Presented To:	Hearing Committee
Presented:	Wednesday, Apr 17, 2019
Report Date	Wednesday, Mar 20, 2019
Type:	Public Hearings

Request for Decision

Vicious Dog Appeal - ACR 835338

Resolution

Option One:

THAT the City of Greater Sudbury upholds the finding of the Licence Issuer that the Dog is a vicious dog, pursuant to Section 33 (1)(a) of By-law 2017-22, as outlined in the report entitled "Vicious Dog Appeal - ACR 835338" from the General Manager of Corporate Services, presented at the Hearing Committee meeting on April 17, 2019.

Option Two:

THAT the City of Greater Sudbury upholds the finding of the Licence Issuer that the dog is a vicious dog pursuant to Section 33(1)(b) of By-law 2017-22, as outlined in the report entitled "Vicious Dog Appeal - ACR 835338" from the General Manager of Corporate Services, presented at the Hearing Committee meeting on April 17, 2019;

AND THAT the Owner be exempt from the requirements of By-law 2017-22, section(s): _____.

Option Three:

THAT the City of Greater Sudbury reverse the finding of the Licence Issuer that the Dog is a vicious Dog, pursuant to Section 33 (1)(a) of By-law 2017-22, as outlined in the report entitled "Vicious Dog Appeal - ACR 835338" from the General Manager of Corporate Services, presented at the Hearing Committee meeting on April 17, 2019.

Signed By

Report Prepared By
Melissa Laalo
By-law Coordinator - Animal Care and Control
Digitally Signed Mar 20, 19

Manager Review
Brendan Adair
Manager of Security and By-Law
Digitally Signed Mar 20, 19

Financial Implications
Jim Lister
Manager of Financial Planning and Budgeting
Digitally Signed Mar 20, 19

Recommended by the Department
Kevin Fowke
General Manager of Corporate Services
Digitally Signed Mar 20, 19

Recommended by the C.A.O.
Ed Archer
Chief Administrative Officer
Digitally Signed Mar 26, 19

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

Report Summary

City of Greater Sudbury By-law 2017-22, as amended, became effective on March 1, 2017 and regulates the keeping of animals and the registration of dogs and cats. Part III of the by-law entitled "Vicious Dogs"; section 28 of the by-law, contains provisions for the issuance of a Vicious Dog Notice to owners of dogs that have attacked a person or domestic animal without provocation. In response to a complaint of a dog attack that occurred on October 09, 2018, By-law Enforcement investigated the matter. In addition to three Part I Provincial Offence Notices, the Licence Issuer issued a Vicious Dog Notice to effectively deem the Dog vicious and impose restrictions to ensure the health and safety of the community. The Owners have appealed the notice, requesting a hearing of the matter by Committee of Council. The Committee may uphold or reverse the notice and its contents or, if the Dog is deemed vicious, may exempt the owner from all, or some of the requirements of Section 29, 30 or 31.

Financial Implications

There are no financial implications associated with this report.

Recommendation

THAT the City of Greater Sudbury uphold the Vicious Dog Notice #835338, issued to Jennifer Hodgins, 3510 Keith Avenue, Chelmsford, City of Greater Sudbury.

Background

City of Greater Sudbury By-Law 2017-22, as amended, became effective on March 1, 2017 and regulates the keeping of animals and the registration of Dogs and Cats. Part 3 of the By-Law entitled "Vicious Dog"; section 28 of the By-Law contains provisions for the issuance of a Vicious Dog Notice to owners of dogs that have attacked a person or domestic animal without provocation.

The effect of the notice is to ensure the owner of a dog deemed vicious by receipt of the notice, erect vicious dog signs on the owner's property, muzzle and leash the dog when not inside the owner's dwelling at all times, provide that the dog is microchipped and requires the owner to obtain additional liability insurance.

The By-Law is specific about how the process is carried out and the contents of the notice. Several provisions in the By-Law for the issuance of the notice are mandatory requirements of the Registrar and of the recipient of the notice.

This section also provides for an appeal of the notice by the owner of the dog requesting a hearing of the matter by Council or Committee of Council. The Committee may uphold the notice and its contents, exempt the owner from the erecting of the signs, muzzling, leashing, microchipping or obtaining insurance requirements or from all, or may modify the conditions for any of these conditions.

By-Law Procedure Vicious Dog Notice - 835338

Part 3 of By-Law 2017-22 designates the Manager of Security and By-Law Services for the City of Greater Sudbury as the License Issuer pursuant to the By-Law, and By-Law Officers in Compliance and Enforcement have been appointed by the License Issuer to perform the task of issuing Vicious Dog Notices pursuant to the By-Law.

Subsection 28(1) of the By-Law states "*The License Issuer may conduct an investigation to determine if a Dog should be found to be a Vicious Dog, where the License Issuer receives*:

(a) A written complaint, signed by the complainant, that a Dog has Attacked or Bitten a Person or a Domestic Animal without provocation or mitigating factors;
(b) Particulars of the name and address of the owner of the Dog or adequate information to ascertain the Owner of the Dog which is subject of the complaint; and
(c) Particulars of the Incident or Incidents giving rise to the complaint.
and if deemed to be a vicious dog, requiring the owner to comply with any or all of the requirements set out in sections 28, 29 and 30."

