

## **VIOIOUS DOG NOTICE #1049355**

*Pursuant to City of Greater Sudbury Animal Control By-law 2017-22*

### **REGISTERED MAIL & HAND DELIVERED**

To:

The City of Greater Sudbury is in receipt of a written complaint that your dog, [REDACTED] registration number 2020-3755, has attacked another dog without provocation or mitigating factors on September 28<sup>th</sup> 2020.

As License Issuer pursuant to By-law 2017-22, a By-law of the City of Greater Sudbury to Regulate the Keeping of Animals, Responsible Pet Ownership and the Registration of Dogs and Cats, and under authority of Section 28 of the By-law, I deem your dog to be a vicious dog. Therefore, you are hereby required to comply with the requirements as set out in Sections 29, 30 and 31 of the by-law which states:

### **WARNING SIGN – VIOIOUS DOG**

- 29 – (1) Unless provided to the contrary by the Hearing Committee, every Owner of a Dog which has been found to be a Vicious Dog shall at all times display a warning sign purchased from the License Issuer:
- (a) At that entrance to the Dwelling Unit of the Owner of the Vicious Dog, which a person would normally approach; and
  - (b) In a location and manner such that the sign will be clearly visible to a person approaching the entrance to the dwelling unit.
- (2) Every Owner of a Dog which has been found to be a Vicious Dog shall:
- (a) ensure that the sign purchased in accordance with subsection 29(1) is affixed to the Dwelling Unit or otherwise erected or placed in a manner that cannot be easily removed by a passerby; and
  - (b) replace the sign as required from time to time, in the event the sign

is removed or defaced or otherwise becomes illegible.

(3) No Person shall remove a sign erected pursuant to subsection 29(1), while the dog found to be a Vicious Dog resides at that premises, except in accordance with paragraph 29(2)(b).

## CONTROL OF VICIOUS DOG

30 – (1) Unless provided to the contrary by the Hearing Committee, every Owner of a Dog, which has been found to be a Vicious Dog shall ensure that at all times when the dog is not on Premises owned or occupied by the Owner of the dog, the dog is:

- (a) Muzzled;
- (b) Securely fitted with a collar or harness in a manner such that the dog cannot detach the collar or harness;
- (c) Leashed with a Leash securely attached to a collar or harness at all times in a manner such that the dog cannot detach the Leash from the collar or harness; and
- (d) The Leash held by a Person who has the strength and capacity to securely control the dog so as to not permit or allow unwanted contact with another person or a domestic animal.

(2) Unless provided to the contrary by the Hearing Committee, every Owner of a Dog, which has been found to be a Vicious Dog shall ensure that at all times when the dog is on premises owned or occupied by the Owner of the dog, the dog is:

- (a) Securely contained inside the Dwelling Unit of the Owner of the Dog or
- (c) if outside the Dwelling Unit of the Owner of the Dog, the Dog is:
  - (i) Muzzled;
  - (ii) Securely fitted with a collar or harness in a manner such that the dog cannot detach the collar or harness;
  - (iii) Restrained by a chain or other restraint sufficient to prevent the dog from leaving the premises; and
  - (iv) Contained within a securely enclosed area, including a fence of an appropriate height for the breed of dog, constructed so as to prevent the dog from leaving the premise and in a manner such that the Vicious Dog is unable to come into contact with persons or other domestic animals

(3) Unless provided to the contrary by the Hearing Committee, the Owner of a Dog, found to be a Vicious Dog shall provide evidence to the License Issuer that the dog has been Microchipped within 21 days of:

- (a) The effective date of the service of the notice of the finding by the License Issuer that the dog is a Vicious Dog, in the event that no Appeal is filed to the Hearing Committee; or
- (b) The date on which the Hearing Committee confirms the finding a dog is a Vicious Dog, in the event that an appeal is filed to the Hearing Committee.

31 – (1) Unless provided to the contrary by the Hearing Committee, every owner of a dog, which has been found to be a Vicious Dog shall obtain and maintain in effect at all times, the person owns the dog found to be a Vicious Dog, a policy of liability insurance with an insurer licensed to operate in Ontario, providing for coverage in an amount not less than one million dollars per occurrence, for losses arising from injuries caused by the owners dog and providing for the City to be notified in writing of any cancellation, termination or expiry of the insurance policy.

(2) Every owner of a dog, found to be a Vicious Dog shall provide to the License Issuer, evidence that insurance compliant with subsection 31(1) is in effect:

- (a) Within 10 business days of the dog being found to be a Vicious Dog;
- (b) On each application for a license or a renewal license for the Dog;
- (c) Prior to the expiry date of any policy; and
- (d) Upon request by the License Issuer.

(3) Every owner of a dog, found to be a Vicious Dog shall provide the information required under subsection 15(1) to the License Issuer writing within two business days of any change in ownership or residence of the dog and provide the License Issuer with the new address and telephone number of the owner.

As License Issuer and in accordance with Section 28(5)(c), I am advising you of your right, if exercised within 14 days of the service of the notice, that you may apply to the Hearing Committee, to seek one or both or a reversal the finding that the dog is a Vicious Dog and an exemption from any one or more of the conditions in section 29, 30 and 31; the process to do so; and the applicable fee for such hearing.

The process to apply to the Hearing Committee is as follows;

Application to Hearing Committee

32 – (1) An owner who has been given notice that his or her dog has been found to be a Vicious Dog, may apply in writing to the License

Issuer for a hearing before the Hearing Committee established pursuant to the City's Procedure By-law then in effect, and shall submit the applicable administrative fee for such applications. The application shall be filed within 14 days of the date that service of the notice under section 28 is effective.

The application fee for appeal hearings for Notices, as set out in Schedule CS-7 to the User Fee By-law 2017-24 is \$103.00.

Lastly and in accordance with section 28(6) of By-law 2017-22, the finding that a dog is a Vicious Dog shall be effective upon service of the notice under Section 28(5) and continue in effect unless and until such finding is revoked by the Hearing Committee.

Failure to comply with the provisions of this Vicious Dog Notice is an offence and will result in charges to the By-law and Provincial Offences Act.

Dated this October 2<sup>nd</sup>, 2020



Brendan Adair, License Issuer  
Manager of Security and By-Law Services  
City of Greater Sudbury

<p>City of Greater Sudbury Ville du Grand Sudbury</p>	
<p><b>Kristen Demers</b> Jr. By-Law Enforcement Officer Agente subalterne d'exécution des règlements municipaux</p>	<p>TOM DAVIES SQUARE 200 RUE BRADY STREET SUDBURY ON P3A 5P9</p>
<p>kristen.demers@greatersudbury.ca</p>	<p>www.greatersudbury.ca  705.674.4455 ext. / poste 2342 705.671.0871 fax / télécopieur</p>