

Staff Report

Corporate Services Department



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REPORT TO: Council Meeting

DATE OF MEETING: May 4, 2026

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

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

WARD(S) INVOLVED: All

DATE OF REPORT: April 15, 2026

REPORT NO.: COR-2026-201

SUBJECT: Dangerous Dog Designation Appeal – J. Bell and G. Whittemore

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee regarding an appeal filed by J. Bell and G. Whittemore, wherein the Committee modified the Dangerous Dog Designation assigned to their dog ‘Boots’ by the Humane Society of Kitchener Waterloo and Stratford Perth and assigns the Potentially Dangerous Dog Designation, including modified conditions for the keeping of said dog, be ratified and confirmed, as outlined in Corporate Services Department report COR-2026-201.

REPORT HIGHLIGHTS:

- On February 17, 2026, the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW) designated ‘Boots’ as a Dangerous Dog pursuant to Chapter 420 of the City of Kitchener Municipal Code, following a dog attack incident occurring on January 31, 2026.
- On February 20, 2026, the dog owners, J. Bell and G. Whittemore filed an appeal of the Dangerous Dog Designation.
- The Dog Designation Appeal Committee held a hearing on April 13, 2026, and considered witness testimony and documentary evidence submitted by all parties.
- Based on the evidence provided, it is the opinion of the Committee that ‘Boots’ has demonstrated behaviour consistent with potential aggression and was involved in a dog bite incident, but the incident in question did have evidence that there were mitigating circumstances which may have contributed to the outcome.
- Accordingly, the Committee amended the designation for ‘Boots’ to be from Dangerous to Potentially Dangerous Dog, subject to modified conditions. These amendments include the removal of the requirement to post a Dangerous Dog Warning Sign and to prohibit the dog from residing in a multiple- unit dwelling, as set out in conditions ‘N’ and ‘O’ of the designation letter issued by HSKW.
- This report supports the delivery of core services.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

On February 17, 2026, the Humane Society of Kitchener-Waterloo and Stratford Perth (HSKW) designated 'Boots', a Husky type breed owned by J. Bell and G. Whittemore as a Dangerous Dog. The designation was applied after Officer Morgan Schumacher determined that on January 31, 2026, 'Boots' did attack a person without provocation, which is in contravention to Chapter 420 (Dog Designation) of the City of Kitchener Municipal Code.

On February 20, 2026, Legislated Services received correspondence from J. Bell and G. Whittemore appealing the Dangerous Designation; and a Notice of Hearing was issued to the Respondent and Appellant, advising on April 13, 2026, 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 for a Potentially Dangerous Dog Designation, subject to modified conditions. The modified conditions include the removal of the requirement to post a Dangerous Dog Warning Sign and to prohibit the dog from residing in a multiple-unit dwelling, as set out in conditions 'N' and 'O' of the designation letter issued by HSKW. The Committee noted the importance of preventative measures, such as muzzling, as an imperative condition to avoid future incidents.

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 April 13, 2026, to consider an appeal filed with the City by J. Bell and G. Whittemore, and reports as follows:

The Committee considered the following:

- Testimony provided on behalf of the Respondent by Officer M. Schumacher, Humane Society of Kitchener-Waterloo and Stratford Perth, which demonstrated the dog, 'Boots' had attacked a person without provocation on January 31, 2026, at a privately owned dog park.
- Testimony and photographic evidence submitted on behalf of the Respondent by C. Masson regarding the dog bite incident they reported experiencing. The evidence included images documenting physical injuries sustained to the face, as well as testimony describing the impact of the incident on their emotional well-being.
- Testimony and evidence from the Appellant and Representative, G. Whittemore and M. Leroux, confirming the dog, 'Boots' involvement in the dog bite incident on January 31, 2026; noting it was the dog's first documented bite incident. Further testimony was provided, noting that mitigating factors could be identified in the incident and confirming that upon receipt of the dog designation letter, all designation conditions were promptly complied with by the dog owner.
- Testimony and evidence from the Appellant and Representative, J. Bell and M. Leroux, noting the dog "Boots" is not inherently aggressive, and confirming a commitment to obtain dog training to assist if needed.

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 recommends that the Dangerous Dog designation applied to 'Boots' be modified pursuant

to By-law 2014-142 and substituted with a designation of Potentially Dangerous Dog, subject to modified conditions governing the keeping of the 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 harbors 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 meters (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, 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;

- l. 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 meters (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;
- m. 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 service provider.
- n. 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 services.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT:

INFORM – All those in attendance at the April 13, 2026 Hearing were advised of the Committee's decision and that it would be considered at the May 4, 2026 Council meeting as required in the By-law. In addition, a Notice of Decision was sent to the Appellant and Respondents via email and registered mail on April 20, 2026, 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: Dimetra Resendes, Acting General Manager, Corporate Services