

Request for Decision

Vicious Dog Appeal, ACR #66381A & #66381B - Dennis Richer & Jennifer Lapointe

Presented To:	Hearing Committee
Presented:	Monday, Jun 29, 2015
Report Date	Wednesday, Jun 17, 2015
Type:	Public Hearings
File Number:	ACR #663381A & #663381B

Recommendation

THAT the City of Greater Sudbury upholds the Vicious Dog Notice #66381A and #66381B issued to Dennis Richer and Jennifer Lapointe

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 the contents of the notice and how the process is carried out. 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 – 66381A and 66381B

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

Signed By

Report Prepared By

Kyle Anderson
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

Enforcement have been appointed by the Registrar to perform the task of issuing Vicious Dog Notices pursuant to the By-law.

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 by the Registrar on February 24, 2015, regarding an occurrence that took place on February 23, 2015 where the complainant's dog was attacked and killed. The letter of complaint is attached to this report.

Information in the letter describes an incident which happened on February 23rd, 2015. The complainant stated that they were in their back yard with their small dogs when two large dogs entered the yard off leash and took one of the small dogs in their mouths and ran off. The complainant chased the two large dogs across the street to a neighbour's house where the large dogs reside. The victim found their small dog dead at that location. The complainant also took pictures of the dog's body after the incident.

Vicious Dog Notices 66381A and 66381B, dated March 9, 2015 were issued to the dog owners. Sudbury Animal Control also investigated the matter and charges were subsequently laid against the dogs owners.

Appeal Notice

A letter of Appeal of the Vicious Dog Notice was sent by the owners dated March 23, 2015. A copy of the Appeal is attached to this report. The hearing was scheduled, and a notice was sent to the owners of the dog advising of the date and time of the hearing.

Conclusion

The Registrar is confident that the Vicious Dog Notices issued to Dennis Richer and Jennifer Lapointe satisfies the requirements of By-law 2002-285, Part VIII, Section 21, 1 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 Notices be upheld by the Committee.

Case ID 663381

Caller Information

Known Callers: 1 Anonymous Callers: 0

Name: [REDACTED]

Address: [REDACTED]
[REDACTED]
[REDACTED]

Home Phone: [REDACTED]
[REDACTED]

Case Information

Case Type: By-Law Vicious Dog Category: Animal Control

Status: Postponed Priority: Normal

Expected Completion: 31-Aug-2015 08:00:00 AM Reactivation Date: 30-Jun-2015 12:00:00 AM

Last Updated: 11-May-2015 08:02:20 AM

Submitted By: Teresa Labelle On 24-Feb-2015 03:38:46 PM

Assigned To: Kyle Anderson (By-Law Ward 11-12 Officer) On 24-Feb-2015 03:38:47 PM

Access Code: 635563

Subject: Dog Killing

Description: Please see attached with regards to acr case

The case was created as: Re-Active

Location

Location: [REDACTED] [REDACTED]

[REDACTED] [REDACTED] MAILING1 [REDACTED]

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

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

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

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

[REDACTED] [REDACTED] PROPERTYCODE [REDACTED]

OWNER1NAME [REDACTED]

Contacts

Work	Staff Member	Phone [Public]	Email	Fax
By-Law Vicious Dog Case	Kyle Anderson (By-Law Ward 11-12 Officer)	(705) 674-4455 x2510	Kyle.Anderson@city.greatersudbury.on.ca	(705) 671-0871

Comments

Date	Type	Entry	Relates To	Created By
11-May-2015 08:02:20 AM	Case Postponed	Other Reactivate on: 30 Jun 2015 Waiting for notification of hearing from Clerks Dept.	By-Law Vicious Dog	Kyle Anderson

