

Request for Decision

Vicious Dog Notice Appeal - #644478

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Monday, Mar 02, 2015
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury uphold the Vicious Dog Notice #644478, issued to Beverly Marsh.

Finance Implications

No Finance Implications.

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 – 644478

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

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Mar 2, 15

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Mar 2, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth &
Development
Digitally Signed Mar 3, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 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, requesting that the dog named "Katrina", be deemed vicious, based on an incident on August 28, 2014 where the complainant was attacked. The letter of complaint is attached to this report [S.D.#1].

Information in the letter describes an incident which happened on August 28, 2014. The victim states in the letter that they were attacked while doing some gardening in their yard when the dog ran towards them barking, then crossed the property line that separates the two properties coming onto their yard and approached them in a menacing manner. The witness claims that they had to protect themselves with a bag of fertilizer that they swung back and forth to keep the dog away from them.

The witness statement doesn't mention any injuries.

Greater Sudbury Animal Control (GSAC) investigated this incident and at the time of the attack, the owner of the German Shepherd named "Katrina" had not registered the dog with the City as required pursuant to the by-law. The owner registered the dog with Animal Control during their investigation. The dog was then registered "D-7108" under the name of "Katrina", a 9 year old German Shepherd, owned by Beverly Marsh of Greater Sudbury (See Dog Tag Registration – [S.D.#3])

The owner of the dog was served a Certificate of Infraction for the offence of "Permit Dog to Run at Large", payable by a penalty of \$125. (See Animal Control File no. 5190D – [S.D. #2]).

Instructions were received from the Manager of Compliance and Enforcement Darlene Barker for Municipal Law Enforcement Officer (MLEO) Lefebvre to prepare and send a Vicious Dog Notice to Mrs. Beverly Marsh of Greater Sudbury [S.D.#4].

A Vicious Dog Notice, dated September 18, 2014, was prepared and delivered to the registered owner of the dog (See original Vicious Dog Notice, file no. 644478 – [S.D.#5]). One copy of the notice was hand delivered by GSAC to the owner [S.D. #6] and another copy was delivered via registered mail (Item was successfully delivered, see Delivery Confirmation Certificate from Canada Post for item no. RW 743 903 829 CA [S.D.#7 (1) and (2)]). The Notice contains the requirements of Subsections 21(4) and 21(5) of the by-law; ensuring the dog is muzzled and leashed at all times when not inside the owner's dwelling unit, notifying the owner of his/her requirement to provide a change of address to the Registrar, 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).

On November 01, 2014 MLEO Lefebvre received an e-mail from the complainant advising that the dog "Katrina" was being tied outside of the house without a muzzle [S.D. #8] which is in breach of the Vicious Dog Order. MLEO Lefebvre advised them to contact the Greater Sudbury Animal Control Services to investigate the matter and provide them with any information that the complainant has gathered.

On January 22, 2015 a call was received by Sudbury Animal Control in regards to the dog in question being kept outside of the owner's dwelling without a muzzle, in breach of the Vicious Dog Order (see Animal Control Officer Report no. 6307D [S.D. #9]). On January 25, 2015, Animal Control Officer Tiffany Lalonde investigated a complaint in regards to the dog in question being outside the owner's home without a muzzle. Upon arrival, the animal control officer did witness and photograph "Katrina" in the driveway, tied, but without a muzzle (See Animal Control Report no. 6307D [S.D.#9]). Animal Control Officer Lalonde was also informed that the dog was presently under quarantine by the Sudbury & District Health Unit as it had bit someone on or about January 21, 2015 (See Animal Control Officer Report no. 6308D [S.D.# 9.5]) and see document prepared by Animal Control Officer Tiffany Lalonde dated January 25, 2015 [S.D.#10 and S.D.#11] and another document prepared by Animal Control Officer Daryl Dumoulin dated February 5, 2014 [S.D. # 12 w/Type error – should read February 5, 2015].

See also document from the Sudbury & District Health Unit (Rabies Investigation Report no. 113-00073 [S.D. #13 & S.D.#13(2)]).

On January 27, 2015 MLEO Lefebvre received a voice mail message from someone identifying herself as "Bev Marsh" advising that the dog from file no. 644478 "Katrina" was changing address and would be living in Val Caron (See Animal Control Report no. 6320D)[S.D.#14]. Mrs. Marsh also asked if we could "speed up the appeal to the vicious dog notice". MLEO Lefebvre was unable to speak with her directly but did advise Mrs. Marsh (via voice-mail) that the setting of the dates for the appeals are not under his control.

