

A hearing under By-law 2016-31
Section L 7 to hear an appeal of a Dangerous Dog Designation

Date: November 15, 2016

Location: Town of Minto Council Chamber, 5491 Hwy 89, Harriston

Time: 5:00 p.m.

ORDER OF BUSINESS:

1. Chair, Mayor George Bridge

2. Purpose of Meeting and Decision of the Appeal Committee CBO Terry Kuipers

3. Information relating to the Incident that is the subject of this Hearing Cam Forbes, By-law Enforcement Officer

4. Opportunity to Question - Statement & Evidence of By-law Enforcement Officer

- (a) Applicant/Appellant
- (b) Members of Council

5. Statement by Witness - Owner(s) of victim dogs

6. Opportunity to Question - Witness (Owner(s) of the victim Dogs)

- (a) Applicant/Appellant
- (b) Members of Council
- (c) By-law Enforcement Officer

7. Statement & Evidence of Applicant/Appellant

- (a) Applicant/Appellant

8. Statement & Evidence of Witness in support of Applicant's/Appellant's Case

If there are any witnesses in support of the Applicant's/Appellant's case, the Chair will ask them to come forward to the table and provide their statement.

9. Opportunity to Question - Applicant/Appellant/Witnesses

- (a) By-law Enforcement Officer
- (b) Members of Council

10. Presentation of Summary Arguments

- (a) By-law Enforcement Officer
- (b) Applicant/Appellant

11. Decision of Council

12. Adjournment of Hearing

Property Standards Site Inspection Report

Property Owner: Carole Fell (Tennant)

Property Location: [REDACTED] Palmerston [REDACTED]

Legal Description:

Roll Number: [REDACTED]

Nature of Complaint/Violation(s): Dog attacked another dog

Date: September 19, 2016

Time:

Property Complies / In Violation

Comments:

I received a call from Bill Cheeseman at [REDACTED] Palmerston. Bill told me he had his dog out for a walk, a German Sheppard came running at them, so he picked up his dog. At this point his dog (a Shitzu) squirmed and got loose. The German Sheppard then attacked his dog and ran off. Bill then took his dog to the vet's office where he was told the internal damage was too great and the dog would have to be put down. OPP Officer Dustin Fear took Bill's statement, LP16292506. I spoke to Officer Fear and was told that he spoke with Carole about the dog attack and he felt that she showed no remorse about this incident.

Monday October 3, 2016

At 3:15pm I stopped to talk to Carole Fell at this address. I asked her if she could tell me what she could about the day of the attack. Carole told me that she was putting her dogs in the car when the one named Daisy got loose and ran off. She told me that she did not see her dog attack the other dog. After the attack she went over and thought the dog was ok as it growled at her. She told me that she was upset when she heard that Bill's dog had to be put down due to it's injuries.

Inspector's Signature: _____



Date: _____

Oct 5/16



Dr. D.J. Curtin, Dr. K.G. Kieffer, Dr. D.M. Clarkson
Dr. B.K. Mighton, Dr. R.K. Thompson

594 11th St. Hanover, ON · Tel. **519.364.6772** · Fax. **519.364.7176**

Walkerton – Hanover Veterinary Clinic

R.R.#2 Walkerton, ON

Tel. **519-881-2090** or **519-364-2110** · Fax. **519.881.0108**

Re: 'Maggie' Cheeseman

Case Summary

At approximately 16:50 on September 15, 2016, Bill and Sandra Cheeseman brought their Shih Tzu into the Hanover Veterinary Hospital for examination and treatment for wounds they reported were sustained when Maggie was attacked while walking on leash approximately 30 minutes earlier.

On arrival at the clinic Maggie was bright, alert and responsive, with two, large lumps on either side of her abdomen. She was systemically stable and resented examination or palpation of her abdomen. We administered butorphanol as an analgesic (pain killer) and conducted a thorough physical exam, including an ultrasound of the abdominal masses.

We identified a possible puncture of the skin on the left side of her abdomen, and ultrasound examination revealed structures in both lumps that were consistent with intestines under the skin, and outside the abdominal wall musculature. The resulting diagnosis was traumatic herniation of intestines through the abdominal wall, with probable penetration of the abdomen by a foreign body. We recommended surgery to correct the herniation and investigate the extent of the damage.

Under general anesthesia we opened Maggie's abdomen and found that the abdominal musculature had been ruptured on the left and right sides, and that a large area of skin had been pulled away from the underlying musculature on both sides. On the left side we discovered that the observed skin lesion was a full thickness penetration of the skin that matched with a complete penetration of the abdominal wall, including the peritoneum (i.e. whatever had penetrated the skin also penetrated into the abdomen). Both abdominal ruptures were large enough that intestines had passed through and were lying under the skin. We also discovered that the omentum had been torn in a number of places and, more seriously, that the small intestine had been severely damaged in one place, and completely transected another place such that chyme (partially

digested intestinal contents full of organic material and bacteria) had been leaking into the abdomen since the injury was sustained.

The prognosis for Maggie was grave. This means that, due to contamination of the abdomen due to a foreign body and due to leaking of intestinal contents, the chance of full recovery was very poor. Further, she would have required days of painful hospitalization before we could be confident whether, or not, she would survive.

