



HEARING COMMITTEE AGENDA

Hearing Committee Meeting
Thursday, March 12, 2015
Tom Davies Square

4:00 p.m. COMMITTEE ROOM C-11

Council and Committee Meetings are accessible. For more information regarding accessibility, please call 3-1-1 or email clerks@greatersudbury.ca.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

APPOINTMENT OF COMMITTEE CHAIR AND VICE-CHAIR

1. Report dated February 18, 2015 from the Executive Director, Administrative Services/City Clerk regarding Appointment of Chair and Vice-Chair - Hearing Committee. **4 - 5**
(RECOMMENDATION PREPARED)
(Deputy City Clerk, Tanya Thompson will call the meeting to order and preside until the Hearing Committee Chair and Vice Chair have been appointed, at which time the newly appointed Chair will preside over the balance of the meeting.)

PRESENTATIONS

2. Introduction to Public Hearings and the Hearing Committee
(VERBAL PRESENTATION) (FOR INFORMATION ONLY)
 - Jamie Canapini, City SolicitorThe City Solicitor will provide an overview of the Public Hearing process and the mandate of the Hearing Committee.

PUBLIC HEARINGS

1. Report dated March 3, 2015 from the General Manager of Infrastructure Services regarding Tree Removal Request Decision - 1501 Redfern Street. **6 - 18**
(RECOMMENDATION PREPARED)
2. Report dated March 3, 2015 from the General Manager of Infrastructure Services regarding Tree Removal Request Decision - 1585 Dollard Avenue. **19 - 33**
(RECOMMENDATION PREPARED)
3. Report dated March 4, 2015 from the Acting General Manager of Growth & Development regarding Vicious Dog Notice Appeal - #629189. **34 - 44**
(RECOMMENDATION PREPARED)
 - Darlene Barker, Manager of Compliance & Enforcement Services
 - Tina Whitteker, By-law Enforcement Officer

4. Report dated March 2, 2015 from the Acting General Manager of Growth & Development regarding Vicious Dog Notice Appeal - #644478. **45 - 69**
(RECOMMENDATION PREPARED)
- Darlene Barker, Manager of Compliance & Enforcement Services
 - Gilles Lefebvre, By-law Enforcement Officer
5. Report dated March 3, 2015 from the Acting General Manager of Growth & Development regarding Appeal of Order to Remedy #647632 - 634 Lasalle Blvd. **70 - 97**
(RECOMMENDATION PREPARED)
- Darlene Barker, Manager of Compliance & Enforcement Services
 - Kyle Anderson, By-law Enforcement Officer

ADJOURNMENT

TANYA THOMPSON, DEPUTY CITY CLERK

LISA LOCKEN, COMMITTEE ASSISTANT

Request for Decision

Appointment of Chair and Vice-Chair - Hearing Committee

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Wednesday, Feb 18, 2015
Type:	Appointment of Committee Chair and Vice-Chair

Recommendation

That the City of Greater Sudbury appoint Councillor _____ as Chair and Councillor _____ as Vice-Chair of the Hearing Committee for the term ending December 31, 2015.

Finance Implications

No Finance Implications.

Background

This report sets out the procedure for the election by the Committee of the Chair and Vice-Chair of the Hearing Committee for the term ending December 31, 2015.

The Procedure By-law provides that a Member of the Committee shall be appointed annually by the Committee to serve as Chair of the Hearing Committee. As well, a Vice-Chair is appointed annually.

The above appointments need only be confirmed by resolution.

Selection

The selection of the Chair and Vice-Chair is to be conducted in accordance with Article 45 of the Procedure By-law.

Council's procedure requires that in the event more than one (1) candidate is nominated for either the Chair or Vice-Chair's position, a simultaneous recorded vote shall be used to select the Chair and Vice-Chair.

It is always in order for a Member of Council to nominate themselves and to vote for themselves. Under *Robert's Rules of Order* a nomination does not need a second.

Once the successful candidates have been selected, a recommendation will be introduced.

Signed By

Report Prepared By

Tanya Thompson
Deputy City Clerk
Digitally Signed Feb 18, 15

Recommended by the Department

Caroline Hallsworth
Executive Director, Administrative
Services/City Clerk
Digitally Signed Feb 18, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Feb 19, 15

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Tuesday, Mar 03, 2015
Type:	Public Hearings

Request for Decision

Tree Removal Request Decision - 1501 Redfern Street

Recommendation

THAT the City of Greater Sudbury decline the request for tree removal from the road allowance at 1501 Redfern Street, Sudbury.

Background

On July 13, 2010 the resident (Paul Difant) brought forward a concern to the City that a crab apple tree required pruning. The Tree Warden inspected the tree, authorized pruning and completed the work in August 2011.

On September 6, 2012 the resident called the City back requesting that the crab apple tree be removed. The reasons for requesting a removal included issues with picking up the apples, costs of compostable bags for disposal and health reasons. Following a site inspection, on October 17, 2012, the Tree Warden declined the tree removal request based on available information and also deemed the tree to be healthy.

On September 2, 2014 the resident called back requesting once more that the crab apple tree be removed. He provided similar reasoning as in 2012 with the additional comment that the mail carrier complained to him of slippery conditions due to felled apples. Once more the Tree Warden inspected the site and considered the information made available. It was determined that the tree was healthy, did not require pruning and no evidence was provided that deemed it necessary for removal in accordance with the Tree by-law, therefore the tree removal request was declined once more.

Subsequently, the property owner requested a hearing on this matter as per By-law 2011-243.

The Tree by-law generally discourages removal of healthy right-of-way trees regardless of species for a variety of reasons. The City has a long and proud history of regreening our devastated landscape and transforming it into a Canadian environmental success story. This regreening program dates back to 1973, with planting starting in 1978, and it administered by the Vegetation Enhancement Technical Advisory Committee (VETAC).

In 2010 the **Earthcare Sudbury Action Plan** suggests: "In 2001, the City's Regreening Program noted that Greater Sudbury was losing about 500 street trees a year because of age, damage and disease. Healthy residential

Signed By

Report Prepared By

Tony De Silva
Roads Operations Engineer
Digitally Signed Mar 3, 15

Division Review

David Shelsted
Director of Roads & Transportation Services
Digitally Signed Mar 3, 15

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Mar 3, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 15

areas should have at least 25% tree canopy coverage, but the amount of tree canopy coverage in many Greater Sudbury neighbourhoods has fallen below this threshold.”

Furthermore, Section 9.4 of the **City’s Official Plan** supporting tree planting and protection of urban tree canopy states: “*In the City’s urban areas, trees provide environmental benefits including air quality improvement, stormwater retention, summer cooling of the built environment, wildlife habitat, shade canopy, and beautification of our streets and neighbourhoods. To enhance the urban tree canopy, this Plan supports the development of a municipal tree planting initiative to increase the tree cover in the City’s Living Areas and Employment Areas.*”

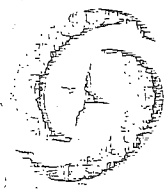
From a fiscal perspective, actual expenditures have exceeded the Council approved budget for tree removals (approximate budget of \$170,000 in 2014) in each of the last three years. Tree removal is a non-discretionary budget as an unhealthy tree represents a risk to safety. Therefore, if the tree needs to be removed due to its condition, the budget may be exceeded.

The species of tree in question is a Crab Apple. Although the tree is now deemed to be a prohibited species according to By-law 2011-243, there are many examples of this type throughout the City. The tree was inspected by the City’s Tree Warden in 2010, 2012 and 2014 and deemed to be healthy. The Tree Warden determines the general health of a tree by examining the condition of such items as *Root Damage, Trunk Damage, Disease, Insect Infestation, Cavity* and *Vigor* to name a few. The attached tree inspection report (see Appendix 1) summarizes these findings for the Crab Apple tree in question.

Schedule ‘C’ of the City’s Tree By-law 2011-243 (excerpt provided in Appendix 2) states that the General Manager of Infrastructure in consultation with the Ward councilor may authorize the removal of a healthy but prohibited right-of-way tree species, if all means to save the tree have been exhausted and it is still causing stress to the property owner.

In this case the City pruned the Crab Apple tree on several occasions to mitigate its growth and fruit production with positive results. Therefore, it is the City’s recommendation that the request for tree removal from the road allowance at 1501 Redfern Street, Sudbury be declined.

Appendix #3 includes photographs of the site from 2009, 2010 and 2012 for your review and consideration. Also attached are pictures taken by the Tree Warden in October of 2014.



Date: Oct 220/14

Street Name and Number: 1501 Redfern

Owner's Name: Paul DeSant

Number and Location of Tree(s): 1 CRAB Apple (Front)

Reason for Removal Request: Homeowner's Request.

Tree is healthy but causes damage to
carpets w/ fallen apples and driveway
becomes slippery for mailman (Reported to
Him)

Tree Warden's Recommendations

<input type="checkbox"/> REMOVE	Reason: _____ _____ _____
<input type="checkbox"/> REPLACE	
<input checked="" type="checkbox"/> DO NOT REMOVE	

AUTHORIZED BY: R. J. [Signature] DATE: Oct 22/14

OPERATIONS DIVISION / FORESTRY SECTION

DATE REMOVED: _____

DATE STUMPED: _____

GENERAL SITE LOCATION

FOR OFFICE USE

DATE 08/20/14 20

ADDRESS 1501 Persimmon

SIDE STREET

GENERAL SITE DESCRIPTION

Special Codes

- 1) playground
- 2) vacant lot
- 3) hospital
- 4) school
- 5) med. Strip
- 6) bank
- 7) church
- 8) airport
- 9) other - specify _____
- 10) none

Land Use

- 1) residential
- 2) commercial
- 3) industrial
- 4) recreational
- 5) undeveloped
- 6) downtown

MECHANICAL DAMAGE (% circ. affected)

Root Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected
- 5) none

Vigor

- 1) good
- 2) fair
- 3) poor
- 4) dead

SPECIFIC TREE SITE DESCRIPTION

Tree Lawn Width

- 1) 2 feet
- 2) 3 feet
- 3) 4 feet
- 4) 5 feet
- 5) Hydro
- 6) 7 feet and up
- 7) on other side
- 8) no sidewalk
- 9) container

Overhead Lines

- 1) 10 - 20 feet
- 2) 20 - 30 feet
- 3) 30 feet and up
- 4) Cable
- 5) Hydro
- 6) Bell
- 7) none

Trunk Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected

NONE

Seam

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Street Light Clearance

- 1) inadequate
- 2) adequate

Building Clearance

- 1) inadequate (w/ 3' of bldg)
- 2) adequate (not w/3')

Cavity

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Crotch Split

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Traffic Triangle

- 1) tree w/ triangle
- 2) tree not w/ triangle

Stop Sign Clearance

- 1) inadequate (obscured)
- 2) adequate (not obscured)

Disease

- 1) Leaf
- 2) Dieback/decline
- 3) Planting shock
- 4) Canker
- 5) Root rot
- 6) Heart, sap rot
- 7) Leaf scorch
- 8) Chlorosis
- 9) Wetwood
- 10) none

Insect

- 1) leaf eating
- 2) sap sucking
- 3) meristematic
- 4) gall
- 5) borers
- 6) none

SPECIFIC TREE DESCRIPTION

Species Carya alba

Year Planted

DBH

Deadwood (%)

- 1) less than 25%
- 2) 25 - 50%
- 3) 50 - 75%
- 4) 75 - 100%

NONE

Extent

- 1) light
- 2) moderate
- 3) heavy

N/A

Extent

- 1) light
- 2) moderate
- 3) heavy

N/A

Height

- 1) 0 - 15 feet
- 2) 15 - 30 feet
- 3) 30 - 45 feet
- 4) 45 feet and up

Largest Dead Limb

- 1) 1 - 4 inches
- 2) 4 - 8 inches
- 3) 8 - 12 inches

NONE

Estimated Life of Tree

- 1) 1 - 3 years
- 2) 3 - 5 years
- 3) 5 - 10 years
- 4) 10 years and over

Complaint Type

- 1) non approved species
- 2) roots
- 3) lawn
- 4) sap
- 5) fruit
- 6) other: (specify)

Crown Spread

- 1) 0 - 10 feet
- 2) 10 - 20 feet
- 3) 20 - 30 feet
- 4) 30 - 40 feet
- 5) 40 feet and up

Lowest Limb

- 1) 0 - 6 feet
- 2) 6 - 8 feet
- 3) 8 - 10 feet
- 4) 10 feet and up

Monitor

- 1) 6 months
- 2) 1 year
- 3) 2 years

Apple Decay

Property

- 1) City property
- 2) Private property

SCHEDULE A TO BY-LAW 2011-243

Page 1 of 2

PLANTING RIGHT OF WAY TREES

1. The General Manager may authorize the planting on a right-of-way or partly on a right of way of one of the following species of tree:

Ash – fall gold, green

Locust – shade master

Maple – amur, tatarian, royal red, sugar

Hackberry

Hawthorn - thornless

Flowering Crab – spring snow

Oak – burr, red

Japanese lilac

Linden – pyramidal

Elm – prospector

Mayday

2. Generally one tree will be planted on a standard 50 foot lot.

3. Two trees may be planted on a corner lot.

4. Despite Sections 2 and 3 of this Schedule, the General Manager shall not authorize the planting of a right of way tree in a location where:

- (a) as a result of existing or proposed infrastructure or other circumstances in the area, it is unlikely that a tree will grow successfully or it is likely that any tree planted will be injured or have to be removed;
- (b) as a result of soil and drainage conditions, setback of buildings from the right of way, existing plants and trees, and similar considerations, the proposed location is not suitable for a tree;

SCHEDULE A TO BY-LAW 2011-243

Page 2 of 2

PLANTING RIGHT OF WAY TREES

- (c) the surface of the land is or may become water impervious, negatively impacting the health of any tree planted; or
- (d) the surface of lands covered by water impervious surfaces such as asphalt, concrete, stone or brick may be damaged by the roots or trunk of a tree planted in the area.

