

## **Review of the Animal Control Bylaw Related to Dog Attacks**

Presented To: Operations Committee

Meeting Date: May 21, 2024

Type: Managers' Reports

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Recommended by: General Manager of  
Corporate Services

## **Report Summary**

This report provides recommendations regarding best practices for Vicious Dogs to enhance the current Animal Control Bylaw to deter dog attacks in our community.

## **Resolutions**

### **Resolution 1:**

THAT the City of Greater Sudbury approves the recommended changes to the bylaw as outlined in the report entitled "Review of the Animal Control Bylaw Related to Dog Attacks" from the General Manager of Corporate Services, presented at the Operations Committee meeting on May 21, 2024;

AND THAT the City of Greater Sudbury directs staff to prepare a by-law to amend the Animal Care and Control Bylaw 2017-22 to implement the recommended changes including amending the User Fee Bylaw.

### **Resolution 2:**

THAT the City of Greater Sudbury directs staff to apply to the Office of the Regional Senior Justice, Ontario Court of Justice, to increase the Animal Control Bylaw set fines as outlined in the report entitled "Review of the Animal Control Bylaw Related to Dog Attacks" from the General Manager of Corporate Services, presented at the Operations Committee meeting on May 21, 2024.

### **Resolution 3:**

THAT the City of Greater Sudbury directs staff to prepare a business case for the implementation of an annual proactive responsible pet ownership communication strategy and public education campaign as outlined in the report entitled "Review of the Animal Control Bylaw Related to Dog Attacks" from the General Manager of Corporate Services, presented at the Operations Committee meeting on May 21, 2024.

### **Resolution 4:**

THAT the City of Greater Sudbury authorizes staff to petition the Government of Ontario regarding amending the Dog Owners' Liability Act (DOLA) to provide an expeditious process to hear DOLA proceedings, as well as an explicit mechanism for municipalities to recover costs incurred when an animal is held pursuant to a warrantor interim control order under DOLA as outlined in the report entitled "Review of the Animal Control Bylaw Related to Dog Attacks" from the General Manager of Corporate Services, presented at the Operations Committee meeting on May 21, 2024.

# Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report refers to operational matters and has no connection to the Community Energy & Emissions Plan (CEEP).

## Financial Implications

There are no financial implications associated with this report. If approved, a business case will be prepared for consideration during the 2025 budget process for the implementation of an annual proactive responsible pet ownership communication strategy and public education campaign for a projected cost of \$20K to \$30K annually. The proposed user fees will be presented in the 2025 budget and the set fines will need to be approved by the Regional Senior Justice.

## Background

On December 11, 2023, the Community and Emergency Services Committee passed resolution CES2023-22 which directed staff to consult with other municipalities and jurisdictions to determine deterrents and penalties implemented in other jurisdictions with respect to off leash and vicious dog attacks and to report the result of that review together with any potential changes to our practices to the Operations Committee by the end of the first quarter of 2024.

This report confirms the practices and deterrents in place in the City of Greater Sudbury are consistent with other municipalities. The report provides recommendations to further enhance the Animal Care and Control Bylaw and certain practices to ensure the City of Greater Sudbury adequately addresses dog attacks in the community. This report was developed in consultation with Public Health Sudbury and District, Legal Services, and Communications.

## Applicable Legislation Related to Dog Attacks

### 1. Animal Care and Control Bylaw 2017-22

Bylaw Services investigates and enforces requirements under the Animal Care and Control Bylaw 2017-22, which requires owners to follow regulations that reduce the likelihood of a dog attack. The Bylaw also sets out criteria to be met for Vicious Dog Notices and outlines associated conditions for dog owners.

### 2. Dog Owner's Liability Act (DOLA)

Provincial Legislation enacted in 1990, known as the Dog Owners' Liability Act (DOLA), makes dog owners potentially liable for damages caused by a bite or an attack, sought by the plaintiff through civil proceedings. Based on the severity of the attack and any history of incident reports, Bylaw Services may also commence proceedings under DOLA for the removal of a dog and/or destruction of the animal. Destruction is reserved for the most severe cases to ensure community safety. DOLA includes a process through which a court can order dog owners to take measures for the more effective control of their dog for the purposes of public safety in situations including where a dog has bitten, attacked or threatened people or other domestic animals. Individuals convicted under DOLA and its regulations or for contravening an order made under the law are liable to a maximum fine of \$10,000 or jail for up to six months, or both. Breaches of a court order could result in criminal charges, seizure and destruction of the animal.

