

**MEETING OF THE HEARING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

Committee Room C-11
Tom Davies Square

Thursday June 29, 2015
Commencement: 4:33 p.m.

COUNCILLOR SIGNORETTI IN THE CHAIR

Present

Councillors Cormier; Jakubo; Kirwan; Reynolds; Signoretti

City Officials

Kristen Newman, Assistant City Solicitor, Legal Services; Kyle Anderson, By-law Enforcement Officer; Tanya Thompson, Deputy City Clerk; Lisa Locken, Committee Assistant

**Declarations of
Pecuniary Interest**

None declared.

PUBLIC HEARINGS

APPEAL REGARDING VICIOUS DOG NOTICE #669022 – DANIEL WOODLIFFE

The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated June 17, 2015 from the Executive Director, Administrative Services/City Clerk regarding Vicious Dog Appeal, ACR #669022 – Daniel Woodliffe.

Danielle Woodliffe, the appellant, was present.

Lisa Tarini, the complainant, was present.

Kyle Anderson, By-law Enforcement Officer, outlined the report.

Kyle Anderson, By-law Enforcement Officer, stated that their department issues Vicious Dog Notices and Animal Control issues their own tickets and fines which are dealt with through the Provincial Offences Act.

Mr. Woodliffe stated he would take adequate steps to make sure an occurrence like this would never happen again and this was a one-time incident. He stated since the incident, he has purchased new leashes and muzzles and uses the buddy system when walking his dogs so he can keep them under control. He advised that the dogs have never been violent and for the most part are well balanced and behaved. He advised that his dogs are a boxer named Ben and a Sheppard named Sampson. He stated on the day of the incident the metal clasp on Sampson's leash failed and Ben's leash became entangled in a tree, he unleashed his Boxer so he could catch up with his

PUBLIC HEARINGS (CONT'D)

APPEAL REGARDING VICIOUS DOG NOTICE #669022 – DANIEL WOODLIFFE (CONT'D)

Sheppard and gain control and once he gained control he left the area. He stated he was not sure what the best route of action was and he was aware there were going to be consequences but his main concern was to gain control of his dogs.

Ms. Tarini stated that on the day of the incident she was walking her dog at Delki Dozzi Park when she observed two (2) dogs off-leash running around, once they spotted her dog they climbed the escarpment and came towards her at which point the Sheppard, Sampson, grabbed her dog and shook him violently, tearing his skin. The owner of the loose dogs arrived and got his dogs under control and immediately left the area. She stated that she yelled and asked him to stop so they could exchange information as she realized her dog would need veterinary care. She informed that she had to reach out to the media to uncover the owner of the dogs. She stated her dog required three (3) hours of microsurgery to correct his face and the bills were over \$3,500. She stated this is not the first attack Mr. Woodliffe's dogs were involved in and stated they also attacked a dog in Espanola.

Mr. Woodliffe stated that the leash of his dog broke but he was six (6) feet behind his dogs when the attack happened. He stated that Ms. Tarini was swinging her cane at the dogs and she also struck him in the head with the cane. He stated the incident in Espanola started off as a pleasant exchange with another dog owner when their little corgi nipped his boxer's face, the boxer bit back and the leashes became tangled however there was no damage and no humans harmed.

Ms. Dawson, witness for Mr. Woodliffe, stated that she shares in the responsibility and care of the dogs, Ben and Sampson. She stated that when she takes them for walks they are docile and they have had no incidents. She advised that they have many friends with dogs who interact with these dogs and there never has been an incident

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

HC2015-07 Kirwan/Cormier: THAT the City of Greater Sudbury upholds the Vicious Dog Notice #669022 issued to Daniel Woodliffe.

YEAS: Councillors Signoretti, Kirwan, Jakubo, Cormier, Reynolds

CARRIED

PUBLIC HEARINGS (CONT'D)

APPEAL OF VICIOUS DOG NOTICE #66381A & #66381B – DENNIS RICHER & JENNIFER LAPOINTE

The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated June 17, 2015 was received from the Executive Director, Administrative Services/City Clerk regarding vicious dog Appeal, #66381A & 66381B – Dennis Richer & Jennifer Lapointe.

The appellants were not present.

Paul Pasanen, the complainant, was present.

Kyle Anderson, By-law Enforcement Officer, outlined the report.

Mr. Pasanen stated on the evening of the incident, he took his dogs outside in his backyard to go to the bathroom when two larger dogs entered the yard, jumped on his small dog and carried him away. He stated he ran after his dog while in his pajamas and sock feet and chased them into a neighbour's backyard. When he reached his dog, he observed that his dog was severely injured and dying. He stated the owners of the larger dogs were in the back yard and the woman kept apologizing to him. He informed that he took his dog home and called the vet but his dog had already passed away. He stated that he has been advised by the neighbours that these dogs have attacked many dogs in the neighbourhood.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

HC2015-08 Cormier/Kirwan: THAT the City of Greater Sudbury upholds the Vicious Dog Notice #66381A & #66381B issued to Dennis Richer & Jennifer Lapointe.