SCHEDULE B TO BY-LAW 2011-243

Page 1 of 1

SPECIES OF TREES NOT TO BE PLANTED ON A RIGHT OF WAY

1. No Person shall plant and the General Manager shall not authorize the planting of a tree of the following species on a right of way or partly on a right of way:

Manitoba Maple

Walnut

Butternut

Chestnut

Poplars (all types)

Willows (all types)

Cherry

Silver Maple

Elm all types, except Elm - prospector

Evergreens (all types)

Any fruit bearing tree

SCHEDULE C TO BY-LAW 2011-243

Page 1 of 2

**Removal of Healthy Right of Way
Trees on Request of Applicant**

1. Action to be taken:

Problem	Action Prohibited Species on Schedule B	Action Species other than Prohibited Species on Schedule B
Allergic reactions to tree / sap/ insects / pollen.	Tree will not be removed.* [exception-see below]	
Stress to homeowner caused by fear or dislike of trees and/or branches being blown down in a windstorm; Or Trees drop things on 'their' property such as seeds, fruit, leaves, twigs, sap and insects which require cleanup.	If tree may cause damage to a house and/or occupant due to proximity, lean and size (age) of tree, and is causing stress to homeowners and all other means to save the tree have been exhausted (i.e. pruning, volunteers to clean fruit, etc), the General Manager on consultation with the Ward Councillor, may authorize the removal of the tree.	Tree will not be removed.* [exception-see below]
Trees attract unwanted critters such as wasps, bees, caterpillars, birds, insects, chipmunks, squirrels, etc.	Tree will not be removed.* [exception-see below]	
Roots in sewer, weeping tile or foundation.	If the applicant proves to the satisfaction of the General Manager that sewer lines are being blocked by the roots of the healthy right of way tree, the General Manager, in his or her discretion may arrange to have the sewer re-lined at the City's expense or alternatively arrange to have the tree removed. If the applicant proves to the satisfaction the General Manager that there are roots from the healthy right of way tree in the applicant's weeping tiles or foundation, the General Manager may in his discretion authorize the removal of the tree.	
Tree causes soil shrinkage: roots ruin lawn, tripping hazards, tree at risk of falling.	If the applicant proves by way of a soils report or other evidence satisfactory to the General Manager that hazardous conditions have resulted from soil shrinkage caused by the healthy right of way tree, the General Manager may authorize the removal of the tree.	
Damage by a tree of a Prohibited Species on Schedule B to a house, lawn, vehicles or driveway.	Where it will solve the problem, the tree will be pruned and placed on a future priority list for removal. Where damage cannot be mitigated, the General Manager may authorize the removal of the tree.	Not applicable.

* The tree may be removed if the Owner can prove to the General Manager's satisfaction that the tree poses a health risk, or is causing serious and ongoing damage to property. In those circumstances, subject to Clause 3 of this Schedule, the homeowner shall bear 50% of: (a) the full cost of the removal and; (b) at the City's option, the replanting of another accepted species of tree.

SCHEDULE C TO BY-LAW 2011-243

Page 2 of 2

**Removal of Healthy Right of Way
Trees on Request of Applicant**

2. Replacement of Tree:

Where the General Manager authorizes the removal of a healthy right of way tree for any of the reasons noted above, it shall be placed on a list and removed within twelve months. The removed tree may be replaced at a future date, in accordance with Schedule "A".

3. Owner May Retain Own Contractor:

Despite any requirement in this By-law that work be performed by City personnel, the Applicant may retain his or her own contractor for:

- a) the removal of the tree; and
- b) if directed by the General Manager, the replacement of the tree pursuant to section 13 of this Bylaw,

provided that the contractor's accreditation is approved in advance by the General Manager. In this circumstance, the Applicant shall bear the full cost of removal and replacement.









Request for Decision

Tree Removal Request Decision - 1585 Dollard Avenue

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Tuesday, Mar 03, 2015
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury decline the request for tree removal from the road allowance at 1585 Dollard Avenue, Sudbury.

Background

On August 2, 2011 the resident (Rose Cameron) brought forward a concern to the City that roots from two Silver Maples in their front yard were interfering with her driveway. Upon inspection by the Tree Warden, it was determined that the roots did not affect the driveway and that the trees were healthy. Therefore, the tree removal request was declined, but it was determined that the trees required light pruning (which was completed in October of 2011).

On October 18, 2011 the resident's daughter contacted the City to state that the roots were in actual fact damaging the foundation walls and that was the reason they wanted the trees to be removed. The resident did not provide evidence of these allegations. As such, the Tree Warden communicated to the resident that the tree removal request would remain as declined.

On October 6, 2014, the resident called back informing the City that roots from the trees in their front yard were causing a sewer backup. The Tree Warden attended the site on October 29, 2014 and the resident did not provide any evidence that roots from the Silver Maples damaged the private sewer. The trees were still deemed to be healthy. Tree roots migrate into broken pipes, they do not break the pipes. Therefore if there is an issue with roots migrating into a sewer, the sewer needs to be repaired; the tree does not need to be removed. On November 4, 2014, the City advised the property owner that the said trees will not be removed. However, the trees were once again placed on a pruning list for light pruning.

On December 12, 2014, a foreperson with the City's Water and Wastewater Services Division attended the site and no evidence that the Silver Maples caused the alleged sewer damage was provided. The City's ACR (Active Citizen Request) system does not indicate any history of sewer backups at this address.

Subsequently, the property owner requested a hearing on this matter as per By-law 2011-243.

Signed By

Report Prepared By

Tony De Silva
Roads Operations Engineer
Digitally Signed Mar 3, 15

Division Review

David Shelsted
Director of Roads & Transportation
Services
Digitally Signed Mar 3, 15

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure
Services
Digitally Signed Mar 3, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 15

The Tree by-law generally discourages removal of healthy right-of-way trees regardless of species for a variety of reasons. The City has a long and proud history of regreening our devastated landscape and transforming it into a Canadian environmental success story. This regreening program dates back to 1973, with planting starting in 1978, and is administered by the Vegetation Enhancement Technical Advisory Committee (VETAC).

In 2010 the **Earthcare Sudbury Action Plan** suggests: “*In 2001, the City’s Regreening Program noted that Greater Sudbury was losing about 500 street trees a year because of age, damage and disease. Healthy residential areas should have at least 25% tree canopy coverage, but the amount of tree canopy coverage in many Greater Sudbury neighbourhoods has fallen below this threshold.*”

Furthermore, Section 9.4 of the **City’s Official Plan** supporting tree planting and protection of urban tree canopy states: “*In the City’s urban areas, trees provide environmental benefits including air quality improvement, stormwater retention, summer cooling of the built environment, wildlife habitat, shade canopy, and beautification of our streets and neighbourhoods. To enhance the urban tree canopy, this Plan supports the development of a municipal tree planting initiative to increase the tree cover in the City’s Living Areas and Employment Areas.*”

From a fiscal perspective, actual expenditures have exceeded the Council approved budget for tree removals (approximate budget of \$170,000 in 2014) in each of the last three years. Tree removal is a non-discretionary budget as an unhealthy tree represents a risk to safety. Therefore, if the tree needs to be removed due to its condition, the budget may be exceeded.

The species of tree in question are Silver Maples. Although the trees are deemed to be a prohibited species according to By-law 2011-243, the trees were inspected by the City’s Tree Warden in 2011 and 2014 and deemed to be healthy. The Tree Warden determines the general health of a tree by examining the condition of such items as *Root Damage, Trunk Damage, Disease, Insect Infestation, Cavity* and *Vigor* to name a few. The attached tree inspection reports (see Appendix #1) summarize these findings for the Silver Maples in question.

Schedule ‘C’ of the City’s Tree By-law 2011-243 (see Appendix #2) states that the General Manager of Infrastructure may at his discretion authorize the relining of a damaged sewer at the City’s expense or approve the removal of a healthy right-of-way tree, if the applicant can prove that the roots of a right-of-way tree has caused sewer damage on private property. The City has received no such evidence to date. Therefore, it is the City’s recommendation that the request for tree removal from the road allowance at 1585 Dollard Avenue, Sudbury be declined.

Appendix #3 includes Google Streetview photographs of the site from 2009, 2010 and 2012 for your review and consideration. Also attached are pictures taken by the Tree Warden in October of 2014.

RECEIVED
Aug 11/11

Date: Aug 10/11 366321

Street Name and Number: 1585 Dollard P3A 4G8

Owner's Name: Rose Cameron

Number and Location of Tree(s): 1 Silver Maple

Reason for Removal Request: Roots interfering with driveway

Tree Warden's Recommendations

<input type="checkbox"/> REMOVE	Reason: _____ _____ _____
<input type="checkbox"/> REPLACE	
<input checked="" type="checkbox"/> DO NOT REMOVE	

AUTHORIZED BY: _____ DATE: _____

OPERATIONS DIVISION / FORESTRY SECTION

DATE REMOVED: _____

DATE STUMPED: _____

DATE

ADDRESS

SIDE STREET

GENERAL SITE DESCRIPTION

Special Codes

- 1) playground
- 2) vacant lot
- 3) hospital
- 4) school
- 5) med. Strip
- 6) bank
- 7) church
- 8) airport
- 9) other - specify _____
- 10) none

Land Use

- 1) residential
- 2) commercial
- 3) industrial
- 4) recreational
- 5) undeveloped
- 6) downtown

MECHANICAL DAMAGE (% circ. affected)

Root Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected
- 5) none

Vigor

- 1) good
- 2) fair
- 3) poor
- 4) dead

SPECIFIC TREE SITE DESCRIPTION

Tree Lawn Width

- 1) 2 feet
- 2) 3 feet
- 3) 4 feet
- 4) 5 feet
- 5) Hydro
- 6) 7 feet and up
- 7) on other side
- 8) no sidewalk
- 9) container

Overhead Lines

- 1) 10 - 20 feet
- 2) 20 - 30 feet
- 3) 30 feet and up
- 4) Cable
- 5) Hydro
- 6) Bell
- 7) none

Trunk Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected

Seam

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Street Light Clearance

- 1) inadequate
- 2) adequate

Building Clearance

- 1) inadequate (w/ 3' of bldg)
- 2) adequate (not w/3')

Cavity

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Crotch Split

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Traffic Triangle

- 1) tree w/ triangle
- 2) tree not w/ triangle

Stop Sign Clearance

- 1) inadequate (obscured)
- 2) adequate (not obscured)

Disease

- 1) Leaf
- 2) Dieback/decline
- 3) Planting shock
- 4) Canker
- 5) Root rot
- 6) Heart, sap rot
- 7) Leaf scotch
- 8) Chlorosis
- 9) Wetwood
- 10) none

Insect

- 1) leaf eating
- 2) sap sucking
- 3) meristematic
- 4) gall
- 5) borers
- 6) none

SPECIFIC TREE DESCRIPTION

Species

Year Planted

DBH

Deadwood (%)

- 1) less than 25%
- 2) 25 - 50%
- 3) 50 - 75%
- 4) 75 - 100%

Extent

- 1) light
- 2) moderate
- 3) heavy

Extent

- 1) light
- 2) moderate
- 3) heavy

Height

- 1) 0 - 15 feet
- 2) 15 - 30 feet
- 3) 30 - 45 feet
- 4) 45 feet and up

Largest Dead Limb

- 1) 1 - 4 inches
- 2) 4 - 8 inches
- 3) 8 - 12 inches

Estimated Life of Tree

- 1) 1 - 3 years
- 2) 3 - 5 years
- 3) 5 - 10 years
- 4) 10 years and over

Complaint Type

- 1) non approved species
- 2) roots
- 3) lawn
- 4) sap
- 5) fruit
- 6) other: (specify) _____

Crown Spread

- 1) 0 - 10 feet
- 2) 10 - 20 feet
- 3) 20 - 30 feet
- 4) 30 - 40 feet
- 5) 40 feet and up

Lowest Limb

- 1) 0 - 6 feet
- 2) 6 - 8 feet
- 3) 8 - 10 feet
- 4) 10 feet and up

Monitor

- 1) 6 months _____
- 2) 1 year _____
- 3) 2 years _____

Property

- 1) City property
- 2) Private property

Date: Oct 28th / 14

Street Name and Number: 1585 DOLLARD AVE

Owner's Name: ROSE CAMERON

Number and Location of Tree(s): 2 Maples (Front)

Reason for Removal Request: Homeowner's Request
Roots in sewer lines

Tree Warden's Recommendations

<input type="checkbox"/> REMOVE	Reason: <u>TREES Healthy</u>
<input type="checkbox"/> REPLACE	<u>NO PROOF OF DAMAGE TO SEWER</u>
<input checked="" type="checkbox"/> DO NOT REMOVE	<u>Homeowner is responsible for</u> <u>sewer lines on own property.</u>

AUTHORIZED BY:  DATE: Oct 31 / 14

OPERATIONS DIVISION / FORESTRY SECTION

DATE REMOVED: _____

DATE STUMPED: _____

Nov 13th / 14 - Contesting by Angelen (Acr 652456)
Re assigned to TelBent

STREET TREE INVENTORY - FIELD SURVEY FORM
GENERAL SITE LOCATION

FOR OFFICE USE ONLY

DATE Oct 28 10 20 11

ADDRESS 1585 Dollard Ave

SIDE STREET _____

GENERAL SITE DESCRIPTION

Special Codes

- 1) playground
- 2) vacant lot
- 3) hospital
- 4) school
- 5) med. Strip
- 6) bank
- 7) church
- 8) airport
- 9) other - specify _____
- 10) none

Land Use

- 1) residential
- 2) commercial
- 3) industrial
- 4) recreational
- 5) undeveloped
- 6) downtown

MECHANICAL DAMAGE (% circ. affected)

Root Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected
- 5) none

Vigor

- 1) good
- 2) fair
- 3) poor
- 4) dead

SPECIFIC TREE SITE DESCRIPTION

Tree Lawn Width

- 1) 2 feet
- 2) 3 feet
- 3) 4 feet
- 4) 5 feet
- 5) Hydro
- 6) 7 feet and up
- 7) on other side
- 8) no sidewalk
- 9) container

Overhead Lines

- 1) 10 - 20 feet
- 2) 20 - 30 feet
- 3) 30 feet and up
- 4) Cable
- 5) Hydro
- 6) Bell
- 7) none

Trunk Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected

Seam

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Street Light Clearance

- 1) inadequate
- 2) adequate

Building Clearance

- 1) inadequate (w/ 3' of bldg)
- 2) adequate (not w/3')

Cavity

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Crotch Split

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Traffic Triangle

- 1) tree w/i triangle
- 2) tree not w/i triangle

Stop Sign Clearance

- 1) inadequate (obscured)
- 2) adequate (not obscured)

Disease

- 1) Leaf
- 2) Dieback/decline
- 3) Planting shock
- 4) Canker
- 5) Root rot
- 6) Heart, sap rot
- 7) Leaf scotch
- 8) Chlorosis
- 9) Wetwood
- 10) none

Insect

- 1) leaf eating
- 2) sap sucking
- 3) meristematic
- 4) gall
- 5) borers
- 6) none

SPECIFIC TREE DESCRIPTION

Species Maples
Year Planted _____
DBH _____

Deadwood (%)

- 1) less than 25%
- 2) 25 - 50%
- 3) 50 - 75%
- 4) 75 - 100%

Extent

- 1) light
- 2) moderate
- 3) heavy N/A

Extent

- 1) light
- 2) moderate
- 3) heavy N/A

Height

- 1) 0 - 15 feet
- 2) 15 - 30 feet
- 3) 30 - 45 feet
- 4) 45 feet and up

Largest Dead Limb

- 1) 1 - 4 inches
- 2) 4 - 8 inches
- 3) 8 - 12 inches

Estimated Life of Tree

- 1) 1 - 3 years
- 2) 3 - 5 years
- 3) 5 - 10 years
- 4) 10 years and over

Complaint Type

- 1) non approved species
- 2) roots
- 3) lawn
- 4) sap
- 5) fruit
- 6) other: (specify)

Crown Spread

- 1) 0 - 10 feet
- 2) 10 - 20 feet
- 3) 20 - 30 feet
- 4) 30 - 40 feet
- 5) 40 feet and up

Lowest Limb

- 1) 0 - 6 feet
- 2) 6 - 8 feet
- 3) 8 - 10 feet
- 4) 10 feet and up

Monitor

- 1) 6 months _____
- 2) 1 year _____
- 3) 2 years _____

Alleges
Siberian linden
Drugs

Property

- 1) City property
- 2) Private property

SCHEDULE A TO BY-LAW 2011-243

Page 1 of 2

PLANTING RIGHT OF WAY TREES

1. The General Manager may authorize the planting on a right-of-way or partly on a right of way of one of the following species of tree:

Ash – fall gold, green

Locust – shade master

Maple – amur, tatarian, royal red, sugar

Hackberry

Hawthorn - thornless

Flowering Crab – spring snow

Oak – burr, red

Japanese lilac

Linden – pyramidal

Elm – prospector

Mayday

2. Generally one tree will be planted on a standard 50 foot lot.

3. Two trees may be planted on a corner lot.

4. Despite Sections 2 and 3 of this Schedule, the General Manager shall not authorize the planting of a right of way tree in a location where:

(a) as a result of existing or proposed infrastructure or other circumstances in the area, it is unlikely that a tree will grow successfully or it is likely that any tree planted will be injured or have to be removed;

(b) as a result of soil and drainage conditions, setback of buildings from the right of way, existing plants and trees, and similar considerations, the proposed location is not suitable for a tree;

SCHEDULE A TO BY-LAW 2011-243

Page 2 of 2

PLANTING RIGHT OF WAY TREES

- (c) the surface of the land is or may become water impervious, negatively impacting the health of any tree planted; or
- (d) the surface of lands covered by water impervious surfaces such as asphalt, concrete, stone or brick may be damaged by the roots or trunk of a tree planted in the area.

