

Request for Decision

Vicious Dog Appeal- ACR 754470

Presented To:	Hearing Committee
Presented:	Wednesday, Oct 25, 2017
Report Date	Tuesday, Oct 03, 2017
Type:	Public Hearings

Resolution

Option One:

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.

Option Two:

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)(b) of By-law 2017-22;

AND THAT the Owner be exempt from the requirements of By-law 2017-22, section(s): _____.

(By-law 2017-22 permits exemptions from all or some of the requirements of sections 29, 30 or 31).

Option Three:

THAT the City of Greater Sudbury reverse the finding of the Licence Issuer that the Dog is a vicious Dog, pursuant to Section 33 (1)(a) of By-law 2017-22.

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

Report Summary

City of Greater Sudbury By-law 2017-22, as amended, became effective on March 1, 2017 and regulates the keeping of animals and the registration of dogs and cats. Part III of the by-law entitled "Vicious Dogs"; section 28 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. In response to a complaint of a dog attack that occurred on April 22, 2017, By-law Enforcement investigated the matter. In addition to a Part I

Signed By

Report Prepared By

Philip Smyth
By-law Enforcement Officer
Digitally Signed Oct 3, 17

Manager Review

Brendan Adair
Manager of Security and By-Law
Digitally Signed Oct 3, 17

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Oct 3, 17

Recommended by the Department

Kevin Fowke
General Manager of Corporate
Services
Digitally Signed Oct 3, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Oct 3, 17

Provincial Offence Notice, the Licence Issuer issued a Vicious Dog Notice to effectively deem the Dog vicious and impose restrictions to ensure the health and safety of the community. The Owners have appealed the notice, requesting a hearing of the matter by Committee of Council. The Committee may uphold or reverse the notice and its contents or, if the Dog is deemed vicious, may exempt the owner from all, or some of the requirements of Section 29, 30 or 31.

Financial Implications

There are no financial implications associated with this report.

Recommendation

THAT the City of Greater Sudbury uphold the Vicious Dog Notice #754470, issued to Eric Foerter, 2164 Mildred St., City of Greater Sudbury.

Background

City of Greater Sudbury By-law 2017-22, as amended, became effective on March 1, 2017 and regulates the keeping of animals and the registration of dogs and cats. Part III of the by-law entitled "Vicious Dogs"; section 28 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, erect vicious dog signs on the owner's property, muzzle and leash the dog when not inside the owner's dwelling at all times, provide that the dog is microchipped and requires the owner to obtain additional liability insurance.

The by-law is specific about how the process is carried out and the contents of the notice. 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 erecting of the signs, muzzling, leashing, microchipping or obtaining insurance requirements or from all, or may modify the conditions for any of these conditions.

By-law Procedure Vicious Dog Notice - 754470

Part 3 of By-law 2017-22 designates the Manager of Security and By-law Services for the City of Greater Sudbury as the License Issuer pursuant to the By-law, and By-law Officers in Compliance and Enforcement have been appointed by the License Issuer to perform the task of issuing Vicious Dog Notices pursuant to the by-law.

Subsection 28(1) of the by-law states "*The License Issuer may conduct an investigation to determine if a Dog should be found to be a Vicious Dog, where the License Issuer receives:*

- (a) A written complaint, signed by the complainant, that a Dog has Attacked or Bitten a Person or a Domestic Animal without provocation or mitigating factors;*
- (b) Particulars of the name and address of the owner of the Dog or adequate information to ascertain the Owner of the Dog which is subject of the complaint; and*
- (c) Particulars of the Incident or Incidents giving rise to the complaint.*
and if deemed to be a vicious dog, requiring the owner to comply with any or all of the requirements set out in sections 28, 29 and 30."

A written complaint was received by the License Issuer from [REDACTED] of [REDACTED] Mildred St., Greater Sudbury, requesting that the dog named "[REDACTED]", kept at the address of [REDACTED] Mildred St., Greater Sudbury, be deemed vicious, based on an incident on April 22, 2017 where [REDACTED] dog was attacked and bitten. (See attachment of the Victim statement, letter of complaint to this report.)

