

**MEETING OF THE HEARING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Wednesday, October 9, 2013
Commencement: 4:34 p.m.**

COUNCILLOR ANDRÉ RIVEST, CHAIR

Present Councillors Cimino; Caldarelli; Kett

Staff Tony Cecutti, General Manager of Infrastructure Services; David Shelsted, Director of Roads and Transportation; Guido Mazza, Director of Building Services/Chief Building Official; Jamie Canapini, City Solicitor; Darlene Barker, Manager of Compliance and Enforcement Services; Brigitte Sobush, Deputy City Clerk; Lisa Miller, Deputy City Clerk; Franca Bortolussi, Council Assistant

Declarations of Pecuniary Interest None declared.

PUBLIC HEARINGS

APPEAL OF VICIOUS DOG NOTICE 439900

The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated October 2, 2013 was received from the Acting General Manager of Growth and Development/Planning Director regarding an appeal of Vicious Dog Notice 439900.

Paul Kingsbury, the appellant, was present.

The Manager of Compliance and Enforcement Services outlined the report to the Committee.

Paul Kingsbury advised he received a ticket the day after the event from an Animal Control Officer not present at this meeting. He indicated on the day of the occurrence, Diesel (the subject dog) was not well and he let the dog out to be sick. As he was cleaning up, the dog ran out the back gate when he saw Samantha Secord with her dog. A car hit the dog and he continued towards Samantha Secord and her dog and started sniffing her. He stated that Samantha Secord kicked Diesel, picked up her dog and punched Diesel in the face. He further stated that, at that point, Diesel jumped up and he grabbed Diesel by the ear which made him stop.

Paul Kingsbury indicated Diesel has never had issues with dogs – large or small. He stated Diesel only wanted to play and, if Samantha Secord had not kicked Diesel, he would not have reacted. He indicated Samantha Secord's shoe fell off because she hit Diesel. He further indicated that her dog bit Diesel's jowls and, in self-defense, Diesel picked the dog up with his mouth.

PUBLIC HEARINGS (cont'd)

APPEAL OF VICIOUS DOG NOTICE 439900 (cont'd)

Josee Belanger spoke on behalf of Samantha Secord. She indicated Samantha Secord is the victim of the attack and Diesel would have killed her dog if she had not picked it up. She stated that Samantha Secord no longer feels safe and her dog is also affected – she is now afraid of dogs and of yelling men because Paul Kingsbury yelled at Samantha Secord.

Roger Christopher, area resident, indicated he and his wife volunteer at the high rise next door maintaining the flower garden. The garden is adjacent to where the dog ran across the street. He saw the dog run madly down the street, get struck by a vehicle and leap at the woman. He stated that Paul Kingsbury came across the street cursing at the woman. He stated the woman tried to protect herself and her dog. He indicated his wife told him to come to this meeting as she is now afraid to go into the flower garden. He feels dogs cannot be trusted if they have attacked once.

In conclusion, Paul Kingsbury stated that Diesel did not run directly to Samantha Secord but was going to play with her dog.

The Chair asked whether there was anyone else in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

Kett/Caldarelli: THAT the City of Greater Sudbury uphold the Vicious Dog Notice #439900, issued to Paul Kingsbury of 1280 Ramsey View Court, Unit #98, Greater Sudbury.

The following amendment was presented:

Caldarelli/Rivest: THAT the notice be modified to allow the dog to be off leash and without muzzle within the large dog section of a designated fenced dog park.

CARRIED

The following recommendation as amended was presented:

HC2013-08 Kett/Caldarelli: THAT the City of Greater Sudbury modify the Vicious Dog Notice #439900, issued to Paul Kingsbury of 1280 Ramsey View Court, Unit #98, Greater Sudbury to allow the dog to be off leash and without muzzle within the large dog section of a designated fenced dog park.

YEAS: Councillors Caldarelli, Rivest

NAYS: Councillor Kett

CARRIED

PUBLIC HEARINGS (cont'd)

DRIVEWAY APPEAL - 1441 REDFERN STREET, SUDBURY

The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated October 2, 2013 was received from the General Manager of Infrastructure Services regarding a Driveway Appeal - 1441 Redfern Street, Sudbury.

A letter from Pino Filice, area resident, was distributed to Committee Members at the meeting.

Henry Lische, the applicant, and Alex Caza (Miller, Maki), agent for the applicant, were present.

The Director of Roads and Transportation outlined the report to the Committee.

Alex Caza indicated that the applicant does not want to expand his property. The applicant only wishes to continue to have the access he has had for more than 50 years. He stated that the garage was built in 2002 and inspected by the City. Access to the garage can only be gained through the back driveway; otherwise one would have to go through a lawned area. He indicated that, if the applicant was advised at the time he applied for a building permit for the garage, he would not be permitted access from Barrydowne Road, he would have changed his plans or not built at all. He advised he understand there is a one foot reserve; however, this issue can be addressed. He stated it would cause the applicant undue hardship if he is not allowed this access. He advised he understands access to arterial roads would be limited; however, this is an exception. He stated the applicant wants the garage to have access from Barrydowne Road and would like an opportunity to work with the City to correct the matter.

Pino Filice, area resident, indicate he has lived there since 1985. He stated that since the garage was building and the ditch closed, lots of water has been draining into his property. He provided pictures which were circulated amongst the Committee Members and the applicant's agent. He stated the City installed storm sewer several years ago; however, when the ditch is closed the water does not drain to the storm sewer. He indicated he never had water issues until the ditch was closed.

In conclusion, Alex Caza indicating that the application wishes to comply with all regulations including drainage.

The Chair asked whether there was anyone else in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

PUBLIC HEARINGS (cont'd)

DRIVEWAY APPEAL - 1441 REDFERN STREET, SUDBURY (cont'd)

HC2012-09 Caldarelli/Kett: THAT the City of Greater Sudbury uphold the Order to Comply to remove and close the second driveway for 1441 Redfern Street, Sudbury, accessing Barry Downe Road.

YEAS: Councillors Caldarelli; Kett, Rivest

CARRIED

Adjournment

Kett/Caldarelli: That we do now adjourn. Time: 5:38 p.m.

CARRIED

COUNCILLOR ANDRÉ RIVEST, CHAIR

LISA MILLER, DEPUTY CITY CLERK