Appeal Notice

A letter of appeal of the Vicious Dog Notice was received by the owner of the dog and the hearing was scheduled. A copy of the letter of appeal is attached to this report. A notice was sent to the owner of the dog advising of the date and time of the hearing. A copy of this notice is attached to this report [S.D.#15].

Conclusion

In consideration of this report as well as statements from the witness and the appellant, pursuant to subsection 21(7) the Hearing Committee may decide one of three options below;

1. Uphold the Notice;
2. Modify the Notice - exempting the owner from muzzling or leashing or modify the conditions for such muzzling or leashing; or
3. Quash the Notice - exempting the owner from all requirements to muzzle and leash.

The Registrar is confident that the Vicious Dog Notice issued to Beverly Marsh of Greater Sudbury, 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 a similar incident 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.

S.D
#1

WRITTEN WITNESS STATEMENT

ON AUG 28 / 2014 at 1⁰⁰ PM

I WENT OUTSIDE TO MY DRIVEWAY TO TRANSPLANT A TREE. I WAS WORKING AT FERTILIZING THE HOLE THAT I JUST DUG, WHEN SUDDENLY THE DOG [REDACTED] [REDACTED] "TRISHA", CAME CHARGING AT ME FROM HER YARD. I BACKED AWAY FROM THE TREE LINE AND SCREAMED AT HER TO GO HOME - SHE CROSSED OVER THE TREES ONTO MY PROPERTY AND CONTINUED TO SNARL & BARK. I SWUNG THE BAG OF FERTILIZER AT HER FACE TO AVOID GETTING BITTEN. BY THEN HER OWNER, BEV MARSA, APPEARED ABOUT 10 feet away and SHOUTED AT HER TO STOP. I LOOKED UP AT BEV AND TOLD HER TO [REDACTED]

S.D.
#1
(cont.)

KEEP HER DOG ON A LEASH.

THIS IS THE THIRD TIME THAT THIS DOG HAS CROSSED INTO MY YARD AND ATTACKED ME. THIS DOG HAS ALSO ATTACKED AND EVEN BITTEN OTHER PEOPLE ... WHO LIVED ... AND ... WHO CAME OVER TO VISIT ME. THE DOG IS VERY UNFRIENDLY TO STRANGERS. ~~THE~~ I THINK SHE IS VICIOUS AND A THREAT TO STRANGERS WALKING BY. ON EACH AND EVERY OCCASION (INCLUDING TODAY) THERE WERE WITNESSES TO THESE INCIDENTS OTHER THAN BEV AND MYSELF.

Aug 28/2014

5842
Dog attack (other domestic animal):
5190D

Priority: High

Call taken

08/28/2014 at 1:40 PM

Call address

See address history below

Beverly Marsh

[REDACTED]
Sudbury, ON

Phone(s):
[REDACTED]

Call description/notes

Did not bite. Wants charge laid. Best to use Dog at large at 1:00 pm Claims the dog has bitten 2 people in the past.

Caller

[REDACTED]
[REDACTED]

Dispatched by

Richard M. Paquette

Case

- Potentially dangerous animal #1165C opened 02/03/2015
Status: Active
In charge: Darryl E. Dumoulin

Enforcement

No enforcement

Animal(s)

No animals

Prior actions

- See notes on 01/23/2015 at 9:01 AM assigned to Richard L. Paquette (address: [REDACTED] Sudbury, ON)
Notes: Spoke with Gilles Lefave - Vicious dog order issued in September - served by Daryl and via registered letter.
- Spoke with animal owner on 08/28/2014 at 6:00 PM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
Notes: said her dog never left the yard but was not tied up. ongoing neighbor dispute
- License sold, file closed on 08/28/2014 at 6:01 PM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
- Served PON on 08/28/2014 at 4:00 PM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
PON: 2135134B dated 08/28/2014
Primary violation: Permit dog to run at large (violation: Beverly Marsh)
Enforcement issued to Beverly Marsh, [REDACTED] Sudbury, ON
- Served Vicious Dog Order on 02/05/2015 at 9:58 AM assigned to Darryl E. Dumoulin (address: [REDACTED] Sudbury, ON)
Notes: Explained and gave Vicious Dog Order to [REDACTED] and was also present at the time of the PON being issued. Advised of all requirements of the order and if Beverly required clarification of the order to Contact Animal Control to have an officer explain.
Vicious Dog Order: 644478 dated 09/26/2014
Primary violation: Permit dog to run at large (violation: Beverly Marsh)
Enforcement issued to Beverly Marsh, [REDACTED] Sudbury, ON