11-May-2015 08:01:51 AM	Completion Date Revised	Other Expected case completion date changed from: 22 Jun 2015 08:00:00 AM to: 31 Aug 2015 08:00:00 AM	By-Law Vicious Dog	Kyle Anderson
11-May-2015 12:06:11 AM	Case Reactivated	System Case Reactivated	By-Law Vicious Dog	SYSTEM
06-May-2015 08:53:46 AM	Case Postponed	By-Law Re-Inspect on Due Date Reactivate on: 11 May 2015	By-Law Vicious Dog	Kyle Anderson
06-May-2015 08:53:33 AM	Case Communication	0852 hrs - Called CGS Clerks office to follow-up on the next available hearing date. They to look into this and respond back.	By-Law Vicious Dog	Kyle Anderson
05-May-2015 12:01:38 AM	Case Reactivated	System Case Reactivated	By-Law Vicious Dog	SYSTEM
30-Apr-2015 08:22:43 AM	Case Postponed	By-Law Re-Inspect on Due Date Reactivate on: 05 May 2015	By-Law Vicious Dog	Kyle Anderson
30-Apr-2015 12:02:23 AM	Case Reactivated	System Case Reactivated	By-Law Vicious Dog	SYSTEM
31-Mar-2015 09:10:19 AM	Case Postponed	Other Reactivate on: 30 Apr 2015 Awaiting notice of hearing.	By-Law Vicious Dog	Kyle Anderson
30-Mar-2015 10:55:54 AM	Case Communication	Email sent March 30, 2015 File Attached: Email sent March 30, 2015.pdf	By-Law Vicious Dog	Kyle Anderson
25-Mar-2015 01:59:33 PM	Completion Date Revised	Other Expected case completion date changed from: 05 May 2015 08:00:00 AM to: 31 Jul 2015 08:00:00 AM	By-Law Vicious Dog	Kyle Anderson
25-Mar-2015 01:59:10 PM	Case Communication	Appeal request received March 24, 2015 File Attached: Appeal Request Letter March 24, 2015.pdf	By-Law Vicious Dog	Kyle Anderson
25-Mar-2015 01:57:26 PM	Case Reopen	Other Case has been reopened by Kyle Anderson: Appeal request received March 24, 2015	By-Law Vicious Dog	Kyle Anderson
24-Mar-2015 08:10:53 AM	Case Completion	By-Law Work Completed Closed due to Case ID: 663381.	By-Law Vicious Dog	Kyle Anderson
24-Mar-2015 12:05:24 AM	Case Reactivated	System Case Reactivated	By-Law Vicious Dog	SYSTEM
11-Mar-2015 09:06:13 AM	Case Communication	0904 hrs - Called Dog Owner Jennifer at [REDACTED] no answer, voicemail box was full and I was unable to leave a message.	By-Law Vicious Dog	Kyle Anderson
11-Mar-2015 09:05:32 AM	Case Communication	0830 hrs - Received a voicemail message from the dog owner named in the vicious dog notice [REDACTED] requesting information on how to file an appeal to the Notices. She requested a call back at [REDACTED]	By-Law Vicious Dog	Kyle Anderson
11-Mar-2015 08:32:09 AM	Case Communication	Animal Control confirms that the Vicious Dog Order was served by personal service on March 10, 2015.	By-Law Vicious Dog	Kyle Anderson
11-Mar-2015 08:29:36 AM	Case Communication	Email received March 10, 2015 File Attached: Email received March 10, 2015.pdf	By-Law Vicious Dog	Kyle Anderson
09-Mar-2015 03:35:07 PM	Case Communication	1534 hrs - Called complainant, no answer, left a voicemail requesting a call back.	By-Law Vicious Dog	Kyle Anderson