A written complaint was received by the License Issuer from [redacted] of [redacted], [redacted], Greater Sudbury, requesting that the dog named "[redacted]", kept at the address of [redacted], [redacted], Greater Sudbury, be deemed vicious, based on an incident that occurred October 09, 2018.

On Tuesday, October 09, 2018 at approximately 3:00pm, the Complainant and their dog "[redacted]" were attacked and bitten on their own property. The Complainant states that they were in their own yard cleaning their car. The Complainant then observed the [redacted], known as [redacted], run towards them with "teeth and gums showing" without leash, and without care and control of an owner. The Complainant stated they attempted to get inside their home to avoid an attack however the dog known as "[redacted]" attacked unprovoked, pinned the Complainant against the front door, and bit the complainant resulting in puncture wounds to the buttocks region. The Complainant opened the door to their home to escape, where the dog "[redacted]" at this time entered the home as well and proceeded to attack and bite the Complainant's dog "[redacted]" resulting in puncture wounds. It took three people at the scene, the Complainant, the dog owner [redacted], and the dog owner's [redacted], to stop the attacking dog and remove said dog from the complainant's home during the attack on the complainant's dog.

Afterwards, the Complainant brought their dog "[redacted]" to seek medical attention and saw the Veterinarian at [redacted] Animal Hospital. At this appointment it was noted that wounds resulted. The Complainant was provided with medication for pain and for prevention from infection as well as a buster collar to prevent further injury as stated in the invoice.

Greater Sudbury By-Law Enforcement Officer, Gerald Sagle, investigated this incident where the owner of the dog "[redacted]", [redacted], was served three Certificates of Infraction for the offences of "Owner of Dog or Cat Permit Dog or Cat to be at Large, Owner permit Dog to behave in manner endangering safety of Domestic Animal, Owner permit Dog to behave in manner endangering safety of Person " on October 10, 2018.

On October 10, 2018, Officer Gerald Sagle, as part of his investigation in Case #835338, reviewed and considered facts contained within the complaint letter and statements. Results of that investigation were presented to the License Issuer for consideration for a Vicious Dog Notice. It was determined that there was no provocation to the attack and bite on the Complainant and their dog "[redacted]". The Complainant was on their own property attempting to clean their car and entered their home in an attempt to get away from the attacking dog, and "[redacted]" was inside the home behind a closed door.

Vicious Dog Notice, #835338, dated Wednesday, October 10, 2018, was prepared and delivered to the registered owner of the dog, [redacted]. One copy of the Notice was hand delivered by By-Law Enforcement Officer Gerald Sagle to the owner and another copy was delivered registered mail. The Notice contains the requirements of Subsections 29, 30 and 31 of the By-Law; ensuring vicious dog signs are posted, the dog is muzzled and leashed when not inside the owner's dwelling unit, the requirement of having liability insurance, notifying the owner of his requirement to provide a change of address, the owner's right to appeal the Notice and the effective date of the Notice, pursuant to subsections 32, 33 and 34.

On January 16, 2019, the owner of vicious dog [redacted] contacted the Licence Issuer to request removal of the Vicious Dog Notice, as explained by them; "it is profoundly incorrect that my dog attacked without provocation and there were no mitigating factors".

Relating to the Part I Certificate of Infractions that were issued to [redacted] for the offences of "*Owner of Dog or Cat Permit Dog or Cat to be at Large*" *"Owner permit Dog to behave in manner endangering safety of Domestic Animal" "Owner permit Dog to behave in manner endangering safety of Person",* these matters are scheduled for Early Resolution to be heard in Provincial Offences Court on March 27, 2019 at 9:30am. Early Resolution is a formal court process, whereby a defendant has the option to meet with the Municipal Prosecutor to discuss the charge(s). Early Resolution meetings are typically used to ask the position of the prosecutor, to discuss the time to pay a fine, to request disclosure for the charge(s) or to discuss the possibility of pleading to a lesser offence supported by the facts.

Appeal Notice

A letter of appeal of the Vicious Dog Notice was received by the owner of the dog and the hearing was scheduled. (See Letter of Appeal is attached to this report.) A notice was sent to the owner of the dog advising of the date and time of the hearing.

Conclusion

In consideration of this report, the witnesses and the appellant, pursuant to subsection 33(1) the Hearing Committee may decide one of three options below;

1. Uphold the Notice;
2. Modify the Notice - exempting the owner from erecting vicious dog signs, muzzling or leashing, obtaining liability insurance or modifying any of these conditions; or
3. Quash the Notice - exempting the owner from all requirements to muzzle and leash.

The License Issuer is confident that the Vicious Dog Notice issued to [redacted], [redacted], [redacted], City of Greater Sudbury, satisfies the requirements of By-Law 2017-22, Part 3, Section 28, a By-Law to regulate the keeping of animals and the registration of Dogs and Cats. The purpose of the notice is to mitigate the recurrence of a similar incident and provide an assurance of safety for the area residents and the general public. The Registrar recommends that the Vicious Dog Notice be upheld by the Committee.