Address history: [REDACTED] Sudbury, ON

Current and prior occupants:

- Beverly Marsh (08/28/2014 through present)

Current and prior cases:

- Potentially dangerous animal #1165C opened 02/03/2015 (current status: Active)
Beverly Marsh: *Called for dispatch

Current and prior calls:

- Potentially dangerous dog #6320D on 01/24/2015 (Ger Shep Bl Tan Tied in front yard with no muzzle. Owner is outside shovelling her driveway. Also have a video from 10:26 today....)
- Potentially dangerous dog #6307D on 01/22/2015 (Dog outside barking and also concerned it has vicious dog order and was out without muzzle)
- Dog bite #6308D on 01/22/2015 (Last night at 8:30 pm. Ger Shep dog jumped off patio and bit [REDACTED] UK complainant is a relative of the victim and is concerned for his 2 year old daughter.)
- Dog barking #5639D on 10/15/2014 (Dog barking at [REDACTED] in [REDACTED] yard Sept. 19 and Oct 10 Friday barking at [REDACTED] while he is putting his garbage out.)
- Dog attack (other domestic animal) #5190D on 08/28/2014 (Did not bite. Wants charge laid. Best to use Dog at large at 1:00 pm Claims the dog has bitten 2 people in the past.)

S.D.#3



DOG TAG ANNUAL REGISTRATION 2014 D 7108

CGS Staff Initial Date Stamp

Date Tag Purchased: Aug 28, 2014

As per By-law 2002-285, Tag Registration Expires:

- Dec 31, 2014
- Death of animal
- Transfer of Ownership

Owner's Information:

Last Name: March
First Name: Deborah
Phone: Home: [REDACTED] Cell: [REDACTED]
Home Address: [REDACTED]
Box # Apt. # City: Sudbury Postal Code:
Have you moved since last registration? ☐ yes ☒ no
If yes, then last Address / Home Phone:

Pet Information:

Pet's Name: Katrina
Breed: Shepherd Colour: Black/White
Sex: ☒ F ☐ M Age: 1yr 3 Date acquired pet:
Current Veterinarian Clinic:

Vendor Location: CGSAC
Vendor Phone Number:
Seller Initial: DD

Check dates and follow across for fees

Prices: (No Refunds)	REGULAR	SENIOR* SPAY/NEUTER**
Before Jan. 31, 2014 - fee **	<input type="checkbox"/> \$30.00	<input type="checkbox"/> \$15.00* <input type="checkbox"/> \$15.00**
After Jan. 31, 2014 - fee **	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$25.00* <input checked="" type="checkbox"/> \$25.00**
or if newly acquired within 7 days **	<input type="checkbox"/> \$30.00	<input type="checkbox"/> \$15.00* <input type="checkbox"/> \$15.00**
After Oct. 1, 2014 - fee **	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$25.00* <input type="checkbox"/> \$25.00**
or if newly acquired within 7 days **	<input type="checkbox"/> \$15.00	<input type="checkbox"/> \$15.00* <input type="checkbox"/> \$15.00**
Replacement pet tag - replacing tag # <u> </u>		<input type="checkbox"/> \$ 5.00
(MUST be filled in for replacement rate to be charged.)		

MUST BE FILLED OUT IF SENIOR RATE OR SPAY/NEUTER - BOX CHECKED

Senior year of birth: (Year) (Month) (Day) (must be 55)
** Spayed / Neutered Information:
Date Spayed / Neutered: May 2008
Name of Animal clinic:
Female - Spayed ☒ Male - Neutered ☐

The information may be verified by the City of Greater Sudbury, Compliance and Enforcement Services.

Owner's signature: [Signature]

Office Use: Date Picked Up: Amount Confirmed:

WHITE - client YELLOW - animal control PINK - agent/office copy

S.D
#4

From: Darlene Barker
To: Christopher StOnge
CC: Gilles Lefebvre
Date: 8/28/2014 3:52 PM
Subject: Request for Vicious Dog Notice

Hello Chris,

Please create a vicious dog notice case type for follow up by the area officer; Gilles.

The address of the caller is [REDACTED] name is [REDACTED] and phone number is [REDACTED]

Gilles,

Please see me upon your return from holidays to discuss direction in this matter.

