

Animal Services Appeal Committee Minutes
October 28, 2020 – 3:00 PM
Virtual Meeting

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

Also Present: K. Novia, Staff Liaison, Supervisor, By-law and Animal Services
A. Gratton, Manager, Enforcement Services
S. Ure, Senior Municipal Law Enforcement Officer
J. Bartlett, Animal Services Officer
B. Hollister, Animal Services Officer
H. Oerlemans, Council and Committee Coordinator (Recording Secretary)

Regrets: J. Herzog-Evans, Member

1. Call to Order

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.

2. Disclosures of Interest

2.1 There were no disclosures of interest.

3. Appeal Hearing

3.1 Appeal of Order to Restrain a Dog
43 Tracey Court
Appeal # ASA 20-06

B. Hollinger, Animal Services Officer, provided an overview of what led to the issuance of the Order to Restrain for 43 Tracey Court. Ms. Hollinger advised that the complainant's dog ran towards the appellant's dog while on a walk and the two dogs engaged in an altercation.

Jake Newton, solicitor for the appellant, provided a synopsis of the history of the dog, the incident, and advised that the appellant was

requesting that the Order to Restrain be rescinded. Mr. Newton advised that the dog had no history of aggressive behaviour and the injuries sustained by the complainant were minor. He further advised that the appellant disputes which dog caused the injury as the complainant sustained the injury by reaching between the dogs during the altercation.

Dianne De Freitas, the witness for the appellant, appeared before the Committee to provide a statement of the incident.

A question and answer period ensued between Mr. Newton and Ms. De Freitas regarding the events that occurred on the day of the incident including:

- how often Ms. De Freitas walked the dog and whether she had issues controlling the dog while on a leash;
- whether Ms. De Freitas was aware of the history of the complainant's dog and whether that history included any incidents of aggression;
- a synopsis of the events that led up to the incident;
- whether the appellant's or complainant's dogs were on a leash at the time of the incident;
- whether the incident occurred on the sidewalk or on the complainant's property;
- whether Ms. De Freitas could clearly identify which dog bit the complainant during the altercation; and,
- the breed of both dogs involved in the altercation.

A question and answer period ensued between the Committee and Ms. De Freitas regarding:

- whether the complainant's dog ran across the street to engage the appellant's dog;
- who authored the hand written note that indicates the complainant's dog was also at fault and broke a by-law;
- whether either of the dogs sustained a bite; and,
- whether the complainant's statement claiming that the appellant's dog bit her could be substantiated.

B. Hollinger provided a final statement and recommended that the Order to Restrain be upheld.

Mr. Newton provided a final statement and advised that the appellant does not visit off leash parks and that the dog is controlled at all times when off the appellant's property, and therefore requested that the Order to Restrain be rescinded or modified to remove the muzzle.

The Committee excused the appellant's witness, J. Newton, A. Gratton,

K. Novia, S. Ure, and B. Hollinger from the virtual meeting at 3:46 p.m. and reviewed the matter. The appellant's witness, J. Newton, A. Gratton, K. Novia, S. Ure, and B. Hollinger returned to the virtual meeting at 3:56 p.m..

Recommendation:

Moved By W. Nunn

That the Order to Restrain a Dog be modified to remove condition 2 from the Order and that conditions 1, 3, and 4 be confirmed.

Carried

3.2 Appeal of Order to Restrain a Dog
83 Anchorage Avenue
Appeal # ASA 20-07

J. Bartlett, Animal Services Officer, provided an overview of what led to the issuance of the Order to Restrain for 83 Anchorage Avenue. Mr. Bartlett advised that the victim was riding a scooter when the appellant's dog ran after her and bit her two times on the ankle. He further advised that there had been previous incidents where appellant had lost control of the dog.