The complaint and accompanying statement describes the incident, which happened on Saturday, April 22, 2017 at approximately 10 am, where [REDACTED] older dog, named "[REDACTED]" was attacked and bitten. [REDACTED] states in the complaint that [REDACTED] was in her own fenced in back yard with "[REDACTED]", who was lying down. [REDACTED] then observed the neighbor's dog, "[REDACTED]", had jumped over the fence between [REDACTED] property and that of [REDACTED] Mildred St., where "[REDACTED]" is from. "[REDACTED]" then ran towards and attacked and bit "[REDACTED]", unprovoked. It took the complainant, [REDACTED] father, another friend and "[REDACTED]" owner to stop "[REDACTED]" attack.

Immediately after, the owner [REDACTED] brought [REDACTED] dog "[REDACTED]" to seek medical attention and saw the Veterinarian at Walden Animal Hospital. At this appointment it was noted that wounds were found on the left hind leg. [REDACTED] was provided with "medication for pain and for prevention from infection as well as stitches and a drainage tube" as stated in the complaint.

Greater Sudbury By-law Enforcement Officer (BEO), Philip Smyth, investigated this incident, where the owner of the dog "[REDACTED]", [REDACTED], was served a Certificate of Infraction for the offence of "Owner of Dog or Cat Permit Dog or Cat to be at Large" on April 23, 2017. (See CGS BEO Smyth Investigation report attached to this report.)

On April 22, 2017, BEO Smyth, as part of his investigation in Case #754470, the written complaint letter and statements were reviewed and the results of that investigation were presented to the License Issuer. It was determined that there was no provocation to the attack and bite on "[REDACTED]" by "[REDACTED]" as "[REDACTED]" was lying down in his own yard at the time of the attack when "[REDACTED]" leapt over the fence and went directly at "[REDACTED]".

During the conversation with [REDACTED], the owner of the dog "[REDACTED]", it was determined that "[REDACTED]" was not registered with CGS. "[REDACTED]" was subsequently registered 22 April 2017, tag # 6243, a white Husky/Shepherd cross, 6 months old.

A Vicious Dog Notice, #754470, dated Sunday, April 23, 2017, was prepared and delivered to the registered owner of the dog, [REDACTED]. (See the Vicious Dog Notice attached to this report.) One copy of the notice was hand delivered by BEO Smyth to the owner and another copy was delivered registered mail. The notice contains the requirements of Subsections 29, 30 and 31 of the by-law; ensuring vicious dog signs are posted, the dog is muzzled and leashed when not inside the owner's dwelling unit, the requirement of having liability insurance, notifying the owner of his requirement to provide a change of address, the owner's right to appeal the notices and the effective date of the notice, pursuant to subsections 32, 33 and 34.

On July 21, 2017, the owner of vicious dog contacted the Licence Issuer to request an amendment to the order in hopes to allow for [REDACTED] dog to run off leash in its own back yard and to allow for the vicious dog signage be removed from their residence. BEO Smyth attended the vicious dog residence on 25 July 2017. [REDACTED] was not home but [REDACTED] was. I advised [REDACTED] I was here to inspect the repairs that [REDACTED] had made, removal of the stump and repairs to the fence. I was unable to enter the backyard at [REDACTED] Mildred as I could not get the gate to unlock. I then went next door to [REDACTED] Mildred, knocked, no one home. I entered their back yard to view the fence and into the back yard of [REDACTED]. The fence had the broken pieces repaired and the stump was lowered. I was the opinion of BEO Smyth that the fence would not protect from the vicious dog jumping over and further there were still objects to assist the canine with jumping over.

Relating to the Part I Certificate of Infraction that was issued to [REDACTED] for the offence of "*Owner of Dog or Cat Permit Dog or Cat to be at Large*", the matter is scheduled for Early Resolution to be heard in Provincial Offences Court on October 06, 2017. Early Resolution is a formal court process, whereby a defendant has the option to meet with the municipal prosecutor to discuss the charge(s). Early Resolution meetings are typically used to ask the position of the prosecutor,

to discuss the time to pay a fine, to request disclosure for the charge(s) or to discuss the possibility of pleading to a lesser offence supported by the facts.