SCHEDULE B TO BY-LAW 2011-243

Page 1 of 1

SPECIES OF TREES NOT TO BE PLANTED ON A RIGHT OF WAY

1. No Person shall plant and the General Manager shall not authorize the planting of a tree of the following species on a right of way or partly on a right of way:

Manitoba Maple

Walnut

Butternut

Chestnut

Poplars (all types)

Willows (all types)

Cherry

Silver Maple

Elm all types, except Elm - prospector

Evergreens (all types)

Any fruit bearing tree

SCHEDULE C TO BY-LAW 2011-243

Page 1 of 2

**Removal of Healthy Right of Way
Trees on Request of Applicant**

1. Action to be taken:

Problem	Action Prohibited Species on Schedule B	Action Species other than Prohibited Species on Schedule B
Allergic reactions to tree / sap/ insects / pollen.	Tree will not be removed.* [exception-see below]	
Stress to homeowner caused by fear or dislike of trees and/or branches being blown down in a windstorm; Or Trees drop things on 'their' property such as seeds, fruit, leaves, twigs, sap and insects which require cleanup.	If tree may cause damage to a house and/or occupant due to proximity, lean and size (age) of tree, and is causing stress to homeowners and all other means to save the tree have been exhausted (i.e. pruning, volunteers to clean fruit, etc), the General Manager on consultation with the Ward Councillor, may authorize the removal of the tree.	Tree will not be removed.* [exception-see below]
Trees attract unwanted critters such as wasps, bees, caterpillars, birds, insects, chipmunks, squirrels, etc.	Tree will not be removed.* [exception-see below]	
Roots in sewer, weeping tile or foundation.	If the applicant proves to the satisfaction of the General Manager that sewer lines are being blocked by the roots of the healthy right of way tree, the General Manager, in his or her discretion may arrange to have the sewer re-lined at the City's expense or alternatively arrange to have the tree removed. If the applicant proves to the satisfaction the General Manager that there are roots from the healthy right of way tree in the applicant's weeping tiles or foundation, the General Manager may in his discretion authorize the removal of the tree.	
Tree causes soil shrinkage: roots ruin lawn, tripping hazards, tree at risk of falling.	If the applicant proves by way of a soils report or other evidence satisfactory to the General Manager that hazardous conditions have resulted from soil shrinkage caused by the healthy right of way tree, the General Manager may authorize the removal of the tree.	
Damage by a tree of a Prohibited Species on Schedule B to a house, lawn, vehicles or driveway.	Where it will solve the problem, the tree will be pruned and placed on a future priority list for removal. Where damage cannot be mitigated, the General Manager may authorize the removal of the tree.	Not applicable.

* The tree may be removed if the Owner can prove to the General Manager's satisfaction that the tree poses a health risk, or is causing serious and ongoing damage to property. In those circumstances, subject to Clause 3 of this Schedule, the homeowner shall bear 50% of: (a) the full cost of the removal and; (b) at the City's option, the replanting of another accepted species of tree.

SCHEDULE C TO BY-LAW 2011-243

Page 2 of 2

**Removal of Healthy Right of Way
Trees on Request of Applicant**

2. Replacement of Tree:

Where the General Manager authorizes the removal of a healthy right of way tree for any of the reasons noted above, it shall be placed on a list and removed within twelve months. The removed tree may be replaced at a future date, in accordance with Schedule "A".

3. Owner May Retain Own Contractor:

Despite any requirement in this By-law that work be performed by City personnel, the Applicant may retain his or her own contractor for:

- a) the removal of the tree; and
- b) if directed by the General Manager, the replacement of the tree pursuant to section 13 of this Bylaw,

provided that the contractor's accreditation is approved in advance by the General Manager. In this circumstance, the Applicant shall bear the full cost of removal and replacement.









Request for Decision

Vicious Dog Notice Appeal - #629189

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Wednesday, Mar 04, 2015
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury uphold the Vicious Dog Notice #629189, issued to Daniel Ross.

AND THAT the City of Greater Sudbury _____ the request of the appellant to modify the Notice to remove the requirement of muzzling only while the dog is swimming, provided that the dog be leashed at all times.

Finance Implications

No Finance Implications.

Background

City of Greater Sudbury By-law 2002-285, as amended, became effective on January 1, 2003 and regulates the keeping of animals and the registration of dogs and cats. Part VIII of the by-law entitled "Vicious Dogs"; section 21 of the by-law, contains provisions for the issuance of a Vicious Dog Notice to owners of dogs that have attacked a person or domestic animal without provocation.

The effect of the notice is to ensure the owner of a dog deemed vicious by receipt of the notice, muzzle and leash the dog when not inside the owner's dwelling at all times.

The by-law is specific about how the process is carried out and the contents of the notice. Several provisions in the by-law for the issuance of the notice are mandatory requirements of the Registrar and of the recipient of the Notice.

This section also provides for an appeal of the notice by the owner of the dog requesting a hearing of the matter by Council or Committee of Council. The Committee may uphold the notice and its contents, exempt the owner from the muzzling or leashing requirements or from both, or may modify the conditions for muzzling or leashing.

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Mar 4, 15

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Mar 4, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth &
Development
Digitally Signed Mar 4, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 15

By-law Procedure Vicious Dog Notice - 629189

Subsection 2.(1) of By-law 2002-285 designates the Manager of Compliance and Enforcement Services for the City of Greater Sudbury as the Registrar pursuant to the By-law, and By-law Officers in Compliance and Enforcement have been appointed by the Registrar to perform the task of issuing Vicious Dog Notices pursuant to the by-law.

Subsection 21.(2) of the by-law states "Where the Registrar is informed upon written complaint, and is satisfied that the dog has attacked without provocation or bitten a person or domestic animal, and had further been provided with satisfactory evidence as to the name and address of the owner of the dog the Registrar shall serve notice on the owner of the dog that the dog is deemed to be a vicious dog and requiring the owner to comply with any or all of the requirements set out in Subsections 21(4) and 21(5)."

A written complaint was received requesting that the dog named Harley be deemed vicious, based on an incident on April 24, 2014 where the complainant and their dog were attacked. A copy of the Victim Statement is Attachment 1 to this report.

The letter contains information regarding past attacks which were not reported prior, and the attack describing the incident which happened on April 24, 2014. The victim states that they were walking on their street with their two dogs both held on a lease, that being a 7 lbs. Yorkie and Lab, with a family member. The victim describes that their dogs started barking as they saw the dog charging towards them out of the dog's driveway. "Teeth are bared and its hair is up on its back". It was then described that the victim started yelling while the dog circled around their Lab "several times, charging and growling ferociously and trying to bite them. My dog lay down. My family member was trying to get between that dog and my lab". The victim then describes the dog went after their Yorkie. "He jumped on Tiger, flattened him to the ground with his paws and body. Then he grabbed a hold of my dog with his mouth around his neck. We were both screaming at the dog. I pushed him off and he bit the sleeve of my polar fleece jacket." Then the victim describes that they saw the owner of the dog racing towards them, yelling at his dog who got away several times. "When he caught the dog, he slapped the dog under the chin. He pulled the dog into his yard", and then they left and went home.

Greater Sudbury Animal Control (GSAC) investigated this incident and it was recorded in the report by the Animal Control Officer that the owner, Mr. Daniel Ross was very co-operative when receiving Provincial Offence Notices for "Permit Dog to Attack" and "Permit Dog to run at large", on April 26, 2014. The dog owner confirmed the incident, and provided proof they have been trying to deal with the dog's behavior by taking their dogs to obedience training at Skiplin Kennels.

The registration of the dog that attacked is #2014 D-4734 and confirms ownership of the dog to Daniel Ross, Hanmer, Greater Sudbury [Attachment 2 to this report].

The owner Mr. Daniel Ross plead guilty to the offence "Permit Dog to Attack", paying a fine and costs of \$125, and the charge for "Dog to run at large" was withdrawn by the prosecutor, with court completion date of July 4th 2014. A copy of the Certificate of Offence is Attachment 3 to this report.

A Vicious Dog Notice, #629189, dated September 11, 2014, was prepared and delivered to the registered owner of the dog. One copy of the notice was hand delivered by GSAC to the owner and another copy was delivered registered mail. The notice contains the requirements of Subsections 21(4) and 21(5) of the by-law; ensuring the dog is muzzled and leashed when not inside the owner's dwelling unit, notifying the owner of his requirement to provide a change of address, the owner's right to appeal the notices and the

effective date of the notice, pursuant to subsections 21(6), 21(7) and 21(8) of the by-law. The Vicious Dog Notice is attachment 4 to this report.

Appeal Notice

A letter of Appeal of the Vicious Dog Notice dated September 24, 2014, sent by the dog owners, requests to modify the muzzling restriction while the dog is in the water for the purpose of swimming and agrees to the leashing requirement. A copy of the Letter Requesting Appeal is Attachment 5 to this report. The hearing was scheduled, and a notice was sent to the owners of the dog advising of the date and time of this hearing. A copy of the notice of the Appeal Notification is Attachment 6 to this report.

Conclusion

The Registrar is confident that the Vicious Dog Notice issued to Mr. Daniel Ross satisfies the requirements of By-law 2002-285, Part VIII, Section 21, a By-law to regulate the keeping of animals and the registration of dogs and cats. The purpose of the notice is to mitigate the recurrence of similar incidents and provide an assurance of safety for the area residents and the general public. The Registrar is of the opinion that, due to the dog owner taking responsibility for the offence of 'Permit dog to Attack', a specific modification to the Notice of allowing the dog to swim without a muzzle providing the dog is still leashed at all times, will not jeopardize the safety of the area residents and the general public.

The Registrar recommends that the Vicious Dog Notice be upheld by the Committee and that the Committee considers modifying the Notice to remove the requirement of muzzling only while the dog is swimming, provided that the dog be leashed at all times.

Dear Sir/Madam,

April 25, 2014

I wish to make a formal complaint about [redacted]

[redacted] (Mr. & Mrs. Ross and their 2 dogs) at [redacted] Hammer. We were attacked by one of his 2 dogs while walking our dogs on a leash.

Description of animal: honey brown, waist high, short hair, not sure of breed of dog - but I can identify it.

Incident: occurred April 24/2014 at 7pm.

[redacted] (my [redacted]) & myself with my 2 dogs went for a walk on our street. Both animals are leashed & walking beside us. My dogs start barking. We see this big brown dog charging towards us, out of their driveway. Teeth are bared and its hair is up on his back. He is racing towards us. I start yelling. The attack dog is circling Honey (my lab dog) several times, charging and growling ferociously and trying to bite her. My dog lay down. [redacted] was trying to get between

that dog and my lab. Then the attack dog went after Tiger (my 7lb Yorkie). He jumped on Tiger, flattened him to the ground with his paws & body. Then he grabbed a hold of my dog with his mouth around his neck. Both [redacted] & I were screaming at the dog. I pushed him off & he slit the sleeve of my polar fleece jacket.

at this time, we spotted the owner racing towards us. He yelled at the dog who got away several times. When he caught the dog, he slapped the dog under the chin. He pulled the dog into his yard. We left & came home.

Past incidents (2013)

1st Last year, my [redacted] was attacked by the Ross' same 2 dogs. The wife opened the garage door and released the 2 dogs loose. This time both dogs (Ross's) charged & attacked my [redacted] and our 2 dogs. The top of my [redacted] hand was torn open after [redacted] was knocked down by these 2 big dogs (Note: My [redacted] is [redacted] and weighs [redacted] lbs).

page 1 of 2



CITY OF GREATER SUDBURY

Printed: September 09, 2014

DOG Tag Registration #2014 D-4734

Date Tag Purchased Wed, June 18, 2014
Cost \$25.00
Receipt No 861479

Expires, as per By-Law 2002-285, on
Dec 31, 2014
Death of Animal
Transfer of Ownership

Owner's Information

Last Name ROSS
First Name DAN
Street Address [REDACTED]
Unit/Appt # [REDACTED]
City [REDACTED]
Postal Code [REDACTED]
Home Phone Number [REDACTED]
Work Phone Number [REDACTED]
Cell Phone Number [REDACTED]

Animal's Information

Name HARLEY
Breed MASTIFF MIX
Description RED
Gender FEMALE
Date of Birth Sunday, November 20, 2011
Date Acquired Thursday, January 5, 2012
Veterinarian CHELMSFORD ANIMAL HOSPITAL

Agent /CSC Information

Name VANESSA GILLIARD
Location VALLEY EAST CSC
Phone 688-3961

Owner's Signature: _____

5026A
4060
FILED APR 28 2014
Office Number 152135039B
From 1. Provincial Offences Act, Ontario Reg. 192/03, s. 2(1) (1993)
Antiquaire 1. Loi sur les infractions provinciales, Code de justice de l'Ontario, Rég. 192/03 (1993)

Certificate of Offence / Procès-verbal d'infraction

I, the undersigned (Je soussigné(e))
Believe and certify that on the day of (Croyez et certifiez que le)
Date 2014 04 24 7:00 PM
Name (Nom) ROSS DANIEL
Address (Adresse) [REDACTED]
Driver's licence No./Numéro de permis de conduire [REDACTED]

Birth date (Date de naissance) 1 9
Sex (Sexe) M
Minor Vehicle (Véhicule mineur) [REDACTED]
Collision involved (Collision impliquée) [REDACTED]
Witnesses (Témoins) [REDACTED]

Did commit the offence of: (A commis l'infraction de:) PERMIT DOG TO ATTACK
Contrary to: (Contrairement à:) GREATER CITY OF SUDBURY BY-LAW #2002-285
Sect./Art. 21

Plate number (N° de plaque d'immatriculation) [REDACTED]
CVOR No. - NSC No. / N° de l'UVU - N° du CNS [REDACTED]

And I further certify that I served an offence notice personally upon the person charged in the offence date, / J'atteste également qu'il y a eu de l'infraction, j'ai signifié, en mains propres, au prévenu d'infraction à la personne accusée.

