

CITY OF MONASH

Dealing with a Barking Dog

Note that this is a resource kit for the information and assistance of both the owners of dogs that bark persistently and persons adversely affected by the barking.

Introduction

Dogs are an important part of our local community and provide great companionship for people of all ages. However dogs that bark excessively can become a source of irritation for neighbours and others in the area. One of the most frequent complaints about animals in the City of Monash relates to the nuisance caused by barking dogs. Approximately 30% to 40% of the rangers' time is spent dealing with barking dog issues. If you have a problem with a neighbour's barking dog, or if your own dog is barking too much, this information may help.

The earlier that 'problem barking' is tackled, the easier it is to control.

If it is a neighbour's dog that is barking annoyingly, approaching the dog's owners in a neighbourly manner and discussing your concerns with them can sometimes easily resolve the issue. The owner may not even be aware that the dog's barking is causing an annoyance to people in the area.

- The dog may only bark excessively when the owner is not home
- The owners may not hear the barking from various areas within their house.
- The owner may be very sound sleepers and not be woken when the dog barks.

Most of the barking dog problems are quickly resolved at a neighbour level with minimal Council involvement. However, the ones that don't get fixed easily generally drag on for a long time, involving much Council Officer and neighbour time and, in the end possibly, an unpleasant and expensive, legal process.

Why Dogs Bark

If a dog owner is aware of the early signs of barking in younger dogs, training and management techniques can be applied to prevent the problem from becoming worse.

Dogs have different types of barks, which are often used for different purposes. Some may need to be encouraged and others ignored.

However, excessive barking is not normal and is generally only the symptom of an underlying problem. To solve the problem the cause has to be found, and the problem treated or the dog removed.

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.

Possible causes of excessive barking include:

1. External distractions/disturbance
2. Confinement or restraint
3. Breeding
4. Anxiety/loneliness
5. Visitor/watchdog barking
6. Boredom or lack of stimulation and company
7. Attention seeking
8. Lack of exercise
9. Inadequate shelter
10. Hunger or thirst
11. Medical condition

Of course, dogs also bark to be helpful in alerting their owners of trouble such as an intruder or fire. However a dog’s idea of an intruder could include cats, possums, other dogs, or even birds sitting on a fence or flying across the property. The owner should train their dog to recognize, and not to bark at, what are normal occurrences in the area.

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

Simple Tips, for owners, that may help Reduce Barking

- Make sure that you don't reward the dog for unnecessary barking. Give it attention when it is quiet. Don't give positive attention, like allowing it inside or being fed, when it barks.
- Ensure that the dog has plenty of accompanied exercise and obedience training.
- If the dog is barking at people or noises on the other side of a fence then move the dog away from the fence or create a barrier to keep it out of the area.
- Make sure the dog has food water and shelter from the weather. The dog's shelter (kennel) should be set up so that the dog can see the family at home.
- If the dog barks at regular disturbances such as garbage trucks, post men, children walking to school, etc, either keep the dog inside, away from the disturbance or introduce the dog to them as part of its training.
- Teach the dog to stop barking on command. Praise the dog when it stops barking. Use a consistent short command when the dog barks and call the dog to you.
- Gaps in a fence, and/or a free run along a fence, should be eliminated if these are used by the dog in responding to activities on the other side of the fence.
- Attend accredited dog obedience training with an emphasis on minimizing barking.

Dogs bark for many reasons and if these simple tips do not help then you should seek further advice and help.

If you have access to the internet put the word '**barking solutions**' in your search engine, such as Google, for some further helpful information provided in a '**Barking Solutions Information Pack**' developed by a commercial business.

Talking to your Neighbour

Neighbours can often help each other to resolve barking problems by communicating to each other their concerns and needs. Neighbours may be able to help identify the reasons for excessive barking by noting what is happening in the area when the dog is barking.

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. Such time, with the dog, may also help build a relationship with the dog.

As mentioned earlier, the owner of the offending dog may not be aware that it is the possible cause of a nuisance. And remember, the sooner the problem of excessive barking is tackled the easier it is to achieve a cure.

Try the following steps to attempt to resolve the issue in a neighbourly manner:

1. 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 your recent log of barking times and possible reasons.

If you are unable or unwilling to approach to owner write a polite "*Dear Neighbour, do you realize etc*" letter, setting out the issues that concern you. (See sample letter).