Supporting Documents

1. Victim Statement 835338
2. Request to Deem Vicious 835338
3. Copy of Vet Bill
4. Ten (10) Investigation Photos
5. Certification of Infractions- PON 6155895B, 6155896B, 6155897B
6. Animal Registration 2018
7. Vicious Dog Notice
8. Letter of Appeal from Vicious Dog Owner
9. Officer Notes ACR 835338

Compliance and Enforcement Services
PO BOX 5000, STN A
200 Brady Street
Sudbury ON P3A 5P3
311
Long Distance: 705-671-2489
Fax: 705-671-0871

WITNESS STATEMENT

Case ID: 835338 Date: October 9, 2018 Time: 3:00pm

Witness Name: [redacted] [redacted] (Surname) (First name) Address: [redacted] (Street) (City) (Postal Code)

Phone Number [redacted]

Statement taken by: SAGLE Gerald 7850

At approximately 3:00pm on October 9, 2018 [redacted] was cleaning [redacted] car at [redacted] in the front driveway. When [redacted] could hear a dog barking from [redacted] inside the home [redacted] then heard [redacted] get back here", [redacted] then turned to see a German Shepherd dog running towards [redacted] with teeth showing, growling. [redacted] ran towards [redacted] front door when the German Shepherd jumped up [redacted] back, around the neck, scratched [redacted] back [redacted] then pushed the dog down with [redacted] right arm where the dog went on all fours and bit and shook [redacted] left lower cheek (buttocks) two to three times, resulting in two puncture

Initial PJ

Compliance and Enforcement Services
PO BOX 5000, STN A
200 Brady Street
Sudbury ON P3A 5P3
311
Long Distance: 705-671-2489
Fax: 705-671-0871

Case ID: 835338 Witness Name: [redacted]

(Surname) (First name)

wounds. [redacted] then opened [redacted] door in attempt to escape, during this time the owners of the German Shepherd were trying to get the dog off. when [redacted] opened the door [redacted] got into the entrance main floor of [redacted] the German Shepherd entered the home and went straight for [redacted] dog named [redacted] Poodle 10 ½ years old, male neutered. The German Shepherd grabbed [redacted] by the neck and right leg in the mouth where it was biting/shaking and continued approximately three times. After this occurred it took the two owners approximately 20 seconds to get the German Shepherd and out of the home [redacted] said "get the fuck out of my house" [redacted] then reported the incident to the Greater Sudbury 311 Animal Care and Control and the Health Unit and spoke with [redacted] to report. 705-522-9200 [redacted] then approximately 5:00pm examined [redacted] to notice blood on her [redacted] right hand after holding, and there was a "yelp" [redacted] advised has vet appointment scheduled for October 10, 2018 at 2:30pm

Initial PZ

October 10, 2018

I, [redacted], deem [redacted], the German Shepard who lives at [redacted], to be a vicious dog, I'm requesting on October 10th, 2018, for a vicious dog order to be put on this dog.
My reasoning is from the event/attack that occurred on October 9th, 2018.

The event/attack

Approximately 3:00pm October 9th, 2018, I [redacted], born [redacted], was cleaning and vacuuming my car outside in my driveway. I had my dog [redacted] with me tied with a harness and rope so as not to go off our property. As I'm cleaning my car, the German Shepard [redacted] was growling and barking inside the dog's home the entire time I was outside. My thought was to put my dog in the house, as I didn't feel he was safe outside, just because of the noise [redacted] was making. Once I put my dog [redacted] (10 1/2 year old poodle, male, neutered) in the house, I returned to my car to continue cleaning. Approximately 10 minutes went by, when I decided to get a drink of water from inside my house. I walked from my car to my front door when half way to my door, i heard a person yelling, "[redacted] no, come here!" I immediately turned my head to the right and saw [redacted] come around the corner of my house. [redacted] locked eyes with mine at that moment, I saw [redacted]'s teeth and gums coming at me. I ran as fast as I could to my front door. [redacted] jumped on my back, both paws around my shoulders and neck area from behind, and she tried to bite my neck. I was pinned to my front door with the weight of [redacted] pushing against me and the door. So that [redacted] wouldn't take a bit out of my neck, I swung my right arm and shoulder backwards to get [redacted] off of me. Once [redacted] landed on all fours, she started to dig her teeth into my buttocks. I was paralyzed with fear. At that moment, [redacted]. The pain I was enduring from [redacted] bitting my buttocks was getting severe, so I knew if I opened my front door, that my 12 pound miniature poodle [redacted], was going to be injured, as he was crying on the other side of the door, because [redacted] watched through the front window [redacted] attacking me. Because of my terrified state of mind, I had no choice but to turn the doorknob. The second I heard the doorknob click open, [redacted] jumped on me once again, and pushes me into the house, in my entrance and I landed on my hands and knees. Immediately [redacted] grabbed my dog [redacted] into it's mouth and started chewing on [redacted]'s body. I was now on all fours, trying to grab my dog out of [redacted]'s mouth, but I could not. By this time, the owners [redacted] and [redacted] tried to get [redacted] out of my house. There was no leach to grab onto, so they both grabbed [redacted]'s fur and tried to pull [redacted] out and off my [redacted]. All [redacted] and [redacted] [redacted] managed to do was pull grapefruit size balls of fur in their hands. So both Jennifer and her daughter continued their efforts to get Adi off Casey and out of my house by pulling on her fur with no results. During this time, [redacted] continued mauling my dog [redacted]. I got up on my knees, tried to punch [redacted] in the face to get [redacted] out of [redacted]'s mouth. I'm not positive that action was why [redacted] finely let go of [redacted], or from [redacted] and [redacted] [redacted] screaming and pulling on [redacted]. The moment [redacted] let go, I jumped up on my feet shoved all three of them through my front door out of my house, and told them to, "get the fuck out of my house!!" and slammed my front door shut.
I then started screaming, crying, in shock, trying to find my dog [redacted], who by that time was upstairs in my bedroom, huddled in a corner whimpering. Because [redacted] has black hair, I could not see major wounds on him at that time. So I left [redacted] in my bedroom, went back downstairs to call one of my [redacted] to tell [redacted] what had just happened in hopes that [redacted] would be able to calm me down, as I was hyperventilating. While on the phone, [redacted]'s owner, knocked at my door. First thing she said to me was, "who are you talking to?"

