

SC-16/2019 - Muzzle Order Appeal - Special Council

April 29, 2019

4:30 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

**1. Call to Order and Declaration of Quorum**

- Mayor and Members of Council
- Nancy Bozzato, Town Clerk
- Officer Ryan Hurman, Welland & District SPCA
- Amanda Ellis Enforcement Manager, Welland & District SPCA
- Dog Owner

**2. Approval of the Agenda**

**3. Disclosure of Pecuniary Interest**

**4. Purpose of the Meeting**

1

Occurrence Report, Investigation #15137

Notice to Muzzle February 9, 2019 (Titan)

**5. Statement and Evidence of Animal Control Officers**

- Opportunity to Question - Owners
- Opportunity to Question - Council

**6. Statement and Evidence of Owners**

- Opportunity to Question - Council
- Opportunity to Question - Animal Control Officer

**7. Witness Statements, If Any**

- Opportunity to Question Witness - Animal Control Officer
- Opportunity to Question Witness - Owner
- Opportunity to Question Witness - Council

**8. Presentation of Summary Arguments**

- Animal control Officer
- Owner

**9. Rendering of a Decision**

**10. Confirming By-law**

11

**11. Adjournment**

**Muzzle Order Appeal Hearing – SPCA Ref. #15137**
**APPELLANT:**
**Owner of Male Neutered Dog, "Titan"**

1124 Haist Street, Fonthill

**SPCA:**
**Officer Ryan Hurman**

Welland &amp; District SPCA

**WHEN:**
**Monday, March 25, 2019 at 4:30 p.m.**
**WHERE:**
 Town of Pelham Municipal Building, Council Chambers  
 20 Pelham Town Square, Fonthill, Ontario

**TAKE NOTICE** that the Council of the Town of Pelham will hold a hearing Under Section 105 of the Municipal Act, to hear an appeal of a muzzle order Issued by the Welland & District SPCA.

**PURPOSE OF THIS HEARING:**

The purpose of this hearing is to provide all interested parties the opportunity to give evidence and cross-examine witnesses. Council shall deliberate the merits of the evidence presented, and shall render its decision which shall be final and binding. A written notice of decision shall be sent to all parties.

All parties and participants should attend at the start of the hearing at the time and date indicated above. If you do not attend and are not represented at the hearing, Council may proceed in your absence and you will not be entitled to any further notice of the proceedings.

**NEED MORE INFORMATION? CONTACT US!****TOWN OF PELHAM OFFICE OF THE CLERK**

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

(905) 892-2607, ext. 315

Fax: (905) 892-5055 Toll Free: 1-866-271-0391

 E-Mail: [NJBozzato@pelham.ca](mailto:NJBozzato@pelham.ca)

Nancy J. Bozzato, Dipl.M.M., AMCT

 Dated this 12<sup>th</sup> day of March, 2019

Town Clerk

Notice

**IMPORTANT INFORMATION!**

**If you wish to be notified of the decision of the Council in respect of this appeal, you must submit a written request to the Clerk at the address indicated above.**



Ontario Society for the Prevention of Cruelty to Animals  
Occurrence Report  
Investigation# 15137



Printed by: Welland & District SPCA  
Printed on: February 12, 2019 12:21 pm

Branch/Municipality: Pelham

Date Received: Feb 11, 2019

Time Received: 10:59 am

Initialed by: Turmel, Nina

Informant: [REDACTED]	Phone (Work): [REDACTED]	Phone (Home): [REDACTED]
Street: [REDACTED]	City: Pelham, ON	Postal Code: [REDACTED]
Owner: YOUNG, Tara	Phone (Work): [REDACTED]	Phone (Home): [REDACTED]
Street: 1124 Haist St Fonthill	City: Pelham, ON	Postal Code: [REDACTED]

On February 11, 2019 SPCA received information that a dog attack had occurred on February 9, 2019 at approximately 5:45 PM. The caller, [REDACTED] advised that she was walking down the sidewalk on Haist Street when she came upon a woman whose dog was relieving himself on the front boulevard. As [REDACTED] walked passed the dog lunged at her biting her finger, and lunging again and biting her on her thigh. [REDACTED] advised that the owner of the dog went inside her home and secured her dog and came back outside and rendered assistance to her and drove her home. As a result [REDACTED] received numerous lacerations and punctures to her thigh and finger.