Thanks,

Darlene Barker
Manager of Compliance and Enforcement
City of Greater Sudbury
PO Box 5000
Stn A
200 Brady Street
Sudbury ON P3A 5P3
705.674.4455
705.671.2489 ext. 4281
705.671.0871 fax
darlene.barker@greatersudbury.ca



S.D.
#5

VICIOUS DOG NOTICE

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

File No. 644478

REGISTERED MAIL & HAND DELIVERED

To: Beverly Marsh

[REDACTED]
Sudbury ON [REDACTED]

The City of Greater Sudbury is in receipt of a written complaint that your dog, "Katrina", registration number D7108, has attacked a person without provocation on August 28 2014.

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 18th of September 2014.


Gilles P. Lefebvre MLEO(C), C.P.S.O. Registrar
Municipal Law Enforcement/Property Standards Officer,
City of Greater Sudbury
(705) 671-2489 ext. 4257

gilles.lefebvre@city.greatersudbury.on.ca

CC: Rainbow District Animal Control Services.



**REGISTERED
DOMESTIC**
CUSTOMER RECEIPT

**RECOMMANDE
RÉGIME INTÉRIEUR**
REÇU DU CLIENT



To / Destinataire	
Name / Nom	
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City / Prov. / Postal Code / Ville / Prov. / Code postal	
Declared Value / Valeur déclarée \$	
CPC Tracking Number / Numéro de repérage de la SCP	

FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
www.canadapost.ca	www.postescanada.ca
OR/OU	
1 888 550-6333	

RW 743 903 829 CA

S.D.
#6

From: rainbow district ashelter and animal services <rdshelter@gmail.com>
To: <gilles.lefebvre@greatersudbury.ca>
Date: 9/26/2014 1:22 PM
Subject: Vicious dog ordered's delivered

Hi Gilles,
Two vicious dog orders where delivered today.

Daryl Dumoulin Animal control officer served

The order for Beverly Marsh to her [REDACTED] at 11.59 am
today Sept 26 2014
the order for [REDACTED] and [REDACTED] was delivered to [REDACTED]
himself at 12.31 pm today Sept 26 2014

Have a nice day!

5.D
#7(1)

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Tracking Numbers: RW 743 903 829 CA



[Track Another](#)

We found

Tracking Number: RW743903829CA

SUDBURY, ON

Accepted

Delivered

Date received:
2014/09/19

2014/10/03

[What is this?](#)

Track History

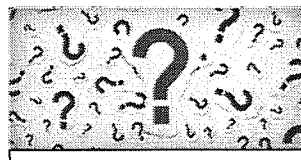
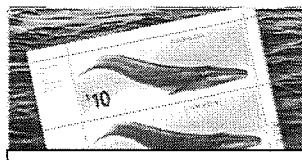
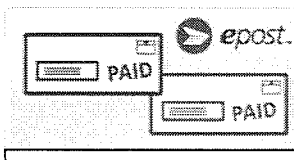
Date	Time	Location	Description	Retail Location	Signatory Name
2014/10/03	11:22	SUDBURY	Item successfully delivered		Beverly Marsh
	11:22		Signature image recorded for Online viewing		Beverly Marsh
2014/10/01	09:51	SUDBURY	Final Notice; Item will be returned to sender if not collected within 10 days	LONG LAKE PO	
2014/09/23	11:16	SUDBURY	Item available for pickup at Post Office		
	08:07	SUDBURY	Item being prepared for transfer to Post Office.		
	06:30	SUDBURY	Attempted delivery. Notice card left indicating where item can be picked up.		
	06:26	SUDBURY	Item out for delivery		
	04:54	SUDBURY	Item processed at local delivery facility. Learn More		
2014/09/22	09:35	TORONTO	Item processed		
2014/09/20	08:09	TORONTO	Item processed		
2014/09/19	15:48	SUDBURY	Item picked up by Canada Post. Learn More		
Shipment picked up by Canada Post — We have scanned shipping documents and picked up items from the shipper. They are en route to a processing facility. Keep checking Track for updates.					

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Signature Required

Support	USA & International Shipping
For tracking questions or issues, see Support .	If your item is being shipped to the U.S.A. or internationally, check the destination country's postal tracking site for more information.

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For a \$0.63 stamp, add a \$0.22 stamp to make-up the postage.

