

Dog Designation Appeal Committee/ Animal Designation Appeal Committee Hearing Procedure

Month Day, 20XX Meeting

START OF THE MEETING

The **Chair shall** advise:

Dog Designation Appeal Committee:

“This meeting of the Dog Designation Appeal Committee is being called to consider appeals of Dog Designations applied by the Humane Society of Kitchener-Waterloo and Stratford Perth pursuant to Chapter 420 (Dog - Designation) of the City of Kitchener Municipal Code.”

Animal Designation Appeal Committee:

“This meeting of the Animal Designation Appeal Committee is being called to consider appeals to add or change the classification of animal species as permitted, restricted, or prohibited under Chapter 408 (Animals – Regulation) of the City of Kitchener Municipal Code

The **Chair shall** introduce themselves, and the other members of the Committee; and, the Committee Coordinator.

THE APPEAL(S) THAT WILL BE HEARD:

1. Appeal #20XX-XX

THE HEARING PROCESS

The **Chair shall** read the following statement and **review** the hearing process:

“This hearing is a formal process where those giving evidence will be required to make an affirmation as to the validity of their testimony; however, the Committee tries to conduct the hearing in a relaxed fashion.”

COMMITTEE'S POWERS & ABILITY TO RENDER A DECISION

Dog Designation Appeal Committee:

The **Chair shall** advise that the Committee has the **authority** to do the following:

1. Affirm the Designation as it currently stands;
2. Rescind the Designation;
3. Modify the Designation by substituting the requirements of the dog owner;
4. Modify the Designation by substituting the designation of the dog as: potentially dangerous, dangerous, restricted or prohibited.

Animal Designation Appeal Committee:

The **Chair shall** advise that the Committee has the **authority** to recommend to Council any of the following actions:

1. Recommend that a mammal species be designated as a permitted or restricted animal, based on an assessment of captive breeding history, the general public's ability to provide appropriate care, the minimal danger to public health and safety, and the minimal risk to the local ecosystem;
2. Recommend that a bird species be designated as a restricted or prohibited animal, where captive breeding history is insufficient, appropriate care by the general public cannot be ensured, or where there is a more than minimal risk to public health, safety, or the local ecosystem;
3. Recommend that a reptile, amphibian, fish, or invertebrate species be designated as a restricted or prohibited animal, where appropriate care cannot be ensured, or where there is a more than minimal risk to public health, safety, or the local ecosystem; and
4. Render a deferral or an adjournment.

The **Chair shall further advise** that the decision of the Committee will be forwarded to City Council for ratification, at their meeting on **Monday, Month Day, 20XX** (at 7:00 p.m. in the Council Chamber), and all parties to this Hearing may appear as a delegation at that time.

- The Appellant **will receive** the Committees ***decision in writing*** from the Committee Coordinator prior to this matter being heard by City Council.

PROCESS BY WHICH THE HEARING WILL BE CONDUCTED

These processes are administrative in nature and may be amended by staff where necessary to ensure a fair and impartial process.

Dog Designation Appeal Committee

The **Chair shall** review the Hearing process:

- The Committee Coordinator** will affirm the witnesses who will be giving evidence or testimony;
- The City Solicitor or their delegate will be asked to present submission first on behalf of the Humane Society, call witnesses, and offer evidence;
- Once the City Solicitor or their delegate has finished presenting her submission, the Committee members may ask questions regarding her submission;
- The Appellant or their counsel/agent may cross-examine (question) the witnesses and the evidence of the Humane Society;
- The Appellant will then be given an opportunity to present their submission, call witnesses, and offer evidence;
- Once the Appellant has finished presenting their submission, the Committee members may ask questions regarding their submission;
- City Staff may cross-examine (question) the witnesses and the evidence of the Appellant;
- Both sides will be asked to provide summations;
- After both parties have provided summations, the Committee members **will retire to another room to make their decision**, and return to give their decision to those present. The Committee will either (a) reserve its decision; or (b) render a decision orally.

*** Begin the hearing process by calling on the City Solicitor or their delegate to present their submission.

Animal Designation Appeal Committee

The **Chair shall** review the Hearing process:

- The Committee Coordinator** will affirm the witnesses who will be giving evidence or testimony;
- The Appellant will then be given an opportunity to present their submission, call witnesses, and offer evidence;
- Once the Appellant has finished presenting their submission, the Committee members may ask questions regarding their submission;
- City Staff may then be provided the opportunity to ask questions of the appellant and/or their witnesses;
- The City Solicitor and/or their delegate will be asked to present their submission, call witnesses, and offer evidence;
- Once the City Solicitor and/or their delegate has finished presenting her submission, the Committee members may ask questions regarding their submission;

- vii. City Staff may then be provided the opportunity to ask questions of the appellant and/or their witnesses;
- viii. Both sides will be asked to provide summations;
- ix. After both parties have provided summations, the Committee members **will retire to another room to make their decision**, and return to give their decision to those present. The Committee will either (a) reserve its decision; or (b) render a decision orally.