I found that very disturbing because [redacted] said it with a loud voice. I told [redacted] it was talking to my [redacted] on the phone, then [redacted] apologized to me for what happened. At that time, [redacted] said [redacted] was putting [redacted]

dog [redacted] down, which I haven't said anything yet, so that comment was [redacted]'s thoughts. [redacted] looked at my wounds, apologized once again, then left my house.

10 minutes later, [redacted] and [redacted] [redacted] knocked on my door and I let them in because the [redacted] wanted to apologize to me as well. At that same moment, [redacted] said, "oh by the way, my [redacted] who lives 5 hours away will come and get [redacted]. [redacted] also asked me to not call any authorities because [redacted] said [redacted] [redacted] would lose [redacted] job. Once again, I haven't said a thing about the dog [redacted], because I was crying and shaking, so what ever [redacted] was saying was not my priority at that moment. I wanted to call animal control, that's all I was thinking to do to feel safe. So both [redacted] and [redacted] [redacted] left my house again.
I immediately called 'animal control' and the health unit, and explained that I was viciously attached by a German Shepard that lives next door to me. I then called the animal hospital where my vet works to make an appointment ASAP for [redacted].

Two officers, Gerald Sagle and Grant Dokis arrived at at my home, [redacted] at 5:00pm that same day, October 9th, 2018. I told the two officers every detail of the attack from what I could remember, which was still extremely clear in my mind. Officer Gerald took my statement.
When the officers first knocked on my door, was when [redacted], my dog, came out of the bedroom and came to the front door. I picked [redacted] up and that's when [redacted] yelped in pain, in front of the officers. Then I noticed blood all over my hands from [redacted]'s body. That moment was very upsetting, as I didn't know the extent of his injuries prior to then.

Injuries:
[redacted] has bit my buttocks right through my pants into the skin, so I can see two bloody puncture wounds. My wounds are black and blue and bloody.
I also have [redacted]'s claw marks all down my back. They are not bloody, just welts and very red.
[redacted]'s wounds are terrible as well. He has a gaping hole in his left side of his body, approximately 1/2 inch in diameter close to his armpit. I tried to stop the bleeding by filling the hole with polystyrene to stop the bleeding with no success. So I have an appointment at 2:30pm for October 10th, 2018.

INVOICE

[redacted]

"To Meet Your Pet's Health Care Needs"

FOR: [redacted]

Printed: 10-10-18 at 3:24p
Date: 10-10-18
Account: 12781
Invoice: 177977

Date	For	Qty	Description	Net Price
10-10-18	[redacted]	1	Buster Collar 15cm*	15.21
10-10-18		1	Metacam 10 ml*	44.75
10-10-18		30	Clavaseptin 62.5mg Chewable tabs*	42.50
10-10-18		1	Examination/consultation*	98.50
10-10-18			Debit payment	-227.08

Old balance	Charges	HST	Payments	New balance
0.00	200.96	*26.12	227.08	0.00

Patient	Total charges
Casey	200.96

Reminders for: [redacted] (Weight: 7.5 kg - 10y)		Last done
07-27-20	DA2PP (3 year)	07-27-17
07-27-19	Rabies 3 Year w/other	07-12-16
07-27-18	**Canine Comprehensive Exam & Va**	**07-27-17**
07-27-18	**Leptospirosis Vaccine (Annual**	**07-27-17**

[redacted] **weight history** (in kg)

10-10-18	7.50
02-02-18	7.00
01-10-18	6.80
11-07-17	6.70
10-31-17	7.10
07-27-17	6.50
08-12-16	6.40
07-12-16	6.50
06-28-16	6.30
06-27-16	6.30

Thank you for your patronage. New clients are always welcome. Tell a friend about us.