USA

0-30g Stamp(s) \$1.20 | 30-50g \$1.80 |

50-100g \$2.95

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0-30g Stamp(s) \$2.50 | 30-50g \$3.60 |

50-100g \$5.90

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**SP # 7(2) Tracking Number**

RW743903829CA

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2014/10/03	00:00		Item successfully delivered		
2014/10/03	00:00		Signature image recorded for Online viewing		
2014/10/01	00:00		Final Notice; Item will be returned to sender if not collected within 10 days		
2014/09/23	00:00		Item available for pickup at Post Office		
2014/09/23	00:00		Item being prepared for transfer to Post Office.		
2014/09/23	00:00		Attempted delivery. Notice card left indicating where item can be picked up.		
2014/09/23	00:00		Item out for delivery		
2014/09/23	00:00		Item processed at local delivery facility		
2014/09/22	00:00		Item processed		
2014/09/20	00:00		Item processed		
2014/09/19	00:00		Item picked up by Canada Post		

Shipping Options and Features for this Item

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5.D.#8
From: [REDACTED]
To: Gilles Lefebvre <gilles.lefebvre@greatersudbury.ca>
Date: 11/1/2014 2:21 PM
Subject: RE: Please help me proceed .

Hi Gilles ;

I did not get Animal Control to look into the infraction . I don't know if it is indeed an infraction .
I do not know what was sent to Ms. Marsh as instructions ...whether the dog was supposed to be on a muzzle .
I am in the process of leaving for [REDACTED] I have had no incident with her dog lately ...so I have not called Animal Control . [I was getting the feeling that I was becoming a nuisance to them] .

I am not sure if she was disobeying any laws in allowing her dog to go outside without a muzzle ... but there were at least four instances where the dog was in her yard [on a leash] , but not muzzled . I have a video-tape of one of those days .

All I want is to have some peace and comfort , in knowing that dog will not lunge at me and will STOP barking at me while I do my chores in my own yard . It is very , very annoying and uncomfortable to keep looking over my back to see if that dog is out in the yard . I am not sure if I should carry some sort of defensive weapon with me at all times .

I really appreciate your concern for my problem ... I will be leaving Sudbury very soon [REDACTED] and I will return in [REDACTED] Hopefully this dog problem will be resolved . I will contact you thenthanks again !

Date: Thu, 30 Oct 2014 09:01:14 -0400
From: Gilles.Lefebvre@greatersudbury.ca
Subject: Re: Please help me proceed .
To: [REDACTED]

Hi [REDACTED]

Were you able to get a hold of Animal Control & did they attend?

Gilles.

>>> Gilles Lefebvre 10/20/2014 4:12 PM >>>

Hi [REDACTED]

I got your message but don't have the program to see the footage. I don't know why the Animal Control Dept. isn't getting back to you, try one more time and if they don't, give me a call, I'll try to help you.

Gilles Lefebvre.

>>> [REDACTED] 10/20/2014 2:25 PM >>>

Hi Gilles ;

It's me again pestering you about the vicious dog problem I have with [REDACTED] Bev Marsh .

As you instructed me ; I contacted the Animal Control office and told them that I thought that Ms. Marsh was in violation of the letter she was sent concerning a vicious dog complaint . I called them on Wednesday , October 15 / 2014 ...told them I saw the dog leashed in her yard but NOT MUZZELLED on at least two occasions ...Sept. 19 and Oct. 10 .

I have not heard from them and I can not find out what exactly was in that letter to her ... hence I am asking you to help me proceed with this case . On October 19 / 2014 ; once again the dog lunged at me and barked as I went out to get into my car which was parked in my driveway . Ms. Marsh hushed the dog and pulled him into her house . After I returned home I noticed the dog was roaming her back yard [on a leash]

but NOT ON A MUZZEL . I video taped the event .

As I am unable to inform Animal Control with as much ease as I can talk to you ...I am sending you this video ; hoping you can help me resolve my concerns .

Thank you for your patience .



 has a file to share with you on OneDrive. To view it, click the link below.

MOV001.MOD

5.D
#9
Potentially dangerous
dog: 6307D

Priority: High

Call taken

01/22/2015 at 4:05 PM

Call address

See address history below

Beverly Marsh

Sudbury, ON

Phone(s):

Call description/notes

Dog outside barking and also concerned it has vicious dog order and was out without muzzle

Caller

Dispatched by

Lindsay Mckay

Case

- Potentially dangerous animal #1165C opened 02/03/2015
Status: Active
In charge: Darryl E. Dumoulin

Enforcement

No enforcement

Animal(s)

