

Staff Report

Corporate Services Department



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REPORT TO: Special Council

DATE OF MEETING: July 15, 2024

SUBMITTED BY: Dianna Saunderson, Manager, Council and Committee Services / Deputy Clerk, 519-741-2200 ext. 7278

PREPARED BY: Mariah Blake, Committee Coordinator, 519-741-2200 ext. 7277

WARD(S) INVOLVED: All

DATE OF REPORT: July 4, 2024

REPORT NO.: COR-2024-326

SUBJECT: Dangerous Dog Designation Appeal – Cane/Kane

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee to designate “Cane/Kane” as _____ as referred to Council from the Appeal meeting held early this date, regarding an appeal filed by the Humane Society of Kitchener-Waterloo and Stratford Perth for the dog, be ratified and confirmed, as outlined on Corporate Services Department report COR-2024-326.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council consider the decision of the Dog Designation Appeal Committee at the July 15, 2024 Special Council Meeting, directly following the Dog Designation Appeal Committee meeting; regarding an appeal filed by the Humane Society of Kitchener Waterloo and Stratford Perth (HSKW) for the dog, “Cane/Kane,” who is in the custody of the HSKW.
- The HSKW believes it is not in the best interest of the public to release the dog back into the community with a Dangerous Designation, and believes the dog cannot be rehabilitated.
- The HSKW is requesting the Dog Designation Appeal Committee: substitute the Dangerous Dog Designation of Cane/Kane with a Prohibited designation; or modify the Dangerous Dog Designation of Cane/Kane to include the condition that the dog remain in the custody of the Human Society to be disposed of in a humane manner.
- This report supports the delivery of core services.

BACKGROUND:

On June 21, 2024, the Human Society of Kitchener-Waterloo and Stratford Perth designated a white American Bulldog, named “Cane/Kane,” owned by Jeremy Nichol, as a Dangerous Dog, pursuant to the City’s Dog Designation By-law. The Humane Society of Kitchener-

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

Waterloo and Stratford Perth made an appeal to the Committee to substitute the designation from Dangerous to Prohibited, alternatively if the Committee was not in agreement to substitute to prohibited, they requested that the conditions of dangerous designation include the condition that the dog remain in the custody of the Humane Society to be disposed of in a humane manner. The Humane Society noted a history of the attacks, outlining 4 confirmed separate dog bite incidents by the dog, "Cane/Kane," resulting in the victims attending hospital or requiring medical attention on the following dates: February 3, 2024, April 11, 2023, May 19, 2024, and May 28, 2024. The Humane Society believes there have been further attacks that have gone unreported. It was noted the dog is now in the custody of the Humane Society, following attempts to locate the dog for over a year. The Human Society does not have the ability to designate a dog as Prohibited unless first designated as Dangerous, with an additional violation of the conditions of the Dangerous designation. The Human Society believes it is not in the best interest of the public to release the dog back into the community with a Dangerous Designation, and believes the dog is beyond rehabilitation. As a result, the Human Society made an appeal to the Dog Designation Appeal Committee requesting the designation substitution.

REPORT:

The Dog Designation Appeal Committee established by the Council of the Corporation of the City of Kitchener pursuant to City of Kitchener pursuant to Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code and the Statutory Powers Procedures Act R.S.O 1990 Chapter S.22, sat on July 15, 2024 to consider an appeal filed with the City by Humane Society of Kitchener-Waterloo and Stratford Perth to substitute the designation from Dangerous to Prohibited. If the Committee is not able to substitute the designation to prohibited, the Committee was presented with an alternative option to modify the Dangerous Dog Designation of "Cane/Kane" to have a condition that the dog remain in the custody of the HSKW to be disposed of in a humane manner.

The Dog Designation Appeal Committee will be holding a hearing on the morning of July 15, 2024, where they will be receiving testimony from the Appellant (HSKW) related to the 4 confirmed separate dog bite incidents that "Cane/Kane" was involved in and be further advised that the dog poses danger to people and other animals, and as a result is being kept in isolation, causing physical and mental decline. The owner of the dog Jeremy Nichol has been provided notice of the hearing but is indisposed and is unlikely to be able to be in attendance to speak to the matter. Following completion of the hearing, once the Committee has heard all of the evidence, they will review and consider the provisions of Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code and will render their decision verbally within the meeting related to the designation. The decision will be provided in writing to the respondent in writing at the earliest opportunity following the completion of the meeting.

Due to the current living conditions of the dog, Council is being requested to expedite the matter and consider the recommendation of the Dog Designation Appeal Committee the same date as the Appeal hearing. When this matter is considered on the agenda, a member of the Committee will be required to share the recommendation of the Committee with Council to fill in the blank as outlined in the staff recommendation, confirming the Committee's position. The Clerk will also ensure the recommendation is available for display during the Special Council meeting.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT:

INFORM – All those in attendance at the July 15, 2024 Hearing, will be advised of the Committee's decision and that the matter will be considered at the July 15, 2024 Special Council Meeting, as required in the By-law. In addition, a Notice of Hearing was provided to the appellant and the respondents via registered mail on June 25, 2024; thereby, notifying both parties the process for registering as a delegation, and that the Committee may proceed in their absence to render any decision within its jurisdiction, including substituting the Humane Society of Kitchener Waterloo and Stratford Perth designation and that each party will not be entitled to any further notice in these proceedings.

PREVIOUS REPORTS/AUTHORITIES:

There are no previous reports/authorities related to this matter.

APPROVED BY: Victoria Raab, General Manager, Corporate Services