

Staff Report

Corporate Services Department



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REPORT TO: Committee of the Whole

DATE OF MEETING: November 18, 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 22, 2024

REPORT NO.: COR-2024-486

SUBJECT: Dog Designation – Kurzydowski and Kurzydowska

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee regarding an appeal filed by R. Kurzydowski and J. Kurzydowska, wherein the Committee substitutes the designation of Dangerous Dog applied to, 'Ozzy', by the Humane Society of Kitchener-Waterloo and Stratford Perth, and pursuant to By-law 2014-142, and hereby designates 'Ozzy' as a Prohibited Dog, be ratified and confirmed, as outlined in Corporate Services Department report, COR-2024-486.

REPORT HIGHLIGHTS:

- On May 6, 2024, the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW), designated 'Ozzy', a dog owned by R. Kurzydowski and J. Kurzydowska, as a Dangerous Dog.
- On August 26, 2024, the Dog Designation Appeal Committee granted an adjournment to the appellants, who requested a further adjournment on October 21, 2024, and were not in attendance for the hearing this date.
- Based on the evidence provided, it is in the opinion of the Committee that the dog, 'Ozzy' has aggressive tendencies, and is likely to be involved in a future unprovoked altercation as a result of its aggression.
- The City's Dog Designation Appeal Committee based on the evidence received opted to substitute the Dangerous Dog Designation applied by the HSKW, with a Prohibited Dog Designation for the dog, 'Ozzy,'.
- This report supports the delivery of core services.

BACKGROUND:

On May 6, 2024, the HSKW designated 'Ozzy,' a black and tan rottweiler, owned by R. Kurzydowski and J. Kurzydowska, as a Dangerous Dog. The designation was applied after

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determining that on May 1, 2024, 'Ozzy' attacked a human without provocation in contravention to Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code.

On May 2, 2024, Waterloo Regional Police Service Constables identified the dog, "Ozzy" as the dog involved in the May 1, 2024 dog bite incident, and attended the property of the owners of the dog, who based on the witness statements received, matched the descriptions of the dog owner. It was noted the Waterloo Regional Police Service had canvassed the neighborhood for any video footage or eyewitnesses to the incident to assist in determining whether a criminal offence took place, and whether the dog owner may be using the dog involved in the incident, as a weapon. Based on the WRPS investigation, it was determined no criminal activity was present.

On May 10, 2024, Legislated Services received correspondence from R. Kurzydowski and J. Kurzydowska, appealing the Dangerous Dog Designation; and a Notice of Hearing was issued to the Respondent and Appellant, advising on August 26, 2024, a hearing of the Dog Designation Appeal Committee would be held to consider this matter.

On August 26, 2024, the Dog Designation Appeal Committee granted an adjournment to the Appellants, who were in attendance for the hearing, to allow an opportunity for staff to obtain an interpreter on their behalf. A Notice of Hearing for October 21, 2024, was sent to the Appellant, and a further adjournment was requested by the Appellants on October 4, 2024, due to a need to travel outside of the country unexpectedly. Staff requested evidence to support the adjournment request and no additional supporting documents were provided. Staff corresponded with the Appellant on October 18, 2024, and they were further advised about the Committee's ability to consider the adjournment request, or to proceed with the hearing in their absence. The Committee opted to proceed with the hearing, as no proof of travel was provided to support the adjournment request. The Committee heard and considered evidence from all parties and found that due to the severity of injury, lack of mitigating factors and the likelihood of 'Ozzy' to be involved in another unprovoked attack as a result of its aggression, the Dangerous Dog Designation applied by the HSKW, should be substituted for a Prohibited Dog Designation.

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 October 21, 2024, to consider an appeal filed with the City by R. Kurzydowski and J. Kurzydowska, and reports as follows:

The Committee considered the following:

- a request for adjournment, without supporting evidence of the inability to attend.
- testimony and evidence provided on behalf of the Respondent by Constable G. Wagler and Constable L. Escobar, Waterloo Regional Police Service (WRPS), which demonstrated, 'Ozzy' was identified as the dog involved in the May 1, 2024, attack, where 'Ozzy' did bite a human without provocation.
- testimony and evidence provided on behalf of the Respondent by Officer S. Canavan, which demonstrated, a Dangerous Dog Designation was laid on May 6, 2024, and two certificates of offence were provided to the dog owners regarding an expired City dog license (Licence number: 25247), and the dog bite incident.

- photographic evidence of the dog bite injury provided by the victim, regarding the dog bite incident on May 1, 2024, where “Ozzy” bit a human requiring the individual to attend the Hospital and receive treatment for the injuries sustained.
- the appellant was not in attendance this date to provide testimony or evidence.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – All those in attendance at the October 21, 2024 Hearing were advised of the Committee’s decision and that it would be considered at the November 18, 2024 Council meeting as required in the By-law. In addition, a Notice of Decision was sent to the Appellant and the Respondent via email and registered mail on October 25, 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