicial review was not intended to be a trial of the underlying events, or an appeal from the decision of either Mr. Blayney or Ms. Walker. The issue of whether Solo was "provoked or not" was, in the chambers judge's view, "thrashed out at length" in the materials before Mr. Blayney, which included Mr. Madi's own email in which he spoke to that issue. In the judge's view, the fact that Ms. Walker did not undertake an express analysis of the issue in her reconsideration was "not determinative" of anything. In the result, Ms. Walker's review decision was not unreasonable.
- [22] Nor did the chambers judge find Ms. Walker's review to give rise to any procedural unfairness. The judge found it understandable and not unusual that there was no formal process for reconsideration or appeal of the Aggressive Dog determination. Ms. Walker made a "somewhat extraordinary offer" to review the matter at the request of the Madis. The review was not unfair, as Mr. Madi had the opportunity to present his side of the story, both in the original investigation conducted by Mr. Blayney, and in his email to Ms. Walker requesting a review.

On Appeal

- [23] Mr. Madi argues that the chambers judge erred in finding that the District's decision was reasonable, and that the process was not procedurally unfair. The case was argued before us on the basis that the District's determination that Solo met the Bylaw definition of an Aggressive Dog is a decision that is amenable to judicial review, so I will decide the matter on that basis.

Standards of Review

- [24] In judicial review proceedings, the appeal court's role is to determine whether the reviewing judge identified the appropriate standard of review, and applied it correctly: *Fraser Mills Properties Ltd. v. Coquitlam (City)*, 2018 BCCA 328 at para. 12, citing *Agraira v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at paras. 45–47. As explained in more detail below, in practical terms this often means that the appeal court will "step into the shoes" of the reviewing judge: *Fraser Mills* at para. 12; *1120732 B.C. Ltd. v. Whistler (Resort Municipality)*, 2020 BCCA 101 at para. 48.
- [25] With regard to the merits of the District's determination that Solo is an Aggressive Dog, the chambers judge proceeded on the basis that the standard of review was reasonableness. In my view, the judge was correct in doing so. Under the framework set out in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, courts must begin with the presumption that administrative decisions are reviewed on a standard of reasonableness. None of the factors that would rebut that presumption are present in this case, which is concerned with the District's interpretation and application of its Bylaw.

[26] With regard to procedural fairness, the chambers judge did not expressly identify the standard, but it is clear from his reasons that he considered whether, in all the circumstances, the process was a fair one. Again, in my view, the chambers judge applied the correct standard, as discussed in *Brar v. British Columbia (Securities Commission)*, 2023 BCCA 432 at paras. 25-26. The only remaining question is whether he was correct in concluding that the process was fair: *R.N.L. Investments Ltd. v. British Columbia (Agricultural Land Commission)*, 2021 BCCA 67 at para. 57.

(1) Reasonableness

[27] Many of Mr. Madi's arguments in this Court were focused on the reasons of the chambers judge. For example, his third and fourth grounds of appeal are directed entirely at alleged errors in the chambers judge's analysis of the evidence, leading up to his conclusion that the District's decision was reasonable. Mr. Madi's focus on the chambers judge's reasons is not particularly productive, because in determining whether the chambers judge identified and correctly applied the standard of review, the focus of the appeal court's analysis is naturally drawn to the first instance decision under review. The most direct route to determining whether the chambers judge reached the correct result is to consider whether the administrative decision under review met the standard of reasonableness. This approach is consistent with the cases cited above, namely *Fraser Mills* and *1120732 B.C. Ltd.*

[28] I therefore turn to Mr. Madi's arguments as to the reasonableness of the District's decision.

[29] Mr. Madi says the Aggressive Dog determination was unreasonable because both Mr. Blayney and Ms. Walker failed to actually consider or apply the "key" requirement in the Bylaw -- that the dog has, "without provocation", attacked, bitten, or harassed or pursued a person or a domestic animal. Mr. Madi asserts that the decisions were unreasonable because the "central issue" was decided "by implication", without any actual consideration of the key requirement in the Bylaw that the dog's aggressive conduct was "without provocation".