Signature of issuing Provincial Offences Officer (Signature de l'agent des infractions provinciales) [REDACTED]
Signature of the person charged (Signature de la personne accusée) [REDACTED]

Set fine of (Amende fixée de) \$100.00
Total payable (Montant total payable) \$125.00
Total payable includes set fine, applicable victim fine surcharge and costs. (Le montant total payable comprend l'amende fixée, la suramende compensatoire applicable et les frais.)

Summons issued. You are required to appear in court on (Assignation. Vous êtes tenu(e) de comparaître devant le tribunal le) 2 0
Q. remède d'audience at the Ontario Court of Justice P.O.A. Office at 200 Bloor Street, Sudbury, Ontario 200 rue Bloor, Sudbury (Ontario)

Issued on the 28th day of April 2014. Provincial Offences Act, s. 2(1) (1993)
Émis le 28 avril 2014. Loi sur les infractions provinciales, Code de justice de l'Ontario, Rég. 192/03 (1993)

2 0



VICIOUS DOG NOTICE ACR#629189

Pursuant to City of Greater Sudbury Animal Control By-Law 2002-285

REGISTERED MAIL & HAND DELIVERED

To: Daniel Ross

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200 RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

The City of Greater Sudbury is in receipt of a written complaint, and a Certificate of Offence #2135039B where you were charged and plead guilty to "permit dog to attack" whereby your dog, Harley, registration number #2014-D-4734, has attacked another dog without provocation on April 24, 2014 on Onwatin Lake Road in Hanmer.

As Registrar pursuant to the Animal Control By-Law #2002-285, I deem your dog to be vicious. Therefore, you are hereby required to comply with the requirements as set out in Sections 21 (4) and 21 (5) of the by-law which states:

- 4) "Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's premises, ensure that
 - a) the vicious dog is muzzled so as to prevent it from biting a person or domestic animal; and
 - b) the vicious dog is securely leashed on a leash which does not allow it to go beyond the property line of the owner's lands."
- 5) "Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's premises;
 - a) keep the vicious dog under the effective control of an adult person on a leash held by the person; and
 - b) keep the vicious dog muzzled.

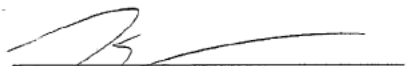
Page 1 of 2

AND FURTHER






- (6) Every owner of a vicious dog shall notify the Registrar within two working days of any change in ownership or residence of the vicious dog and provide the Registrar with the new address and telephone number of the owner.
- (7) Where the owner of a vicious dog is informed that his or her dog has been deemed to be a vicious dog, the owner may, within 14 days of such notice, request in writing a hearing by Council or committee established for that purpose and Council may exempt the owner from the muzzling or leashing requirement, or both such requirements or may modify the conditions for muzzling or leashing.
- (8) The notification that a dog is a vicious dog is effective from the date it is served, even if a hearing before Council is requested by the owner of the dog affected.

Failure to comply with this notice will result in charges pursuant to the by-law and Provincial Offences Act, which upon conviction may result in a fine to a maximum of \$5,000.

Dated this 11th day of September, 2014


 Tina Romanyszyn, B.A., C.P.S.O.
 By-law Enforcement Officer
 Compliance and Enforcement Services
 City of Greater Sudbury

cc: Greater Sudbury Animal Control

		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR																																					
		CUSTOMER RECEIPT	REÇU DU CLIENT																																					
<table border="1"> <tr> <td colspan="2">Destinataire</td> <td colspan="2">FOR DELIVERY CONFIRMATION</td> <td colspan="2">ACCOMPLIATION DE LIVRAISON</td> </tr> <tr> <td>Nom</td> <td>Nom</td> <td colspan="2">www.cityofsudbury.ca</td> <td colspan="2">www.cityofsudbury.ca</td> </tr> <tr> <td colspan="2">Adresse</td> <td colspan="2">1 888 550 6333</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">City / Prou. / Postal Code</td> <td colspan="2">Ville / Prou. / Code postal</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">  </td> <td colspan="2">CPC Tracking Number</td> <td colspan="2">Numéro de réplique de la SCP</td> </tr> <tr> <td colspan="2"> CC-808-804 (11-04) </td> <td colspan="2">RW 743 903 585 CA</td> <td colspan="2"></td> </tr> </table>					Destinataire		FOR DELIVERY CONFIRMATION		ACCOMPLIATION DE LIVRAISON		Nom	Nom	www.cityofsudbury.ca		www.cityofsudbury.ca		Adresse		1 888 550 6333				City / Prou. / Postal Code		Ville / Prou. / Code postal						CPC Tracking Number		Numéro de réplique de la SCP		CC-808-804 (11-04)		RW 743 903 585 CA			
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CC-808-804 (11-04)		RW 743 903 585 CA																																						

Page 2 of 2

[REDACTED] ROSS
[REDACTED]
[REDACTED]

COPY

September 24, 2014

City of Greater Sudbury
P.O. Box 5000 STN A
200 Brady Street
Sudbury, ON P3A 5P3

Attention: Compliance and Enforcement Services

RE: ACR#629189

As per the registered mail letter dated September 11, 2014 and received via hand delivery September 14, 2014, we request a hearing by Council or Committee to discuss a modification to the conditions for muzzling of our dog Harley for the purposes of swimming while on our property. Please be advised that we agree to the leashing requirement.

Should you require further information, please do not hesitate to contact us at the information provided above.

Regards,


[REDACTED] Dan Ross

C: Clerk Department



January 22, 2015

Daniel Ross & Lynda Flintoff
[REDACTED]

Dear Mr. Ross and Ms. Flintoff:

Re: Appeal – Vicious Dog Notice – ACR #629189

This will acknowledge receipt of your letter dated September 24, 2014 appealing the Vicious Dog Notice issued under the City of Greater Sudbury's Animal Control By-law 2002-285.

The Hearing Committee of the City of Greater Sudbury has been appointed to hear Vicious Dog Appeals. The Committee Meeting will begin at **4:00 p.m.** on **Thursday, March 12, 2015** in **Committee Room C-11** at Tom Davies Square. Please bring any information you feel relevant in presenting your position to the Hearing Committee.

Please be advised that this hearing is a public Process; the agenda will be made available on the City's website and the hearing is open to the public to attend.

If you require any further information, do not hesitate to contact me at 674-4455, ext. 4206.

Yours truly,

T. Thompson

Tanya Thompson
Deputy City Clerk

cc: *D. Barker, Manager of Compliance & Enforcement Services*
T. Ronanyshyn, By-law Enforcement Officer

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200 RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

Request for Decision

Vicious Dog Notice Appeal - #644478

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Monday, Mar 02, 2015
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury uphold the Vicious Dog Notice #644478, issued to Beverly Marsh.

Finance Implications

No Finance Implications.

Background

The City of Greater Sudbury By-law 2002-285, as amended, became effective on January 1, 2003 and regulates the keeping of animals and the registration of dogs and cats. Part VIII of the by-law entitled "Vicious Dogs"; section 21 of the by-law, contains provisions for the issuance of a Vicious Dog Notice to owners of dogs that have attacked a person or domestic animal without provocation.

The effect of the notice is to ensure the owner of a dog deemed vicious by receipt of the notice, muzzle and leash the dog when not inside the owner's dwelling at all times.

The by-law is specific about the contents of the notice and how the process is carried out. Several provisions in the by-law for the issuance of the notice are mandatory requirements of the Registrar and of the recipient of the Notice.

This section also provides for an appeal of the notice by the owner of the dog requesting a hearing of the matter by Council or Committee of Council. The Committee may uphold the notice and its contents, exempt the owner from the muzzling or leashing requirements or from both, or may modify the conditions for muzzling or leashing.

By-law Procedure Vicious Dog Notice – 644478

Subsection 2.(1) of By-law 2002-285 designates the Manager of Compliance and Enforcement Services for the City of Greater Sudbury as the Registrar pursuant to the By-law, and By-law Officers in Compliance and

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Mar 2, 15

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Mar 2, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth &
Development
Digitally Signed Mar 3, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 15

Enforcement have been appointed by the Registrar to perform the task of issuing Vicious Dog Notices pursuant to the by-law.

Subsection 21.(2) of the by-law states "Where the Registrar is informed upon written complaint, and is satisfied that the dog has attacked without provocation or bitten a person or domestic animal, and had further been provided with satisfactory evidence as to the name and address of the owner of the dog the Registrar shall serve notice on the owner of the dog that the dog is deemed to be a vicious dog and requiring the owner to comply with any or all of the requirements set out in Subsections 21(4) and 21(5)."

A written complaint was received by the Registrar, requesting that the dog named "Katrina", be deemed vicious, based on an incident on August 28, 2014 where the complainant was attacked. The letter of complaint is attached to this report [S.D.#1].

Information in the letter describes an incident which happened on August 28, 2014. The victim states in the letter that they were attacked while doing some gardening in their yard when the dog ran towards them barking, then crossed the property line that separates the two properties coming onto their yard and approached them in a menacing manner. The witness claims that they had to protect themselves with a bag of fertilizer that they swung back and forth to keep the dog away from them.

The witness statement doesn't mention any injuries.

Greater Sudbury Animal Control (GSAC) investigated this incident and at the time of the attack, the owner of the German Shepherd named "Katrina" had not registered the dog with the City as required pursuant to the by-law. The owner registered the dog with Animal Control during their investigation. The dog was then registered "D-7108" under the name of "Katrina", a 9 year old German Shepherd, owned by Beverly Marsh of Greater Sudbury (See Dog Tag Registration – [S.D.#3])

The owner of the dog was served a Certificate of Infraction for the offence of "Permit Dog to Run at Large", payable by a penalty of \$125. (See Animal Control File no. 5190D – [S.D. #2]).

Instructions were received from the Manager of Compliance and Enforcement Darlene Barker for Municipal Law Enforcement Officer (MLEO) Lefebvre to prepare and send a Vicious Dog Notice to Mrs. Beverly Marsh of Greater Sudbury [S.D.#4].

A Vicious Dog Notice, dated September 18, 2014, was prepared and delivered to the registered owner of the dog (See original Vicious Dog Notice, file no. 644478 – [S.D.#5]). One copy of the notice was hand delivered by GSAC to the owner [S.D. #6] and another copy was delivered via registered mail (Item was successfully delivered, see Delivery Confirmation Certificate from Canada Post for item no. RW 743 903 829 CA [S.D.#7 (1) and (2)]). The Notice contains the requirements of Subsections 21(4) and 21(5) of the by-law; ensuring the dog is muzzled and leashed at all times when not inside the owner's dwelling unit, notifying the owner of his/her requirement to provide a change of address to the Registrar, the owner's right to appeal the notices and the effective date of the notice, pursuant to subsections 21(6), 21(7) and 21(8).

On November 01, 2014 MLEO Lefebvre received an e-mail from the complainant advising that the dog "Katrina" was being tied outside of the house without a muzzle [S.D. #8] which is in breach of the Vicious Dog Order. MLEO Lefebvre advised them to contact the Greater Sudbury Animal Control Services to investigate the matter and provide them with any information that the complainant has gathered.

On January 22, 2015 a call was received by Sudbury Animal Control in regards to the dog in question being kept outside of the owner's dwelling without a muzzle, in breach of the Vicious Dog Order (see Animal Control Officer Report no. 6307D [S.D. #9]). On January 25, 2015, Animal Control Officer Tiffany Lalonde investigated a complaint in regards to the dog in question being outside the owner's home without a muzzle. Upon arrival, the animal control officer did witness and photograph "Katrina" in the driveway, tied, but without a muzzle (See Animal Control Report no. 6307D [S.D.#9]). Animal Control Officer Lalonde was also informed that the dog was presently under quarantine by the Sudbury & District Health Unit as it had bit someone on or about January 21, 2015 (See Animal Control Officer Report no. 6308D [S.D.# 9.5]) and see document prepared by Animal Control Officer Tiffany Lalonde dated January 25, 2015 [S.D.#10 and S.D.#11] and another document prepared by Animal Control Officer Daryl Dumoulin dated February 5, 2014 [S.D. # 12 w/Type error – should read February 5, 2015].

See also document from the Sudbury & District Health Unit (Rabies Investigation Report no. 113-00073 [S.D. #13 & S.D.#13(2)]).

On January 27, 2015 MLEO Lefebvre received a voice mail message from someone identifying herself as "Bev Marsh" advising that the dog from file no. 644478 "Katrina" was changing address and would be living in Val Caron (See Animal Control Report no. 6320D)[S.D.#14]. Mrs. Marsh also asked if we could "speed up the appeal to the vicious dog notice". MLEO Lefebvre was unable to speak with her directly but did advise Mrs. Marsh (via voice-mail) that the setting of the dates for the appeals are not under his control.

Appeal Notice

A letter of appeal of the Vicious Dog Notice was received by the owner of the dog and the hearing was scheduled. A copy of the letter of appeal is attached to this report. A notice was sent to the owner of the dog advising of the date and time of the hearing. A copy of this notice is attached to this report [S.D.#15].

Conclusion

In consideration of this report as well as statements from the witness and the appellant, pursuant to subsection 21(7) the Hearing Committee may decide one of three options below;

1. Uphold the Notice;
2. Modify the Notice - exempting the owner from muzzling or leashing or modify the conditions for such muzzling or leashing; or
3. Quash the Notice - exempting the owner from all requirements to muzzle and leash.

The Registrar is confident that the Vicious Dog Notice issued to Beverly Marsh of Greater Sudbury, satisfies the requirements of By-law 2002-285, Part VIII, Section 21, a by-law to regulate the keeping of animals and the registration of dogs and cats. The purpose of the notice is to mitigate the recurrence of a similar incident and provide an assurance of safety for the area residents and the general public.

