

SPECIAL COUNCIL AGENDA

Meeting #: SC-03/2021 - Muzzle Order Appeal - Special Council
Date: February 24, 2021, 5:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

	Pages
1. Call to Order and Declaration of Quorum	
2. Approval of the Agenda	
3. Disclosure of Pecuniary Interest and General Nature Thereof	
4. Purpose of the Meeting	3
4.1. Occurrence Report, Investigation #17765	4
4.2. Notice to Muzzle, December 10, 2020 (Dog - Oakley)	
4.3. Request for Appeal Hearing	9
5. Statement of 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	

6.1. Character Letters (Oakley)

11

6.2. Videos of Oakley

To be circulated separately

7. Statement and Evidence of Victim

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

7.1. Recorded Conversation

To be circulated separately

8. Witness Statements, If Any

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

9. Presentation of Summary Arguments

- Animal Control Officer
- Owner

10. Rendering of Decision

11. Confirming By-law

44

12. Adjournment

Muzzle Order Appeal Hearing – SPCA Ref. 17765

HEARING DATE: Wednesday, February 24th, 2021 at 5:30 pm

PLACE: This will be a virtual/ electronic Hearing Via ZOOM.

Town Council approved Committee of Adjustment Hearings to be held electronically through By-law 4296(2020).

The Town of Pelham Muzzle Order Hearing live webcast will be streaming at:
<https://www.youtube.com/user/TownOfPelham>

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.

Appellant: Owner of Female Neutered Dog, “Oakley”, 1191 Maple Street, Fenwick, ON

SPCA: Officer C. Koll, #3930, Welland and 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.

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


Nancy J. Bozzato, Dipl.M.M., AMCT
Town Clerk/Secretary-Treasurer

Dated this 15th day of January, 2021.

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.

Niagara SPCA & Humane Society

Occurrence Report

#Name?

17765

Printed by: Welland & District SPCA
Printed on: December 10, 2020 5:57 pm

Branch/Municipality: Pelham

Date Received: Dec 08, 2020

Time Received: 1:53 pm

Initialed by: Turmel, Nina

Informant:	[REDACTED]	Phone (Work):	#Name?	Phone (Home):	[REDACTED]
Street:	[REDACTED]	City: Welland, ON		Postal Code:	
Owner:	Irwin, Paul/Jennifer	Phone (Work):	#Name?	Phone (Home):	[REDACTED]
Street:	1191 Maple St Fenwick	City: Pelham, ON		Postal Code:	

NO CEIS PRIORS FOUND

EXPIRED DOCUPET licensing info found for "NEO" a male, unsterilized, golden doodle registered under: Paul Irwin.

ACO KOLL called CP and asked for witness statement to be sent to ACO's KOLL email.

ACO KOLL attended address on December 10, 2020. ACO spoke to Jennifer Irwin who was very upset and angry with ACO's presence.

ACO had trouble speaking/informing Jennifer because Jennifer would angrily interject.

ACO explained that her dog- "Oakley" a 2 yr old, white, curly haired medium/large sized dog, neutered female ran at large on December 7, 2020 and attacked another dog.

Jennifer became upset- saying that the CP's witness statement being used as evidence is a conflict of interest.

ACO tried to issue muzzle order and Jennifer shut door on ACO's face.

ACO returned to truck.

Jennifer came out to truck and held her hand out, waiting for something.

ACO asked Jennifer if she needed anything and Jennifer demanded the documents ACO was going to issue moments before.

ACO informed Jennifer that she was writing out the documents and Jennifer stated that she'd wait inside.

ACO returned to Jennifer's door with "OAKLEY'S" muzzle order and a by-law violation notice- informing Jennifer of a run at large, and failing to obtain dog tag/license by-law infractions.

ACO started to explain muzzle order and appeal process and Jennifer stated that "she could read" and shut door in ACO's face again.

#Name?

Complaint:

Accus owns large, golden, curly/wavy fur.

CP was walking on Maple Ave with friends dog, past location, accus dog ran at her dog and attacked.

CP friends dog was not injured, CP dog was wearing a jacket.

CP screamed at the dog, accus dog ran away.

No owners seen.

CP friend's dog J Terr, wht/blk, F, "Phoebe".

Owner did attend last evening.

Investigation Type: Dogs

Investigation Report:

Report Date: Dec 10, 2020

Report Time: 5:55 pm

Infraction Type: 10-35

Validity Type: Justified

Important Dates:

Dec 17, 2020 Muzzle Order

Dec 27, 2020 Muzzle Order

Charge Laid: ☐

Date Charged:

Criminal Code:

Case Specifics:

#Name?

Niagara SPCA & Humane Society
Occurrence Report
#Name?

Printed by: Welland & District SPCA
Printed on: December 10, 2020 5:57 pm

Date Closed: Dec 10, 2020
Investigator(s): Koll, Carly

Supervisor:

Signature:

A handwritten signature in black ink, appearing to be 'CK', written over a horizontal line.