Bell

ICON Location Code / *Code d'emplacement du RIII*: 4060

Offence Number / *N° d'infraction*: 6155895B

Computer Input/Record Document
Entrées informatiques/Registre des documents

Believes and certifies that on the day of / *Croit et atteste que le*: Y/A 2 0 M/M 1 8 D/J 1 0 Time/ *À (Heure)* 0 9 3:00 P M

(Print name/*nom en lettres moulées*): GERALD SAGLE

Name / *Nom*: [redacted]
Family/*Nom de famille*

[redacted]
Given/*Prénom* — Initials/*Initiales*

Address / *Adresse*: [redacted]
Number and street/*Numéro et nom de la rue*

[redacted] — Municipality/*Municipalité* — P.O./*C.P.*
ON — Province
[redacted] — Postal code/*Code postal*

Driver's licence No./*Numéro de permis de conduire*: Juris. *Aut. leg.*

Birthdate/*Date de naissance* Y/A 1 9 M/M D/J [redacted] — Sex / *Sexe* — Motor Vehicle Involved / *Véhicule impliqué* ☐ N/N — Collision Involved / *Collision* ☐ Y/O — Witnesses / *Témoins* ☑ Y/O

At/*À*: [redacted]

Greater Sudbury / Grand Sudbury
Municipality/*Municipalité*

Did commit the offence of:
A commis l'infraction de : OWNER PERMIT DOG TO BEHAVE IN MANNER ENDANGERING SAFETY OF PERSON

Contrary to:
Contrairement à : CITY OF GREATER SUDBURY BY-LAW 2017-22 ANIMAL CARE AND CONTROL BY-LAW

Sect./*L'art.* 26 (2)

Plate number / *N° de plaque d'immatriculation*	Juris / *Aut. lég.*	Commercial / *Utilitaire*	CVOR/*IUVU*	NSC/CNS	Code
		☐ Y/O	☐ Y/O	☑ Y/O	

CVOR No. - NSC No. / *N° de l'IUVU - N° du CNS*

And I further certify that I served an offence notice personally upon the person charged on the offence date.
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.

☑ Or other service date of:
Autre date de signification, le : 2018-10-10

Signature of issuing Provincial Offences Officer / *Signature de l'agent des infractions provinciales*: Gerald Sagle

Officer No. / *N° de l'agent*: 7850 — Platoon / *Peloton*: BY-LAW — Unit / *Unité*:

Set fine of / *Amende fixée de*: $ 300 00 $

Total payable / ***Montant total exigible***: $ 365 00 $

Total payable includes set fine, applicable victim fine surcharge and costs.
Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.

Summons issued. You are required to appear in court on / ***Assignation.*** *Vous êtes tenu(e) de comparaître devant le tribunal le*: Y/A 2 0 M/M D/J Time / *À (Heure)* M

Ct. room/*Salle d'audience*

2018 10 10

POA 6001 v.1 rev. 03/12

The DATA Group of Companies

ICON Location Code / *Code d'emplacement du RIII*: 4060

Offence Number / *N° d'infraction*: 6155896B

Computer Input/Record Document
Entrées informatiques/Registre des documents

Believes and certifies that on the day of / *Croit et atteste que le*: GERALD SAGLE (Print name/*nom en lettres moulées*)

Y/A: 2 0 | M/M: 1 8 | D/J: 1 0 | Time/ *À (Heure)*: 0 9 3:00 P M

Name / *Nom*: [redacted] Family/*Nom de famille*

[redacted] Given/*Prénom* | Initials/*Initiales*

Address / *Adresse*: [redacted] Number and street/*Numéro et nom de la rue*

[redacted] Municipality/*Municipalité* | P.O./*C.P.* | ON Province | [redacted] Postal code/*Code postal*

Driver's licence No./*Numéro de permis de conduire* | Juris. *Aut. lég.*

Birthdate/*Date de naissance* Y/A: 1 9 | M/M: [redacted] | D/J | Sex / *Sexe*

Motor Vehicle Involved / *Véhicule impliqué*: ☐ N/N

Collision Involved / *Collision*: ☐ Y/O

Witnesses / *Témoins*: ☒ Y/O

At/*À*: [redacted]

Greater Sudbury / Grand Sudbury
Municipality/*Municipalité*

Did commit the offence of:
A commis l'infraction de : OWNER PERMIT DOG TO BEHAVE IN MANNER ENDANGERING SAFETY OF DOMESTIC ANIMAL

Contrary to:
Contrairement à : CITY OF GREATER SUDBURY BY-LAW 2017-22 ANIMAL CARE AND CONTROL BY-LAW Sect./*L'art.* 26 (2)

Plate number / *N° de plaque d'immatriculation*	Juris / *Aut. lég.*	Commercial / *Utilitaire*	CVOR/*IUVU*	NSC/CNS	Code
		☐ Y/O	☐ Y/O	☐ Y/O	

CVOR No. - NSC No. / *N° de l'IUVU - N° du CNS*

And I further certify that I served an offence notice personally upon the person charged on the offence date.
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.

☒ Or other service date of:
Autre date de signification, le : 2018-10-10

Signature of issuing Provincial Offences Officer / *Signature de l'agent des infractions provinciales*: Gerald Sagl

Officer No. / *N° de l'agent*: 7850 | Platoon / *Peloton*: BY-LAW | Unit / *Unité*

Set fine of / *Amende fixée de*: $ 300.00

Total payable / ***Montant total exigible***: $ 365.00

Total payable includes set fine, applicable victim fine surcharge and costs.
Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.