The Registrar recommends that the Vicious Dog Notice be upheld by the Committee.

WRITTEN WITNESS STATEMENT

ON AUG 28 / 2014 at 1⁰⁰ PM

I WENT OUTSIDE TO MY DRIVEWAY TO TRANSPLANT A TREE. I WAS WORKING AT FERTILIZING THE HOLE THAT I JUST DUG, WHEN SUDDENLY THE DOG [REDACTED] [REDACTED] "TRISHA", CAME CHARGING AT ME FROM HER YARD. I BACKED AWAY FROM THE TREE LINE AND SCREAMED AT HER TO GO HOME - SHE CROSSED OVER THE TREES ONTO MY PROPERTY AND CONTINUED TO SNARL & BARK. I SWUNG THE BAG OF FERTILIZER AT HER FACE TO AVOID GETTING BITTEN. BY THEN HER OWNER, BEV MARSA, APPEARED ABOUT 10 feet away and SHOUTED AT HER TO STOP. I LOOKED UP AT BEV AND TOLD HER TO [REDACTED]

S.D.
#1
(cont.)

KEEP HER DOG ON A LEASH.

THIS IS THE THIRD TIME THAT THIS DOG HAS CROSSED INTO MY YARD AND ATTACKED ME. THIS DOG HAS ALSO ATTACKED AND EVEN BITTEN OTHER PEOPLE ... WHO LIVED ... AND ... WHO CAME OVER TO VISIT ME. THE DOG IS VERY UNFRIENDLY TO STRANGERS. ~~THE~~ I THINK SHE IS VICIOUS AND A THREAT TO STRANGERS WALKING BY. ON EACH AND EVERY OCCASION (INCLUDING TODAY) THERE WERE WITNESSES TO THESE INCIDENTS OTHER THAN BEV AND MYSELF.

Aug 28/2014

5842
Dog attack (other domestic animal):
5190D

Priority: High

Call taken

08/28/2014 at 1:40 PM

Call address

See address history below

Beverly Marsh

[REDACTED]
Sudbury, ON

Phone(s):
[REDACTED]

Call description/notes

Did not bite. Wants charge laid. Best to use Dog at large at 1:00 pm Claims the dog has bitten 2 people in the past.

Caller

[REDACTED]
[REDACTED]

Dispatched by

Richard M. Paquette

Case

- Potentially dangerous animal #1165C opened 02/03/2015
Status: Active
In charge: Darryl E. Dumoulin

Enforcement

No enforcement

Animal(s)

No animals

Prior actions

- See notes on 01/23/2015 at 9:01 AM assigned to Richard L. Paquette (address: [REDACTED] Sudbury, ON)
Notes: Spoke with Gilles Lefave - Vicious dog order issued in September - served by Daryl and via registered letter.
- Spoke with animal owner on 08/28/2014 at 6:00 PM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
Notes: said her dog never left the yard but was not tied up. ongoing neighbor dispute
- License sold, file closed on 08/28/2014 at 6:01 PM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
- Served PON on 08/28/2014 at 4:00 PM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
PON: 2135134B dated 08/28/2014
Primary violation: Permit dog to run at large (violation: Beverly Marsh)
Enforcement issued to Beverly Marsh, [REDACTED] Sudbury, ON
- Served Vicious Dog Order on 02/05/2015 at 9:58 AM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
Notes: Explained and gave Vicious Dog Order to [REDACTED] and was also present at the time of the PON being issued. Advised of all requirements of the order and if Beverly required clarification of the order to Contact Animal Control to have an officer explain.
Vicious Dog Order: 644478 dated 09/26/2014
Primary violation: Permit dog to run at large (violation: Beverly Marsh)
Enforcement issued to Beverly Marsh, [REDACTED] Sudbury, ON

Address history: [REDACTED] Sudbury, ON

Current and prior occupants:

- Beverly Marsh (08/28/2014 through present)

Current and prior cases:

- Potentially dangerous animal #1165C opened 02/03/2015 (current status: Active)
Beverly Marsh: *Called for dispatch

Current and prior calls:

- Potentially dangerous dog #6320D on 01/24/2015 (Ger Shep Bl Tan Tied in front yard with no muzzle. Owner is outside shovelling her driveway. Also have a video from 10:26 today....)
- Potentially dangerous dog #6307D on 01/22/2015 (Dog outside barking and also concerned it has vicious dog order and was out without muzzle)
- Dog bite #6308D on 01/22/2015 (Last night at 8:30 pm. Ger Shep dog jumped off patio and bit [REDACTED] [REDACTED] UK complainant is a relative of the victim and is concerned for his 2 year old daughter.)
- Dog barking #5639D on 10/15/2014 (Dog barking at [REDACTED] in [REDACTED] yard Sept. 19 and Oct 10 Friday barking at [REDACTED] while he is putting his garbage out.)
- Dog attack (other domestic animal) #5190D on 08/28/2014 (Did not bite. Wants charge laid. Best to use Dog at large at 1:00 pm Claims the dog has bitten 2 people in the past.)

S.D.#3



DOG TAG ANNUAL REGISTRATION 2014 D 7108

CGS Staff Initial ☐ Date Stamp ☐

Date Tag Purchased: Aug 28, 2014

As per By-law 2002-285, Tag Registration Expires:

- Dec 31, 2014
- Death of animal
- Transfer of Ownership

Owner's Information:

(Please print clearly)

Last Name: March

First Name: Deborah

Phone: Home: [Redacted] Cell: [Redacted]

Home Address: [Redacted]

Box # [Redacted] Apt. # [Redacted] City: Sudbury Postal Code: [Redacted]

Have you moved since last registration? ☐ yes ☒ no

If yes, then last Address / Home Phone: _____

Pet Information:

Pet's Name: Katrina

Breed: Shepherd Colour: Black/White

Sex: ☒ F ☐ M Age: 1 1/2 Date acquired pet: 1/1/11

Current Veterinarian Clinic: _____

Vendor Location: CGSAC

Vendor Phone Number: _____

Seller Initial: DD

Check dates and follow across for fees

Prices: (No Refunds)

Before Jan. 31, 2014 - fee ☒ \$30.00 ☐ \$15.00* ☐ \$15.00**

After Jan. 31, 2014 - fee ☒ \$40.00 ☐ \$25.00* ☐ \$25.00**

or if newly acquired within 7 days ☒ \$30.00 ☐ \$15.00* ☐ \$15.00**

After Oct. 1, 2014 - fee ☒ \$40.00 ☐ \$25.00* ☐ \$25.00**

or if newly acquired within 7 days ☒ \$15.00 ☐ \$15.00* ☐ \$15.00**

Replacement pet tag - replacing tag # _____

(MUST be filled in for replacement rate to be charged.) ☐ \$ 5.00

MUST BE FILLED OUT IF SENIOR RATE OR SPAY/NEUTER - BOX CHECKED

Senior year of birth: (Year) _____ (Month) _____ (Day) _____ (must be 55)

** Spayed / Neutered Information:

Date Spayed / Neutered: May 2008

Name of Animal clinic: 2008

Female - Spayed ☒ Male - Neutered ☐

The information may be verified by the City of Greater Sudbury, Compliance and Enforcement Services.

Owner's signature: [Signature]

Office Use: Date Picked Up: _____ Amount Confirmed: _____

S.D
#4

From: Darlene Barker
To: Christopher StOnge
CC: Gilles Lefebvre
Date: 8/28/2014 3:52 PM
Subject: Request for Vicious Dog Notice

Hello Chris,

Please create a vicious dog notice case type for follow up by the area officer; Gilles.

The address of the caller is [REDACTED] name is [REDACTED] and phone number is [REDACTED]

Gilles,

Please see me upon your return from holidays to discuss direction in this matter.

Thanks,

Darlene Barker
Manager of Compliance and Enforcement
City of Greater Sudbury
PO Box 5000
Stn A
200 Brady Street
Sudbury ON P3A 5P3
705.674.4455
705.671.2489 ext. 4281
705.671.0871 fax
darlene.barker@greatersudbury.ca



VICIOUS DOG NOTICE

Pursuant to City of Greater Sudbury Animal Control By-law 2002-285

File No. 644478

REGISTERED MAIL & HAND DELIVERED

To: Beverly Marsh

Sudbury ON

The City of Greater Sudbury is in receipt of a written complaint that your dog, "Katrina", registration number D7108, has attacked a person without provocation on August 28 2014.

As Registrar pursuant to the Animal Control By-Law #2002-285, I deem your dog to be vicious. Therefore, you are hereby required to comply with the requirements as set out in Sections 21 (4) and 21 (5) of the by-law which states:

- 4) "Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's premises, ensure that
 - a) the vicious dog is muzzled so as to prevent it from biting a person or domestic animal; and
 - b) the vicious dog is securely leashed on a leash which does not allow it to go beyond the property line of the owner's lands."
- 5) "Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's premises;
 - a) keep the vicious dog under the effective control of an adult person on a leash held by the person; and
 - b) keep the vicious dog muzzled.

AND FURTHER

- (6) Every owner of a vicious dog shall notify the Registrar within two


Page 1 of 2

working days of any change in ownership or residence of the vicious dog and provide the Registrar with the new address and telephone number of the owner.

- (7) Where the owner of a vicious dog is informed that his or her dog has been deemed to be a vicious dog, the owner may, within 14 days of such notice, request in writing a hearing by Council or committee established for that purpose and Council may exempt the owner from the muzzling or leashing requirement, or both such requirements or may modify the conditions for muzzling or leashing.
- (8) The notification that a dog is a vicious dog is effective from the date it is served, even if a hearing before Council is requested by the owner of the dog affected.

Failure to comply with this notice will result in charges pursuant to the by-law and Provincial Offences Act, which upon conviction may result in a fine to a maximum of \$5,000.

Dated this 18th of September 2014.


Gilles P. Lefebvre MLEO(C), C.P.S.O. Registrar
Municipal Law Enforcement/Property Standards Officer,
City of Greater Sudbury
(705) 671-2489 ext. 4257

gilles.lefebvre@city.greatersudbury.on.ca

CC: Rainbow District Animal Control Services.



**REGISTERED
DOMESTIC**
CUSTOMER RECEIPT

**RECOMMANDE
RÉGIME INTÉRIEUR**
REÇU DU CLIENT



To / Destinataire	
Name / Nom	
Address / Adresse	
City / Prov. / Postal Code / Ville / Prov. / Code postal	
Declared Value / Valeur déclarée \$	
CPC Tracking Number / Numéro de repérage de la SCP	

FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
www.canadapost.ca	www.postescanada.ca
OR/OU	
1 888 550-6333	

RW 743 903 829 CA

Page 2 of 2

S.D.
#6

From: rainbow district ashelter and animal services <rdshelter@gmail.com>
To: <gilles.lefebvre@greatersudbury.ca>
Date: 9/26/2014 1:22 PM
Subject: Vicious dog ordered's delivered

Hi Gilles,
Two vicious dog orders where delivered today.

Daryl Dumoulin Animal control officer served

The order for Beverly Marsh to her [REDACTED] at 11.59 am
today Sept 26 2014
the order for [REDACTED] and [REDACTED] was delivered to [REDACTED]
himself at 12.31 pm today Sept 26 2014

Have a nice day!

5.D
#7(1)

IMPORTANT INFORMATION: You may be receiving fraudulent "phishing" emails pretending to be from Canada Post



You were looking for

Tracking Numbers: RW 743 903 829 CA



[Track Another](#)

We found

Tracking Number: RW743903829CA

SUDBURY, ON

Accepted

Delivered

Date received:
2014/09/19

2014/10/03

[What is this?](#)

Track History

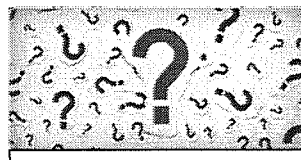
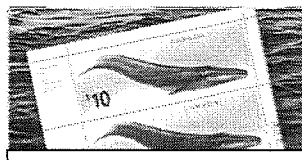
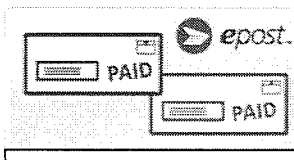
Date	Time	Location	Description	Retail Location	Signatory Name
2014/10/03	11:22	SUDBURY	Item successfully delivered		Beverly Marsh
	11:22		Signature image recorded for Online viewing		Beverly Marsh
2014/10/01	09:51	SUDBURY	Final Notice; Item will be returned to sender if not collected within 10 days	LONG LAKE PO	
2014/09/23	11:16	SUDBURY	Item available for pickup at Post Office		
	08:07	SUDBURY	Item being prepared for transfer to Post Office.		
	06:30	SUDBURY	Attempted delivery. Notice card left indicating where item can be picked up.		
	06:26	SUDBURY	Item out for delivery		
	04:54	SUDBURY	Item processed at local delivery facility. Learn More		
2014/09/22	09:35	TORONTO	Item processed		
2014/09/20	08:09	TORONTO	Item processed		
2014/09/19	15:48	SUDBURY	Item picked up by Canada Post. Learn More		
Shipment picked up by Canada Post — We have scanned shipping documents and picked up items from the shipper. They are en route to a processing facility. Keep checking Track for updates.					

Shipping Options and Features for this Item

Signature Required

Support	USA & International Shipping
For tracking questions or issues, see Support .	If your item is being shipped to the U.S.A. or internationally, check the destination country's postal tracking site for more information.

Customs
Shipping delays due to packages held by customs are beyond our control. How the customs process works.



Would you like a chance for your bills to pay for themselves?

Register two bills and you'll be entered in our monthly draw for a chance to WIN \$1,000.

Canada's *biggest* stamp.
Order yours today!

Q: What can I do if my Community Mail Box key isn't working?

A: If neither of your keys work, request a replacement lock and keys online

Postal Rates [View all rates](#)

Canada

0-30g Permanent (P) stamps \$0.85 in booklets and coils | 30-50g \$1.20 | 50-100g \$1.80

All Permanent stamps have a value of \$0.85.

For a \$0.63 stamp, add a \$0.22 stamp to make-up the postage.

USA

0-30g Stamp(s) \$1.20 | 30-50g \$1.80 |

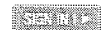
50-100g \$2.95

International

0-30g Stamp(s) \$2.50 | 30-50g \$3.60 |

50-100g \$5.90

Note: Discounts available when using postage meter or postal indicia.



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- What can I do if I shipped an item within Canada that was delivered late?
- I sent an item within Canada that arrived damaged. What can I do?
- An item I sent to an international destination arrived damaged. What can I do?
- When I track my parcel, the status shows attempted delivery. What does that mean?

