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Date October 30, 2023 **Report No.** 2023-660

To Chair and Members
Control of Vicious Dogs Committee

From Dawson Heyworth, Dave Wiedrick, Ben Spychaj

1.0 Type of Report

Consent Item	[]
Item For Consideration	[]

2.0 Topic Muzzle Appeal

3.0 Recommendation

- A. That the appeal filed by Clara Brigaitis, 53 Woodlawn Avenue, Brantford, Ontario, be allowed and that the muzzle order requirement of this designation be CONFIRMED and UPHELD by the Control of Vicious Dogs Committee.

4.0 Purpose and Overview

Sections 103 and 105 of the Municipal Act, 2001, S.O. 2001, c.25 allow for municipalities to regulate animals for being at large and trespassing. Section 105 specifically requires a municipality that requires the muzzling of a dog under any circumstances, to hold a hearing, upon request of an owner, to determine the validity of such a muzzling requirement. Furthermore, Section 206.3.5 of the Brantford Municipal Code confirms the ability of an owner to appeal such a muzzling requirement to the City of Brantford's Control of Vicious Dogs Committee. Section 206.3.9 directs every person to comply with any such direction of the Committee on appeal.

5.0 Background

On July 20, 2023, The City of Brantford received a complaint stating that on July 20, 2023, Alysha Sless's dog, Maverick, of 143 Woodlawn Avenue was bit by a dog which resides at the address of 53 Woodlawn Avenue in the City of Brantford. This event was said to have taken place on the sidewalk in front of 51 Woodlawn Ave. The City of Brantford Municipal Code Chapter 206 (Dogs – Other Animals), sec. 206.1.4, states a “dangerous dog” means: a). a dog that in the absence of any mitigating factor has bitten or attacked a person or domestic animal. On July 20, 2023, The City of Brantford received a witness statement completed by Alysha Sless. Sless's witness statement asserted that on July 20, 2023, while walking with her dog Maverick on Woodlawn Avenue toward Roman Crescent, a bull terrier named Zoey ran from a residence and came up behind Maverick, biting him on his neck. Sless attempted to run away with Maverick, but the dog would not let go. Sless had to let go of the leash so Maverick could get away. Sless then grabbed Zoey's collar and attempted to pry its mouth off of Maverick, causing Sless to fall to the ground with the dog. The collar came off Zoey and Sless was able to create space which allowed her and her Maverick to escape. Once the dogs separated, Sless observed a male on the sidewalk holding and petting Zoey. Sless spoke to the male, who stated that they would pay for the vet bills. The male informed Sless that they lived at 53 Woodlawn Avenue. When Officers originally attended 53 Woodlawn Avenue, they spoke to a male named Curtis. When officers asked if he knew why we were there he stated, “My dog got out and attacked dog.” On August 12, 2023, an ad-hoc committee consisting of Municipal Law Enforcement Officers was held. Upon review of the information submitted to the Bylaw Compliance Department, it was collectively determined that a dangerous dog designation would be issued to Zoey.

On August 12, 2023, Officer Heyworth and Officer Curley attended 53 Woodlawn Avenue and issued the dangerous dog designation to Clara Brigaitis, who identified herself upon issuance of the designation.

6.0 Conclusion

That, based on the information presented above, the appeal filed by Clara Brigaitis, 53 Woodlawn Avenue, Brantford, Ontario, be allowed and that the muzzle order component of this designation be CONFIRMED and UPHELD by the Control of Vicious Dogs Committee.

Prepared By:

Dawson Heyworth, Former Municipal Law Enforcement/Property Standards Officer

Attachments (if applicable)

Photos of the dog bite

Alysha Sless Witness Statement

Copy to:

Control of Vicious Dogs Committee

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☒ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no