Summons issued. You are required to appear in court on / ***Assignation.*** *Vous êtes tenu(e) de comparaître devant le tribunal le*

Y/A: 2 0 | M/M | D/J | Time / *À (Heure)* M

Ct. room/*Salle d'audience*

2018 10 10

POA 6001 v.1 rev. 03/12

The DATA Group of Companies

ICON Location Code / *Code d'emplacement du RIII* 4060

Offence Number / *N° d'infraction* 6155897B

Computer Input/Record Document
Entrées informatiques/Registre des documents

Believes and certifies that on the day of / *Croit et atteste que le* — (Print name/*nom en lettres moulées*) GERALD SAGLE

Y/A	M/M	D/J	Time/ *À (Heure)*
2 0	1 8	1 0	0 9 3:00 P M

Name / *Nom* [redacted]
Family/*Nom de famille*
Given/*Prénom* Initials/*Initiales*

Address / *Adresse* [redacted]
Number and street/*Numéro et nom de la rue*

[redacted] ON [redacted]
Municipality/*Municipalité* P.O./C.P. Province Postal code/*Code postal*

Driver's licence No./*Numéro de permis de conduire* Juris. Aut. Iég.

Birthdate/*Date de naissance* Y/A	M/M	D/J	Sex *Sexe*	Motor Vehicle Involved *Véhicule impliqué*	Collision Involved *Collision*	Witnesses *Témoins*
1 9	[redacted]			☐ N/N	☐ Y/O	☑ Y/O

At/*À* [redacted]

Greater Sudbury / Grand Sudbury
Municipality/*Municipalité*

Did commit the offence of:
A commis l'infraction de : OWNER OF DOG OR CAT PERMIT DOG OR CAT TO BE AT LARGE

Contrary to:
Contrairement à : CITY OF GREATER SUDBURY BY-LAW 2017-22 ANIMAL CARE AND CONTROL BY-LAW Sect./*L'art.* 17(1)

Plate number *N° de plaque d'immatriculation*	Juris *Aut. lég.*	Commercial *Utilitaire*	CVOR/*IUVU*	NSC/CNS	Code
		☐ Y/O	☐ Y/O	☐ Y/O	

CVOR No. - NSC No. / *N° de l'IUVU - N° du CNS*

And I further certify that I served an offence notice personally upon the person charged on the offence date.
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.

☑ Or other service date of:
Autre date de signification, le : 2018-10-10

Signature of issuing Provincial Offences Officer *Signature de l'agent des infractions provinciales*	Officer No. *N° de l'agent*	Platoon *Peloton*	Unit *Unité*
Gerald Sagl	7850	BY-LAW	

Set fine of *Amende fixée de*	**Total payable**	
$ 300 00	$ 365 00 **Montant total exigible**	Total payable includes set fine, applicable victim fine surcharge and costs. *Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.*

Summons issued. You are required to appear in court on
Assignation. *Vous êtes tenu(e) de comparaître devant le tribunal le*

Y/A	M/M	D/J	Time / *À (Heure)*
2 0			M

Ct. room/*Salle d'audience*

2018 10 10

POA 6001 v.1 rev. 03/12

The DATA Group of Companies

VICIOUS DOG NOTICE #835338

Pursuant to City of Greater Sudbury Animal Control By-law 2017-22

REGISTERED MAIL & HAND DELIVERED

To: [redacted]

The City of Greater Sudbury is in receipt of a written complaint that your dog, [redacted] registration number #2018-[redacted], has attacked another dog and person without provocation or mitigating factors on October 09, 2018.

As License Issuer pursuant to By-law 2017-22, a By-law of the City of Greater Sudbury to Regulate the Keeping of Animals, Responsible Pet Ownership and the Registration of Dogs and Cats, and under authority of Section 28 of the By-law, I deem your dog to be a vicious dog. Therefore, you are hereby required to comply with the requirements as set out in Sections 29, 30 and 31 of the by-law which states:

WARNING SIGN – VICIOUS DOG

29 – (1) Unless provided to the contrary by the Hearing Committee, every Owner of a Dog which has been found to be a Vicious Dog shall at all times display a warning sign purchased from the License Issuer:
(a) At that entrance to the Dwelling Unit of the Owner of the Vicious Dog, which a person would normally approach; and
(b) In a location and manner such that the sign will be clearly visible to a person approaching the entrance to the dwelling unit.

(2) Every Owner of a Dog which has been found to be a Vicious Dog shall:
(a) ensure that the sign purchased in accordance with subsection 29(1) is affixed to the Dwelling Unit or otherwise erected or placed in a manner that cannot be easily removed by a passerby; and
(b) replace the sign as required from time to time, in the event the sign is removed or defaced or otherwise becomes illegible.

(3) No Person shall remove a sign erected pursuant to subsection 29(1), while the dog found to be a Vicious Dog resides at that premises, except in accordance with paragraph 29(2)(b).