Appeal Notice

A letter of appeal of the Vicious Dog Notice was received by the owner of the dog and the hearing was scheduled. (See 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.

Conclusion

In consideration of this report, the witnesses and the appellant, pursuant to subsection 33(1) the Hearing Committee may decide one of three options below;

1. Uphold the Notice;
2. Modify the Notice - exempting the owner from erecting vicious dog signs, muzzling or leashing, obtaining liability insurance or modifying any of these conditions; or
3. Quash the Notice - exempting the owner from all requirements to muzzle and leash.

The License Issuer is confident that the Vicious Dog Notice issued to [REDACTED] Mildred St., City of Greater Sudbury, satisfies the requirements of By-law 2017-22, Part III, Section 28, 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.

Supporting Documents

1. Victim Statement - [REDACTED] 754470
2. Victim Statement- [REDACTED] 754470
3. Request to Deem Vicious- [REDACTED] 754470
4. Eleven (11) photos of investigation
5. Certification of Infraction- Permit Dog at Large- April 23, 2017- PON #6776832B
6. Animal Registration 2071-6243
7. Vicious Dog Notice
8. Letter of Appeal

STATEMENT FORM

ACR Case ID: 754470 Date: 22 Apr. 2017 Time: 1610

Name: [Redacted] Address: [Redacted] Mildred St
(Surname) (First name) (Street) (City) (Postal Code)

Date of Birth: 4 June 86
(Day) (Month) (Year)

Phone Number: [Redacted]

Statement taken by: P. Smyth Officer No. 1315

I was standing at my front door talking to my roofer, petting [Redacted] out of the corner of my eye I saw the neighbour's dog run up and attack my dog. He had bite him in his hind leg and was shaking my dog like a ragdoll. I got ~~to~~ knocked down & was trying to get my dog out of his mouth. I was screaming for help when finally my [Redacted], my roofer, the neighbour ran over. It took everyone here to get that dog off of [Redacted]. We finally got him released but [Redacted] suffered many injuries. We ~~bring~~ brought Bear to the vet & they were able to suture his wounds & gave him several pain meds & antibiotics.

Q- Do you know the name of the dog that attacked Bear & where it was from?

A- [Redacted] From next door.

Q- How did you get knocked down?

W



Compliance and Enforcement
Services
PO BOX 5000, STN A
200 Brady Street
Sudbury ON P3A 5P3
311
Long Distance: 705-671-2489
Fax: 705-671-0871

Case ID: 754 470

Name: [Redacted]
(Surname) (First name)

A-1 was trying to grab [Redacted] + [Redacted]
was circling around of I think [Redacted]
body slammed me as he was turning.
[Redacted]

STATEMENT FORM

ACR Case ID: 754470 Date: 22 Apr. 2017 Time: 1613

Name: [Redacted] Address: [Redacted] Mildred
(Surname) (First name) (Street) (City) (Postal Code)

Date of Birth: 23 July 89
(Day) (Month) (Year)

Phone Number: [Redacted]

Statement taken by: P. [Signature] Officer No. 1315

I was in my basement washroom when I suddenly heard screaming coming from [Redacted]. We are in the process of getting our roof re-shingled so I thought material from the roof had fallen on [Redacted]. I ran upstairs and outside our side door and when I opened it, [Redacted] was the first person that I saw. I noticed his two fingers were bleeding, then noticed [Redacted] shaking the [Redacted] in the corner by the door with [Redacted]. I asked what had happened and noticed that [Redacted] was sitting on our deck stairs and [Redacted] was very upset. I then found out the whole situation. I promptly brought [Redacted] in the house and noticed that he was bleeding and he was still shaking. A few minutes earlier before all of this happened [Redacted] had just arrived, [Redacted] was outside laying in the grass by the side door. I went inside to use the washroom and to cook breakfast. After the incident, I was the one who called you guys to file the report, while [Redacted] was on the phone with the vet. [Redacted] recieved several staples to suture @ large puncture wounds.