### 3. Criminal Code of Canada

It is possible to be charged with a criminal offence under the Criminal Code of Canada if your dog bites or attacks someone. The applicable charge may be criminal negligence and criminal negligence causing bodily

harm as defined in section 219 (1) of the Criminal Code of Canada. According to the law, anyone who, by criminal negligence, causes bodily harm to another person is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years.

#### 4. Ministry of Health

In addition to Bylaw Services, Public Health Sudbury and District also investigate dog bites or attacks that could result in the transmission of rabies to people. Investigation processes are dictated by the Health Protection and Promotion Act, its regulations, guidelines, and protocols from the Ministry of Health specific to the prevention of rabies.

#### **Bylaw Services' Current Role in the Investigation of Dog Attacks**

Bylaw Services investigates all reported dog attacks, near misses, and any reported dog behaviours that pose a threat to the safety of a person or domestic animal. The City's current practices are consistent with other municipalities in Ontario.

Provincial Offence Notices may be issued to owners of dogs where more than one dog is involved in the attack.

Where the attack is unprovoked, or where the severity of the attack warrants a concern for public safety, a decision as to whether the dog should be deemed Vicious is made by the Manager of Bylaw Services. Where a dog is deemed Vicious, the condition of the Notice must be immediately complied with to ensure public safety.

Bylaw Services may also commence a proceeding under the provincial DOLA to request a control order that prescribes additional measures or an application to remove or destroy the dog.

#### **Dog owners may appeal Vicious Dog Notice to the Hearing Committee**

Where the Vicious Dog owner wishes to appeal the decision of the Manager, application must be made within 14 days of the issuance of the Notice to the City's Hearing Committee. The Hearing Committee has the authority to confirm the determination of Vicious Dog, reverse the finding, or modify the conditions imposed on the dog and the owner. Where an appeal is filed, a Vicious Dog Notice remains in effect unless and until the Hearing Committee makes a finding. Otherwise, the Notice remains in effect for the life of the dog.

#### **Recommended Bylaw amendments**

Bylaw Services follows up with dog owners after a Vicious Dog Notice has been issued to ensure compliance with the Order, which may include the following;

- signage has been posted;
- muzzle requirements are met;
- microchipping and medical reporting;
- proof of liability insurance; and
- proper dog enclosures for properties that do not have a fence for containment.

In cases of non-compliance, Bylaw Services may take further enforcement action including ticketing or a summons to Court for non-compliance.

Staff are recommending Vicious Dogs be required to obtain a specific licence, to be worn at all times. This will assist with data management, identification in the event the dog is at large, and enforcement efforts.

Further, we are recommending an amendment to the Bylaw which would require owners to supply annual photographs of the dog which can be used for identification purposes.

Staff examined the City of Toronto's mandated dog training which requires proactive filing of training information with Bylaw Services. This change is not recommended. If a dog owner receives a Vicious Dog Notice, the dog owner can enter evidence of training records for the Hearing Committee members to consider in their decision to either have the Notice amended or rescinded. Therefore, Staff are not recommending mandatory training for Vicious Dogs.

Based on a review of Municipal comparators, Staff are recommending amendments to the Vicious Dog provisions to explicitly prohibit a Vicious Dog from using the City's dog parks and off-leash areas in the event the owners attempt to bring the dog to the location, even if leashed and muzzled.

### Recommended proactive enforcement and regular monitoring

Following the initial compliance check, enforcement of the Vicious Dog Notice is complaint based. There are twelve (12) dogs currently designated as vicious in our community. It would take an estimated sixty (60) hours of Bylaw Officer time to effectively provide proactive enforcement and compliance checks. Therefore, staff are recommending amendments to the Animal Care and Control Bylaw to require annual inspections for these animals. The cost of service to be recovered by user fees, Vicious Dog license fees, and inspection fees. It is feasible for Bylaw Services to accomplish this service level with existing staff resources.