No animals

Prior actions

- Spoke with complainant on 01/23/2015 at 9:15 AM assigned to Richard L. Paquette (address: [REDACTED] Sudbury, ON)
Notes: Claims dog was outside yesterday without a muzzle at around 3 pm. Apparently owner has not been abiding by notice. Has videotape from October. Willing to appear - will prepare and email statement.
- License verified, file closed on 02/22/2015 at 9:48 AM assigned to Sheri Mills (address: [REDACTED], Sudbury, ON)
- Spoke with animal owner on 01/25/2015 at 3:15 PM assigned to Tiffany Lalonde (address: [REDACTED] Sudbury, ON)

Address history: [REDACTED] Sudbury, ON

Current and prior occupants:

- Beverly Marsh (08/28/2014 through present)

Current and prior cases:

- Potentially dangerous animal #1165C opened 02/03/2015 (current status: Active)
Beverly Marsh: *Called for dispatch

Current and prior calls:

- Potentially dangerous dog #6320D on 01/24/2015 (Ger Shep Bl Tan Tied in front yard with no muzzle. Owner is outside shovelling her driveway. Also have a video from 10:26 today....)
- Potentially dangerous dog #6307D on 01/22/2015 (Dog outside barking and also concerned it has vicious dog order and was out without muzzle)
- Dog bite #6308D on 01/22/2015 (Last night at 8:30 pm. Ger Shep dog jumped off patio and bit [REDACTED] UK complainant is a relative of the victim and is concerned for his 2 year old daughter.)
- Dog barking #5639D on 10/15/2014 (Dog barking at [REDACTED] in [REDACTED] yard Sept. 19 and Oct 10 Friday barking at [REDACTED] while he is putting his garbage out.)
- Dog attack (other domestic animal) #5190D on 08/28/2014 (Did not bite. Wants charge laid. Best to use Dog at large at 1:00 pm Claims the dog has bitten 2 people in the past.)



January 25th, 2015

Attention: Prosecutors Office, City of Greater Sudbury

Re: Marsh, Beverly (2135134B) - Trial February 6th, 2015

I Officer T. Lalonde #124 received a dispatch at 2:45pm on January 25th, 2015 for a potentially dangerous dog placed under the vicious dog order. I was informed that the owner had the dog outside without a muzzle. When I attended the residence at 3pm, the dog was tied to a rope in front without a muzzle and owner was in the driveway. I documented by taking photos of the Shep mix without the muzzle. I then got out of the truck to speak to the owner Mrs. Marsh came to the end of the driveway to ask me why I was here because she had her neighbor antagonizing her dog so she brought the dog closer to the right of the house so he will stop recording her and the dog she stated she had just got off the phone with the police and I had asked for the number as we had a phone number that was no longer in service Marsh then gave me the number and I dialed the number to be sure that we had the correct number to contact her in the future. The dog had no muzzle she stated the dog was on her property and under quarantine she was outside with the dog. Her friend took her dog for a walk on Wednesday and had reported the dog had bitten someone walking by. She had asked what is the problem? I then informed her that the dog was placed under the guidelines for a vicious dog and the dog was out of the dwelling and must have a muzzle at all times. Marsh stated that she was improperly informed in regards to the order. I then asked her if she had a copy and had read the order she said NO so I then went to my truck and pulled the bylaw to inform her what the law is to educate her and read her Section 21 1. I then asked her to put the muzzle on and as I watched she was placing the muzzle improperly and told her it was being placed incorrectly also it wasn't a muzzle she has had an enclosed mouth and suggested for her to try the basket style muzzle she then brought the dog in as she can't keep the muzzle on the dog keeps removing it she then stated she mind as well have the dog put down I offered services after the quarantine period was up to owner but to elevate the issue of the dog being placed as vicious we also disgusted the leash she's using was not permitted she needs a proper leash where she has full control on a leash under 6 feet I told her she has been warned and properly informed in regards to the order and the quarantine .

Tiffany Lalonde

S.O

11



25/01/2015 3:06:45PM



25/01/2015 3:06:45PM



February 5th, 2014

Attention: Prosecutors Office, City of Greater Sudbury

Re: Marsh, Beverly (2135134B) - Trial February 6th, 2015

Beverly Marsh of [REDACTED] Sudbury ON, will appear before the Court on February 6th, 2015 for a trial regarding a charge of permit dog to run at large. This is a developing case and I thought you should be updated on subsequent occurrences.

Beverly Marsh owns Katrina, a 9 year old female German Shepherd mix. On September 18th, 2014 a "Vicious Dog Notice" was issued by the City of Greater Sudbury (see attached). This was delivered via registered mail and this notice was hand delivered September 29th to [REDACTED] identified as Beverly's [REDACTED] Beverly has subsequently filed an appeal which has yet to be scheduled. See the attached complaint report (5190D).