On February 12, 2019 at 11:10 AM SPCA attended 1124 Haist Street and met with Tara YOUNG. YOUNG advised that she was the owner of Titan, a male, neutered brindle mastiff. She advised that she was outside with Titan on February 9, 2019 letting him relieve himself on the front boulevard. YOUNG stated that the victim walked up from behind her and without asking, reached over and began petting Titan without asking permission. YOUNG advised that out of no where Titan went after her. YOUNG did her best to restrain her dog and brought him inside and rendered assistance to [REDACTED]

As a result of the incident SPCA issued a Muzzle order on "Titan" a male, brindle mastiff type dog.

Tara YOUNG had a valid 2019 Town of Pelham dog licence.

**Complaint:**

Saturday Feb 9 @ 5:45 PM, CP was walking on Haist Rd, on the sidewalk, same side as accuser's home. Accuser and her dog were on the blvd out front of their home, on leash, dog was urinating/defecating, CP walked past and said hello and the dog pounce and bit her. Accuser owns possible mastiff type, large, brown in color. CP has bruising and breaks in skin, left thigh and left ring finger. Left ring finger was bit and her ring was badly bent. Left thigh could have been a paw scraping down. CP has pictures of affected areas. CP's husband, [REDACTED] attended accuser's home requesting vaccine records, made an off the cuff remark towards the dog owner and subsequently NRP were involved. It was interpreted as a threat towards the dog. No reports received from NRP at time of call. NT will report to HD, CP did not attend for medical care.

Investigation Type: Dogs

Investigation Report:

Report Date: Feb 12, 2019

Report Time: 11:10 am

Infraction Type: 10-35

Validity Type: Justified

**Important Dates:**

Feb 12, 2019 Muzzle Order

Charge Laid: ☐

Date Charged:

Criminal Code:

Case Specifics:

Date Closed: Feb 12, 2019

Investigator(s): Hurlman, Ryan



**Ontario Society for the Prevention of Cruelty to Animals**  
**Occurrence Report**  
**Investigation# 15137**



Printed by: Welland & District SPCA  
Printed on: February 12, 2019 12:21 pm

Supervisor:

Signature:

A handwritten signature in black ink, consisting of several overlapping, stylized strokes, positioned over a horizontal line.

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## Dog Attack, 09 February 2019

1 message

[REDACTED]  
To: ryanh@wellandspca.com

Mon, Feb 11, 2019 at 12:43 PM

February 11, 2019

To Whom it May Concern,

On the evening of February 9<sup>th</sup>, 2019 at approximately 1745 I went on my daily walk. Always same route southbound on Westside of Haist rd. While walking on sidewalk approached female and large dog at 1124 Haist rd. She was standing on sidewalk with her dog on the boulevard relieving himself. He was on a leash. When I approached dog lunged at me and bit my left hand. The female tried to hold him back and unable to do so lunged again at my left thigh. I was unable to weightbear and felt very lightheaded so she helped me to her front step and asked to me wait outside until she locked the dog up. She then proceeded to escort me inside her home and removed my glove to find large bleeding laceration on my left ring finger. The wound on my left thigh was unable to examine because of location and did not want to lower my pants. She then proceeded to give me a ride home (1 block). Asked her about shots for the dog, she informed me that he had them. I know it was a large dog but not made aware of species until constable informed me it is a Mastiff.



Virus-free. [www.avast.com](http://www.avast.com)

