

Request for Decision

Vicious Dog Appeal, ACR #669022 - Daniel Woodliffe

Presented To:	Hearing Committee
Presented:	Monday, Jun 29, 2015
Report Date	Wednesday, Jun 17, 2015
Type:	Public Hearings
File Number:	ACR #669022

Recommendation

THAT the City of Greater Sudbury upholds the Vicious Dog Notice #669022, issued to Daniel Woodliffe.

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 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.

By-law Procedure Vicious Dog Notice - #669022

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.

Signed By

Report Prepared By

Stephen Holt
By-law Enforcement Officer
Digitally Signed Jun 17, 15

Division Review

Brendan Adair
Manager of Security, By-Law and Court Services
Digitally Signed Jun 17, 15

Recommended by the Department

Caroline Hallsworth
Executive Director, Administrative Services/City Clerk
Digitally Signed Jun 17, 15

Recommended by the C.A.O.

Bob Johnston
Interim Chief Administrative Officer
Digitally Signed Jun 17, 15

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 two dogs named Ben and Sampson, be deemed vicious, based on an incident on March 19, 2015 where the complainant's dog was attacked. A copy of the Victim Statement is attached to this report.

Information in the letter describes an incident that while walking her dog on a leash at Delki Dozzi Park in the City of Greater Sudbury the complainant and her dog were approached by two dogs who were not on leashes. The two dogs were later identified by an Animal Control investigation as "Ben" (a brindle boxer with registration number D4301/2015) AND "Sampson" (a black shepherd with registration number D4302-2015) both owned by Daniel Woodliffe. The registrations for both dogs are attached to this report. Sampson ran at the complainant's dog and bit him on the muzzle.

Sampson would not release and shook the complainant's dog violently, tearing the skin. When Sampson finally released the dog, Ben then bit the complainant's dog on the muzzle and also shook violently, causing more tearing. The dogs eventually released and returned to their owner who put each dog on a leash. The complainant then immediately went to the veterinary where her dog spent three (3) hours in surgery repairing the wounds.

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 Woodliffe was co-operative when receiving Provincial Offence Notices for "Permit Dog to Attack", "Permit Dog to run at large", "Fail to take reasonable precautions from preventing a dog from attacking" and "Fail to Register Dog" on March 24, 2015. The dog owner confirmed the incident, and provided the explanation that the leash broke, yet both dogs were able to be leashed after the attack.

A Vicious Dog Notice, #669022, dated March 26, 2015 was prepared and hand delivered to the registered owner of the dogs. The notice contains the requirements of Subsections 21(4) and 21(5) of the by-law; ensuring the dogs are 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 attached to this report.

Appeal Notice

A letter of Appeal of the Vicious Dog Notice was sent by the owners dated March 30, 2015. A copy of the appeal letter is attached to this report. The hearing was scheduled, and a notice was sent to the owners of the dogs advising of the date and time of the hearing.

Conclusion

The Registrar is confident that the Vicious Dog Notice issued to Mr. Daniel Woodliffe 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 recommends that the Vicious Dog Notice be upheld by the Committee.

VICIOUS DOG NOTICE 669022
Pursuant to City of Greater Sudbury Animal Control By-law 2002-285

HAND DELIVERED

March 26, 2015

To: Daniel WOODLIFFE

[REDACTED]
[REDACTED]
[REDACTED]

The City of Greater Sudbury is in receipt of a written complaint that your dogs Ben (Brindle Boxer) registration number D4301/2015 and Sampson (Black Shepherd) registration number D4302/2015 has attacked another dog without provocation on March 19, 2015.

As a representative of the Registrar pursuant to the Animal Control By-Law #2002-285, I deem your dogs to be vicious. Therefore, you are hereby required to immediately 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 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 March 26, 2015

Stephen Holt By-Law Enforcement Officer
For: Darlene Barker, Registrar
Manager of Compliance and Enforcement
City of Greater Sudbury

C: Greater Sudbury Animal Control

This is a request to Bylaw Enforcement with the Registrar of the City of Greater Sudbury to have the two dogs belonging to Daniel Woodliffe deemed vicious and leashing and muzzling order be issued immediately.

REFERENCE: ANIMAL CONTROL CASE 6746D

In the afternoon of Thursday March 19th, 2015 at approximately 4:30 pm, I arrived home from work to perform a daily ritual of walking my dog around the 1 km bike path at Delki Dozzi Park grounds. Since this is a leashed park, my dog is always walked on a leash but allowed some freedom to run within the 30 feet of lead that I use and always restricted to 6 feet of leash upon passing other walkers, bikers or other dogs. As we were walking our way along the higher elevation of the bike path, I noticed a man walking on the lower part of the path with 2 large dogs running freely off their leashes. This is a daily occurrence where I see people always unlatching their dogs to run freely in this leashed park. I've notified Animal Control on numerous occasions of the sizeable abuse of the rules at this particular park. I placed a phone call to Animal Control advising them of the situation at 4:36 pm asking if their patrol officer was in the area to dispatch him to this park.