**Table A: Municipal Comparators and Statistics (related to Vicious/Dangerous Dogs)**

Bylaw Requirement	Greater Sudbury	Toronto	Waterloo	Sault Ste Marie	Hamilton	Mississauga
Public Registry	Recommended	Yes	No	No	No	No
Mandated Dog Training	No	Yes *	No	No	No	No
Microchip Required	Yes	Yes	No	Yes	Yes	Yes
Special Dog License	Recommended	Yes	Yes	No	No	No
Signage at Residence	Yes	Yes	No	Yes	Yes	Yes
Muzzle required outside of home	Yes	Yes	Yes	Yes	Yes	Yes
Shorter Leash	Yes	No	No	No	No	No
Annual Inspections	Recommended	Yes	No	No	No	No
Prohibited at dog parks	Recommended	Yes	n/a	Yes	Yes	Yes

*\*The 2024 Toronto review identified that in some cases dog owners are unable to comply with the requirement that their dog receive socialization/obedience training within 90 days of the order issuance as they cannot afford the expense.*

**Table B: Number of Complaints and Vicious Dog Notices Issued**

Year	Total Animal Related Calls	Vicious Dog Complaints	Involving a Threat or Attack on Animal	Involving a Threat or Attack on Person	Notices Issued
2017	2116	144	-	-	4
2018	2298	129	-	-	3
2019	2398	150	-	-	4
2020	2518	190	-	-	4
2021*	2981	258	55	80	5
2022	3434	282	111	138	4
2023	4169 (ave. 12 calls/day)	358	148	181	5
2024 (as of April 24 2024)	1375 (ave. 12 calls/day)	101	38	52	4
<b>Total</b>	15745	1612	395	491	<b>33 (12 est. alive in CGS)</b>

*\*As of May 03, 2021 the new CRM complaint management software was configured to track if the attack occurred on a person or animal.*

## Recommended Increase to Set Fines

Current set fines were approved in 2017 and are lower than some municipalities. To act as a deterrent, Staff are recommending updating the set fines by making a request to the Regional Senior Justice of Ontario. This standard process can take a few months to accomplish, and it will be aligned with any amendments as recommended in the report to ensure we are making the request once the bylaw has been amended, if approved by Council.

**Table C: Set Fines Compared to other Municipalities:**

Type of Offence	Greater Sudbury Set Fine	Ontario Municipal Average
Licensing (fail to obtain tag)	\$180.00	\$250.00
Dog at Large / Off Leash	\$365.00	\$400.00
Dog Bite	\$365.00	\$600.00
Vicious Dog Admin Related	\$365.00	\$400.00
Vicious Dog Incident Recurrence	\$615.00	\$900.00

## Recommended Communication Strategy and Public Education

A proactive communication strategy and public education campaign will support enforcement and compliance with the goal of reducing the occurrence of dog bites. There is a need to change public behaviour and increase awareness of leashing requirements. Most dog bites in our community occur when one or more dogs are off leash and not in the not in control of a handler. Owners are often bit when trying to separate their dogs during a fight. Staff are recommending increased set fines for off-leash offences.

The Bylaw Services does not have a current budget to educate people about the importance of keeping dogs leashed and to promote responsible pet ownership. This review has identified the need for a robust public education campaign to further support the goal of reducing of negative dog interactions. This may include radio and other digital platforms, transit shelter and digital screen advertisement space, sponsored media content and a comprehensive bilingual strategy. Communications has advised the cost of such a campaign would be between \$20K and \$30K annually. Toronto Animal Services was recently approved for \$300k to %500k for a similar communication strategy and public education campaign which was one of the recommendation approved from their 2024 review of their response to dangerous dogs and attacks.

Part of the communication strategy is to educate residents on reporting incidents of dog attacks. Bylaw Services is engaging with GSPS, 311, and PHSD to confirm the respective mandates, roles, and responsibilities.

## Recommendation to expedite DOLA matters

Bylaw Officers do not have general authority to enter a dog owner's residence and seize animals. The municipality is required to apply for a warrant from a Justice of the Peace to enter a dwelling and seize a dog under the provincial DOLA. Where it is in the interest of public safety to seize the dog, the City would make application. Greater Sudbury Police Service also has authority to enforce provisions of DOLA.