Between the 22nd of January and the 25th of January, 2015 we received a number of calls regarding Beverly Marsh's dog. It was reported by an anonymous caller that the dog had bit [REDACTED] on or about January 21st. The caller was a relative of the victim and is concerned for [REDACTED] two year old daughter. [REDACTED] was not willing to appear as a witness and no charges were laid. See the attached complaint report (6308D)

Subsequently the complainant in the matter before the court on February 6th, [REDACTED] placed a number of calls regarding the owner not abiding by the muzzling order in place. See attached complaint reports (6307D and 6320D).

Tiffany Lalonde, an Officer with our service, attended at the owners residence [REDACTED] Sudbury ON) on January 25th 2015, at which time the dog was not muzzled as per the order. Tiffany has photographs of this occurrence which show the dog unmuzzled (attached). Beverly claimed she did not understand the order correctly and believed she could have the dog without a muzzle on her own property. Officer Lalonde clarified the requirements of the order with Beverly. Tiffany and [REDACTED] have prepared statements and [REDACTED] has video of the dog unmuzzled in violation of the order. It is our intention to pursue charges of "Fail to keep vicious dog muzzled" in relation to this information.

Marsh, Beverly (2135134B) - Trail February 6th, 2015

On January 27th, Gilles Lefebvre, a By-law Enforcement Officer with the City of Greater Sudbury who was responsible for preparing the order, received a voice mail message from Beverly that the animal was now residing at [REDACTED] Val Caron. She also wanted to know if the City could "speed up the vicious dog notice" hearing.

On January 29th, Richard L. Paquette, an Officer with our service spoke with [REDACTED] at [REDACTED] in Val Caron ON. [REDACTED] stated they are interested in keeping the dog regardless of the outcome of the hearing. The dog is staying there until the hearing. She has a fenced in back paddock consisting of a four foot fence with locking gate. She was aware of the order and Richard provided her with a copy of the order for her records. Richard also clarified that the dog must be muzzled even in the paddock. She had a basket type muzzle. Richard confirmed that the Sudbury and District Health Unit would be there Monday, February 2nd, 2015 to release the dog from the quarantine.

Resolution:

Beverly indicated to Tiffany on January 25th that she may consider releasing the dog for euthanasia. We would be satisfied with this resolution, and if this were to come to pass we would be agreeable to the matter for February 6th, 2015 being adjourned pending this outcome and would no longer pursue additional charges for violation of the muzzling order.

Sincerely,

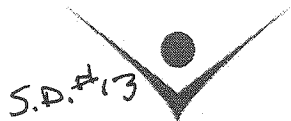


Daryl Dumoulin

GSAC#127

Attachments:

- Photos taken on January 25th, 2015 of the dog in question unmuzzled.
- Statement - Tiffany Lalonde: January 25th, 2015
- Statement (email) - [REDACTED] January 22nd and January 25th, 2015
- Complaint reports 5190D, 6307D, 6308D, 6320D
- Vicious dog notice #644478



Sudbury & District

Health Unit

Service de
santé publique

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February 23, 2015

Gilles Lefebvre
City of Greater Sudbury
By-Law Enforcement Services
P.O. Box 5000 Stn A
200 Brady Street
Sudbury, ON P3A 5P3

Dear Mr. Lefebvre:

Re: Request for Information
Our file number: 113-00073

We acknowledge your request for information regarding the above file.

Please find enclosed a copy of our inspection report with third party personal information and personal opinions removed. Information which may constitute an unjustified invasion of privacy, or compromise the health and safety of any person, has also been removed.

Yours truly,

Holly Browne
Manager
Environmental Health Division

HB/ja

Sudbury & District Health Unit

1300 Paris Street Sudbury, ON P3E 3A3

Phone Number: (705) 522-9200 Fax Number: (705) 522-5182

Rabies Investigation Report [113-00073]

Animal Summary:	Large, Brown/Beige, Female, Mixed Breed, Canine		
Date Received:	23-Jan-2015 1:06 PM	Service Provider:	Ted Korzeniecki, C.P.H.I. (C.)
Date of Exposure:	21-Jan-2015	Current Status:	In Progress

Reported By

Name: Richard Paquette
Business Name: Rainbow District Animal Control
Work Address: 411 St Agnes Azilda, ON
Phone (H): **Phone (W):** (705) 673-3647

Circumstances

Circumstances: Animal Control called after receiving an 'anonymous' report stating that [REDACTED] got bit by [REDACTED] dog. [REDACTED] is a [REDACTED] and advised victim not to receive medical treatment and not to report the incident. Also advised that the dog jumped off porch and bit victim. These allegations were refuted by the victim. (see communication below)

Animal Control informed that there is a vicious dog notice on this animal which the owner is appealing.