[30] In my view, when Mr. Blayney's 26 June 2024 letter is read together with the evidence pertaining to the Incident, the reasons for the decision are transparent and intelligible, and the outcome is justifiable.

[31] Mr. Blayney's letter refers to the definition of "Aggressive Dog". The definition itself is straightforward, and there is no debate concerning its interpretation. The terms of the Bylaw are clear. The question was whether Solo's actions fit within the definition.

[32] Mr. Blayney had before him the statements of the complainant and of Mr. Madi with respect to the incident itself. Both include discussion of whether Solo's actions were "without provocation". The complainant said it was an unprovoked attack, and offered details by asserting that the two dogs were ten feet apart when Solo lunged, broke free of Mrs. Madi's control, and bit the complainant's dog. Mr. Madi denied it was an "unprovoked attack", but gave no details to explain why that was so. His statement also asserted that Mrs. Madi was

"shocked" by the incident, which he described as a "one-off" that the Madis would not allow to be repeated.

- [33] On this record, it is apparent that Mr. Blayney accepted the complainant's more detailed account, supported by photos and veterinary bills showing the injury to the complainant's dog. On the complainant's account, Solo's actions occurred "without provocation", fitting easily within the Bylaw definition. Mr. Madi's assertion that the attack was not unprovoked is unsupported by detail, and his statement includes comments that could reasonably be construed as tacit acknowledgments of responsibility.
- [34] Nothing in Ms. Walker's email describing her review of the matter undermines the reasonableness of Mr. Blayney's decision. Ms. Walker simply reviewed the record, addressed Mr. Madi's procedural fairness complaints, and confirmed Mr. Blayney's conclusion that Solo's conduct fit within the Bylaw definition of an Aggressive Dog.
- [35] Mr. Madi also argues that the Aggressive Dog determination was unreasonable because both Mr. Blayney and Ms. Walker considered irrelevant factors. In particular, he cites the following as irrelevant considerations: (a) Mr. Blayney's reliance on Solo's "leash status", and the injury to the complainant's dog, and (b) Ms. Walker's reliance on other incidents or allegations involving Solo.
- [36] I do not agree that either Mr. Blayney or Ms. Walker decided the matter based entirely or predominantly on irrelevant factors, or that their consideration of the points raised above otherwise rendered the Aggressive Dog determination unreasonable.
- [37] It was not unreasonable for Mr. Blayney to consider Solo's leashing status in assessing the complainant's assertion that Solo was leashed and was able to break free of Mrs. Madi's control, all of which are relevant aspects of the Incident, with at least some logical bearing on the question of whether Solo's actions were unprovoked. The fact that the complainant's dog was bitten was relevant because the definition of Aggressive Dog involves a consideration of whether the dog who is the subject of the inquiry bit another domestic animal.
- [38] It was not unreasonable for Ms. Walker to consider and cite the other incidents and allegations involving Solo to support her conclusion that the Madis had been "repeatedly warned" about the "requirements and consequences" of the Bylaw. This was responsive to the Madis' complaint that they "did not fully understand the process", because it was not explained to them. The fact is that the Madis had received and responded to a similar complaint in the past. The subsequent event is not relevant to that question, but I cannot conclude that Ms. Walker's reference to that incident renders the Aggressive Dog determination unreasonable.