CONTROL OF VICIOUS DOG

30 – (1) Unless provided to the contrary by the Hearing Committee, every Owner of a Dog, which has been found to be a Vicious Dog shall ensure that at all times when the dog is not on Premises owned or occupied by the Owner of the dog, the dog is:

(a) Muzzled;
(b) Securely fitted with a collar or harness in a manner such that the dog cannot detach the collar or harness;
(c) Leashed with a Leash securely attached to a collar or harness at all times in a manner such that the dog cannot detach the Leash from the collar or harness; and
(d) The Leash held by a Person who has the strength and capacity to securely control the dog so as to not permit or allow unwanted contact with another person or a domestic animal.

(2) Unless provided to the contrary by the Hearing Committee, every Owner of a Dog, which has been found to be a Vicious Dog shall ensure that at all times when the dog is on premises owned or occupied by the Owner of the dog, the dog is:

(a) Securely contained inside the Dwelling Unit of the Owner of the Dog or
(c) if outside the Dwelling Unit of the Owner of the Dog, the Dog is:
(i) Muzzled;
(ii) Securely fitted with a collar or harness in a manner such that the dog cannot detach the collar or harness;
(iii) Restrained by a chain or other restraint sufficient to prevent the dog from leaving the premises; and
(iv) Contained within a securely enclosed area, including a fence of an appropriate height for the breed of dog, constructed so as to prevent the dog from leaving the premise and in a manner such that the Vicious Dog is unable to come into contact with persons or other domestic animals

(3) Unless provided to the contrary by the Hearing Committee, the Owner of a Dog, found to be a Vicious Dog shall provide evidence to the License Issuer that the dog has been Microchipped within 21 days of:

(a) The effective date of the service of the notice of the finding by the

License Issuer that the dog is a Vicious Dog, in the event that no Appeal is filed to the Hearing Committee; or

(b) The date on which the Hearing Committee confirms the finding a dog is a Vicious Dog, in the event that an appeal is filed to the Hearing Committee.

31 – (1) Unless provided to the contrary by the Hearing Committee, every owner of a dog, which has been found to be a Vicious Dog shall obtain and maintain in effect at all times, the person owns the dog found to be a Vicious Dog, a policy of liability insurance with an insurer licensed to operate in Ontario, providing for coverage in an amount not less than one million dollars per occurrence, for losses arising from injuries caused by the owners dog and providing for the City to be notified in writing of any cancellation, termination or expiry of the insurance policy.

(2) Every owner of a dog, found to be a Vicious Dog shall provide to the License Issuer, evidence that insurance compliant with subsection 31(1) is in effect:

(a) Within 10 business days of the dog being found to be a Vicious Dog;
(b) On each application for a license or a renewal license for the Dog;
(c) Prior to the expiry date of any policy; and
(d) Upon request by the License Issuer.

(3) Every owner of a dog, found to be a Vicious Dog shall provide the information required under subsection 15(1) to the License Issuer writing within two business days of any change in ownership or residence of the dog and provide the License Issuer with the new address and telephone number of the owner.

As License Issuer and in accordance with Section 28(5)(c), I am advising you of your right, if exercised within 14 days of the service of the notice, that you may apply to the Hearing Committee, to seek one or both or a reversal the finding that the dog is a Vicious Dog and an exemption from any one or more of the conditions in section 29, 30 and 31; the process to do so; and the applicable fee for such hearing.

The process to apply to the Hearing Committee is as follows;

Application to Hearing Committee

32 – (1) An owner who has been given notice that his or her dog has been found to be a Vicious Dog, may apply in writing to the License Issuer for a hearing before the Hearing Committee established pursuant

to the City's Procedure By-law then in effect, and shall submit the applicable administrative fee for such applications. The application shall be filed within 14 days of the date that service of the notice under section 28 is effective.

The application fee for appeal hearings for Notices, as set out in Schedule CS-7 to the User Fee By-law 2017-24 is $103.00.

Lastly and in accordance with section 28(6) of By-law 2017-22, the finding that a dog is a Vicious Dog shall be effective upon service of the notice under Section 28(5) and continue in effect unless and until such finding is revoked by the Hearing Committee.

Failure to comply with the provisions of this Vicious Dog Notice is an offence and will result in charges to the By-law and Provincial Offences Act.

Dated this 10th of October, 2018

Brendan Adair, License Issuer
Manager of Compliance and Enforcement
City of Greater Sudbury

Sudbury | Jump to ... | Sign Out | Animal Licenses

- Owners
- Addresses
- Animals
- Tags
- Coupons
- Pay Codes
- Pay Fees
- Vets
- Void Tags
- Settings
- Audit Trail
- Means
- Reports

EDIT ANIMAL

Type	DOG
Name	[redacted]
Breed	GERMAN SHEPERD
Colour/Description	BLACK/BROWN
Gender	FEMALE
Date Of Birth	2016-05-10
Date Acquired/Brought to Sudbury	2016-08-11
Is Altered	☑
Date Altered	
Vet That Operated	[redacted]
Current Vet	** Please Select **
Status	Alive
Comments	