Anyway, as we continue to meander our way along the path with my dog stopping at every 2 steps to sniff something out on the ground, I looked up and the man and his dogs were fast approaching. I was still on the higher elevation of the winding bike path with a clear view down the path. I was trying to hurry my dog's attention so as to keep moving as to keep the gap between us and the roaming dogs. At the point where the man was close enough but still a loop away on the trail, I yelled out to him to put his dogs on a leash. At that moment, his black shepherd caught sight of my dog on the path and his dog darted up the embankment and rocks to get to my dog. I brought my dog in close to my lap and tried to keep this dog at bay but he approached us too quickly and then grabbed my dog by the face with his muzzle. His dog was shaking my dog and tossing him around like a rag doll. Then I heard my dog's skin tear on his face and a yelp of pain I will never forget. When the flesh tore my dog was freed from the clutch of this vicious animal. No sooner did the other man's dog – a large brindle boxer pounce on my wounded dog and begin to shake him violently. Now the other dog was taking his turn biting my dog on his wounded head. My dog was wearing a coat as the weather remained cool and this appears to have acted as some protection against the other dogs from biting on his back and vital organs.

During the scuffle of dogs, I was yelling hysterically at this man to get his unruly dogs on a leash. I tried to get to my dog to protect him but everything happened so fast. Finally, after what seemed like an eternity, the black shepherd dog went to the man and he put the leash on him. The brindle boxer remained at large for a time before he could catch him. As the man was about to put his leash on the boxer dog, he let go of the black shepherd's leash and the dog started to bee line it back to me and my dog for yet another attack. Thankfully he managed to grab the leash before the dog came at us again. Now with both dogs on a leash he began to walk away with them. At this point, another call was placed to Animal Control at 4:39 pm advising them of the vicious dog attack that had ensued at the park. I was yelling at the man that I wanted his name but he just continued to walk away with not a care of what had just happened to my dog. I examined my dog quickly and assessed that he needed medical treatment so I walked my dog back slowly to my vehicle – a blood trace following us and immediately contacted my vet and brought him there for medical treatment where he underwent a 3 hour emergency surgery to repair a major laceration to his face.

From: Rainbow District Animal Shelter <rdshelter@gmail.com>
To: Stephen Holt <Stephen.Holt@greatersudbury.ca>
Date: 3/26/2015 8:19 AM
Subject: Re: Dog Attack - Delki Dozi

Ben - Boxer - Brindle, 5 yrs, D4301/2015
Sampson - Shepherd, Black, 6 yrs D4302/2015

Owners phone # is:

[REDACTED]

He was not sure of his apartment number... he claims this is only temporary - he is not the renter of the dwelling...

I probably will not get to the report till next week.

On 25/03/2015 2:53 PM, Stephen Holt wrote:

> Hello Richard, I require some information please...

>

> His correct name and address including apt # please,

>

> The names of the two dogs

>

> Copies of your report when you get a chance..

>

> Thanks

>

> Steve

>

>

>

> Stephen Holt

> CGS By Law Enforcement

> 705 674-4455 ext 4322

>

>

>>>> Rainbow District Animal Shelter <rdshelter@gmail.com> 3/25/2015 9:48 AM >>>

> Dear Troy,

>

> Regarding the dog attack at Delki Dozi I can tell you that the media
> story that ran on MCTV on Monday compelled the owner of the dogs to come
> forward. [REDACTED]

> [REDACTED] We also instructed the complainant to request a Vicious dog
> notice be issued and it is my understanding that this process is also
> underway with Officer Holt investigating.

>

> The owner claims that his leash broke...

>

> There was a follow up report aired last night on MCTV. While the
> original report is no longer on the MCTV site for viewing the follow up
> report is:

>

> <http://northernontario.ctvnews.ca/video?clipId=577092>

>

> This is apparently the most popular clip on their site and as a result

> of the interest the story has generated [REDACTED] has requested
> another interview with me today, which will take place at the Azilda Dog
> Park to go over leash laws, park regulations ect., this report should
> air tonight and should highlight what owners need to be doing and the
> consequences for non compliance.
>
> Delki Dozi continues to be a problem park and while our Officers have
> had some success with keeping dogs off the sports fields we seem to have
> moved the problem to the track which is an expansive space that is
> difficult to patrol.
>
> We have conducted several patrols issuing numerous notices and charged
> at least one other dog owner already this year who was reported as a
> frequent offender. We will redouble our efforts in this particular park.
>
> If I may suggest that the City look at establishing an Off Leash Dog
> Park somewhere in the southwest of the City that would attract people
> that frequent Bell, Delki Dozi and that use the outdoor rinks and sports
> fields in this area as their dog runs. The establishment of the Minnow
> Lake Park has reduced the number of complaints regarding other parks in
> the New Sudbury and Minnow Lake areas including Moonlight Beach which
> had been a frequent problem in the past. We feel a similar park
> established somewhere in the southwest would attract dog owners and
> reduce the the use of these parks by dog owners.