- [39] Mr. Madi also argues that it was unreasonable for Mr. Blayney to make a decision based in part on Mr. Madi's "hearsay" account of the Incident, rather than obtaining a statement directly from Mrs. Madi. Mr. Madi says it was unreasonable for Mr. Blayney (and Ms. Walker) to "exclude" Mrs. Madi's "eyewitness evidence" of the Incident, and then to accept the complainant's account over the "hearsay" account given by Mr. Madi.
- [40] I would not give effect to this submission, for two reasons. First, there is no indication that the District ever "excluded" any account or statement offered by Mrs. Madi. In his initial email, Mr. Blayney asked the Madis to provide a statement. In his follow-up email, he requested a statement from Mrs. Madi. In response to both requests, Mr. Madi authored an email on behalf of both himself and his wife. Mr. Madi did not suggest that a separate statement from Mrs. Madi was forthcoming.
- [41] This leads to the second point. The strict rules of evidence applicable in court proceedings do not bind a bylaw officer or inspector engaged in the application of a bylaw of the sort in issue in this case. Mr. Blayney was permitted to consider all relevant information bearing on the Incident. Mr. Madi authored an email on behalf of himself and Mrs. Madi, describing the Incident. The content of Mr. Madi's email reflects that he was speaking on behalf of both of them. He included details of the Incident that could only have been obtained from Mrs. Madi herself. It was not unreasonable for Mr. Blayney to make the Aggressive Dog determination based on the two accounts he had been given of the Incident.
- (2) Procedural Fairness
- [42] Mr. Madi also argues that the District's Aggressive Dog determination was procedurally unfair for a number of reasons.
- [43] First, there is Mr. Madi's complaint that the District unfairly "excluded" Mrs. Madi's statement concerning the Incident. In a related point, Mr. Madi argues that the process was unfair because Mr. Blayney specifically requested a statement from Mrs. Madi but then never waited to receive it, and he never gave the Madis a deadline to provide it. Mr. Madi says this undermined the Madis' legitimate expectation that the investigation would include a consideration of Mrs. Madi's statement.
- [44] As explained above, the record does not support the contention that the District "excluded" any statement offered by Mrs. Madi. No statement of Mrs. Madi was ever presented to the District. Mr. Blayney sent two emails asking the Madis to provide a statement about the Incident. The first email invited the Madis (plural) to provide a statement. The second asked Mrs. Madi to provide her statement. Mr. Blayney's emails, together with the attached incident notification form, made it clear that he was conducting an investigation into the Incident, for the purposes of determining whether Solo is an Aggressive Dog. He twice requested that the Madis provide a statement about the Incident. The only statement the District ever received from the Madis was the one authored by Mr. Madi, on behalf of both himself and Mrs. Madi. It included an account of the Incident. In his email, Mr. Madi did not indicate that a further statement from Mrs. Madi was forthcoming. I see no procedural

unfairness in this. The Madis were given an opportunity to provide a statement regarding the Incident, and they did so, by way of an email authored by Mr. Madi.

- [45] Mr. Madi also argues that Ms. Walker conducted a "substantive review" of the Aggressive Dog determination, without affording any procedural rights. Mr. Madi says he was not notified that a formal review was taking place, was not permitted to make submissions, and was not given the opportunity to respond to new allegations introduced during the review.
- [46] I do not agree with the submission that Ms. Walker's review of the file in response to Mr. Madi's 8 July 2024 email was a "substantive review", in the nature of an appeal, or a rehearing. There is no evidence that the District had a formal review or reconsideration process. Rather, as Ms. Walker explained, she undertook a review of Mr. Blayney's decision "out of a good-faith desire to address concerns about procedural fairness". Hence, Ms. Walker's review was not a reconsideration or an appeal, but rather an informal exercise to consider and address the "procedural fairness concerns" raised in Mr. Madi's email.
- [47] I also disagree with the contention that Mr. Madi was unfairly deprived of the opportunity to make submissions on the review. Mr. Madi's email of 8 July 2024 included submissions on both procedural fairness and the merits of Mr. Blayney's determination. This is what Ms. Walker responded to in her review.
- [48] Finally, I turn to the allegation that Mr. Madi was not given the opportunity to respond to new allegations introduced during the review. On my reading of Ms. Walker's email, the other incidents and allegations were referenced in support of her conclusion that Mr. Madi had been "repeatedly warned" about the "requirements and consequences" of the Bylaw. Ms. Walker did not rely on these events to support the Aggressive Dog determination, but rather to address Mr. Madi's complaint that he and Mrs. Madi "did not fully understand the process", because "it was not explained" to them.

Conclusion

- [49] The District's decision determining that Solo is an Aggressive Dog was not unreasonable, nor was the process unfair. I would dismiss the appeal.
- [50] GROBERMAN J.A.: I agree.
- [51] MACNAUGHTON J.A.: I agree.
- [52] GROBERMAN J.A.: The appeal is dismissed.

"The Honourable Justice Riley"

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