Seized dogs have a significant impact to the Greater Sudbury Animal Shelter facilities. The provincial court process for a recent seizure took longer than one year to conclude. Where a dog is seized, it is required to be boarded at the expense of the municipality until there is a judicial decision. Housing these dogs in solitary pens for this length of time has a detrimental effect on the dog, consumes significant City resources, and poses risk to staff.

Staff recommends amendments to DOLA to provide an expeditious process for proceedings, as well as an explicit mechanism for municipalities to recover costs incurred when it holds an animal pursuant to a warrant. The recent review of Toronto's dangerous dog protocols also cited this as being one of the largest impediments to effectively dealing with dangerous dogs and Toronto City Council approved this

recommendation in their 2024 report.

## **Recommended Public Sharing of Information**

The City of Greater Sudbury has an Open Data portal where documents and information are posted on its website for public access. Before anything is posted, staff conduct a review of information proposed to be added to the Open Data portal to ensure privacy and other interests are appropriately balanced for the circumstance. The City's obligations under the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") are considered as part of this process.

Publishing information to the website, coupled with the requirement to post a warning sign on their property, will help the public take appropriate action for their safety. Therefore, Staff are recommending the posting and maintenance of the Vicious Dogs information to the City's website. Staff will make the necessary changes to the Open Data Portal no later than the end of 2025.

## **Staff Identified Process Improvements**

### **1. Sharing of information with Public Health Sudbury and District**

As part of the review of the Animal Control Bylaw related to dog attacks, an opportunity to increase information sharing was identified. Staff have been working with PHSD to expedite the release of information related to dog attacks, location of the dog for the quarantine requirement, owner information and connecting victims with Bylaw Officers to assist with charges and prosecution. The prompt sharing of information ensures all incidents, regardless of how they are reported, are being addressed by PHSD and Bylaw Services.

Staff are recommending continued workflow process improvements by the City for Public Health Officials to obtain animal and animal owner information electronically via a Release of Information. Staff have already begun the process of updating forms and connecting staff from Bylaw Services and PHSD to make the necessary changes to workflow as of early April 2024.

### **2. Dog Bite/Attack complaints protocol and community messaging**

As part of the review, it was identified that the overlap in services between GSPS and Bylaw related to vicious dog attacks may cause unnecessary delays in providing an urgent response. To avoid conflicting information, clear communication and public messaging is required. The role of police is to respond and mitigate any threat to public safety. It has been clarified that Bylaw Services would be responsible handling all other calls related to animal control.

## **Summary**

The review by Staff has confirmed the City of Greater Sudbury's bylaw is in line with other municipalities to effectively deal with Vicious Dog complaints. However, Staff are recommending the following enhancements to deter animal attacks and to promote responsible pet ownership;

- Prohibit a Vicious Dog from using the City's dog parks and off-leash areas
- Require Vicious Dog licences for deemed dogs
- Vicious Dog owners to be subject to annual inspections and photographing

Based on the review of municipal comparators, staff are recommending application be made to increase the set fines related to offences that are seen to contribute to dog bites and attacks.

Staff are also recommending a proactive communication strategy and public education campaign to change public behaviour and increase awareness of leashing requirements and how owners can prevent their dogs from biting.

Staff proposes petitioning the Province to consider amendments to the DOLA to provide an expeditious

process to hear DOLA proceedings, as well as an explicit mechanism for municipalities to recover costs incurred by the municipality. Toronto Animal Services (TAS) has been engaged with the province on this request and the City of Greater Sudbury Bylaw Services would like to work jointly with TAS for effective changes.

Further, Staff are recommending publicly posting information about vicious dogs.

From the review of the Animal Control Bylaw several operational improvements were identified. Staff have begun to actively work on the improvements.

## **Resources Cited**

[CES2023-18 Community and Emergency Services Committee Meeting Resolution from December 11 2023](#)

[City of Greater Sudbury Animal Care and Control Bylaw 2017-22](#)

[City of Greater Sudbury User Fee Bylaw 2024-28](#)

[Dog Owners' Liability Act, R.S.O. 1990, c. D.16 \(DOLA\)](#)

[Toronto Report and Open Data portal](#)

[PHSD Website – Rabies Prevention and Dog Bites](#)

[Ontario.ca Bite and Rabies Information](#)