



Location:	Tom Davies Square
Commencement:	4:00 PM
Adjournment:	6:00 PM

Minutes

**For the Hearing Committee Meeting held
Tuesday, December 4, 2012**

COUNCILLOR JOE CIMINO, CHAIR

Present

Councillors Barbeau; Rivest; Caldarelli (A 4:04 p.m.); Kett

Staff

Guido Mazza, Director of Building Services/Chief Building Official; Jamie Canapini, City Solicitor; Darlene Barker, Manager of Compliance and Enforcement Services; Richard Paquette, Animal Control Officer; Lisa Miller, Deputy City Clerk; Liz Collin, Committee Assistant

Declarations of Pecuniary Interest

None declared.

Public Hearings

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

Report dated November 27, 2012 was received from the General Manager of Growth and Development regarding an Appeal of Vicious Dog Notices issued to Theresa Pagnutti.

Theresa Pagnutti, the appellant, was present.

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

Ms. Pagnutti stated she had responded to the notice of vicious dog requesting a hearing to appeal. She stated she has the dog as a pet and a protector and does not feel he should be muzzled. The dog was not on her property when the incident occurred. She has received several notices from the Canada Post advising her that mail will not be delivered due to the barking and lunging of the dog at the letter carrier. She informed the chain does not reach the mailbox or the sidewalk. She received a visit from a supervisor at Canada Post who stated the letter carrier should not be crossing the property but should be using the sidewalk to deliver the mail. She feels if the letter carrier can deliver the notice then he can deliver the mail. She has attempted to keep the dog inside when the mail is being delivered however mail is not delivered at consistent times. She questioned why the letter carrier approached the dog on the street if he was afraid of the dog. She does not believe the dog is vicious as dogs bark to let their owners know someone is near or when they are alone or upset. She requested the requirement to muzzle and leash the dog be quashed as the dog has a right to be on her property without a muzzle and so she can bring him to the off-leash dog park and allow him to run. She stated the dog has never bite anyone else.

Helen Trottier, area resident, stated she believes the dog is friendly and happy, not vicious. He is chained when outside at home and the chain does not reach the mailbox or the sidewalk and believes this is an unfortunate incident as this is not typical behavior of the dog.

Claude Melanson, area resident, stated he was walking the dog when the incident occurred. He walks the dog approximately three times per week and the dog greets everyone with a friendly demeanor. He feels the bit occurred is related to an isolated incident as the dog is friendly with other letter carriers. He believes dogs react to situations and remember how they are treated. He does not know why the incident occurred.

The Manager of Compliance and Enforcement Services stated there are no previous calls or complaints regarding this dog.

Mr. Paquette, Animal Control Officer, stated he attended the residence on two separate occasions. His first visit was on or about September 25, 2012 and was unexpected. He went to the rear door where the dog was tied and the dog displayed manners of viciousness. He then went to the front door and spoke to the owner. She introduced him to the dog, following which the dog was well mannered. At his second visit the dog was also well mannered.

Stephen Lenahan, Letter Carrier, stated it is his responsibility to deliver the mail by entering the property through the laneway to the front of the house. He has to walk past the dog to get to the mail box. He could have stopped the mail and had the mailbox moved to a different location but did not take this action.

Ms. Pagunutti stated the dog is not vicious; he is there to protect the property. He has not bitten anyone in the past. She believes the incident occurred with the letter carrier because he was on the property not using the sidewalk.

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:

HC2012-07 Barbeau/Rivest: THAT the City of Greater Sudbury uphold the Vicious Dog Notice 412411, issued to Theresa Pagnutti of 1372 Regent Street, Greater Sudbury.

YEAS: Councillors Barbeau; Rivest; Kett,

NAYS: Councillor Cimino

CARRIED

Councillor Caldarelli did not take part in the discussion, vote on any matter or try to influence the vote in respect thereof as she arrived late to the meeting.

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

Report dated November 27, 2012 was received from the General Manager of Growth and Development regarding an Taxi Licence Appeal.

Ronald Rheume, the appellant, was present.

Closed Session

HC2012-08 Rivest/Barbeau: That the Hearing Committee move into closed session to deal with One Personal Matter regarding an Identifiable Individual, Taxi Licence Appeal.

CARRIED

At 4:31 p.m. the Committee moved into closed session.

MATTERS ARISING FROM THE CLOSED SESSION

Rise and Report

At 5:01 the Committee returned to Open Session. Councillor Cimino, as Chair of the Closed Session, reported that the Hearing Committee met in Closed Session to deal with one One Personal Matter regarding an Identifiable Individual, Taxi Licence Appeal. Motion to Defer

The Committee approved a motion by Councillor Barbeau to defer this matter until further review of By-law

2003-3, A By-law for the licensing, regulating and governing of taxi, limousine, and shuttle transportation can occur in January 2013.

Adjournment: Barbeau/Rivest: That we do now adjourn. Time: 5:02 p.m.

Councillor Joe Cimino, Chair

Lisa Miller, Deputy City Clerk