The Cheesemans elected to euthanize Maggie under general anesthesia after discussion about the grave prognosis associated with such a serious injury and abdominal contamination. We administered euthansol intravenously under general anesthesia, and Maggie's death was smooth and painless.

While we cannot say with certainty what caused Maggie's wounds, we can say that the spacing of the abdominal tears, and the size of the single cutaneous penetration wound are consistent with a level 3 or 4 bite (Dr. Ian Dunbar's bite scale) from another, larger dog.

Dr. Mark Clarkson

Dr. Donna Curtin



Thursday, October 06, 2016

Carole Fell
[REDACTED]

Palmerston ON.
N0G 2P0

On September 15, 2016 your dog Daisy, a German Sheppard cross, attacked and injured another dog to the extent that it had to be put down. For this reason the Dog Control Officer has designated your dog Daisy as a dangerous dog.

7. "Dangerous Dog"

- a) Means a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- b) Means a dog that, in the absence of any mitigating factor has significantly injured a domestic animal; or,
- c) Means a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

Please accept this notice that the Town of Minto designates your Dog "Daisy" as a dangerous dog pursuant to The Town of Minto Dog Licensing By-law 2016-31.

You are required, upon receipt of this notice, to comply with the following requirements:

- a) To keep such dog confined within the owner's dwelling, or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the entry therein of unsupervised children;
- b) To securely attach a muzzle to such dog at all times when it is not confined in accordance with Clause L. 4. a);

5941 Highway #89
Harriaton, Ontario
N0G 1Z0

tel: 519-338-2511
fax: 519-338-2005

www.town.minto.on.ca

- c) To obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such Dangerous Dog and provide to the Dog Control Officer a certificate of such policy and each subsequent renewal thereof. Such policy shall contain a provision requiring the insurer to immediately notify the Dog Control Officer should the policy expire, be cancelled or be terminated for any reason; and,
- d) To permit the Dog Control Officer to insert a microchip implantation in such dog for the purpose of identifying such dog as a Dangerous Dog.

5. Such owner of a dog that has bitten a person or domestic animal shall display a sign at each entrance to the property and building in which the dog is kept warning in writing, that there is a Dangerous Dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

You may request, within three working days of receiving this notice, a hearing by the Council of the Town of Minto which will affirm or rescind the Dog Control Officer's designation of your dog as a dangerous dog and which the Council may substitute its own designation or its own requirements of the owner pursuant to section L4 and L5 of the Town of Minto Dog Licensing By-law 2016-31.

Your request for a hearing must be submitted in writing to the Clerk of the Town of Minto within three working days of the receipt of this notice.

As the owner of a dog that has been designated as a dangerous dog pursuant to this by-law, you shall advise the Dog Control Officer immediately if you transfer ownership of such dog to another person or changes in address at which such dog is kept and furnish the Town of Minto with particulars of same.

If you have any questions, please contact me.

Please act accordingly,



Cam Forbes,
Property Standards Officer
By-Law Enforcement Officer
Town of Minto
T 519.338.2511
F 519.338.2005
E cam@town.minto.on.ca
www.town.minto.on.ca

Letter for appeal *ef*

Palmerston NOG 2PO

11th October 2016

In response to your letter dated October 6th, I would like to point out that I nor anybody else was witness to this 'incident'. On walking to my vehicle I let go of Daisy's leash and she ran off barking, and was back almost immediately, followed by a man shouting. He had a small dog clutched to his left shoulder which was barking and wriggling and had bitten the man's ear. When I understood what he was shouting about I took hold of his dog and checked it over as I was concerned, and pointed out that there were no obvious marks, bites, damp or displaced fur, (which I would expect if the dog had been bitten). The man in question took the dog back and said it was not its middle area but the back end of the dog, that had been attacked. At this point a women whom I believe was his wife appeared from the opposite direction and she also started shouting and verbally threatening.

I have been told that the dog was injured internally and had a single puncture wound on either side of its stomach, (there was no sign of this at the time), (I would expect two puncture wounds on either side from the canine teeth) and the dog was destroyed due to the possibility of infection! (Would antibiotics not have been an option?).

I feel that I must point out that Daisy has been raised on a farm, with dogs, cats, hens and other animals and we have never had any problems, she has also never been a problem with children. She is a sheppard cross and very vocal. The girls that used to live next to us in Palmerston would play with Daisy and walk her around.

Regards

ef

Carole Fell

p.s. I shall be away from oct 24 - Nov 5th.
ef

Section L 7 of By-law 2016-31 to Regulate and License
the Keeping of Dogs and Dog Kennels in the Town of Minto

7. Where the owner of a dog receives a notice from the Dog Control Officer designating such dog as a Potentially Dangerous or Dangerous Dog and so requests in writing to the Clerk of the Town within three working days of receipt of such notice, Council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedures Act within 15 working days of the Clerk's receipt of the request for a hearing and may:

- a) Affirm, amend or rescind the Dog Control Officer's designation of the dog as a Potentially Dangerous Dog or as a Dangerous Dog, as the case may be;
- b) Substitute its own designation of the dog as a Potentially Dangerous or Dangerous Dog, as the case may be; and/or,
- c) Substitute its own requirements/conditions of the owner of a Potentially Dangerous Dog pursuant to Subsections L. 3., or L. 4. and L. 5.