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**SP # 7(2) Tracking Number**

RW743903829CA

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2014/10/03	00:00		Item successfully delivered		
2014/10/03	00:00		Signature image recorded for Online viewing		
2014/10/01	00:00		Final Notice; Item will be returned to sender if not collected within 10 days		
2014/09/23	00:00		Item available for pickup at Post Office		
2014/09/23	00:00		Item being prepared for transfer to Post Office.		
2014/09/23	00:00		Attempted delivery. Notice card left indicating where item can be picked up.		
2014/09/23	00:00		Item out for delivery		
2014/09/23	00:00		Item processed at local delivery facility		
2014/09/22	00:00		Item processed		
2014/09/20	00:00		Item processed		
2014/09/19	00:00		Item picked up by Canada Post		

Shipping Options and Features for this Item

5.D.#8
From: [REDACTED]
To: Gilles Lefebvre <gilles.lefebvre@greatersudbury.ca>
Date: 11/1/2014 2:21 PM
Subject: RE: Please help me proceed .

Hi Gilles ;

I did not get Animal Control to look into the infraction . I don't know if it is indeed an infraction .
I do not know what was sent to Ms. Marsh as instructions ...whether the dog was supposed to be on a muzzle .
I am in the process of leaving for [REDACTED] I have had no incident with her dog lately ...so I have not called Animal Control . [I was getting the feeling that I was becoming a nuisance to them] .

I am not sure if she was disobeying any laws in allowing her dog to go outside without a muzzle ... but there were at least four instances where the dog was in her yard [on a leash] , but not muzzled . I have a video-tape of one of those days .

All I want is to have some peace and comfort , in knowing that dog will not lunge at me and will STOP barking at me while I do my chores in my own yard . It is very , very annoying and uncomfortable to keep looking over my back to see if that dog is out in the yard . I am not sure if I should carry some sort of defensive weapon with me at all times .

I really appreciate your concern for my problem ... I will be leaving Sudbury very soon [REDACTED] and I will return in [REDACTED] Hopefully this dog problem will be resolved . I will contact you thenthanks again !

Date: Thu, 30 Oct 2014 09:01:14 -0400
From: Gilles.Lefebvre@greatersudbury.ca
Subject: Re: Please help me proceed .
To: [REDACTED]

Hi [REDACTED]

Were you able to get a hold of Animal Control & did they attend?

Gilles.

>>> Gilles Lefebvre 10/20/2014 4:12 PM >>>

Hi [REDACTED]

I got your message but don't have the program to see the footage. I don't know why the Animal Control Dept. isn't getting back to you, try one more time and if they don't, give me a call, I'll try to help you.

Gilles Lefebvre.

>>> [REDACTED] 10/20/2014 2:25 PM >>>

Hi Gilles ;

It's me again pestering you about the vicious dog problem I have with [REDACTED] Bev Marsh .

As you instructed me ; I contacted the Animal Control office and told them that I thought that Ms. Marsh was in violation of the letter she was sent concerning a vicious dog complaint . I called them on Wednesday , October 15 / 2014 ...told them I saw the dog leashed in her yard but NOT MUZZELLED on at least two occasions ...Sept. 19 and Oct. 10 .

I have not heard from them and I can not find out what exactly was in that letter to her ... hence I am asking you to help me proceed with this case . On October 19 / 2014 ; once again the dog lunged at me and barked as I went out to get into my car which was parked in my driveway . Ms. Marsh hushed the dog and pulled him into her house . After I returned home I noticed the dog was roaming her back yard [on a leash]

but NOT ON A MUZZEL . I video taped the event .

As I am unable to inform Animal Control with as much ease as I can talk to you ...I am sending you this video ; hoping you can help me resolve my concerns .

Thank you for your patience .



 has a file to share with you on OneDrive. To view it, click the link below.

MOV001.MOD

Potentially dangerous
dog: 6307D

Priority: High

5.D
#9
Call taken

01/22/2015 at 4:05 PM

Call address

See address history below

Beverly Marsh

Sudbury, ON

Phone(s):

Call description/notes

Dog outside barking and also concerned it has vicious dog order and was out without muzzle

Caller

Dispatched by

Lindsay Mckay

Case

- Potentially dangerous animal #1165C opened 02/03/2015
Status: Active
In charge: Darryl E. Dumoulin

Enforcement

No enforcement

Animal(s)

No animals

Prior actions

- Spoke with complainant on 01/23/2015 at 9:15 AM assigned to Richard L. Paquette (address: [REDACTED] Sudbury, ON)
Notes: Claims dog was outside yesterday without a muzzle at around 3 pm. Apparently owner has not been abiding by notice. Has videotape from October. Willing to appear - will prepare and email statement.
- License verified, file closed on 02/22/2015 at 9:48 AM assigned to Sheri Mills (address: [REDACTED], Sudbury, ON)
- Spoke with animal owner on 01/25/2015 at 3:15 PM assigned to Tiffany Lalonde (address: [REDACTED] Sudbury, ON)

Address history: [REDACTED] Sudbury, ON

Current and prior occupants:

- Beverly Marsh (08/28/2014 through present)

Current and prior cases:

- Potentially dangerous animal #1165C opened 02/03/2015 (current status: Active)
Beverly Marsh: *Called for dispatch

Current and prior calls:

- Potentially dangerous dog #6320D on 01/24/2015 (Ger Shep Bl Tan Tied in front yard with no muzzle. Owner is outside shovelling her driveway. Also have a video from 10:26 today....)
- Potentially dangerous dog #6307D on 01/22/2015 (Dog outside barking and also concerned it has vicious dog order and was out without muzzle)
- Dog bite #6308D on 01/22/2015 (Last night at 8:30 pm. Ger Shep dog jumped off patio and bit [REDACTED] UK complainant is a relative of the victim and is concerned for his 2 year old daughter.)
- Dog barking #5639D on 10/15/2014 (Dog barking at [REDACTED] in [REDACTED] yard Sept. 19 and Oct 10 Friday barking at [REDACTED] while he is putting his garbage out.)
- Dog attack (other domestic animal) #5190D on 08/28/2014 (Did not bite. Wants charge laid. Best to use Dog at large at 1:00 pm Claims the dog has bitten 2 people in the past.)



January 25th, 2015

Attention: Prosecutors Office, City of Greater Sudbury

Re: Marsh, Beverly (2135134B) - Trial February 6th, 2015

I Officer T. Lalonde #124 received a dispatch at 2:45pm on January 25th, 2015 for a potentially dangerous dog placed under the vicious dog order. I was informed that the owner had the dog outside without a muzzle. When I attended the residence at 3pm, the dog was tied to a rope in front without a muzzle and owner was in the driveway. I documented by taking photos of the Shep mix without the muzzle. I then got out of the truck to speak to the owner Mrs. Marsh came to the end of the driveway to ask me why I was here because she had her neighbor antagonizing her dog so she brought the dog closer to the right of the house so he will stop recording her and the dog she stated she had just got off the phone with the police and I had asked for the number as we had a phone number that was no longer in service Marsh then gave me the number and I dialed the number to be sure that we had the correct number to contact her in the future. The dog had no muzzle she stated the dog was on her property and under quarantine she was outside with the dog. Her friend took her dog for a walk on Wednesday and had reported the dog had bitten someone walking by. She had asked what is the problem? I then informed her that the dog was placed under the guidelines for a vicious dog and the dog was out of the dwelling and must have a muzzle at all times. Marsh stated that she was improperly informed in regards to the order. I then asked her if she had a copy and had read the order she said NO so I then went to my truck and pulled the bylaw to inform her what the law is to educate her and read her Section 21 1. I then asked her to put the muzzle on and as I watched she was placing the muzzle improperly and told her it was being placed incorrectly also it wasn't a muzzle she has had an enclosed mouth and suggested for her to try the basket style muzzle she then brought the dog in as she can't keep the muzzle on the dog keeps removing it she then stated she mind as well have the dog put down I offered services after the quarantine period was up to owner but to elevate the issue of the dog being placed as vicious we also disgusted the leash she's using was not permitted she needs a proper leash where she has full control on a leash under 6 feet I told her she has been warned and properly informed in regards to the order and the quarantine .

Tiffany Lalonde

S.O

11



25/01/2015 3:06:45PM



25/01/2015 3:06:45PM



February 5th, 2014

Attention: Prosecutors Office, City of Greater Sudbury

Re: Marsh, Beverly (2135134B) - Trial February 6th, 2015

Beverly Marsh of [REDACTED] Sudbury ON, will appear before the Court on February 6th, 2015 for a trial regarding a charge of permit dog to run at large. This is a developing case and I thought you should be updated on subsequent occurrences.

Beverly Marsh owns Katrina, a 9 year old female German Shepherd mix. On September 18th, 2014 a "Vicious Dog Notice" was issued by the City of Greater Sudbury (see attached). This was delivered via registered mail and this notice was hand delivered September 29th to [REDACTED] identified as Beverly's [REDACTED] Beverly has subsequently filed an appeal which has yet to be scheduled. See the attached complaint report (5190D).

Between the 22nd of January and the 25th of January, 2015 we received a number of calls regarding Beverly Marsh's dog. It was reported by an anonymous caller that the dog had bit [REDACTED] on or about January 21st. The caller was a relative of the victim and is concerned for [REDACTED] two year old daughter. [REDACTED] was not willing to appear as a witness and no charges were laid. See the attached complaint report (6308D)

Subsequently the complainant in the matter before the court on February 6th, [REDACTED] placed a number of calls regarding the owner not abiding by the muzzling order in place. See attached complaint reports (6307D and 6320D).

Tiffany Lalonde, an Officer with our service, attended at the owners residence [REDACTED] Sudbury ON) on January 25th 2015, at which time the dog was not muzzled as per the order. Tiffany has photographs of this occurrence which show the dog unmuzzled (attached). Beverly claimed she did not understand the order correctly and believed she could have the dog without a muzzle on her own property. Officer Lalonde clarified the requirements of the order with Beverly. Tiffany and [REDACTED] have prepared statements and [REDACTED] has video of the dog unmuzzled in violation of the order. It is our intention to pursue charges of "Fail to keep vicious dog muzzled" in relation to this information.

Marsh, Beverly (2135134B) - Trail February 6th, 2015

On January 27th, Gilles Lefebvre, a By-law Enforcement Officer with the City of Greater Sudbury who was responsible for preparing the order, received a voice mail message from Beverly that the animal was now residing at [REDACTED] Val Caron. She also wanted to know if the City could "speed up the vicious dog notice" hearing.

On January 29th, Richard L. Paquette, an Officer with our service spoke with [REDACTED] at [REDACTED] in Val Caron ON. [REDACTED] stated they are interested in keeping the dog regardless of the outcome of the hearing. The dog is staying there until the hearing. She has a fenced in back paddock consisting of a four foot fence with locking gate. She was aware of the order and Richard provided her with a copy of the order for her records. Richard also clarified that the dog must be muzzled even in the paddock. She had a basket type muzzle. Richard confirmed that the Sudbury and District Health Unit would be there Monday, February 2nd, 2015 to release the dog from the quarantine.

Resolution:

Beverly indicated to Tiffany on January 25th that she may consider releasing the dog for euthanasia. We would be satisfied with this resolution, and if this were to come to pass we would be agreeable to the matter for February 6th, 2015 being adjourned pending this outcome and would no longer pursue additional charges for violation of the muzzling order.

Sincerely,

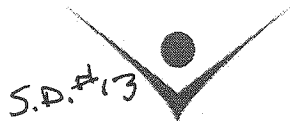


Daryl Dumoulin

GSAC#127

Attachments:

- Photos taken on January 25th, 2015 of the dog in question unmuzzled.
- Statement - Tiffany Lalonde: January 25th, 2015
- Statement (email) - [REDACTED] January 22nd and January 25th, 2015
- Complaint reports 5190D, 6307D, 6308D, 6320D
- Vicious dog notice #644478



Sudbury & District

Health Unit

Service de
santé publique

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Healthy
Day!

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dès
aujourd'hui!

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☎ : 705.522.5182

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Unit / Unité 109
Sudbury ON P3C 1S8
☎ : 705.522.9200
☎ : 705.677.9611

Chapleau
101 rue Pine Street E
Box / Boîte 485
Chapleau ON P0M 1K0
☎ : 705.860.9200
☎ : 705.864.0820

Espanola
800 rue Centre Street
Unit / Unité 100 C
Espanola ON P5E 1J3
☎ : 705.222.9202
☎ : 705.869.5583

Île Manitoulin Island
6163 Highway / Route 542
Box / Boîte 87
Mindemoya ON P0P 1S0
☎ : 705.370.9200
☎ : 705.377.5580

Sudbury East / Sudbury-Est
1 rue King Street
Box / Boîte 58
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☎ : 705.222.9201
☎ : 705.867.0474

Toll-free / Sans frais
1.866.522.9200

www.sdhu.com

February 23, 2015

Gilles Lefebvre
City of Greater Sudbury
By-Law Enforcement Services
P.O. Box 5000 Stn A
200 Brady Street
Sudbury, ON P3A 5P3

Dear Mr. Lefebvre:

Re: Request for Information
Our file number: 113-00073

We acknowledge your request for information regarding the above file.

Please find enclosed a copy of our inspection report with third party personal information and personal opinions removed. Information which may constitute an unjustified invasion of privacy, or compromise the health and safety of any person, has also been removed.

Yours truly,

Holly Browne
Manager
Environmental Health Division

HB/ja

Sudbury & District Health Unit

1300 Paris Street Sudbury, ON P3E 3A3

Phone Number: (705) 522-9200 Fax Number: (705) 522-5182

Rabies Investigation Report [113-00073]

Animal Summary:	Large, Brown/Beige, Female, Mixed Breed, Canine		
Date Received:	23-Jan-2015 1:06 PM	Service Provider:	Ted Korzeniecki, C.P.H.I. (C.)
Date of Exposure:	21-Jan-2015	Current Status:	In Progress

Reported By

Name: Richard Paquette
Business Name: Rainbow District Animal Control
Work Address: 411 St Agnes Azilda, ON
Phone (H): **Phone (W):** (705) 673-3647

Circumstances

Circumstances: Animal Control called after receiving an 'anonymous' report stating that [REDACTED] got bit by [REDACTED] dog. [REDACTED] is a [REDACTED] and advised victim not to receive medical treatment and not to report the incident. Also advised that the dog jumped off porch and bit victim. These allegations were refuted by the victim. (see communication below)

Animal Control informed that there is a vicious dog notice on this animal which the owner is appealing.

Incident Site Community: SU Sudbury

Animal Information

Animal Type: Domestic
Species: Canine
Subspecies: Mixed Breed
Colour: Brown/Beige
Gender: Female
Size: Large
Animal Name: Katrina
Physical Appearance: Female Black and Tan Shepard mix
Animal was provoked? No

Owner: [REDACTED]
Home Address: [REDACTED]
Phone (H): [REDACTED] **Phone (W):** [REDACTED]

Vaccination Status at Time of Exposure: Not Vaccinated

Compliance Confirmed? No

Detained At: Owner's Home **Location:** [REDACTED]
Condition After Confinement: Alive

Person Exposed

Name: [REDACTED]
Home Address: [REDACTED]
Phone (H): [REDACTED] **Phone (W):** [REDACTED]

Exposure: Bite

Contact Site/Severity: Right Hand/Abrasion / Scratch

Is Vaccination Requested? No

Dated Notes/Non-Compliance Actions Taken

05-Feb-2015 12:45 Korzeniecki, Ted

Communication

On the 5th of February the writer was able to contact the victim [REDACTED] at work, [REDACTED], and advised [REDACTED] that the dog that bit [REDACTED] was healthy and the quarantine period is over.