YEAS: Councillors Signoretti, Kirwan, Jakubo, Cormier, Reynolds

CARRIED

Recess

At 5:15 p.m. the Planning Committee recessed.

Reconvene

At 5:22 p.m. the Planning Committee reconvened.

PUBLIC HEARINGS (CONT'D)

APPEAL REGARDING ORDER TO REMEDY #641305 – SANDRA CARTLEDGE

The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated June 17, 2015 was received from the Executive Director, Administrative Services/City Clerk regarding Order to Remedy #641305 – Sandra Cartledge.

Sandra Cartledge, the appellant, and Reg Ellsworth, witness for the appellant, were present.

Ulli Streit, the complainant, was present.

Kyle Anderson, By-law Enforcement Officer, outlined the report.

Kyle Anderson, By-law Enforcement Officer, stated once request for appeal has been received they do not expect the work be done until the Committee renders a decision at which point the Committee can set a new date for the remedy to be completed. He stated that he attended the site on June 26th, 2015 and advised the downspouts have not been re-directed. He advised that the Animal Control By-law is different than the Order to Remedy By-law and they are outlined with different provisions.

Mr. Ellsworth stated this issue has been ongoing since 2012. He stated that they requested that the By-law Department attend and review the situation, however for many months they did not come and the Police finally were called and they took measurements of the property line.

Ms. Cartledge stated there is a downhill slope and swale on her property. She stated that her neighbour has a shed that is on her property line and the neighbour advised that it would be torn down but it still stands. She stated that the neighbour filled up the swale with rocks.

Ms. Cartledge stated that she never had an issue with the previous owners; Ms. Streit damaged the pipes and the heat coil. She stated she that she is not draining water onto her neighbour's property and the pictures show the neighbour's property is higher than her own so water could not drain uphill. She informed that Ms. Streit installed a fence that is encroaching onto her property.

Ms. Streit stated she asked Ms. Cartledge for a copy of the survey but was not provided with one. She stated she located stakes in the ground showing the property line and erected her fence approximately one foot inside her property line. She stated the damage done to the neighbour's property, including the heating coil, was not done intentionally and she was unaware that there was damage. She informed the best remedy to the situation would be to add an extension to the neighbour's downspout as the runoff is causing erosion to her property and damaging her landscape. She stated that she called the police as Ms. Cartledge hired a backhoe to rearrange the monuments

PUBLIC HEARINGS (CONT'D)

APPEAL REGARDING ORDER TO REMEDY #641305 – SANDRA CARTLEDGE (CONT'D)

and removed large portions of landscaping in her back yard. She advised there is not a swale between the properties.

Kyle Anderson, By-law Enforcement Officer, stated that the affected property sits slightly higher than the other property and there are only a few feet from the property to property line. He stated the downspout should drain to the back of the property so it does not affect the neighbours. He also stated that the appellant called By-law on August 5, 2014 to advise that she had a survey, however no survey was received.

Ms. Cartledge stated that as seen in the photos (provided by the appellant), there is no erosion showing on the neighbouring property. She stated there was a swale on her property so she filled it with rocks to solve any drainage issues.

Kyle Anderson, By-law Enforcement Officer, stated based on his review of the file, the downspouts do not comply and should be re-directed. He informed that the by-law states that water is not allowed to flow onto other resident's properties, the one exception is when water can be discharged into an approved drainage swale which is installed through a building permit and inspected by an engineer however the current swale is not approved.

Ms. Streit stated the reason there is no evidence of erosion in photos provided is because they keep working at correcting the erosion damage. She stated the by-law does not require that the affected property demonstrate any damage.

Mr. Ellsworth stated the photo provided show that both pipes go down the same path and it is quite evident that there is no water flowing onto the neighbor's property.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

HC2015-09: Kirwan/Reynolds: THAT the City of Greater Sudbury upholds the Order to Remedy Non-Conformity with Standards for Maintenance and Occupancy #641305 issued to Sandra Cartledge, owner of 264 Whittaker Street Sudbury.

YEAS: Councillors Signoretti, Jakubo, Cormier

NAYS: Councillors Kirwan, Reynolds

CARRIED

Adjournment

Kirwan/Jakubo: THAT this meeting does now adjourn.
Time: 6:38 p.m.

CARRIED

Tanya Thompson, Deputy Clerk