> Sincerely,
> Richard L. Paquette
> Rainbow District Animal Control and Shelter Services

> On 24/03/2015 9:20 AM, Rainbow District Animal Shelter wrote:

>> Thank you [REDACTED]

>>
>> I spoke with Daniel this morning, I will be meeting him at Delki Dozi
>> at 11 am. Daniel is currently residing at [REDACTED]. We have prepared
>> charges for:

>>
>> Fail to to take reasonable precautions from preventing a dog from
>> attacking a domestic animal - Dog Owners Liability Act - First
>> appearance April 20th
>> Permit dog to run at large - First appearance May 1st
>> Permit dog to attack - First appearance May 1st
>> Fail to register dog - First appearance May 1st

>>
>> All 4 will be by way of Information and Summons pursuant to Part III
>> of the Provincial Offenses Act, [REDACTED]

>> [REDACTED]

>> [REDACTED]

>>

>> I will need all your vet bills and we need to establish your losses as
>> far as entry/handling fees for the upcoming show.
>>
>> Did you plan on breeding the dog?
>>
>> Is there some way to establish what the lost value of the dog for
>> showing/breeding purposes? What was the purchase price for the dog -
>> do you have a receipt?

>>
>> Sincerely,
>> Richard

>>
>>
>>
>> On 24/03/2015 8:55 AM, [REDACTED] wrote:
>>> Hi Richard,

>>>
>>> FYI
>>>
>>> *From:* Gilles Lefebvre [mailto:Gilles.Lefebvre@greatersudbury.ca]
>>> *Sent:* March 24, 2015 8:46 AM
>>> *To:* [REDACTED]
>>> *Cc:* Stephen Holt
>>> *Subject:* Re: Request to deem vicious dogs

>>>
>>> Hi [REDACTED]
>>>
>>> Your case number is 669022 and will be investigated by Municipal Law
>>> Enforcement Officer Stephen Holt. He can be reached at 311 ext. 4322.

>>>
>>>
>>>
>>> Gilles P. Lefebvre MLEO(C), C.P.S.O.
>>>
>>> Municipal Law Enforcement/Property Standards Officer,
>>>
>>> Growth & Development Services,
>>>
>>> City of Greater Sudbury
>>>
>>> (705) 674-4455 ext. 4257

>>>
>>>>>> [REDACTED]
>>> 8:36 AM >>>

>>>
>>> Please refer to attached documents and acknowledge receipt.

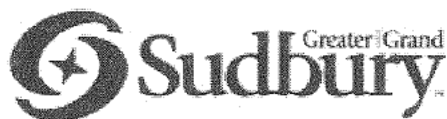
>>>
>>> Thanking you in advance,

>>>
>>> [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

>>>
>>>
>>>





DOG Tag Registration #2015 D-4301

Date Tag Purchased Tue, March 24, 2015
Cost \$40.00
Receipt No

Expires, as per By-Law 2002-285, on
Dec 31, 2015
Death of Animal
Transfer of Ownership

Owner's Information

Last Name WOODLIFFE
First Name DANIEL
Street Address
Unit/Appt #
City
Postal Code
Home Phone Number
Work Phone Number
Cell Phone Number



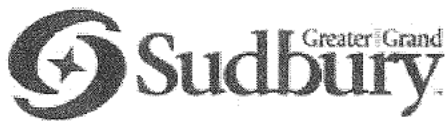
Animal's Information

Name BEN
Breed BOXER
Description BRINDLE
Gender MALE
Date of Birth Friday, April 16, 2010
Date Acquired Thursday, January 1, 2015
Veterinarian Other

Agent /CSC Information

Name Rainbow District Animal Shelter
Location 411 St. Agnes Street West Sudbury, Ontario
Phone 705-673-3647

Owner's Signature: _____



DOG Tag Registration #2015 D-4302

Date Tag Purchased Tue, March 24, 2015
Cost \$40.00
Receipt No

Expires, as per By-Law 2002-285, on
Dec 31, 2015
Death of Animal
Transfer of Ownership

Owner's Information

Last Name
First Name
Street Address
Unit/Appt #
City
Postal Code
Home Phone Number
Work Phone Number
Cell Phone Number

WOODLIFFE
DANIEL



Animal's Information

Name
Breed
Description
Gender
Date of Birth
Date Acquired
Veterinarian

SAMPSON
GERMAN SHEPHERD
BLACK
MALE
Wednesday, April 16, 2008
Thursday, January 1, 2015
Other

Agent /CSC Information

Name
Location
Phone

Rainbow District Animal Shelter
411 St. Agnes Street West Sudbury, Ontario
705-673-3647

Owner's Signature: _____

RECEIVED

MAR 30 2015

CLERK'S

Daniel Woodliffe



Subject: Appeal to Vicious Dog Notice
(669022)

Reason for Appeal:

I have been to every pet product store in the city, and haven't been able to acquire a muzzle suitable enough in size to fit either my boxer or shepherd and therefore cannot be fully compliant to the procedures set forth in the notice. I have ordered and placed a deposit on a pair of cage muzzles and am waiting 2-3 weeks for their arrival. In the short-term I am borrowing a muzzle from my friend for use on my shepherd but only as a temporary solution. But would like to have the ordered appealed/exempt.

Danny W



