

Animal Services Appeal Committee Minutes
January 22, 2020 – 3:00 PM
Committee Room One
Whitby Town Hall

Present: C. Blissett, Chair
J. Herzog-Evans, Member
K. Langille, Member
W. Nunn, Member
S. O'Dwyer, Member

Also Present: A. Gratton, Staff Liaison, Manager of Enforcement Services
J. Bartlett, Animal Services Officer
H. Oerlemans, Council & Committee Coordinator (Recording Secretary)

Regrets: None noted

1. Call to Order

1.1 The meeting was called to order at 3:03 p.m.

2. Appointment of Chair

2.1 The Committee was advised that the appointment for the Chair of the Animal Services Appeal Committee for the January 1, 2020 to December 31, 2020 term would take place at this time.

Andre Gratton called for nominations for the position of Chair of the Animal Services Appeal Committee.

Jasmine Herzog-Evans nominated Carleen Blissett for the position of Chair.

Carleen Blissett accepted the nomination.

There were no further nominations and the nominations were closed.

Recommendation:

Moved By Jasmine Herzog-Evans

That Carleen Blissett be appointed Chair of the Animal Services Appeal

Committee for a term ending December 31, 2020.

Carried

Carleen Blissett assumed the Chair.

3. Disclosures of Interest

3.1 There were no disclosures of interest.

A. Gratton, Manager of Enforcement Services, addressed the appellants and introduced the Committee. Mr. Gratton outlined the authority of the Animal Services Appeal Committee and explained that the Committee has the ability to confirm Orders to Restrain, modify or rescind them.

4. Appeal Hearing

4.1 Appeal of Order to Restrain a Dog
1505 Dufferin Street, Whitby ON
Appeal # ASA 20-01

J. Bartlett, Animal Services Officer, appeared before the Committee and provided an overview of the circumstances that led him to issue the Order. Mr. Bartlett stated that the victim had sustained a bite wound on his left calf. He advised that the dog had a history of biting and was in foster care.

A question and answer period ensued between J. Bartlett and the Committee regarding the incident including:

- what evidence supported the victim's statement; and,
- whether the bite required stitches.

L. Templeton, the appellant, appeared before the Committee and provided a history of the dog. Ms. Templeton advised that measures had been taken to ensure that the dog remained on a leash when outside of the home. The appellant requested that the muzzle condition be lifted from the Order.

A question and answer period ensued between the appellant and the Committee regarding the size and age of the dog.

B. McNutt, Standard Poodles in Need, Rescue & Rehome, provided information regarding the history of the dog while in foster care and the dog's temperament. Ms. McNutt advised that since the incident, the dog was receiving medication for anxiety and working with a professional dog trainer.

The Committee excused the appellant, B. McNutt, A. Gratton and J. Bartlett from the room at 3:27 p.m. and reviewed the matter. The appellant, B. McNutt, A. Gratton and J. Bartlett returned to the meeting at 3:34 p.m.

Recommendation:

Moved By S. O'Dwyer

That the Order to Restrain a Dog for the dog residing at 1505 Dufferin Street, be confirmed.

Carried

4.2 Appeal of Order to Restrain a Dog
129 Halls Road North, Whitby ON
Appeal # ASA 20-02

J. Bartlett, Animal Services Officer, appeared before the Committee and provided an overview of the circumstances that led him to issue the Order. Mr. Bartlett stated that a neighbour's dog had been injured during the incident.

A question and answer period ensued between the Committee and J. Bartlett regarding the size of the neighbour's dog and the age of the neighbour in control of the dog at the time of the incident.

S. Foston, the appellant, appeared before the Committee and advised that the incident occurred on his property and that the neighbour's dog entered onto his front yard. Mr. Foston further advised that the neighbour's dog was not properly controlled as he was on a retractable leash that was extended beyond the 2 metre leash length requirement contained in the Town's Responsible Pet Ownership By-law. Mr. Foston stated that his dog approached the neighbour's dog when the neighbour's dog came onto his property and that the neighbour's dog had a history of aggression.

Mr. Foston requested that the Committee remove the conditions to muzzle and prohibition from attending any off-leash dog park in the Town of Whitby. He provided a history of his dog which included:

- no acts of aggression;
- no previous altercations with another dog or person; and,
- training and use as a duck retriever.

Mr. Foston advised that he has fully fenced his property and taken

measures to ensure that his dog is not able to leave the property.

A question and answer period ensued between the appellant and the Committee regarding details of the event, specifically the location of the incident and provocation.

The Committee excused the appellant, A. Gratton and J. Bartlett from the room at 3:56 p.m. and reviewed the matter. The appellant, A. Gratton and J. Bartlett returned to the meeting at 4:02 p.m.

Recommendation:

Moved By J. Herzog-Evans

That the Order to Restrain a Dog for the dog residing at 129 Halls Road North, be modified to remove conditions 2 and 4.

Carried

4.3 Appeal of Order to Restrain a Dog
61 Seaboard Gate, Whitby ON
Appeal # ASA 20-03

J. Bartlett, Animal Services Officer, appeared before the Committee and provided an overview of the circumstances that led him to issue the Order. Mr. Bartlett stated that during the incident, a young girl was injured on her thigh.

A question and answer period ensued between J. Bartlett and the Committee regarding:

- who identified the dog; and,
- how far from the owner's property the incident happened.

J. Mitchell and A. Oddi, the appellants, appeared before the Committee to request that the condition to muzzle be removed from the Order.

J. Mitchell stated that the dog was off-leash and with her at the time of the incident; however, she did not witness an incident involving her dog. Ms. Mitchell only became aware that an incident with a young girl and a dog occurred when a neighbour came to her home to advise her that her dog bit a young girl. Ms. Mitchell further stated that the dog had no history of aggression or previous incidents with a person or another dog. She advised that the area where the incident occurred was known for having off-leash dogs and that there were other chocolate labs and large brown dogs in the neighbourhood who visited the park.

A question and answer period ensued between the appellant and the Committee regarding;

- where the appellant was at the time of the incident;
- where the appellant's dogs were at the time of the incident;
- whether the appellant witnessed any incident between two young girls and a dog; and,
- how the dog was identified as being involved in the incident.

K. Vinson, Animal Behaviour Consultant for the appellant, stated that the dog's score on the Cornell Aggression Screen was zero which indicated that the dog exhibited no aggression on any of the criteria of the aggression screen.

A question and answer period ensued between K. Vinson and the Committee regarding what the general distribution in scoring and what the average score was for dogs on the Cornell Aggression Screen.

The Committee excused the appellants, K. Vinson, A. Gratton and J. Bartlett from the room at 5:09 p.m. and reviewed the matter. The appellants, K. Vinson, A. Gratton and J. Bartlett returned to the meeting at 5:20 p.m.

Recommendation:

Moved By W. Nunn

That the Order to Restrain a Dog for the dog residing at 61 Seaboard Gate, be modified to remove conditions 2 and 4.

Carried

4. Adjournment

4.1 Motion to Adjourn

Recommendation:

Moved By K. Langille

That the meeting adjourn.

Carried

The meeting adjourned at 5:23 p.m.

H. Oerlemans, Council and Committee
Coordinator