Save Cancel

Tags For This Animal

1 of 1 — 1 Items — 10 /Page — Go

Year	Number	Paid Date	Paid Entry Date	Amount	Code
2018	[redacted]	2018-10-10	2018-10-10	$26.00	N

Coupons For This Animal

0 of 0 — 0 Items — 10 /Page — Go

Coupon Number	Date Created	Is Used	Vet	Cost	Clinic	Date Expires	Is Paid

Owners Of This Animal

1 of 1 — 1 Items — 10 /Page — Go

	First Name	Last Name	Home Phone Number	Work Phone Number	Work Phone Extension	Cell Phone Number	Email Address	Date Of Birth
	[redacted]						[redacted]	[redacted]

Animal Licenses Animal Licenses 1.1.161-5.0
Copyright 2016 City of Greater Sudbury. All rights reserved.

Hearing Committee
City of Greater Sudbury.

Oct 18, 2018

I, [redacted], would like to formally request a hearing to remove the vicious dog order on my pet [redacted], Notice # 835338.
She is a 2 and half year old German Shepard.
Microchip # [redacted]. The Notice stated that my dog attacked without provocation and there where no mitigating factors. we feel this is profoundly incorrect based on witness accounts of the situation and would like to discuss it with the Committee

Thank you in advance

[redacted]

[redacted]

Jan 16, 2019

1700 ACR# 835338 arrived at location to speak with [redacted] regarding the event that occurred [redacted]

explained that [redacted] was cleaning [redacted] car when [redacted] heard barking and the German Shepherd run with teeth showing from [redacted], [redacted] was bit on the buttocks, scratched on the back, the Shepherd then attacked [redacted] dog [redacted] in the home. L. then took a statement

G.S

1820 ACR # 835338

arrived at [redacted]

[redacted]

to speak with the home owners. German Shepherd two and half, female [redacted] does not have 2018 Animal Registration for [redacted] address has recently moved. Spoke w/ [redacted]

[redacted]

all same soldiers

[redacted] Going to be putting a muzzle dog everytime when leaves the home

1750 ACR # 835338 arrived to speak with [redacted], had invoice regarding vet visit with vet for [redacted] took a photo. Request received for Vicious Dog order, also took photos of [redacted] wounds that occurred, took a photo of the current status of the statement

1830 ACR # 835338 arrived at [redacted] to speak with [redacted] to discuss matters that occurred October 9, 2018 regarding dog. Gave [redacted] three offence notices discussed options on the lack of the offence notice. Gave a vicious dog notice discussed options on the

notice. Gave [redacted]
vicious dog order
notice to be posted
on home, advised
and cautioned on
not following through
with the order.
[redacted] informed
would be discussing
with [redacted] gave
~~contact card~~ —— G3

1850 ACR# 835338 spoke
with [redacted] to
update on vicious
dog order and
enforcement done
/G3

1145	ACR # 835338 arrived at location, vicious dog order seen in the window, Took a photo. Met with [redacted] and [redacted] to discuss

vicious dog order.
[redacted] showed
enclosure in lack
yard, I was informed
that landlord advised
them to put it
there. [redacted] explained
that it has 10 inch
spikes holding it
into the ground,
always has dog
on a leash when
inside the enclosure.
[redacted] advised
that they always
have the dog
on a secure leash
when taking outside,
does not leave
unattended. [redacted]
questioned why it
was permitted to take
the dog down the
street, but cannot
take the dog in
the lackyard without
an enclosure, I
informed I would
speak to my manga
as I could not
answer their question

NOTES:

BY-LAW OFFICER
G. DOKIS
09 Oct. 2018
ACR# 835338

1900 [redacted]

Dog Bite
spoke to [redacted]
[redacted]
BLO Sagle took witness
statement from [redacted]
- [redacted] sent photos

from [redacted] injuries
(buttocks) to Sagle
- observed SCRATCH MARKS
to [redacted] side.
- Injuries to [redacted] dog
[redacted], while present
I observed some blood
on my hand when
[redacted] jumped on me
but couldn't tell where
it was coming from.
[redacted] didn't want to
take [redacted] dog to
Edburg to a vet,
& stated [redacted] has

on appt. tomorrow.
— [redacted] was outside & neighbour's dog come running towards [redacted] & jumped on [redacted]'s back & [redacted] swung [redacted] arm to get the dog off of [redacted] & dog ([redacted]) bite [redacted] on the buttocks.
[redacted] then entered [redacted] house & dog (German Shepherd [redacted]) entered the home & grabber [redacted]

dog & shook several times, [redacted] explained that owners finally got of hold of their dog.
— attended to [redacted] [redacted] & spoke to both [redacted], made them aware why we were there, Explained very serious incident & possible Vicious Dog order & would be following up.
BL-O Sagle case

1715 10-8 with Gerald
to [redacted]
835338 - re:
vicious dog order
with Gerald
- speak to [illegible] &
then attend [illegible]
dog residence
where Gerald
serves 3 POR's
& Vicious Dog
Order on [redacted]
[redacted] - for
[redacted]
- [redacted] did
not believe it
was [redacted] dogs
fault.

Wed. 10 Oct 2018
ACR 835338
[illegible]
#1315