#1

He will be on antibiotics and pain meds for almost 2 weeks. He is very sore and one wound is partially through muscle, so vet said that he will have nerve pain for a while. He also has a perrost drain in ~~the~~ the larger wound to reduce swelling etc. This dog [REDACTED] is always vicious towards me as well, snapping at me when I cut the grass by that side of the fence. He has jumped the fence at our friends english bulldog & my parents jacks russel terrier while they were playing together. He bit [REDACTED] hand over the fence on a separate occasion. He barks and growls at me bringing in groceries and he almost bit my leg while I was planting a tree on the fence line.

[REDACTED]



Compliance and Enforcement Services
PO BOX 5000, STN A
200 Brady Street
Sudbury ON P3A 5P3
311
Long Distance: 705-671-2489
Fax: 705-671-0871

STATEMENT FORM

ACR Case ID: 754470 Date: 22 Apr. 2017 Time: 1637

Name: [Redacted] Address: [Redacted] Mildred St.
(Surname) (First name) (Street) (City) (Postal Code)

Date of Birth: 4 June 86
(Day) (Month) (Year)

Phone Number [Redacted]

Statement taken by: P. [Redacted] Officer No. 1315

I have thought [Redacted] was a vicious dog before today. We have had several encounters with him showing signs of being vicious. We ~~had~~ have tried to stay away from him & have been asking the neighbours to split on a fence for the past 2-3 years. After today's incident I am saying for sure he is a vicious dog and feel threatened for my safety & the safety of my animals & friends & their animals safety.

I wish [Redacted] declared a vicious dog in hope that something like this be prevented in the future

[Redacted]











walden animal hospital

11 White Road
Lively, ON
P3Y 1C3
(705) 692-4446

www.waldenanimalhospital.com
info@waldenanimalhospital.com

Check us out on Facebook!

Apr 22, 2017

Invoice Number
84114

[Redacted] (# 1248)

[Redacted] Mildred St Home Phone: [Redacted]
Sudbury, ON P3B 1L6 Work Phone: () - ext:

[Redacted] (# A)



Species: Canine
Sex: Male Neutered
Age: 11 years and 9 months old
Breed: Retriever X
Coat Color: Black
Weight: 34.4 kg.

Rabies Tag Number: 3012983346

Annual Wellness Exam: 08/04/2017
Rabies: 07/21/2017
Canine Parvo: 08/04/2019
Canine Distemper: 07/27/2018
Heartworm Blood Test: 05/11/2018

Date	Description	Qty	Price
04/22/2017	Exam - medical	1.00	\$ 95.00 +tx
	Buprenorphine 0.5mg/ml - per ml	1.20 ML	\$ 11.86 +tx
	Dexdomitor And Antisedan Reversal	1.00	\$ 0.00
	◆ Antisedan Inj (1/10ml)	0.45 per mL	\$ 12.26 +tx
	◆ Dexdomitor Cost/ml (10ml)	0.45 ML	\$ 12.33 +tx
	◆ Sedation And Reversal	1.00	\$ 177.80 +tx
	Metacam (32ml)	1.00 Bottle	\$ 65.04 +tx
	Clavamox 375mg (1/210) Tab	20.00 tabs	\$ 91.30 +tx
	Gabapentin 300mg (1/100) CAP	25.00 CAP	\$ 30.80 +tx

Total for Bear : \$ 496.39

Total Products: \$ 496.39

HST: \$ 64.52

Total Invoice: \$ 560.91

Previous Balance: \$ (0.15)

