



Location:	Tom Davies Square
Commencement:	4:00 PM
Adjournment:	5:11 PM

## Minutes

**For the Hearing Committee Meeting held  
Wednesday, March 6, 2013**

---

### **LISA MILLER, DEPUTY CITY CLERK IN THE CHAIR**

#### Present

Councillors Cimino; Barbeau; Rivest; Caldarelli; Kett

Councillor Craig

#### Staff

Jamie Canapini, City Solicitor; Darlene Barker, Manager of Compliance and Enforcement Services; Andre Guillot, Manager of Building Inspection Services; Greg Bergeron, By-law Enforcement Officer; Richard Paquette Jr., Animal Control Officer; Lisa Miller, Deputy City Clerk; Liz Collin, Committee Assistant

#### Declarations of Pecuniary Interest

None declared.

## **Appointment of Committee Chair and Vice-Chair**

- 1 . Report dated February 5, 2013 was received from the Executive Director, Administrative Services/City Clerk regarding the appointment of Committee Chair and Vice-Chair.

Nominations were held for the position of Committee Chair.

#### **NOMINATOR**

#### **NOMINEE**

Councillor Cimino

Councillor Rivest

Nominations were held for the position of Committee Vice-Chair.

#### **NOMINATOR**

#### **NOMINEE**

Councillor Barbeau

Councillor Cimino

Nominations were closed.

The following recommendation was presented:

HC2013-01 Caldarelli/Kett: That Councillor Rivest be appointed Chair and Councillor Cimino be appointed Vice-Chair of the Hearing Committee for the term ending December 31, 2013.

## COUNCILLOR ANDRÉ RIVEST IN THE CHAIR

### Rules of Procedure

The Committee, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with Item 3 -Public Hearing, Appeal of Order to Remedy – 40 Mountain Avenue, Levack at this time.

## Public Hearings

### 3 . Motion for Deferral

With the concurrence of the Committee, Councillor Caldarelli moved to defer this matter for a maximum period of one month, until the appellant is able to attend.

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

Report dated February 21, 2013 was received from the General Manager of Growth and Development regarding an appeal of vicious dog notice 413190.

Pamela St. George and George St. George, the appellants, were present.

The Manager of Compliance and Enforcement Services outlined the appeal to the Committee.

Mrs. St. George stated she is not denying the original incident occurred. Her husband was with the dog, Chloe, and the dog did leave the yard. He spoke with the injured person who told her she was not hurt and went home. She was informed when the injured person got home she was taken to the emergency department. She stated the second incident did not occur as stated in the letter submitted. She informed she witnessed the event and that a neighbour did not separate the dogs. She does not believe the complainant understands dogs as she does not own one. She stated the dog was in the process of being unleashed and was being held by the collar. She feels the complainant thought the dog was a pit bull as they have similar faces. The two dogs growled at each other, were only making aggressive noises and there was no attack. She apologized for the incident and informed that she was taking steps to address the dog's behavior. She stated no one from Animal Control has assessed the dog in order to deem her vicious. She informed she went to court regarding a previous incident and the court deemed the dog not vicious. Following the incidents, she had the Sudbury District Kennel Club visit the dog in her home to assess her. A representative attended at their home for 1 1/2 hours to assess the dog and deemed her to be reactive, not vicious and they recommended training and having the dog spayed. The dog has since been spayed and is attending reactive dog training through the Sudbury District Kennel Club.

Mr. St. George stated they are doing everything they can with the dog to comply with the order and believes they are reasonable dog owners. He believes the incident is being magnified due to an outstanding lawsuit. He informed the dog has been muzzled and tied since the Notice was received.

Mrs. St. George stated this in an unfortunate incident. She submitted pictures of the dog and the bite and a copy of the letter from the Sudbury and District Kennel Club deeming the dog to be reactive. She stated they are active in the care and training of the dog and she gets along with other dogs.

Terri Lazinski, area resident stated she submitted a letter regarding the attack and it was her daughter that was bit by the dog. She informed her daughter's pants were ripped and there was blood on her leg and she felt medical attention was required as she is a nurse. When the next incident occurred, she was walking her neighbors' dog. At the time, she asked the owner of Chloe if the dogs would be okay and the response was "should be." The dog then followed her down the sidewalk. The second attack occurred on the opposite side of the street; the dog exited the yard and crossed the street. The owner attempted to call the dog back but the dog did not respond. She stated she was talking with the owners about the other incidents when the dog started to growl and jumped on the dog she was walking. The owner grabbed the dog and pushed her up the driveway to the house. She checked the dog she was walking for any injuries and as there were issues with the appellant's dog in the past she called animal control. She informed she had discussions with neighbours who submitted letters of concern regarding the appellant's dog. She has witnessed the dog running loose and believes there is a history of attacks in the neighbourhood. She submitted a letter from a neighbour whose daughter feels intimidated by the dog. She feels it is important to protect citizens from the dog and prevent any future incidents. She does not want anything to happen to the dog and regrets the situation has happened.

Harley Danvers, city resident, questioned if the dog is being identified as rabid and if the dog is confined to the house. He stated he has witnessed birds and other animals being hurt in other areas of the city and feels the dog may have become sick from contact with a sick animal.

Councillor Craig, Ward Councillor, stated he knows the area and has not received any information regarding vicious dog attacks in the area.

Ms. Lazinski stated she confirmed with a veterinarian that the dog had her shots up to date and believes the incidents were preventable.

Richard Paquette, Animal Control Officer, informed there had been a complaint about the dog prior to October 8, 2012 and he did speak with the owners. He believes spaying the dog is a benefit as it should improve the dog's temperament and supports the training. He does not agree with labeling breed of dogs as vicious and believes any dog with no training has the potential to be vicious.

Recess At 4:53 p.m. the Committee recessed.

Reconvene At 4:57 p.m. the Committee reconvened.

Mrs. St. George informed a training collar was put on the dog however it did not work and the dog did get off the property. The dog is now tied in the yard and they have complied with all orders. She stated she has two small grandchildren who are around the dog and there have not been any issues.

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

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

The following recommendation was presented:

THAT the City of Greater Sudbury uphold the Vicious Dog Notice 413190, issued to Skylar St. George, 2212 Hulda Street, Greater Sudbury.

The following amendment to the recommendation was presented:

Caldarelli/Barbeau: Remove section 4(a) from the vicious dog notice.

**YEAS: Councillors Barbeau; Caldarelli; Kett, Cimino, Rivest**

**CARRIED**

The main recommendation as amended was presented:

HC2013-02 Caldarelli/Barbeau: THAT the City of Greater Sudbury amend the Vicious Dog Notice 413190, issued to Skylar St. George, 2212 Hulda Street, to remove section 4(a) from the vicious dog notice.

**YEAS: Councillors Barbeau, Caldarelli, Kett, Cimino, Rivest**

**CARRIED**

**Adjournment:** Caldarelli/Barbeau: That we do now adjourn. Time: 5:11 p.m.

**CARRIED**

Councillor André Rivest, Chair

Lisa Oldridge, Deputy City Clerk