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### 3 attachments



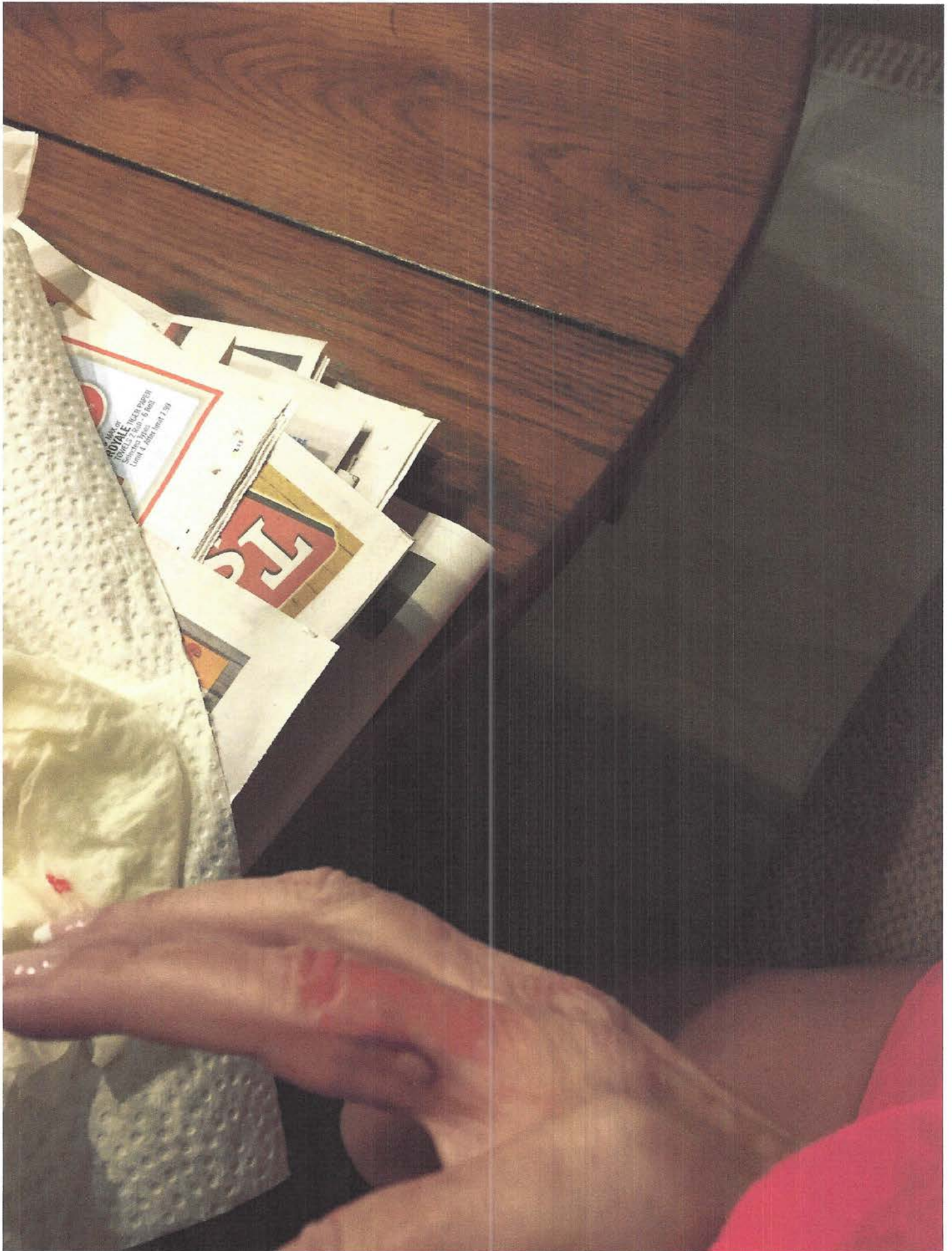
**IMG\_1422.JPG**  
1803K

**IMG\_1421.JPG**  
1847K

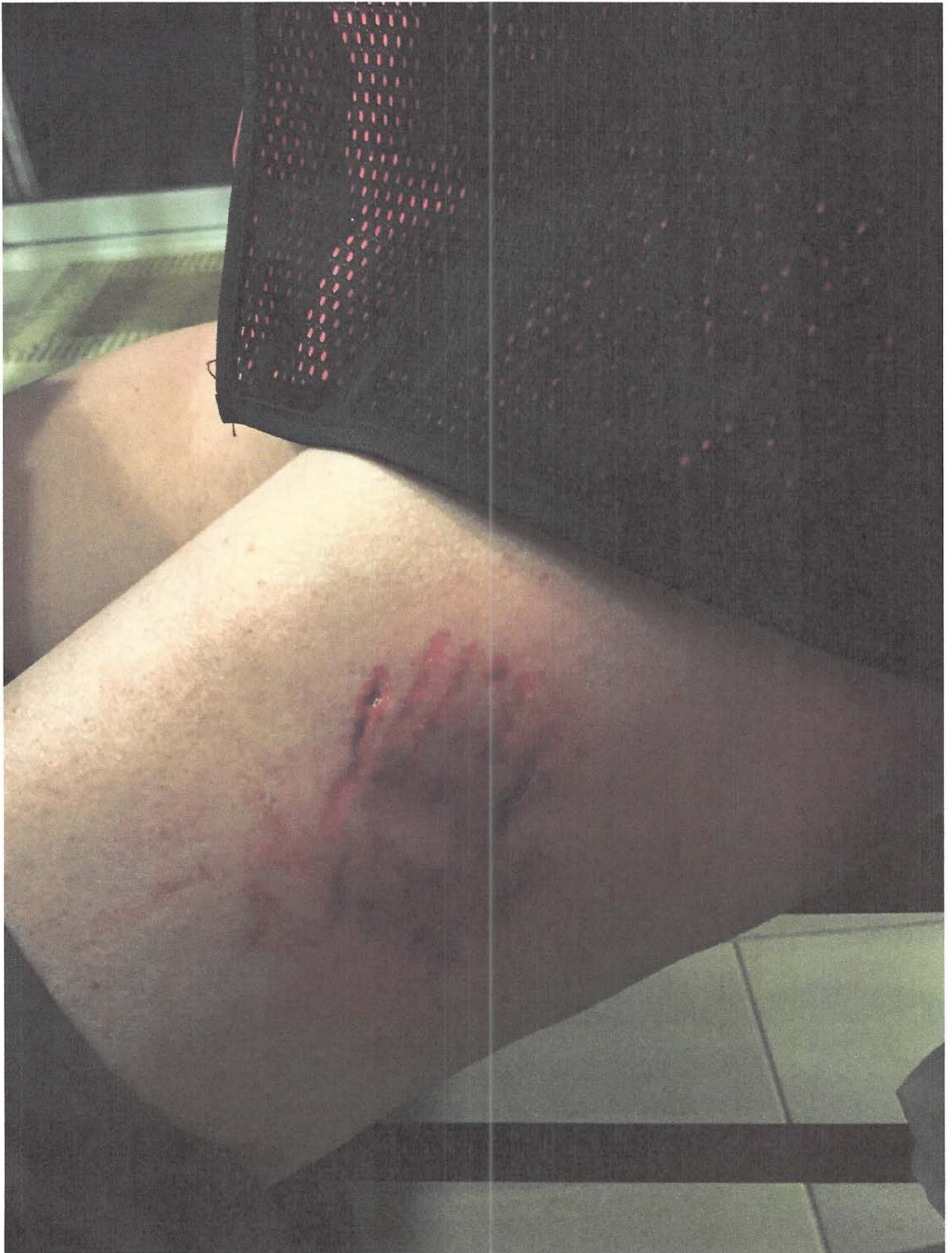












# Order #70256160

Ordered on 2018-12-10 • Sold online

Tara Young  
1124 Haist St  
Fonthill ON L0S 1E2

Item	Price
Licence for Titan (Pet ID Code: CA3XYGVVW64)	\$14.00
2019- Dog, Sterilized- Nov 1st- Dec 31st	\$14.00
A 30mm tag suitable for medium to large size dogs.	\$0.00
\$25 PetSmart Coupon	\$0.00
2 Rewards Cards	\$0.00
<b>TOTAL</b>	<b>\$14.00</b>

## Payments

Payment Method	Date	Response	Amount
Online Credit Payment	2018-12-10 20:28:08	200	\$14.00
<b>TOTAL</b>			<b>\$14.00</b>

## Order Status

Ordered	Processed	Fulfilled	Shipped
2018-12-10	2018-12-11	2018-12-12	2018-12-12

CLOSE



**WELLAND & DISTRICT SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**  
(WELLAND & DISTRICT HUMANE SOCIETY)

60 PROVINCIAL STREET  
WELLAND, ON L3B 5W7  
905-735-1552 OR 1-888-222-0568

Date February 12, 2019

**NOTICE TO MUZZLE**  
**Pursuant to the Corporation of the Town of Pelham By-Law No. 97-2010**

This is to inform you that an officer has reason to believe that on February 9, 2019 your dog has bitten a person.

