

Minutes

Hearing Committee Minutes of 4/17/19

Location:	Tom Davies Square - Committee Room C-11
Commencement:	6:04 PM
Adjournment:	7:36 PM

Councillor Leduc, In the Chair

Present Councillors Lapierre, Cormier, Leduc

City Officials Kelly Gravelle, Deputy City Solicitor; Kyla Bell, Manager of Taxation; Melissa Laalo, By-law Coordinator of Animal Care and Control; Adam Kosnick, Manager of Regulated Services/Deputy City Clerk; Lisa Locken, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

1 Vicious Dog Appeal - ACR 835338

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

Report dated March 20, 2019 from the General Manager of Corporate Services regarding Vicious Dog Appeal - ACR 835338.

Cory Hodgins, the spouse of the Appellant was present for the Appellant.

Melissa Laalo, By-law Coordinator of Animal Care and Control, outlined the report.

Mr. Hodgins stated that the complainant, Ms. Frost and his family are neighbours in a semi-detached house. Ms. Frost had advised him that she had been previously attacked by a dog and was nervous of their German shepherd. They assured her that their dog would not attack her and would not impede her way of life. When they wanted to take their dog (Adi) out, they would text her or look to make sure she was not outside so that there would not be any issues. He advised that he made multiple attempts to have Ms. Frost meet their dog hoping to

appease the relationship. He stated that up until this incident, there was only one prior incident that took place where Ms. Frost's dog (Casey) got out and went after their dog Adi. Her smaller dog nipped at their German shepherd and then went back into the house. They wanted to be a good neighbor and asked her to maintain her animal and from that point on she was good about keeping the dog on a leash to prevent any further problems. He advised that when the by-law department came to investigate, the officer, Gerald Sagle, did not take notes when the incident happened. When offered the opportunity to speak with his daughter, the officer declined. The comments officer Sagle took from his wife were taken out of context; he quoted her as saying we did not feel like it was a big deal when they definitely felt it was. When the incident happened, they went to apologize right away. He advised that their dog, Adi has never approached Ms. Frost aggressively and the only time she jumps is when she is playing. During the incident she jumped onto Ms. Frost as she was nervous. Ms. Frost struck the dog many times before re-entering her home. This information was provided to officer Sagle. After Ms. Frost proceeded into her home, the dog defended itself as she was being hit and bit Ms. Frost in the buttocks. Ms. Frost claims that the dog came for her neck; dogs do not do this, and they would bring people to the ground prior to mauling them. He stated he feels their dog was provoked by Ms. Frost based on her previous experience of being attacked by a dog, causing her to lose control and strike their dog. Their dog Adi simply tried to protect itself. He also stated that he does not blame Ms. Frost for this and does not feel their dog should be held responsible either.

Mr. Hodgins stated that the by-law officer claimed that the attack on Ms. Frost occurred after striking the dog for the final time. Ms. Frost opened the door and her dog Casey ran out and was nipped on the shoulder. At no point was her dog in Adi's mouth, and if this had occurred there would have been greater damage. His wife came between Ms. Frost and their dog and was hit by Ms. Frost, who continued to strike at his wife who was simply trying to get their dog out of Ms. Frost's house. Ms. Frost also claimed that she slammed the door on his wife and dog in a rage, which is not consistent. His wife was able to remove the dog from the home. He advised that he regrets that his daughter let the dog outside; they had brought their dog out earlier in the day but brought it back inside as Ms. Frost was outside with her dog Casey, washing the car. He stated that he worked night shift on the day of the incident and was asleep during the incident. However, he did not hear any aggression. After the incident, his wife informed him of what had happened and he asked her to go to apologize to Ms. Frost, though if she was on the phone with the police he advised her to leave immediately.

Mr. Hodgins stated that Ms. Frost claims that their daughter Jennifer advised her that they would be sending the dog to an uncle's house five (5) hours away, however, this is not true as they do not have a relative who lives five (5) hours away. They were advised that there is no reason for us to get rid of their dog as she does not have aggressive tendencies. Animal control quarantined their dog for ten (10) days, which is standard.

Mr. Hodgins read a statement from a witness, Lee-Ann Armstrong, who stated that Ms. Frost often had her dog off the leash when outside and that it continually barks. He further stated that he has paperwork from the Chelmsford Animal Hospital which states during a brief exam their dog, Adi, she was excitable but a well behaved girl. The hospital also temper tested of Adi, which showed no signs of aggression or attacking. Mr. Hodgins stated that they had acquired this dog three (3) years earlier as a therapy dog for their daughter. They started training the dog as a therapy dog at one (1) year of age but stopped when they moved here. They have since re-started the training. He read a statement from their trainer stating that most dogs that are yelled at will be provoked to attack. He advised that their dog has been viewed by multiple professionals and deemed not vicious. The dog was provoked by Ms.

Frost to defend itself. The dog had no intention of hurting Ms. Frost until she began striking her. After this incident the only things that have changed are that they have to have a placard in their window and their dog has to be muzzled. They already had a muzzle that they used to transport Adi to the vet. He asked that the vicious dog order be removed.

