

Staff Report



Corporate Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: October 21, 2024

SUBMITTED BY: Dianna Saunderson, Manager, Council & Committee Services

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

WARD(S) INVOLVED: All

DATE OF REPORT: October 9, 2024

REPORT NO.: COR-2024-463

SUBJECT: Dangerous Dog Designation Appeal - Nancarrow

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee regarding an appeal filed by S. Nancarrow, wherein the Committee affirmed the Prohibited Dog Designation, with applied to the dog 'Uno' by the Humane Society of Kitchener-Waterloo and Stratford Perth, be ratified and confirmed with modified conditions, as outlined in Corporate Services Department report COR-2024-463.

REPORT HIGHLIGHTS:

- On May 25, 2024 the Humane Society of Kitchener-Waterloo and Stratford Perth designated "Uno" as a Dangerous Dog.
- On June 16, 2024, Officer E. Maciel as a result of another incident, further designated "Uno" from "Dangerous" to "Prohibited", as the conditions outlined in the Dangerous Dog Designation were not being followed by the dog owner.
- The City's Dog Designation Appeal Committee affirmed the Prohibited Dog designation.
- This report supports the delivery of core services.

BACKGROUND:

On May 25, 2024 the Humane Society of Kitchener-Waterloo and Stratford Perth designated 'Uno', a dog owned by S. Nancarrow, as a Dangerous Dog. The designation was applied after determining that on April 29, 2024, 'Uno' attacked a dog without provocation in contravention to Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code.

On June 16, 2024 the Humane Society of Kitchener Waterloo and Stratford Perth changed the Dangerous Dog Designation to Prohibited. The change in designation was applied after determining that on June 7, 2024, "Uno" attacked a dog without provocation, and it was determined that the requirements for keeping a Dangerous Dog were not being followed by the dog owner.

On June 21, 2024, Legislated Services received correspondence from S. Nancarrow appealing the Prohibited Dog Designation; and a Notice of Hearing was issued to the Respondent and Appellant, advising on September 30, 2024, a hearing of the Dog Designation Appeal Committee would be held to consider this matter. The Committee heard and considered evidence from all parties and found that due to the number of attacks and failure to comply with the requirements of owning a Dangerous Dog, the Prohibited Dog Designation should be confirmed.

REPORT:

The Dog Designation Appeal Committee established by the Council of the Corporation of the 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 September 30, 2024, to consider an appeal filed with the City by S. Nancarrow, and reports as follows:

The Committee considered the following:

- testimony provided on behalf of the Respondent by Officer E. Maciel, Kitchener-Waterloo and Stratford Perth Humane Society, which demonstrated “Uno” was involved in an incident on June 7, 2024, where “Uno” did bite another dog without provocation,
- testimony and evidence provided on behalf of the Respondent by Officer E. Maciel, Kitchener-Waterloo and Stratford Perth Humane Society, which demonstrated a previous Dangerous Dog Designation was laid on May 25, 2024, and that the requirements of owning a Dangerous Dog have not been met at this time,
- testimony and photographic evidence from A. McMullin, Witness for the Respondent, regarding the dog bite incident on June 7, 2024, where “Uno” bit another dog “Bo”, requiring the owner to attend the Veterinarian and receive treatment for the injuries sustained to “Bo”,
- It was noted the appellant was not in attendance this date to provide testimony or evidence.

In addition, the Committee reviewed and considered the provisions of Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code and recommends that having considered all the evidence and exhibits presented during the Hearing regarding the incident, the Prohibited Designation applied to ‘Uno’ **be confirmed** with modified conditions to include an additional condition outlined within the By-law to address how the dog should be kept when it is not within the custody of the Humane Society of Kitchener-Waterloo and Stratford Perth Humane Society.

The Committee hereby recommends the designation of Prohibited Dog applied to ‘Uno’, by the Humane Society of Kitchener-Waterloo and Stratford Perth; and, pursuant to By-law 2014-142 assigns the following modified conditions:

- a) The owner shall ensure that a warning sign or signs provided by the animal services provider are displayed at the entrance to the owners dwelling which a person would normally approach and at any other place on the property as directed by the animal services provider. The sign(s) shall be posted in such a manner that it/they cannot be easily removed by passerby’s and the sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance, or, when in a multiple unit dwelling, the owner will provide the name of the property owner and property manager if any and allow the animal services provider to request that person to post a sign or signs.

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 September 30, 2024 Hearing were advised of the Committee’s decision and that it would be considered at the October 21, 2024 Council meeting as required in the By-law. In addition, a Notice of Decision was sent to the Appellant and the Respondents via email and registered mail on October 4, 2024; thereby, further notifying both parties of when the Committee’s decision would be considered by Council and the process for registering as a delegation.

PREVIOUS REPORTS/AUTHORITIES:

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

APPROVED BY: Victoria Raab, General Manager, Corporate Services