

Staff Report

Corporate Services Department



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REPORT TO: Council Meeting

DATE OF MEETING: June 23, 2025

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: June 13, 2025

REPORT NO.: COR-2025-295

SUBJECT: Prohibited Dog Designation Appeal – J. MacArthur and J. Shepherd

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee regarding an appeal filed by J. McArthur and J. Shepherd, wherein the Committee affirmed the Prohibited Dog Designations applied to ‘Rocky’, ‘Axl’, ‘Malone’, and ‘Charlie’ by the Humane Society of Kitchener Waterloo and Stratford Perth, pursuant to By-law 2014-142, be ratified and confirmed, as outlined in Corporate Services Department report COR-2025-295.

REPORT HIGHLIGHTS:

- On April 8, 2025 the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW) designated ‘Rocky’, ‘Axl’, ‘Malone’, and ‘Charlie’ as a Prohibited Dogs.
- On April 9, 2025 owners J. McArthur and J. Shepherd appealed the prohibited dog designation for ‘Rocky’, ‘Axl’, ‘Malone’, and ‘Charlie’.
- Based on the evidence provided, it is the opinion of the Committee that the dogs “Rocky,” “Axl,” “Malone,” and “Charlie” have demonstrated aggressive tendencies and have been involved in multiple incidents resulting in injury to members of the public.
- The Committee further noted that conditions associated with the previous Dangerous Dog Designation were not complied with, and that there remains a significant risk the dogs may be involved in future incidents.
- Based on the evidence received, the Committee affirmed the designation of Prohibited Dog as applied by the Humane Society of Kitchener-Waterloo and Stratford Perth, pursuant to By-law 2014-142, thereby designating the dogs “Rocky,” “Axl,” “Malone,” and “Charlie” as Prohibited Dogs.

BACKGROUND:

On April 8, 2025, the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW) issued a Prohibited Dog Designation for four dogs—Rocky, Axl, Malone, and Charlie—owned by J. MacArthur and J. Shepherd. This designation was issued following an incident

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on April 4, 2025, in which multiple dogs were alleged to have been involved in an attack resulting in injury to a member of the public, which is in contravention to Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code.

On April 9, 2025, Legislated Services received correspondence from J. MacArthur and J. Shepherd appealing the Prohibited Dog Designations for 'Rocky', 'Axl', 'Malone', and 'Charlie'; and a Notice of Hearing was issued to the Respondent and Appellant, advising on June 9, 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 affirmed the Prohibited Dog Designations as applied by the Humane Society of Kitchener-Waterloo and Stratford Perth, designating the dogs "Rocky," "Axl," "Malone," and "Charlie" as Prohibited Dogs. This decision was based on the dogs' demonstrated aggressive behaviour, involvement in multiple incidents resulting in injury, and a concern that there remains a significant risk of future occurrences.

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 Procedure Act, R.S.O. 1990, c. S.22, convened on June 9, 2025, to consider an appeal filed by Jason MacArthur and Janine Shepherd regarding the Prohibited Dog Designation issued by the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW).

The Committee considered the following:

- testimony and evidence provided on behalf of the Respondent by Officer S. Schweitzer, Humane Society of Kitchener-Waterloo and Stratford Perth, which demonstrated, the dogs, "Rocky," "Axl," "Malone," and "Charlie" were involved in a dog bite incident on April 4, 2025.
- testimony and evidence provided on behalf of the Respondent by Officer S. Schweitzer, Humane Society of Kitchener-Waterloo and Stratford Perth, which demonstrated, the dogs, "Rocky," "Axl," "Malone," and "Charlie" were involved multiple dog bite incidents resulting in serious injury, and documenting ongoing non-compliance with the conditions imposed under the Dangerous Dog Designation, including failure to license, inadequate containment, and muzzle non-compliance;
- testimony and photographic/video evidence from the victim of the April 4, 2025 dog bite incident, along with statements from previous victims and multiple witnesses referencing repeated aggressive behaviour by the dogs;
- testimony and submissions by the Appellants, including letters of support from surrounding neighbors, verbal indication the dog "Charlie," was the sole aggressor and as a result was surrendered to the HSKW, and photographic evidence of fencing improvements.

In addition, the Committee reviewed and considered the provisions of Chapter 420 of the City of Kitchener Municipal Code, and based on the totality of evidence, the Committee found that the dogs "Rocky," "Axl," "Malone," and "Charlie" had demonstrated a pattern of aggressive behaviour, were involved in multiple incidents resulting in injury to members of the public, and posed an ongoing risk to community safety.

Accordingly, the Committee hereby recommends that Council ratify and confirm the Prohibited Dog Designation applied to the dogs “Rocky,” “Axl,” “Malone,” and “Charlie” by the Humane Society of Kitchener-Waterloo and Stratford Perth, as outlined in Corporate Services Department report COR-2025-295.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT:

All those in attendance at the June 9, 2025 Hearing were advised of the Committee’s decision and that it would be considered at the June 23, 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 June 12, 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