Incident Site Community: SU Sudbury

Animal Information

Animal Type: Domestic
Species: Canine
Subspecies: Mixed Breed
Colour: Brown/Beige
Gender: Female
Size: Large
Animal Name: Katrina
Physical Appearance: Female Black and Tan Shepard mix
Animal was provoked? No

Owner: [REDACTED]
Home Address: [REDACTED]
Phone (H): [REDACTED] **Phone (W):** [REDACTED]

Vaccination Status at Time of Exposure: Not Vaccinated

Compliance Confirmed? No

Detained At: Owner's Home **Location:** [REDACTED]
Condition After Confinement: Alive

Person Exposed

Name: [REDACTED]
Home Address: [REDACTED]
Phone (H): [REDACTED] **Phone (W):** [REDACTED]

Exposure: Bite

Contact Site/Severity: Right Hand/Abrasion / Scratch

Is Vaccination Requested? No

Dated Notes/Non-Compliance Actions Taken

05-Feb-2015 12:45 Korzeniecki, Ted

Communication

On the 5th of February the writer was able to contact the victim [REDACTED] at work, [REDACTED], and advised [REDACTED] that the dog that bit [REDACTED] was healthy and the quarantine period is over.

02-Feb-2015 12:40 Korzeniecki, Ted

On Site Visit

On the 2nd of February the writer attended at [REDACTED] as I was advised that is where the dog was at this time.

Spoken to was [REDACTED] and the dog Katrina, appeared to be in good health. The dog was then released from quarantine. [REDACTED] advised that she has made an appointment with Martindale Animal Hospital to have her dog re-vaccinated for rabies on the 17th of February. This was confirmed by the writer by calling the vet.

26-Jan-2015 9:32 Korzeniecki, Ted

Communication

On the 26th of January the writer was contacted by the victim, [REDACTED]. [REDACTED] advised that [REDACTED] wasn't concerned about the incident and the contact was minimal which is why [REDACTED] didn't report the bite. [REDACTED] advised [REDACTED] was walking down the street and noted the man with 2 dogs on leashes. The neighbour's dog came up to [REDACTED] and grabbed [REDACTED] hand with it's mouth and when [REDACTED] pulled [REDACTED] hand away his open jaw fell on [REDACTED] high and that is when [REDACTED] believes one of the dog's teeth caused an abrasion on [REDACTED] leg. Later the dog owner came over to express her concerns over the incident. The abrasion was treated with polysporin and has since healed. At no time did the dog owner suggest she not seek treatment or not to report the incident to the authorities.

The writer then called Animal Control and passed this information onto the operator, Richard Paquette Sr. as it was Animal Control that had originally passed on the anonymous complaint and his info was different than that which the victim provided.

23-Jan-2015 4:00 Korzeniecki, Ted

On Site Visit

The writer attended at the victim's address and determined [REDACTED] was not available to be spoken to until Monday. Spoken to was a neighbour in the same building [REDACTED] who advised that she had spoken to the victim shortly after the incident and saw abrasions on [REDACTED] right hand and thigh. The victim had advised her [REDACTED] was walking along Pearson St. in the evening and saw a man walking two dogs on leashes. As they were passing each other both dogs lunged at [REDACTED] causing the abrasions by biting at [REDACTED]. The victim indicated to the neighbour that the dogs were from [REDACTED].

A door knock was made at the owner's home at [REDACTED]. Spoken to was [REDACTED] who advised she was made aware of the incident by her friend [REDACTED] who had taken the dogs for a walk without advising her. She then went over to talk to the victim.

She advised that her dog was vaccinated at Martindale Animal Clinic. A check with them indicated the last vaccine was May 8th, 2011.

23-Jan-2015 1:15 Frappier, Matthieu

Communication

Please notify [REDACTED] to contact Animal Control Regarding the bite.

Dates

Date of Initial Contact with Owner: 2015-01-23

Date of Visual Confinement: 2015-01-23

Date of Target Release: 2015-01-31

Date of Visual Release: 2015-02-02

Date Person(s) Exposed Contacted: 2015-02-05

Closing

Investigation Status: In Progress

Ted Korzeniecki, C.P.H.I. (C.)