

## **Hearing Committee Report for File 1086619 – Prohibited or Restricted Animals By-Law 2017-22**

Presented To:	Hearing Committee
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Meeting Date:	June 23, 2021
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Type:	Public Hearing
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Prepared by:	Melissa Laalo By-Law & Security
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Recommended by:	General Manager of Corporate Services
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## **Report Summary**

This report provides a recommendation regarding the Order to Comply issued to the owner of a snake in violation of the City of Greater Sudbury's Animal Care and Control By-Law 2017-22, and the Registrar's recommendation to the Hearing Committee to uphold the Order.

## **Resolution**

THAT the City of Greater Sudbury upholds the Order to Comply issued to the owner of a snake in violation of the City of Greater Sudbury's Animal Care and Control By-law 2017-22 as outlined in the report entitled "Hearing Committee Report for File 1086619 – Prohibited or Restricted Animals By-law 2017-22", from the General Manager of Corporate Services, presented at the Hearing Committee meeting on June 23, 2021.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

This report refers to operational matters and has no direct connection to the Community Energy and Emissions Plan.

## **Financial Implications**

There are no financial implications with this report.

## **Background**

City of Greater Sudbury By-Law 2017-22, as amended, became effective on March 1, 2017 and regulates the keeping of animals, including but not limited to snakes. Part 7 of the By-Law entitled "Domestic Animals other than Dogs and Cats"; Section 51 of the By-Law contains provisions for the keeping of non-venomous snakes. Specifically Section 51(1)(c) states, no person shall keep more than two non-venomous snakes, neither of which shall exceed 4 feet in length.

The effect of the Order is to ensure the owner of the snake which is deemed in contravention this By-Law be

removed from the residence on or before April 13 2021. The By-Law is specific about how the process is carried out and the contents of the Order. Several provisions in the By-Law for the issuance of the Order are mandatory requirements of the Registrar and of the recipient of the Order.

This section also provides for an appeal of the Order by the owner of the snake requesting a hearing of the matter by Council or Committee of Council. The Committee may reverse the Order, uphold the Order and its contents or may modify any or all of the conditions of the Order. The onus is on the applicant for the hearing to provide evidence satisfactory to the Hearing Committee that the relief being sought should be granted.

Upon the Hearing Committee reaching a decision, the City Clerk shall give notice of the decision in writing to the applicant for the hearing at the address for the applicant set out in the application. Service shall be effective in accordance with Section 34. The decision of the Hearing Committee is final.

### **By-Law Procedure Order to Comply – ACR 1086619 / CRM 210501-004932**

Part 1 of By-Law 2017-22 designates the Manager of Security and By-Law Services for the City of Greater Sudbury as the License Issuer pursuant to the By-Law, and By-Law Officers in Compliance and Enforcement have been appointed by the License Issuer to perform the task of issuing Order to Comply pursuant to the By-Law.

Subsection 4(1) of the By-Law also indicates By-Law Officers shall conduct inspections or investigations and where violations of the By-Law are observed, issue Orders under this By-law, obtain Court Orders or Warrants as required, and direct remedial action if necessary.

A complaint was received by the License Issuer from Greater Sudbury Housing, employee Luis GARCIA, on March 25 2021 regarding a snake belonging to the tenant being of such a size that exceeding the permitted length in the By-Law.

On March 25 2021 at approximately 12:35 pm, Officers attended the location and were provided access to the unit by the tenant. It was confirmed by the tenant that the snake was a female python and was approximately six (6) to eight (8) feet in length.

Subsequently, the tenant was served with an Order to Comply on March 26, 2021 requiring the owner to remove the snake (identified as a Python) from the premise. The Order was posted on the door of the unit as no one answered the door upon service.

On April 07 2021 By-Law Services was notified that the Order was being appealed to the Hearing Committee as provided for in Section 57 of the Animal Care and Control By-Law 2017-22.

### **Appeal Notice**

A letter of appeal of the Order to Comply was received by the owner of the snake and the hearing was scheduled (Notice of Appeal is attached to this report). A notice was sent to the owner of the snake advising of the date and time of the hearing.

### **Conclusion**

In consideration of this report, the witnesses and the appellant, pursuant to subsection 33(1) the Hearing Committee may decide one of three options below;

1. Uphold the Notice;
2. Modify the Notice;

### 3. Quash the Notice

The License Issuer is confident that the Order to Comply issued satisfies the requirements of By-Law 2017-22, Part 7, Section 51, a By-Law to regulate the keeping of animals. The purpose of the Order 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 Order to Comply be upheld by the Committee.