Description of dog: "Titan" Male, Naureted Brindle Mastiff type dog.

- (1) Every owner shall not permit the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5m in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting another animal or human - Sec. 8 (d)(1)
- (2) At all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined indoors or in an enclosed pen or other structure, of minimum size five feet by ten feet, capable of preventing the entry of children and other animals and adequately constructed to prevent the dog from escaping - Sec. 8 (d)(2)
- (3) Conspicuously display a sign on his/her premises warning that there is a dangerous dog on the property - Sec. 8 (d)(3)
- (4) So confine said dog that allows persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by said dog - Sec. 8 (d)(4)
- (5) Allow an officer to inspect such pen or other structure or to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this by-law - Sec. 8 (d)(5)
- (6) Notify the poundkeeper immediately if a dangerous dog is loose, unconfined, has attacked another animal or human or has died or has been sold or given away. If the dog has been sold or given away the owner or harbourer shall provide the poundkeeper with the name, address, and telephone number of the new owner - Sec. 8 (d)(6)

*Failure to comply with the above notice will result in fines or a summons to Court and/or a hearing under the Dog Owners Liability Act where a judge may place more restrictions on the dog or order it destroyed.*

Items 1 to be complied with by (time) 12:00 PM (date) February 12, 2019

Items 2, 3, 4, 5, 6 to be complied with by (time) 12:00 PM (date) February 15, 2019

For complete wording on vicious dogs, obtain a copy of the by-law from the Town of Pelham

Name Of Dog Owner: Tara Young

Address: 1124 Haist St.  
Fonthill ON.

Phone: [REDACTED]

Ryan Hurman 1742  
Animal Control Officer/ Badge #

[Signature]  
Animal Control Officer Signature

2019-02-12  
Date Of Service

**SEE ATTACHED FOR APPEAL PROCESS INFORMATION**

Rev. Dec-15



## Sarah Leach

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**From:** taralyoung [REDACTED]  
**Sent:** Thursday, February 21, 2019 4:57 PM  
**To:** nbazzato@pelham.ca  
**Cc:** Sarah Leach  
**Subject:** Appeal muzzle order

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Nancy,

I would like to appeal the muzzle order that we received on February 12, 2019 from the Welland and District Humane Society. The order was issued after an incident involving my dog and a female pedestrian on February 9, 2019. I had just returned to my house and was letting my dog go the washroom at the hydro pole located at the end of my driveway. My dog was on his leash at this time. The female pedestrian approached my dog from behind and without asking or saying anything reached down to pet my dog. My dog instinctively defended itself. I immediately took my dog in the house and secured it and then offered assistance to the female. I even drove the female to her house. A short time after this the female's husband came to my house and knocked on the door. My 15 year old son answered the door and was startled to see the male standing holding **my** vehicle snow brush in a threatening manner. The man then stated where's the dog, I'm going to kill it. After the man left I then contacted the Police as the situation had grown and with my husband out of the country I did not feel safe. The police came and took a report. The officer indicated that he would, as per protocol, have to notify the SPCA. On February 12, 2019 the officer from the SPCA attended my house and stated that he spoke with the female involved and then provided me with the muzzle order. The officer did not look at my dog, nor did he ask me any questions regarding the incident. I do not feel that there was any type of investigation, that the officer only took the female's side of the story. My dog has never been aggressive towards another person or animal before.

I do not feel that this one incident should result in my dog being labelled as a vicious dog. We do not let the dog run around in public without a leash as many people do. Any dog that is approached from behind by a stranger could and most likely would have a similar reaction.

Thank you,

Tara Lynne Young

1124 Haist St.

THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW #5001(2019)

Being a by-law to adopt, ratify and confirm the actions of the Council at its  
special meeting held on the 29<sup>th</sup> day of April 2019.

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1)           (a) The actions of the Council at its meeting held on the 29<sup>th</sup> day of April, 2019, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.  
              (b) The above-mentioned actions shall not include:
  - (I) any actions required by law to be taken by resolution, or
  - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2)           The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3)           Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4)           THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED

THIS 29<sup>th</sup> DAY OF April, 2019 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO