

Dangerous Dog Designation Appeal Committee

Committee Type: Quasi-Judicial

Reports to: Council

Administered by: Legislative Services Division

Committee Administrator: Deputy Clerk

Effective: February 27, 2023

1. Enabling Legislation/Authorizing By-law.

The Property Standards Appeals Committee is established under the authority of the Building Code Act, 1992, S.O. 1992 c. 23 and the Township's Property Standards By-law as amended.

The Property Standards Appeals Committee is required to adhere to the provisions of the:

- Township's Procedural By-law, as amended;
- Township's Committee Governance Policy GP-2023-01; and,
- Statutory Powers and Procedures Act.

2. Purpose/Mandate

The Dangerous Dog Designation Appeal Committee is a quasi-judicial body that hears appeals from dog owner's, or their agents related to the designation of a dog as potential dangerous, dangerous, restricted, or prohibited by an Animal Control Officer, or agent.

3. Responsibilities/Specific Functions

The Committee will conduct hearings to consider Appeals the designation of a dog as potential dangerous, dangerous, restricted, or prohibited by an Animal Control Officer, or agent.

The Committee has the authority to:

- Affirm or rescind the Animal Control Officer's designation of the dog; or
- Substitute its own designation of the dog as potentially dangerous, dangerous, restricted, or prohibited; or
- Substitute its own requirements, restrictions, or conditions of the owner of the dog, including requirements, the Dog Designation Appeal Committee may tailor to the specific circumstances before it or uphold or vary the requirements imposed by the Animal Control Officer, or agent.

Decisions of the Property Standards Appeals Committee are final.

4. Committee Composition

The Committee will be composed of five (5) citizen members.

Consideration shall be given to inclusion of the following qualifications during the process:

- Persons with veterinarian educational background
- Persons involved in a local kennel club
- Persons with experience as a dog trainer
- Persons with related knowledge in animal control or animal behaviour.

The membership of the Property Standards Appeals Committee will be the same membership as the Property Standards Appeals Committee.

In accordance with the Committee Governance Policy GP-2023-01, no member of Council will sit as a member of the Dangerous Dog Designation Appeal Committee.

5. Chair Appointment

The members of the Committee shall elect a Chair from among themselves. When the Chair is absent through illness or otherwise, the Committee may appoint another member as acting Chair

6. Hearing Quorum

Quorum for the Dangerous Dog Designation Appeal Committee shall be three (3) members.

7. Frequency and time of Hearing

The Dangerous Dog Designation Appeal Committee will meet as required. Hearings will be open to the public, in accordance with the *Statutory Powers and Procedures Act*. The Committee will endeavor to meet within 30 days of an appeal being received by the Township.

8. Hearing Notice and Procedures

Hearings shall be held pursuant to the provisions of the Statutory Powers and Procedures Act, and the procedures attached as Appendix "a" to this Terms of Reference.

If the Dangerous Dog Designation Appeal Committee is unable to come to a decision in the time allotted for a hearing, it may reserve judgement and reconvene at a future date and time to be set by the Committee Administrator in conjunction with the members of the Committee and the Appellant.

9. Closed Meetings

The Committee may deliberate in closed session but shall vote in the presence of the Appellant and the Officer.

10. Minutes and Reporting Requirements

Minutes of Dangerous Dogs Designation Appeals Committee Hearings will be recorded by the Committee Administrator and circulated to the Appellant and their agent (if applicable), the Animal Control Officer that issued the order and to the Municipal Clerk.

11. Compensation

Members of the Committee shall be compensated \$50.00 per hearing attended.

Rules of Procedure**1. Submission of Appeals to the Dog Designation Appeal Committee**

An owner of a dog that has received an Order designating the dog as potentially dangerous, dangerous, restricted or prohibited may appeal to the Dog Designation Appeal Committee by sending written notice of appeal to the Township of Wilmot Municipal Clerk within 5 business days of being served with the Order. An Order that has not been appealed within the time referred to above shall be deemed to be confirmed.

2. Confirmed Orders

An Order that has not been appealed, or that has been confirmed or modified by the Dog Designation Appeal Committee, shall be final and binding upon the owner of the dog.

3. Length of Hearings

Hearings should be scheduled near the end of the workday when possible. The meeting location will be booked for 1 hour for each Appeal. Hearings will be held in the Council Chambers of the Township's Administration Complex at 60 Snyder's Road West Baden, ON N3A 1A1.

4. Role and Responsibility of Enforcement Officer

For each hearing, the Animal Control Officer shall provide an information package that will be attached to each agenda. The information package shall contain:

- A copy of the Order;
- A report using the Township's standard report format which outlines why the Order was issued and provides details of the actions taken by the Animal Control Officer to date.

The Enforcement Officer shall attend all hearings of the Dog Designation Appeal Committee. The Officer shall provide a 5-minute verbal outline of why the Order was issued and shall answer any questions the Committee members may have.

5. Role and Responsibility of Committee Administrator

A Committee Administrator appointed by the Municipal Clerk shall book hearings, secure a meeting room, circulate agendas, circulate decisions and minutes, attend hearings and transcribe minutes for circulation.

Requests for information from any member of the public, other than those circulated with minutes and decisions, shall be handled under the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

6. Agendas

Terms of Reference

Dog Designation Appeal Committee Hearings are open to the public however public notice of the meeting is not given. The Agenda is not posted on the Township's website.

Agendas with the attached information package are circulated by the Committee Secretary to the Appellant and their agent (if applicable), the Animal Control Officer that issued the order and to the Municipal Clerk.

The hearing agenda structure will be as follows:

- a. Call to Order
- b. Declaration of Conflict of Interest or Pecuniary Interest
- c. 1st Appeal
 - Chair introduces the matter
 - Committee Administrator to swear-in the Appellant and Animal Control Officer
 - Appellants Testimony
 - Animal Control Officer Testimony
 - Questions from the Committee
 - Deliberation
 - Decision
- d. 2nd Appeal, etc.
- e. Adjournment

7. Decisions and Minutes

The Committee Administrator transcribes minutes and submits them to the Committee Chairperson for review and approval within 5 days of the hearing.

Decisions of the Committee are printed on Township letterhead and signed by the Committee Chairperson immediately following the hearing. The Committee Administrator circulates written decisions of the Dog Designation Appeal Committee within five days of the date of the hearing.

Minutes and decisions are circulated to the Appellant and their agent (if applicable), the Animal Control Officer that issued the order and to the Municipal Clerk.

The decision of the Dog Designation Appeal Committee is final.