Elizabeth Himsl provided an overview of the dogs history which included:

- the dog was initially a stray dog;
- the dog had a history of running;
- the dog was placed in a crate when the appellant had to make frequent trips in and out of the house such as bringing in groceries;
- concerns regarding using a muzzle with the dog; and,
- concerns regarding not allowing persons under the age of 16 to walk the dog.

A question and answer period ensued between the Committee and Ms. Himsl which included:

- whether the appellant takes the dog to off leash parks;
- how much training the dog had received; and,
- whether the victim was wearing jeans at the time of the incident.

Xuan Zhou, witness, provided an overview of the incident. Ms. Zhou advised that the victim was riding her scooter with a friend and felt a sharp pain at the back of her ankle. She stated that the victim turned

around to find two dogs behind her and held her scooter up to protect herself from the dogs.

A question and answer period ensued between the Committee and Ms. Zhou which included:

- whether both dogs were involved in the incident;
- whether Ms. Zhou witnessed the incident;
- the age of the victim; and,
- whether the dog barked prior to biting the victim.

J. Bartlett provided a final statement requesting that the Order to Restrain be confirmed.

The Committee excused the complainant, the appellant, A. Gratton, K. Novia, S. Ure, and J. Bartlett from the virtual meeting at 4:24 p.m. and reviewed the matter. The complainant, the appellant, A. Gratton, K. Novia, S. Ure, and J. Bartlett returned to the virtual meeting at 4:28 p.m..

Recommendation:

Moved By S. O'Dwyer

That the Order to Restrain a Dog be modified to remove conditions 2, 3, and 4, from the Order and that condition 1 be confirmed.

Carried

3.3 Appeal of Order to Restrain a Dog
28 Candlebrook Drive
Appeal # ASA 20-08

J. Bartlett, Animal Services Officer, provided an overview of what led to the issuance of the Order to Restrain for 28 Candlebrook Drive. Mr. Bartlett advised that the victim was in her front yard when the appellant's dog ran towards her and bit her on the calf and forearm. Mr. Bartlett provided a video recording of the incident.

Jennifer Fitzpatrick, Joe Fitzpatrick, and Jordan Fitzpatrick, the appellants, appeared before the Committee. Jordan Fitzpatrick witnessed the incident and provided an overview of the altercation. Jennifer Fitzpatrick advised that she and her dad were going to their vehicle with the dog when the dog ran to greet the neighbour and jumped up on her.

Joe Fitzpatrick addressed the Committee and advised he spoke to the neighbour and she stated that the dog bit her but did not break skin.

A question and answer period ensued between the Committee and the appellants which included:

- what the appellant saw during the incident;
- whether the dog was familiar with the neighbour; and,
- where the video came from.

Connie Afelskie, the complainant, appeared before the Committee and provided an overview of the incident. Ms. Afelskie advised that she was weeding her front yard when the appellant's dog ran over to her, nipped at her leg and then lunged at her arm when she attempted to protect herself. She further advised that she does not interact with the appellant's dog.

A question and answer period ensued between the Committee and Ms. Afelskie which included:

- whether the complainant visited the hospital; and,
- the complainant's actions after the incident.

J. Bartlett provided a final statement requesting that the Order to Restrain be confirmed.

Jennifer Fitzpatrick provided a final statement requesting that the Order to Restrain be rescinded.

The Committee excused the complainant, the appellants, A. Gratton, K. Novia, S. Ure, and J. Bartlett from the virtual meeting at 5:01 p.m. and reviewed the matter. The complainant, the appellants, A. Gratton, K. Novia, S. Ure, and J. Bartlett returned to the virtual meeting at 5:09 p.m.

Recommendation:

Moved By K. Langille

That the Order to Restrain a Dog for 28 Candlebrook Drive be confirmed.

Carried

4. Adjournment

4.1 Motion to Adjourn

Recommendation:

Moved By Sean O'Dwyer

That the meeting be adjourned.

Carried

The meeting was adjourned at 5:12 p.m.

Secretary, Animal Services Appeal
Committee