02-Feb-2015 12:40 Korzeniecki, Ted

On Site Visit

On the 2nd of February the writer attended at [REDACTED] as I was advised that is where the dog was at this time.

Spoken to was [REDACTED] and the dog Katrina, appeared to be in good health. The dog was then released from quarantine. [REDACTED] advised that she has made an appointment with Martindale Animal Hospital to have her dog re-vaccinated for rabies on the 17th of February. This was confirmed by the writer by calling the vet.

26-Jan-2015 9:32 Korzeniecki, Ted

Communication

On the 26th of January the writer was contacted by the victim, [REDACTED]. [REDACTED] advised that [REDACTED] wasn't concerned about the incident and the contact was minimal which is why [REDACTED] didn't report the bite. [REDACTED] advised [REDACTED] was walking down the street and noted the man with 2 dogs on leashes. The neighbour's dog came up to [REDACTED] and grabbed [REDACTED] hand with it's mouth and when [REDACTED] pulled [REDACTED] hand away his open jaw fell on [REDACTED] high and that is when [REDACTED] believes one of the dog's teeth caused an abrasion on [REDACTED] leg. Later the dog owner came over to express her concerns over the incident. The abrasion was treated with polysporin and has since healed. At no time did the dog owner suggest she not seek treatment or not to report the incident to the authorities.

The writer then called Animal Control and passed this information onto the operator, Richard Paquette Sr. as it was Animal Control that had originally passed on the anonymous complaint and his info was different than that which the victim provided.

23-Jan-2015 4:00 Korzeniecki, Ted

On Site Visit

The writer attended at the victim's address and determined [REDACTED] was not available to be spoken to until Monday. Spoken to was a neighbour in the same building [REDACTED] who advised that she had spoken to the victim shortly after the incident and saw abrasions on [REDACTED] right hand and thigh. The victim had advised her [REDACTED] was walking along Pearson St. in the evening and saw a man walking two dogs on leashes. As they were passing each other both dogs lunged at [REDACTED] causing the abrasions by biting at [REDACTED]. The victim indicated to the neighbour that the dogs were from [REDACTED].

A door knock was made at the owner's home at [REDACTED]. Spoken to was [REDACTED] who advised she was made aware of the incident by her friend [REDACTED] who had taken the dogs for a walk without advising her. She then went over to talk to the victim.

She advised that her dog was vaccinated at Martindale Animal Clinic. A check with them indicated the last vaccine was May 8th, 2011.

23-Jan-2015 1:15 Frappier, Matthieu

Communication

Please notify [REDACTED] to contact Animal Control Regarding the bite.

Dates

Date of Initial Contact with Owner: 2015-01-23

Date of Visual Confinement: 2015-01-23

Date of Target Release: 2015-01-31

Date of Visual Release: 2015-02-02

Date Person(s) Exposed Contacted: 2015-02-05

Closing

Investigation Status: In Progress

Ted Korzeniecki, C.P.H.I. (C.)

Request for Decision

Appeal of Order to Remedy #647632 - 634 Lasalle Blvd

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Tuesday, Mar 03, 2015
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury uphold the Property Standards Order for Expert Examination #648732 issued to 1277897 Ontario Ltd, owner of 634 Lasalle Blvd, City of Greater Sudbury.

Finance Implications

No Financial Implications.

Background

Property Standards Order for Expert Examination (herein referred to as "the Order") was issued pursuant to the Building Code Act, S.O. 1992, Chapter 23 as amended, (herein referred to as "the Act").

The Council of the City of Greater Sudbury enacted By-law 2011-277, cited as the "Maintenance and Occupancy Standards By-law" (herein referred to as "the By-law"). This By-law has been passed under the authority of section 15 of the Act and prescribes standards for the maintenance and occupancy of properties within the City and for requiring properties not in conformance with the standards therein to be repaired and maintained to conform to the standards. This By-law was enacted to ensure the safety of residents and the upkeep of properties to prevent the degradation of the community and neighborhoods.

The enforcement and appeal provisions of this By-law are found in the Building Code Act. It provides for inspection powers of the officer, the issuance of an Order, the establishment of a Property Standards Committee, and the procedures for an appeal of the Order. Specific time frames and methods of notification are established in the Act and the powers of the Property Standards Committee are also set out in the Act.

Facts and Evidence Supporting the Order - Presented by Officer Kyle Anderson

On October 9th, 2014, the City of Greater Sudbury Compliance and Enforcement Division received a complaint by telephone which stated that the building had water running through it coming from the roof which was running down the hallways from the top floor to the bottom floor.

Case #648732 was generated and assigned to the area By-law Officer Kyle Anderson for inspection and enforcement follow-up.

On October 14th, 2014, at approximately 9:44 am, Officer Anderson attended 634 Lasalle Blvd, and conducted an inspection of the building. During the inspection Officer Anderson observed that several sections of drywall were missing in the sixth floor hallway. The walls next to the missing sections of drywall still felt very damp to the touch and had signs of water damage. Pipes for the flat roof drains were also visible inside the ceiling and felt damp to the touch. Officer Anderson knocked on the door of a tenant on the sixth floor who advised him that they were a 15 year resident of the building and that the roof had been leaking periodically for approximately 7 years. Officer Anderson then inspected unit and found missing sections of drywall and water

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Mar 3, 15

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Mar 3, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth &
Development
Digitally Signed Mar 3, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 15

damage to the walls inside the closet by the front door of the unit. There was also water damage to the paint near the front door and on the kitchen walls.

Deficiencies of the By-law were noted and seventeen (17) photographs were taken. Items of Non-Conformity with the Property Standards By-law 2011-277 are as noted;

Fail to ensure that every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition. Section 3.07(1)

Fail to ensure that maintenance of every roof includes:

- i) removal of loose, unsecured or rusted objects or materials;
- ii) removal of dangerous accumulations of snow or ice;
- iii) keeping roofs and chimneys in water tight condition so as to prevent leakage of water into the building; and
- iv) keeping all roof-related structures plumb unless specifically designed to be other than vertical. Section 3.07(2)

On October 15th, 2014, Officer Anderson prepared a Property Standards Order for Expert Examination, outlining the items of non-conformity with the By-law as listed in the previous paragraph. Pursuant to section 15.8 (1)(f) of the Building Code Act the Order requires that a written report be prepared by a professional engineer and provided to the Officer containing findings as to whether the roof of the building is in a condition that is in good repair, structurally sound, safe, and in a water tight condition. Compliance with the terms and conditions of the Order was required before December 1st, 2014. The Order was sent registered mail to the owner of the property to the address as last shown on the Assessment Rolls for the City of Greater Sudbury; 1277897 Ontario Ltd, 1016 Arthur Street, Unit 101, Sudbury, ON P3A 5N1. The Order was received by "K Hoop" on October 17, 2014, as shown on the Track Status record of Canada Post.

Attached to this report for the Committee's review and in support of the recommendation are the following;

- 1. Officer Anderson's electronic notes and case file.
- 2. 17 pictures dated October 14, 2014.
- 3. Copy of Roll Information - confirming property owner.
- 4. Copy of Property Standards Order for Expert Examination #648732, dated October 15, 2014.
- 5. Canada Post Tracking record RW743902531CA - Delivery Receipt for Order.
- 6. CGS appeal confirmation letter.
- 7. CGS notice of hearing letter.

Conclusion

Section 15.3(3.1) of the Building Code Act sets out the powers of the committee on an appeal of an Order. It provides to the committee the same powers and functions of the officer who made the order, and can confirm, modify or rescind the Order, and can also extend the time for complying with the order, if in the committee's opinion doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement.

Section 18 of the City of Greater Sudbury's Official Plan starts with the statement "Adequate and affordable housing for all residents is a fundamental component of Greater Sudbury's Healthy Community approach to growth and development. Further statements include the achieving diversity in the housing supply by maintaining a balanced mix of ownership and rental housing, and addressing housing requirements for low income groups and people with special needs. One of the objectives of the policy is to ensure that the City's housing stock provides acceptable levels of health and safety through enforcement of the property maintenance standards in all forms of housing. The intent and purpose of the by-law may also be determined through statements in the preamble; "Whereas the lack of upkeep of a residential property can lead to the degradation of a neighbourhood and of a community."

It is for these reasons that the recommendation in this report is to uphold the Order, #648732, dated October 15, 2014, to ensure that the owner of the property of 634 Lasalle Blvd, complies with the maintenance and occupancy standards as set out in the CGS By-law, 2011-277.

Case ID 648732

Caller Information

Known Callers: 1 Anonymous Callers: 0

Name: [REDACTED]

Address: [REDACTED]

Mobile Phone: [REDACTED]

Case Information

Case Type: By-Law Property Standards Category: Property Maintenance

Status: Assigned Priority: Normal

Expected Completion: 16-Mar-2015 08:00:00 AM

Last Updated: 12-Feb-2015 07:56:20 AM

Submitted By: Jane Lewis On 09-Oct-2014 09:36:57 AM

Assigned To: Kyle Anderson (By-Law Ward 11-12 Officer) On 09-Oct-2014 09:39:49 AM

Access Code: 687886

Subject: Caller has telephoned for family member, pictures attached of halls in Rideau Place of running water

Description: Caller has stated the building, Rideau Place, has water running down from the roof all through the hallways from 1st to 6th floors. Caller is telephoning for their [REDACTED] family member who lives in this building.

The case was created as: Re-Active

Inspection Complete Yes Re-Inspection Complete No

2nd Re-Inspection No 3rd Re-Inspection No

4th Re-Inspection No

Location

Location: 634 LASALLE (RIDEAU PLACE BUILDING)

Contacts

Work	Staff Member	Phone [Public]	Email	Fax
By-Law Property Standards Case	Kyle Anderson (By-Law Ward 11-12 Officer)	(705) 674-4455 x2510	Kyle.Anderson@city.greatersudbury.on.ca	(705) 671-0871

Comments

Date	Type	Entry	Relates To	Created By
12-Feb-2015 07:56:20 AM	Case Communication	Notice of Hearing issued January 23, 2015 File Attached: Notice of Hearing -B. Nikolic.pdf	By-Law Property Standards	Kyle Anderson
02-Feb-2015 12:00:31 AM	Case Reactivated	System Case Reactivated	By-Law Property Standards	SYSTEM

12-Jan-2015 08:34:54 AM	Case Postponed	Other Reactivate on: 02 Feb 2015 Appeal Hearing date has not yet been set.	By-Law Property Standards	Kyle Anderson
12-Jan-2015 12:04:20 AM	Case Reactivated	System Case Reactivated	By-Law Property Standards	SYSTEM
01-Dec-2014 08:17:38 AM	Case Postponed	By-Law Re-Inspect on Due Date Reactivate on: 12 Jan 2015	By-Law Property Standards	Kyle Anderson
01-Dec-2014 12:02:15 AM	Case Reactivated	System Case Reactivated	By-Law Property Standards	SYSTEM
26-Nov-2014 08:53:43 AM	Case Communication	Notice of Appeal issued Nov 20, 2014 File Attached: Appeal Notice Nov 20, 2014.pdf	By-Law Property Standards	Kyle Anderson
25-Nov-2014 08:22:32 AM	Case Communication	Confirmed with the CGS Clerks Dept that a request to appeal the Order has been received from the property owner and that an Appeal Hearing is to be scheduled.	By-Law Property Standards	Kyle Anderson
25-Nov-2014 08:20:53 AM	Case Communication	Email sent November 25, 2014 File Attached: Email sent Nov 25, 2014.pdf	By-Law Property Standards	Kyle Anderson
22-Oct-2014 03:39:38 PM	Case Communication	Canada Post Certificate of Delivery confirms delivery of registered mail containing the Order for Expert Examination on October 17, 2014. File Attached: CPC Delivery Certificate October 17, 2014.pdf	By-Law Property Standards	Kyle Anderson
22-Oct-2014 03:34:22 PM	Case Communication	1530 hrs - Received a voicemail message from the building owner [REDACTED] advising that he intends to appeal the Order to Remedy and requesting a call back. Called back [REDACTED], no answer, no room left in the voicemail box to leave a message.	By-Law Property Standards	Kyle Anderson
15-Oct-2014 10:47:39 AM	Case Postponed	Order Issued Reactivate on: 01 Dec 2014 Order for Expert Examination issued Oct 15, 2014 Date for compliance of December 1, 2014 Registered mail.	By-Law Property Standards	Kyle Anderson
15-Oct-2014 10:47:39 AM	Action Code (Case)	Order Issued Please indicate the date the order is due to be completed by.	By-Law Property Standards	Kyle Anderson
15-Oct-2014 10:47:06 AM	Completion Date Revised	By-Law Order to Remedy Expected case completion date changed from: 20 Nov 2014 09:39:50 AM to: 31 Dec 2014 09:39:00 AM	By-Law Property Standards	Kyle Anderson
15-Oct-2014 10:46:44 AM	Case Communication	Order for Expert Examination issued Oct 15, 2014 Date for compliance of December 1, 2014 Registered mail. File Attached: Order for Expert Examination Oct 15, 2014.pdf	By-Law Property Standards	Kyle Anderson
15-Oct-2014 10:00:18 AM	Case Communication	Tax roll search done October 15, 2014 File Attached: Tax roll search October 15, 2014.pdf	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:57:27 AM	Case Note	October 14, 2014 File Attached: IMGP2877.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:57:16 AM	Case Note	October 14, 2014 File Attached: IMGP2874.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:57:08 AM	Case Note	October 14, 2014 File Attached: IMGP2873.JPG	By-Law Property Standards	Kyle Anderson