User: cbylawe1

09-Mar-2015 03:32:39 PM	Case Postponed	Other Reactivate on: 24 Mar 2015 Vicious Dog Notices issued March 9, 2015 Final date for appeal of March 23, 2015 Sent registered mail.	By-Law Vicious Dog	Kyle Anderson
09-Mar-2015 03:31:03 PM	Case Communication	Email sent to Animal Control on March 9, 2015 File Attached: Email sent March 9, 2015.pdf	By-Law Vicious Dog	Kyle Anderson
09-Mar-2015 03:27:57 PM	Case Communication	Vicious Dog Notices 663381A and 663381B issued March 9, 2015. Copies to be sent registered mail and served in person by Animal Control. File Attached: Vicious Dog Notices March 9, 2015.pdf	By-Law Vicious Dog	Kyle Anderson
09-Mar-2015 02:53:41 PM	Case Communication	1430 hrs - Attended problem location and knocked on front door, no answer at the door. Two dogs could be heard barking inside and visible through the window in the side door was the two dogs. One appeared to be a German Shepherd and the other a black lab or similar. Left a business card in the door.	By-Law Vicious Dog	Kyle Anderson
06-Mar-2015 03:00:15 PM	Case Communication	1500 hrs - Called Dennis/Jennifer Richer at [REDACTED], no answer, voicemail box full, unable to leave a message. Called from an unlisted number.	By-Law Vicious Dog	Kyle Anderson
06-Mar-2015 12:03:50 PM	Case Communication	1145 hrs - Spoke to complainant who advised that he does not believe the dogs are still living at the same location as he has not seen them. I advised of the Vicious Dogs Notice process and he agreed to appear as a witness if need be. He also granted permission for his written complaint to be forwarded to Animal Control for investigation and would be willing to appear as a witness if charges are laid.	By-Law Vicious Dog	Kyle Anderson
04-Mar-2015 10:47:04 AM	Case Communication	1040 hrs - Spoke to Richard Jr at Animal Control who advised that charges have not yet been laid as they are awaiting a statement from the complainant. I advised that I would forward it along with the Vicious Dog Notice if the complainant is willing to appear as a witness. He advised that they would lay charges pending receipt of an acceptable statement.	By-Law Vicious Dog	Kyle Anderson
04-Mar-2015 10:35:21 AM	Case Communication	1034 hrs - Called Dennis/Jennifer Richer at [REDACTED], no answer, voicemail box full, unable to leave a message.	By-Law Vicious Dog	Kyle Anderson
24-Feb-2015 03:38:46 PM	Case Communication	- File Attached: Re Fwd Dog killing.rtf	By-Law Vicious Dog	Kyle Anderson
24-Feb-2015 03:38:46 PM	Case Communication	- File Attached: 6515D-Richer Dog Attack.pdf	By-Law Vicious Dog	Kyle Anderson
24-Feb-2015 03:38:46 PM	Case Communication	Written complaint received from complainant. File Attached: Just after midnight.docx	By-Law Vicious Dog	Kyle Anderson
24-Feb-2015 03:38:46 PM	Case Assignment	System Case ID: 663381 has been assigned to By-Law Ward 11-12 Officer (Anderson, Kyle).	By-Law Vicious Dog	Teresa Labelle

User: cbylawe1

24-Feb-2015 03:38:46 PM	Case Submission	System Case was submitted by [REDACTED].	By-Law Vicious Dog	Teresa Labelle
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Just after midnight.... Early morning of Feb 23, 2015.

I had my dogs out in the back for their late night pee.

I was taking them in 2 on leashes.

As they were coming in the two big dogs from across the street can around the corner and jumped on Mousie. They cornered him between them and grabbed him, then they ran away with Mousie in their mouth(s).

I immediately chased after them in my sock feet. I grabbed a little shovel and ran as fast as I could, yelling and screaming. I chased them into their yard, falling once and losing my retainer in the neighbor's yard. I threw the shovel aside and ran to Mousie as he lay on the ground. The dog owners were outside and I was screaming that "They killed my dog" referring to the big dogs. As I picked Mousie up and took him away the lady was saying she was sorry. He was dying in my arms as I brought him into the house.

I called the veterinary emergency number and it took a long time for them to connect with me. A vet technician did speak to me on the phone but Mousie was dead. I had a very difficult time for the rest of the night. I spent a long time talking to my friend John on the phone. I did not sleep all night.

I am worried about my other dogs. They are all small and these two big dogs have a taste for killing now.



Dog attack (other domestic animal):
6515D

Priority: High

Call taken

02/23/2015 at 11:40 AM

Call address

Dennis/Jennifer Richer

See address history below

Call description/notes

12:10 am this morning 2 dogs from across the street came on to his property and dragged away and killed his Papillon Chihuahua mix. The owners of the 2 dogs are aware. He has not spoken to them since incident. Wanted to know his options. Fearful it may reoccur. Told him about DOLA and Viscous Dog aspect of Bylaw.

Caller

Dispatched by

Richard M. Paquette

Case

• No case

Enforcement

No enforcement

Animal(s)

No animals

Prior actions

- Spoke with complainant on 02/24/2015 at 8:31 AM assigned to Richard L. Paquette
Notes: asking about next steps - prevention, protection. Will email statement - forward information on how to request vicious dog notice.
- Spoke with animal owner on 02/23/2015 at 7:40 PM assigned to Sheri Mills (address: [REDACTED])
Notes: explained DOLA act, vicious dog order, charges, surrender and licences, both have 2014 but no valid 2015, Jennifer stated she will speak to her husband about it and decide what they will do and call tomorrow or Wednesday with their decision. She also questioned about the dog limit within Sudbury as complainant has 5-7 chihuahuas that are always at large, in the bush behind his house and follows the [REDACTED]
- [REDACTED] 2015 at 6:40 PM assigned to Sheri Mills ([REDACTED])
- Called - no answer on 02/23/2015 at 2:59 PM assigned to Richard L. Paquette (address: [REDACTED])
Notes: Mailbox full...
- Corrective action taken - see notes on 02/23/2015 at 2:58 PM assigned to Richard L. Paquette ([REDACTED])
Notes: -ROXY FEMALE DOG BLACK/TAN GERMAN SHEPHERD -DOLLY FEMALE DOG BLACK BLACK LAB Not registered 2015!