Mr. Hodgins stated that the statement from the trainer was provided after they advised her of the incident. She has knowledge of their dog as she is currently training her as a therapy dog.

Mr. Hodgins advised that he was not present during the incident. He stated that his wife and daughter at no time were requested to provide witness statements. His wife advised him that she was able to remove their dog from Ms. Frost's home using her collar while their daughter stood outside and observed. He further stated that the claim of Ms. Frost's dog being inside their dogs mouth is not consistent with the pictures provided or with the information provided by his wife and daughter.

Mr. Hodgins advised that the by-law officers Sagle and Dokis came to speak with them after they met with Ms. Frost. They asked for their names, contact information and a brief synopsis of what had occurred. No other notes or witness statements were taken by the officers. The notes the by-law officers provided in the report are specifically related to the offence and the comments provided to him and his family were what was involved with a vicious dog notice. There were no detailed notes taken on their behalf. Officer Sagle made it clear that their daughter is a minor and should not be walking our dog.

Vice-Chair Leduc asked why the statement from their trainer, Ms. Byron, was not signed.

Mr. Hodgins replied that the statement from Ms. Byron was provided by email and he has not seen her in person since the incident.

Ms. Frost stated that on the day of the incident she was washing her car with her dog outside. The German shepherd, owned by her neighbour the Hodgins, was barking and growling from the window the entire time she was outside. This frightened her so she brought her dog inside hoping this would stop the barking and growling but it did not. Someone from the Hodgins home came home and let their dog Adi out. The dog immediately leaped towards her, baring teeth and gums. She tried to enter her house to get away from their dog; however, she knew if she opened the front door their dog would charge in and attack her dog. Their dog, attacked her buttocks and she made a quick decision as she was terrified and opened the door. The dog, Adi, then pushed her forward so that she was on the ground on all fours halfway inside her front door. Her shoulder and back suffered welts from this attack. Adi then leaped and grabbed her dog in its mouth. She kept trying to remove her dog but was only able to get handfuls of fur. At no time was anyone around to observe or witness this attack. Mrs. Hodgins and her daughter finally arrived and tried to get their dog to release her dog. She got up and punched their dog in the face to get it to release her dog from its grip. She advised that at no time would she beat a dog; however, her first instinct was safety. She told Ms. Hodgins and her daughter to leave her house immediately. It took her an hour to locate her dog that was in shock. Mrs. Hodgins returned to her house as she was on the phone with her sister and yelled "please do not call the police; my husband cannot be involved with the police." She further advised that they were going to have their dog put down. Mrs. Hodgins also brought her daughter over to apologize that the dog had ran out when the patio door was opened.

Ms. Frost further stated that at no time did she hit their dog when outside and did not hit Ms. Hodgins. She originally was not going to report the incident since they are neighbours in a semi-detached home. Since the Hodgins' story kept changing, she decided to report the

incident.

Vice-Chair Leduc asked what time did Ms. Frost call the by-law department.

Ms. Frost advised that she is unsure of what time she called, however, she first called animal control who directed her to by-law, who came later that evening.

The Vice-Chair asked whether there was anyone 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 Hearing Committee resumed in order to discuss and vote on the application.

Recess

At 7:20 p.m. the Committee recessed.

Reconvene

At 7:28 p.m. the Committee reconvened.

The following resolution was presented:

Option One:

HC2019-02 Lapierre/Signoretti: THAT the City of Greater Sudbury upholds the finding of the Licence Issuer that the Dog is a vicious dog, pursuant to Section 33 (1)(a) of By-law 2017-22, as outlined in the report entitled "Vicious Dog Appeal – ACR 835338" from the General Manager of Corporate Services, presented at the Hearing Committee meeting on April 17, 2019.

YEAS: Councillors Leduc, Lapierre, Cormier
CARRIED

2 Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001

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

Report dated March 20, 2019 from the General Manager of Corporate Services regarding Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001.

Kyla Bell, Manager of Taxation, outlined the report.

The Chair asked whether there was anyone 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 Hearing Committee resumed in order to discuss and vote on the resolution.

The following resolution was presented:

HC2019-03 Cormier/Lapierre: THAT taxes totaling approximately \$15,907.62 be adjusted under Sections 357 and 358 of the Municipal Act, 2001 of which the City's (municipal) portion is estimated to be \$15,225.61;

AND THAT the associated interest be cancelled in proportion to the tax adjustments;

AND THAT the Manager of Taxation be directed to adjust the Collector's Roll accordingly;

AND FURTHER THAT staff be authorized and directed to do all things necessary to give effect to this resolution, as outlined in the report entitled "Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001" from the General Manager of Corporate Services, presented at the Hearing Committee meeting on April 17, 2019.

YEAS: Councillors Leduc, Lapierre, Cormier

CARRIED

Members' Motions

No Motions were presented.

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period

No Questions were asked.

Adjournment

Lapierre/Cormier: THAT this meeting does now adjourn. Time: 7:36 p.m.

CARRIED