Total Amount Due: \$ 560.76

Credit Balance \$ 0.15

Debit(1234) \$ 560.91

Total Payments - Thank you: \$ 561.06

Change Dispensed: \$ 0.15

New Balance Due: \$ 0.00

Dr. .Cara Yu

RX Numb	Code	Description	Expire Date	Refills Left
[Redacted] (# A) 73145	73145	BUP Buprenorphine 0.5mg/ml - per ml Enter Free-Form Sig Message	04/22/2017	0
73155	100496	Metacam (32ml)	09/01/2019	0

Save time, Order Online! Visit www.myvetstore.ca/wah

WALDEN ANIMAL HOSPITAL
11 WHITE ROAD
LIVELY, ON P3Y1C3
7056924446

MERCHANT ID: 87234590016 TERM ID: 001

SALE

XXXXXXXXXXXX2607

DEBIT/CHQ ENTRY METHOD: CHIP

04/22/17 14:46:12

INV #: 000012 APPR CODE: 531709

RET REF#: 00000008 BATCH #: 000301

TRACE: 00053262 REF #: 012

AMOUNT **\$560.91**

PIN VERIFIED BY CARD ISSUER
ACCOUNT WILL BE DEBITED WITH THE
ABOVE AMOUNT
(OR CREDITED IF CREDIT VOUCHER)
RETAIN THIS COPY FOR STATEMENT
VERIFICATION

CARDHOLDER COPY

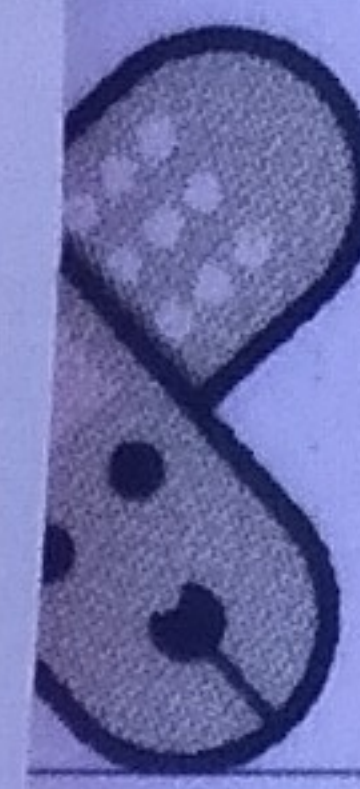
APPROVED

APPLICATION LABEL: INTERAC

AID: A0000002771010

TVR: 80 80 00 80 00

TSI: 68 00



walden animal

11 White Road
Lively, ON
P3Y 1C3
(705) 692-4446

www.waldenanimalhospital.com
info@waldenanimalhospital.com

Mildred
Sudbury,



Date

04/22/2017

ext:

months old

Rabies Tag Number: 30

- per ml
an Reversal

(10ml)

◆ Sedation And Reversal

Metacam (32ml)

Clavamox 375mg (1/210) Tab











ICON
Location
Code
Code
d'emplacement
du RH

4060

Offence
Number
N°
d'infraction

6776832B

Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11
Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11

Certificate of Offence / Procès-verbal d'infraction



I/Je soussigné(e)

Philip Smyth

Believe and certify
that on the day of
Crois et atteste
que le

Y/A M/M D/J Time / À (Heure)

2 0 17 04 22 10:00 A

Name
Nom

[Redacted]

Address
Adresse

Mildred St.

Sudbury ONT P3B 1L6
Municipality/Municipalité P.O./C.P. Province Postal code/Code postal

Birthdate/Date de naissance
Y/A M/M D/J

[Redacted]

Sex
Sexe

Motor Vehicle
Involved
Véhicule impliqué

Y/N

Collision
Involved
Collision

Y/O

Witnesses
Témoins

Y/O

At/À

[Redacted] Mildred St.