Address history: [REDACTED]

Current and prior occupants:

- Dennis/Jennifer Richer (01/06/2014 through present)

Current and prior calls:

- Dog attack (other domestic animal) #6515D on 02/23/2015 (12:10 am this morning 2 dogs from across the street came on to his property and dragged away and killed his Papillon Chihuahua mix. The owners of the 2 dogs are aware. He has not spoken to them since incident. Wanted to know his options. Fearful it may reoccur.

Told him about DOLA and Viscous Dog aspect of Bylaw.)

- Dog at large #3197D on 01/22/2014 (German Shep came into his yard and tried to attack his dog. Wednesday 3:55pm. Ongoing problem will purchase tag by feb 1st)
- Dog at large #3083D on 01/06/2014 (Dog owner has 2 dogs that are always off their property - one lab mix dog and one german shep type dog - both were ate large around 11:30 pm on Sunday Jan 5 and as well as earlier in the day... Please contact dog owner and let them know of DAL bylaw and possible license sales.)

March 23/2015

Greater City of Sudbury (Animal Control)

attention: Kyle Anderson By-Law Enforcement Officer

I Jennifer Lapointe, have recently received a Verbal Abg Notice Case #'s 663381A, 663381B in which I choose to have my case heard before Council or Committee. My husband Dennis Ritor also recieved one of two notices but he was not part of the ~~alleged~~ incident that took place February 23 at 12:30 am. He had made his presence known but was completely shocked at the allegations that were brought to our attention at that time.

Sincerely

Jennifer Lapointe

&
Dennis Ritor

VICIOUS DOG NOTICE 663381A

Pursuant to City of Greater Sudbury Animal Control By-law 2002-285

REGISTERED MAIL & HAND DELIVERED

To: Dennis Richer
Jennifer Richer



PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

The City of Greater Sudbury is in receipt of a written complaint that your dog, Roxy, not registered in 2015, has attacked another dog without provocation on February 23, 2015.

As Registrar pursuant to the Animal Control By-Law #2002-285, I deem your dog to be vicious. Therefore, you are hereby required to comply with the requirements as set out in Sections 21 (4) and 21 (5) of the by-law which states:

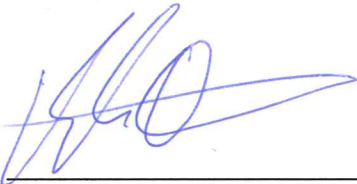
- 4) "Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's premises, ensure that
 - a) the vicious dog is muzzled so as to prevent it from biting a person or domestic animal; and
 - b) the vicious dog 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 9th day of March, 2015.

A handwritten signature in blue ink, appearing to read 'K. Anderson', is written over a horizontal line.

Kyle Anderson, Registrar/
By-Law Enforcement Officer
City of Greater Sudbury

C: Greater Sudbury Animal Control

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

VICIOUS DOG NOTICE 663381B

Pursuant to City of Greater Sudbury Animal Control By-law 2002-285

REGISTERED MAIL & HAND DELIVERED

To: Dennis Richer
Jennifer Richer



PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

The City of Greater Sudbury is in receipt of a written complaint that your dog, Dolly, not registered in 2015, has attacked another dog without provocation on February 23, 2015.

As Registrar pursuant to the Animal Control By-Law #2002-285, I deem your dog to be vicious. Therefore, you are hereby required to 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.

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

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www.grandsudbury.ca

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 9th day of March, 2015.



Kyle Anderson, Registrar/
By-Law Enforcement Officer
City of Greater Sudbury

C: Greater Sudbury Animal Control

		REGISTERED DOMESTIC		RECOMMANDÉ RÉGIME INTÉRIEUR		
CUSTOMER RECEIPT		REÇU DU CLIENT				
To		Destinataire		FOR DELIVERY CONFIRMATION		CONFIRMATION DE LA LIVRAISON
Name		Nom		www.canadapost.ca		www.postescanada.ca
Address		Adresse		or/ou		
City / Prov. / Postal Code		Ville / Prov. / Code postal		1 888 550-6333		
Declared Value		Valeur déclarée		CPC Tracking Number		Numéro de repérage de la SCP
\$				RW 770 656 747 CA		
33-086-584 (11-04)						