User: cbylawe1

15-Oct-2014 09:57:00 AM	Case Note	October 14, 2014 File Attached: IMGP2872.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:56:52 AM	Case Note	October 14, 2014 File Attached: IMGP2888.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:56:43 AM	Case Note	October 14, 2014 File Attached: IMGP2885.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:56:34 AM	Case Note	October 14, 2014 File Attached: IMGP2884.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:54:30 AM	Case Note	October 14, 2014 File Attached: IMGP2883.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:57 AM	Case Note	October 14, 2014 File Attached: IMGP2881.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:47 AM	Case Note	October 14, 2014 File Attached: IMGP2880.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:38 AM	Case Note	October 14, 2014 File Attached: IMGP2879.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:53:29 AM	Case Note	October 14, 2014 File Attached: IMGP2878.JPG	By-Law Property Standards	Kyle Anderson
15-Oct-2014 09:35:45 AM	Case Communication	October 14, 2014, 0944 hrs - Inspected problem location, observed several sections of the ceiling were missing in the sixth floor hallway. The walls next to the missing sections of ceiling still felt very damp to the touch and had signs of water damage. Piping front the flat roof drains were visible inside the ceiling and also felt damp to the touch. I knocked on the door of apartment [REDACTED] and spoke with [REDACTED]. [REDACTED] advised that [REDACTED] is a 15 year resident of this building and that the roof has been leaking for approximately 7 years. I also observed inside unit [REDACTED] missing sections of drywall and water damage inside the closet by the front door. There was also water damage to the paint near the door and in the kitchen. [REDACTED] advised that the drywall was removed from the closet over a year ago due to previous leaks.	By-Law Property Standards	Kyle Anderson
09-Oct-2014 09:39:49 AM	Case Assignment	Assigned Case to Owner Case ID: 648732 has been assigned to By-Law Ward 11-12 Officer (Anderson, Kyle). Assigned to Ward 12 Officer.	By-Law Property Standards	Jane Lewis
09-Oct-2014 09:37:34 AM	Case Communication	Photos of hallways at Rideau Place. File Attached: 2014 spring thaw damage 634 Lasalle Blvd.docx	By-Law Property Standards	Kyle Anderson
09-Oct-2014 09:36:57 AM	Case Notification	System Case was notified to By-Law Ward 1-2 Officer(Holt, Stephen), By-Law Ward 3-4 Officer(Bergeron, Greg), By-Law Ward 5-6 Officer(Romanyszyn, Tina), By-Law Ward 7-8 Officer(Rossignol, Troy), By-Law Ward 9-10(Lefebvre, Gilles), By-Law Ward 11-12 Officer(Anderson, Kyle).	By-Law Property Standards	Jane Lewis
09-Oct-2014 09:36:57 AM	Case Submission	System Case was submitted by Wendy McBain.	By-Law Property Standards	Jane Lewis















10/14/2014 09:59





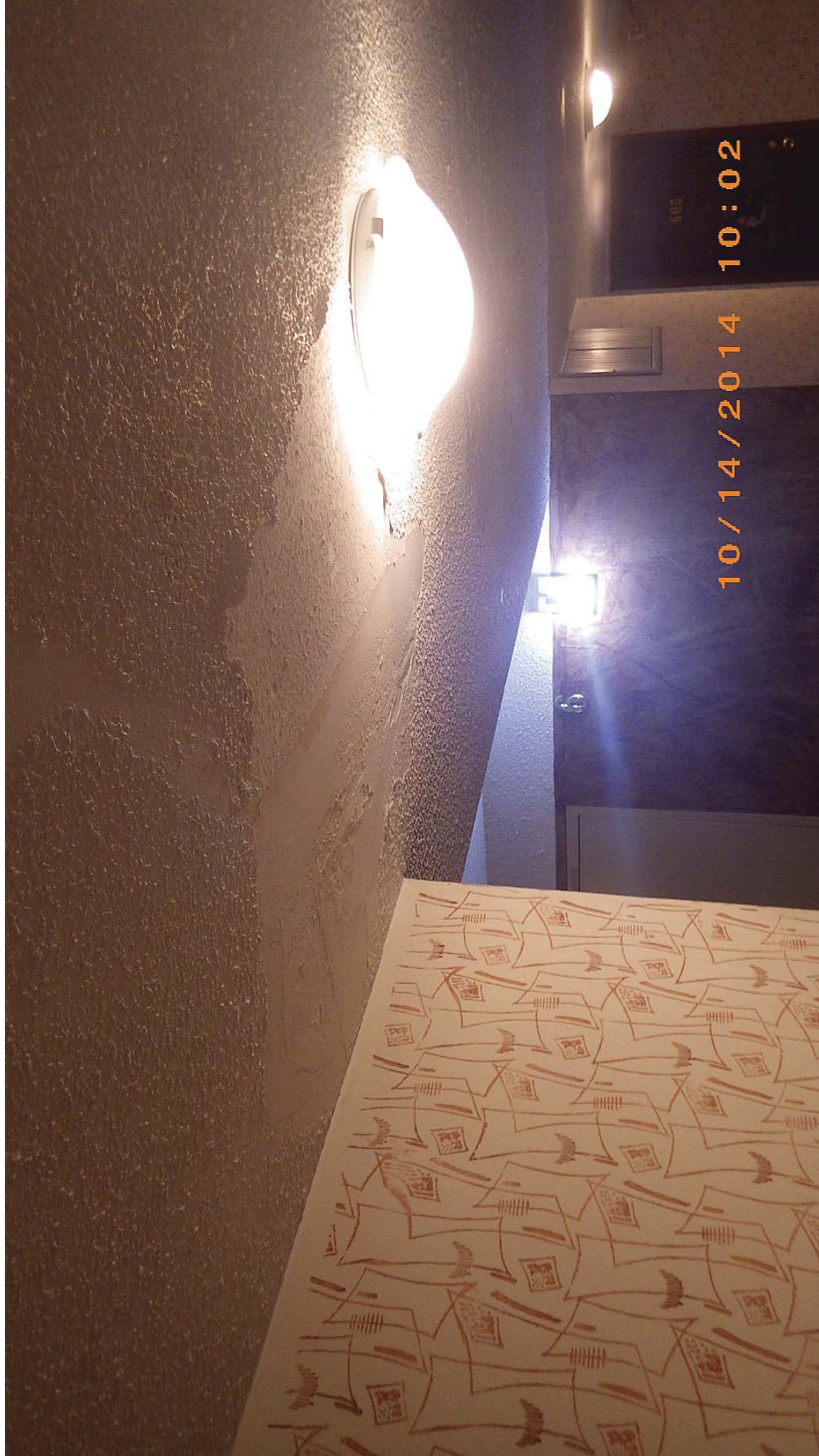


10/14/2014 09:59















Roll Inquiry

?

↑

↓

Journals

Date According To:

2014/10/15

Roll Information

Roll No.030.030.00300.00000

Address634LASALLE BLVD

Owners

1277897 ONTARIO LTD

Mailing Address

1016 ARTHUR ST UNIT 101

SUDBURY ON

P3A5N1

Legal Description

MCKIM CON 6 LOT 3 RP

53R10099 PARTS 1 & 2 PIN

02171-0210

OTHER

1.04AC 160.13FR D

Mortgage Code

Mortgage Acct#

Group Code

Tax Balance

Tax Levied

Penalty

Adjustment

Payment

Balance

Projected Balance

Total Owing:

Assessments

MTEP

MTES

MTFS

Appeals

Archive Trans

Assessments

Audits

Bill Detail

Capping

Collections

Detail

Correspond

Installments

Local Charge

PAP

Ph-In/Def

Phone,Email...

Post Dated

Receivables

Remarks

Schedules

Tax Sale

Transactions

Vacancy

92 of 97



PO BOX 5000 STN A

200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200 RUE BRADY
SUDBURY ON P3A 5P3

PROPERTY STANDARDS ORDER FOR EXPERT EXAMINATION

Issued pursuant to Section 15.8(1) of The Building Code Act,
S.O. 1992, Chapter 23, as amended.

		Case # 648732								
Date of Inspection: OCTOBER 14, 2014	Time: 9:44 AM	By-Law No.: 2011-277								
<table><tr><td>Municipal address or legal description of property</td><td>X</td><td>Occupied</td><td>Unoccupied</td></tr><tr><td colspan="4">634 LASALLE BLVD, SUDBURY, ON - MCKIM CON 6 LOT 3 RP 53R10099 PARTS 1 & 2 PIN 02171-0210</td></tr></table>			Municipal address or legal description of property	X	Occupied	Unoccupied	634 LASALLE BLVD, SUDBURY, ON - MCKIM CON 6 LOT 3 RP 53R10099 PARTS 1 & 2 PIN 02171-0210			
Municipal address or legal description of property	X	Occupied	Unoccupied							
634 LASALLE BLVD, SUDBURY, ON - MCKIM CON 6 LOT 3 RP 53R10099 PARTS 1 & 2 PIN 02171-0210										
Name of owner and mailing address										
1277897 ONTARIO LTD, 1016 ARTHUR ST, UNIT 101, SUDBURY, ON, P3A 5N1										
DESCRIPTION OF NON-CONFORMITY		LOCATION	BY-LAW Reference							
1)	Every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition.	Roof of building.	By-Law 2011-277, Part 3, Section 3.07 (1)							
2)	Maintenance of every rood shall include: a) removal of loose, unsecured or rusted objects or materials; b) removal of dangerous accumulations of snow or ice; c) keeping roofs and chimneys in water tight condition so as to prevent leakage of water into the building; and d) keeping all roof-related structures plumb unless specifically designed to be other than vertical.	Roof of building.	By-Law 2011-277, Part 3, Section 3.07 (2)							
REQUIRED ACTION										
1) Provide a written report prepared by a professional engineer licensed to practice in Ontario containing findings as to whether the roof of the building at 634 Lasalle Blvd, Sudbury, is in a condition that is in good repair, structurally sound, safe, and in a water tight condition.										
2) In order for the report to be considered acceptable it must satisfy the following: a) The report shall be an original copy addressed to the owner of the subject property. b) The report shall detail the current condition of the property, or element of the property under examination. c) Where repairs are required, the report shall detail recommended method of repair and materials. d) Where repairs are required, the report shall contain a schedule of work, with an estimate date of completion, and; e) The report shall be signed and stamped by a professional engineer licensed to practice in Ontario.										
There must be compliance with the terms and conditions of this order before this date: <u>DECEMBER 1ST, 2014.</u>										

TAKE NOTICE THAT if such report is not submitted within the time specified in this order, the Municipality may complete the report at the expense of the owner. Clause 15.8 (1) (f).

APPEAL TO PROPERTY STANDARDS COMMITTEE - An owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee by sending notice of appeal by registered mail to the Secretary of the Committee on or before NOVEMBER 5TH, 2014 and, in the event that the order is not appealed, it shall be deemed to be confirmed. Subsection 15.3 (2).



Kyle Anderson
Property Standards Officer,
Municipal Law Enforcement Officer
705-674-4455 ext. 2510

Date Order Served: **OCTOBER 15, 2014.**

DISTRIBUTION OF ORDER TO REMEDY* - The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. Subsection 15.2(3).

REGISTRATION OF ORDER - Where a copy of this order is registered in the proper land registry office, any person acquiring any interest in the land, subsequent to the registration of the order, shall be deemed to have been served with the order on the day on which the order was served. Subsection 15.2 (4).

OFFENCE - A person is guilty of an offence if the person fails to comply with an order, direction or other requirement made under the Building Code Act, 1992. A person who is convicted of an offence is liable to a fine of not more than \$25, 000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence. Subsections 36 (1) (b) and 36 (3).

Personal information contained on this form, collected pursuant to a by-law passed under the Building Code Act, 1992 will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.

Original - CONTRAVENOR*	Copy - OFFICE	Copy - PROPERTY STANDARDS OFFICER	Copy - BUILDING CONTROLS	Copy- FIELD
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		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To		Destinataire		
Name		Nom		<div>FOR DELIVERY CONFIRMATION</div> <div>CONFIRMATION DE LA LIVRAISON</div> <div>www.canadapost.ca or/ou www.postescanada.ca</div> <div>1 888 550-6333</div> <div>CPC Tracking Number Numéro de repérage de la SCP</div> <div>RW 743 902 531 CA</div>
Address		Adresse		
City / Prov. / Postal Code		Ville / Prov. / Code postal		
Declared Value		Valeur déclarée		
\$				
33-086-584 (11-04)				



Date: 2014/10/22

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number RW743902531CA

Product Name Not Available

Reference Number 1 Not Applicable

Reference Number 2 Not Applicable

Delivery Date (yyyy/mm/dd) 2014/10/17

Signatory Name K HOOP

Signature

A handwritten signature in black ink, appearing to read "K HOOP", is written over a faded background of the Canada Post logo. The signature is written in a cursive, somewhat stylized manner.

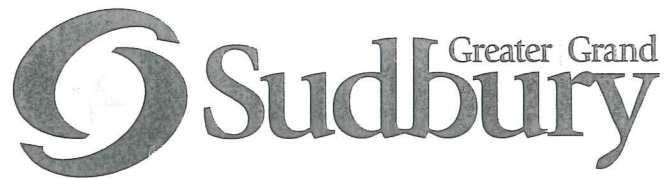
Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse



November 20, 2014

B. Nikolic
1477897 Ontario Limited
453 Lake Point Court
Sudbury, ON P3E 6J3

Dear Mr. Nikolic:

Re: Appeal to Order to Comply – 634 Lasalle Boulevard, Sudbury
Case #648732

This will acknowledge receipt of your letter received November 6, 2014 appealing the Order to Remedy issued under the City of Greater Sudbury's Maintenance and Occupancy Standards By-law #2011-277.

The Hearing Committee of the City of Greater Sudbury has been appointed to hear Property Standards Appeals. You will be notified of the date and time of the hearing. Please bring any information you feel relevant in presenting your position to the Hearing Committee.

Please be advised that this hearing is a public process; the agenda will be made available on the City's website and the hearing is open to the public to attend.

If you have any concerns or require any further information, do not hesitate to contact the undersigned at 705-674-4455, ext. 2010.

Yours truly,

A handwritten signature in black ink that reads 'T. Thompson'.

Tanya Thompson
Deputy City Clerk

cc: D. Barker, Manager of Compliance & Enforcement Services
K. Anderson, Property Standards Officer

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

January 23, 2015

B. Nikolic
1477897 Ontario Limited
453 Lake Point Court
Sudbury ON P3E 6J3

PO BOX 5000 STN A
200 BRADY STREET
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CP 5000 SUCCA
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SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

Dear Mr. Nikolic:

Re: Appeal – Order for Expert Examination –634 Lasalle Boulevard, Sudbury
ACR #648732

This will acknowledge receipt of your letter dated November 6, 2014 appealing the Order for Expert Examination issued under the City of Greater Sudbury's Maintenance and Occupancy Standards By-law 2011-277.

The Hearing Committee of the City of Greater Sudbury has been appointed to hear Order to Remedy Appeals. The Committee Meeting will begin at **4:00 p.m.** on **Thursday, March 12, 2015** in **Committee Room C-11** at Tom Davies Square. Please bring any information you feel relevant in presenting your position to the Hearing Committee.

Please be advised that this hearing is a public process; the agenda will be made available on the City's website and the hearing is open to the public to attend.

If you require any further information, do not hesitate to contact me at 674-4455, ext. 4206.

Yours truly,

A handwritten signature in blue ink that reads 'T. Thompson'.

Tanya Thompson
Deputy City Clerk

cc: *D. Barker, Manager of Compliance & Enforcement Services*
K. Anderson, Property Standards Officer
G. Mazza, Director-Building Services/Chief Building Official