Greater Sudbury / Grand Sudbury

Municipality/Municipalité

Did commit the offence of:
A commis l'infraction de:

Owner of Dog or Cat
permit Dog or Cat to be at
Large

Contrary to:
Contrairement à:

City of Greater Sudbury
Animal Care & Control By-law
2017-22 Sect./L'art. 17(1)

Plate number N° de plaque d'immatriculation	Juris Aut. lég.	Commercial Utilitaire	CVOR/IUVU	NSC/CNS	Code
			<input type="checkbox"/> Y/O	<input type="checkbox"/> Y/O	<input type="checkbox"/> Y/O
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS					
And I further certify that I served an offence notice personally upon the person charged with the offence . J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.			<input checked="" type="checkbox"/> Or other service date of: Autre date de signification, le: 23 April 2017		
Signature of issuing Provincial Offences Officer Signature de l'agent des infractions provinciales			Officer No. N° de l'agent	Platoon Peloton	Unit Unité
Set fine of Amende fixée de \$ 300.00			Total payable \$ 365.00	Total payable includes set fine, applicable victim fine surcharge and costs. Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.	
Summons issued. You are required to appear in court on			Y/A	M/M	D/J
2 0			Time / À (Heure)		
Assignment. Vous êtes tenu(e) de comparaître devant le tribunal le			at the Ontario Court of Justice P.O.A. Office at à la Cour de justice de l'Ontario, Bureau des infractions provinciales au 200 Brady Street, Sudbury, Ontario 200, rue Brady, Sudbury (Ontario)		

Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed.
Reputé ne pas contester l'accusation aux termes de l'article 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.

2 0

03-988

Justice/Juge

03A 6001 v.1 rev. 10/15



Jump to ...

Sign Out

Animal Licenses

Owners

Addresses

EDIT ANIMAL

Animals

Type **DOG**

Tags

Name [REDACTED]

Coupons

Breed **HUSKY/SHEPHERD X**

Pay Codes

White

Pay Fees

Colour/Description

Vets

Gender **MALE**

Void Tags

Date Of Birth **2016-10-28**

Settings

Audit Trail

Date Acquired/Brought to Sudbury

Means

Is Altered

Reports

Date Altered **2017-03-01**

Vet That Operated **WALDEN ANIMAL HOSPITAL**

Current Vet **WALDEN ANIMAL HOSPITAL**

Status **Alive**

Comments

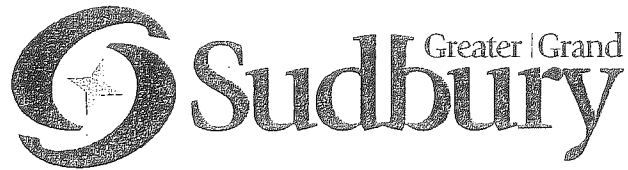
Save Cancel

Tags For This Animal

Year	Number	Paid Date	Paid Entry Date	Amount	Code
2017	6243	2017-04-22	2017-04-22	\$25.00	N

Owners Of This Animal

First Name	Last Name	Home Phone Number	Work Phone Number	Work Phone Extension	Cell Phone Number	Email Address	Date Of Birth
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



VICIOUS DOG NOTICE #754470

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

REGISTERED MAIL & HAND DELIVERED

To:



Sudbury, ON
P3B 1L6

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

The City of Greater Sudbury is in receipt of a written complaint that your dog, [REDACTED] registration number 2017- 6243, has attacked another dog without provocation or mitigating factors on 22 April 2017.

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 – VICIOUS 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 23rd of April, 2017



Brendan Adair, License Issuer
Manager of Compliance and Enforcement
City of Greater Sudbury

		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To	Destinataire			
Name	Nom	 FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON www.canpost.ca / www.postesregimeinterieur.ca 1 888 580 6333		
Address	Adresse			
City / Prov. / Postal Code	Ville / Prov. / Code postal			
 \$		CPC Tracking Number / Numéro de registre de la SCP RN 213 221 615 CA		
33-086-584 (14-06)				

To: City of Greater Sudbury

I

&

would like to apply to the Hearing
Committee to seek a reversal of the findings
that my dog [REDACTED] is a vicious dog and
an exemption of any one or more of the
conditions stated on my "vicious dog notice"

We owner of [REDACTED] will comply with
the requirements as stated on the notice
received April 23/17. & will as much
as possible rectify fence... to provide / ensure
safety of all.

Thank you