

Staff Report



Corporate Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: February 10, 2025

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

PREPARED BY: Mariah Blake, Committee Coordinator, 519-783-8999

WARD(S) INVOLVED: All

DATE OF REPORT: February 3, 2025

REPORT NO.: COR-2025-064

SUBJECT: Dangerous Dog Designation Appeal – Snider and Hillenaar

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee regarding an appeal filed by R. Snider and C. Hillenaar, wherein the Committee substitutes the designation of Dangerous Dog, applied to the dog ‘Murphy’ by the Humane Society of Kitchener-Waterloo and Stratford Perth, and pursuant to By-law 2014-142, and hereby designates “Murphy” as a Potentially Dangerous Dog, be ratified and confirmed with modified conditions, as outlined in Corporate Services Department report, COR-2025-064.

REPORT HIGHLIGHTS:

- On November 13, 2024 the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW) designated ‘Murphy’ as a Dangerous Dog.
- On November 16, 2024 owners R. Snider and C. Hillenaar appealed the dangerous dog designation.
- Based on the evidence provided, it is the opinion of the Committee that “Murphy” is unlikely to be involved in another dog bite incident as this is the dog’s first incident of aggression, which also may have been exacerbated by mitigating factors. The dog owners have taken multiple precautionary measures to ensure “Murphy” is not involved in a dog bite incident again, including: implementing dog training, muzzling in the house around strangers, muzzling on walks, and ensuring an adult is present with the dog at all times.
- 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 Potentially Dangerous Dog Designation for the dog, ‘Murphy,’.
- This report supports the delivery of core services.

BACKGROUND:

On November 13, 2024 the Humane Society of Kitchener-Waterloo and Stratford Perth designated ‘Murphy’, a dog owned by R. Snider and C. Hillenaar, as a Dangerous Dog. The designation was applied after determining that on October 26, 2024, ‘Murphy’ did attack a person in contravention to Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code.

On November 13, 2024, Legislated Services received correspondence from R. Snider and C. Hillenaar appealing the Dangerous Dog Designation; and a Notice of Hearing was issued to the Respondent and Appellant, advising on January 20, 2025, a hearing of the Dog Designation Appeal Committee would be held to consider this matter. After considering the evidence presented by all parties, the Committee determined that the Dangerous Dog Designation, should be substituted with a Potentially Dangerous Designation, due to the fact this was “Murphy’s” first dog bite incident, it appeared to be an isolated incident, and the proactive, precautionary measures taken by the dog owners following the attack.

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 January 20, 2025, to consider an appeal filed with the City by R. Snider and C. Hillenaar, and reports as follows:

The Committee considered the following:

- Testimony and evidence provided on behalf of the Respondent by Officer S. Canavan, Kitchener-Waterloo and North Waterloo Human Society, which demonstrates, “Murphy” was involved in an incident on October 26, 2024, where “Murphy” did attack a person without provocation, resulting in severe injury.
- Testimony and photographic evidence from R. Snider and C. Hillenaar, Appellant and Dog Owner, acknowledging the dog attack incident on October 26, 2024 did occur; and requesting the Committee rescind the Designation as the behaviour exhibited by “Murphy” was an isolated incident, and actions have since been taken to ensure an attack does not occur again. It was also raised that there may have been mitigating factors present.

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 Dangerous Designation applied to ‘Murphy’ **be substituted** to Potentially Dangerous with modified conditions.

The Committee hereby recommends the designation of Potentially Dangerous Dog applied to ‘Murphy, by the Humane Society of Kitchener-Waterloo and Stratford Perth; and, pursuant to By-law 2014-142 assigns the following modified conditions for the keeping of said Potentially Dangerous Dog:

- a) The owner shall ensure that all conditions pertaining to the dog when it is off the property of the owner including any leashing and muzzling requirements are complied with in any City Off-Leash Park unless specified otherwise in this designation;
- b) The owner shall ensure that the animal services provider is provided with the new address and telephone number of the owner within two working days of moving the designated dog;
- c) The owner shall provide the animal services provider with the name, address and telephone number of the new owner within two working days of selling or giving away the designated dog;

- d) The owner shall advise the animal services provider within two working days of the death of the designated dog;
- e) The owner shall advise the animal services provider forthwith if the designated dog runs at large or has bitten or attacked any person or animal;
- f) The owner shall provide a copy of this designation to any person who keeps or harbours the designated dog;
- g) The owner shall provide a copy of this designation to any veterinarian treating the designated dog and within the veterinarian's premises shall be exempt from the requirements of this designation to the extent necessary to secure veterinary treatment for the dog at the discretion of the veterinarian;
- h) The owner shall ensure that the designated dog has a current City dog license;
- i) The owner shall ensure that the designated dog wears the tag or tags provided by the animal services provider at all times and shall pay the reasonable cost for such tag or tags;
- j) The owner shall ensure that the designated dog is kept, when it is on the lands and premises of the owner, confined:
 - a. within the dwelling;
 - b. in an outdoor pen that is both secure and provides humane shelter to the satisfaction of the animal services provider;
 - c. in an area with a secure and adequate fence to the satisfaction of the animal services provider however the animal services provider may refuse to approve any fenced area if, in the sole discretion of the animal services provider, a fenced area would provide insufficient protection to members of the public including unsupervised children who may wander into the area; or
 - d. when outside of the dwelling and the approved pen or fenced area contemplated by subsections (b) and (c), under the effective control of a person of at least sixteen years of age and under leash, such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the animal services provider and, where the dog is required to wear a muzzle off its property by this designation shall also wear a muzzle when confined in accordance with this subsection (d).
- k) The owner shall ensure that the designated dog is kept caged, penned, or under the control of a person of at least sixteen years of age when any child under the age of fourteen who does not habitually reside in the owner's dwelling is present.
- l) The owner shall ensure that the designated dog is kept caged, penned, in a locked room not accessible to children or through inadvertence, or under the control of an occupant of the dwelling who is at least 18 years of age when any person who does not habitually reside in the owner's dwelling is present.
- m) The owner shall ensure that the designated dog is kept under the effective control of a person of at least sixteen years of age and under leash, such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the animal services provider, at all times when the designated dog is off the owner's property and not caged or otherwise penned or confined to the satisfaction of the animal services provider.
- n) The owner shall ensure that the designated dog wears a securely attached muzzle that is satisfactory to the animal services provider at all times when it is off the owner's property and not caged or otherwise penned or confined to the satisfaction of the animal services provider;

- o) The owner shall ensure that the warning signs or signs provided by the animal services provider are displayed at the entrance to the owner's 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 passersby 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;
- p) The owner shall ensure that the designated dog is sterilized and shall provide proof satisfactory to the animal services provider that such procedure has been performed within 30 days of this designation becoming a confirmed designation;
- q) The owner shall ensure that the designated dog is not kept or harboured in a multiple unit dwelling or lodging house and where the owner's current dwelling is a multiple unit dwelling or lodging house the dog may be kept or harboured at other premises subject to all the conditions imposed on the keeping of the dog pursuant to this designation;
- r) The owner shall ensure that the designated dog is microchipped by a licensed veterinarian and supply the microchip information to the animal services provider. The owner shall also permit the animal services provider to verify the implantation of such microchip.

STRATEGIC PLAN ALIGNMENT:

The recommendation of this report supports the achievement of the city's strategic vision through the delivery of core service.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT:

INFORM – All those in attendance at the January 20, 2025 Hearing were advised of the Committee's decision and that it would be considered at the February 10, 2025 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 January 27, 2025; 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