2. If the neighbour takes no action, or does not agree that a problem exists, you may choose to contact the Department of Justice which funds a free 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 free service.
Dispute Settlement Centre of Victoria
4th Floor 456 Lonsdale Street, Melbourne 3000
Tel: 9603 8370 Fax: 9603 8355
Email: dscv@justice.vic.gov.au

3. If these options are not successful, residents with the barking dog noise complaint should contact Council and, after considering the information made available and the consequences, submit the Formal Complaint notification to Council. If the Council officers are convinced a nuisance exists, and their efforts at a local level do not resolve the problem, then the legal actions available to the Council through the *Domestic Animals Act* will, with your assistance as witness, be pursued through the courts. Remember it is your case, that the Council officers are prosecuting, so it is the completeness and accuracy of your sworn evidence, and that of your neighbours, that will help achieve a satisfactory decision from the court.

Lodging a Complaint with Council

To lodge a complaint with Council you **must** show that **you** have:-

- Spoken with, or contacted, your neighbour and have tried to resolve the problem with them.
- Identified other immediate neighbour/s who are also affected by the barking.
- Considered resolving the issue through an independent party like the Dispute Settlement Centre of Victoria.
- Understand that Council officers, if unable to negotiate a solution to the problem, may ultimately require you, and, your neighbours, to provide sworn evidence in court, hence the need to collect, and keep, accurate records of the problem.

(Note: Lodging a formal complaint with Council should be your last option as it could ultimately lead to Court where you will be required as a witness.)

Then you can start the procedure for lodging a barking dog complaint as follows:-

- Identify the correct address and description of the offending dog/s.
- Keep a log of the dog's barking habits for a period of seven days, noting the date, time, weather conditions, the reason and duration of barking and the effect the barking is having on you.
- Complete the Barking Dog Complaint Form.
- Forward to Council the Barking Dog Complaint form and seven day logs that have been completed by you and by any other neighbours who are also affected by the barking.
- Continue to keep a log of the dog's barking habits. This will monitor whether the problem continues or improves as a result of any action taken by the owner, neighbours or Council.
- Gather any other evidence.
- Confirm with other neighbours who are prepared to corroborate your evidence about the barking.

Barking Dog Complaint Form

This document and the diary/log sheets must be completed in full, signed and returned to City of Monash within 7 days of completion of 7 day diary. (Please print details)

Complainant's Name:.....

Address:.....

.....

Contact Phone Numbers: Home:.....Work:.....Mobile:.....

Definition of a Dog creating a nuisance:

Section 32 (2)(b) of the Domestic Animals Act 1994 provides that;

A dog is to be regarded as a nuisance....

“if it creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.”

Address of Subject Dog(s):.....

.....

Description of Dog(s): Size, Sex, Colour & Breed.....

How long has the barking been a nuisance?

Have you verified where the barking is coming from?

Have you seen the dog/s barking?

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

If NO please attach reasons.

Have you attempted to have this matter mediated?

Have you contacted Council previously in relation to this matter? ...

Have you discussed this problem with other neighbours?

If YES, are they prepared to support your claim?

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

Yes	No

Witness 1 Name:

Address:

Contact Phone:

Witness 2 Name:

Address:

Contact Phone:

I, the undersigned, wish to lodge a formal complaint with the City of Monash 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. Should the Council Officers be unable to resolve this issue, *I am / am not* prepared to attest to the information provided in this document under oath in a court of law. *(Please cross out words in italics that are not applicable).*

Signature of Complainant:

Date: / /

Your Privacy

The personal information on this form is being collected by Council for the purpose of gathering information applicable to this Barking Dog nuisance complaint. The information will be used for investigating and prosecuting the complaint and will not be disclosed to any other party, except Council's contractors engaged in this process and, as required by law. If you would like to know more about the privacy policies of the Monash City Council please contact the Council's privacy officer on 9518 3555.

If you fail to provide the information, any action taken by Council, in regards to this complaint, will, for practical and legal reasons, be very limited.

Further notes or comments:

Dear Neighbour,

You may not be aware, but I think it is your dog, whose barking is currently causing a noise nuisance to me and which is possibly affecting others in the neighbourhood.

I have contacted the City of Monash and it has been suggested that as a first step I express my concern to you to allow you the opportunity to rectify the situation without a formal complaint being lodged.

The Council provided some information that may be of assistance to you in resolving the problem, a copy is on the next page of this letter. If there is some way I can help please let me know.

Your cooperation would be much appreciated.

Your neighbour.

.....
.....
.....

PS...

The dog appears to bark at the following times:

.....

For the following reasons:

.....

Simple Tips, for owners, that may help Reduce Barking

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