December 9, 2020

Emailed – carlyk@niagaraspca.com

Statement – Dog Attack

Monday December 7, 2020, approximately 3:30 p.m. I was walking a friends dog, as I often do, this friend is my ex-partner, [REDACTED] I left Balfour Street, heading towards Canboro Rd, proceeded right down Canboro Rd to Maple Street, turned right on Maple Street to Sandra Drive, right at Sandra Drive, we were coming along the sidewalk on Sandra Drive. The house address 1191 Maple Street (corner of Maple and Sandra Drive) there were two vehicles (SUV and a truck) and a mobile home in the driveway. Phoebe (Jack Russell) and I were coming down the sidewalk and out behind the mobile home a large dog (longer hair, blonde/yellow in colour, not a breed I am familiar with) attacked, came out from behind the mobile home. Vicious, full teeth, gnarling, grabbed Phoebe by her coat (thank goodness, coat protected the skin) – I freaked out, started shouting, panicking, I grabbed Phoebe by the leash, pretty sure she was off the ground as I tried to get her out of harm way. My screaming seemed to scare the dog enough to back off, for a second, then the dog came back at Phoebe full teeth, going after her again, I freaked out more, screamed more, panicked more, I heard a faint call from the back yard of the house, the large dog ran off, I stayed on the sidewalk as I did not want to approach anyone on the property, staying off the dog's boundaries/property fearing that would make it more aggressive - especially when I looked around the mobile home to see who was outside of the house, I saw it was a young boy (9 or 10 years old), I did not want to make the dog more aggressive than it was thinking I was going to approach the young boy. I yelled to the boy, angry, 'who is responsible for this dog' – think I yelled the question twice. The young boy yelled back 'it is an electric fence' – I yelled back 'it is not working' and then he disappeared into the house. I waited, thinking for sure the owners of the dog would come out to make sure we were okay, or at least check to see what all the yelling and panicking was. Nothing. Nobody bothered.

I walked Phoebe back to [REDACTED] Balfour Street, sent [REDACTED] a text to let him know what happened and how upset I was, I gave him the address of the house where the attack happened and let him know I was going to do something, report it, whatever one does when your dog is attacked by an irresponsible dog owner. [REDACTED] was very upset, on his way home from work, he stopped at 1191 Maple Street and a young boy and a man were playing hockey outside, [REDACTED] got out of his car and asked 'what is going on, your dog attacked my dog'. The owner replied 'my dog does not have a mean bone in his body', 'I just have to turn up the electric fence' – no concern, no apology, did not ask for details, nothing.

Please advise if you need any additional information. Thank you for reviewing and working to keep our neighborhoods safe from irresponsibility and a lack of concern for neighbours safety.

[REDACTED]

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 December 10, 2020

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 December 7, 2020 your dog has
bitten or attacked. etc.

Description of dog: "Oakley" - 2 yr old, white, med-sized, neutered female

- (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, 3, 4, 6 to be complied with by (time) 9:00 AM (date) December 17, 2020
Items 2, 5 to be complied with by (time) 9:00 AM (date) December 27, 2020

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

Name Of Dog Owner: Jennifer Irwin

Address: 1191 Maple St.
Fenwick, ON

Phone: [REDACTED]

3930
Animal Control Officer/ Badge #

[Signature]
Animal Control Officer Signature

December 10, 2020
Date Of Service

SEE ATTACHED FOR APPEAL PROCESS INFORMATION

Rev. Dec-15

**BYLAW VIOLATION WARNING**

DATE OF SERVICE

Dec. 10. 2020

ISSUED TO:

D.O.B

NAME:

Jennifer Irwin

ADDRESS:

1191 Maple St, Fenwick ON

ON December 7, 2020 AT THE TIME OF 3:30 pm
IT IS BELIEVED THAT A MUNICIPAL BY LAW OFFENCE WAS
COMMITTED.

BYLAW VIOLATION DETAILS

BYLAW:

97-2010

LOCATION:

Pelham

SECTION:	DESCRIPTION OF OFFENCE:
4(a)	Fail to prevent dog from running at large
3(a)	Fail to obtain dog tag

YOU MUST CORRECT THIS BYLAW VIOLATION ON OR BEFORE:

DATE:

December 11.20

TIME:

6:00pm

**FAILURE TO COMPLY WITH THIS WARNING NOTICE MAY
RESULT IN CHARGES BEING LAID**

OFFICER:

3930 / C. Kall

FILE #

17765

905-735-1552 EXT:

207

**WELLAND AND DISTRICT SPCA
706 EAST MAIN STREET
WELLAND, ONTARIO, L3B 3Y4**

**DOG LICENCES CAN BE PURCHASED ONLINE BY GOING TO
WELLANDSPCA.DOCUPET.COM**

Paul and Jennifer Irwin
1191 Maple St.
Fenwick ON
L0S1C0

December 11, 2020

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill ON
L0S 1E0

Dear Valued Town Councillors, Clerks, and Administrative Staff,

My name is Jennifer Irwin and I have been directed to you by Halee Braun, as to how we can navigate the appeal process with the Town of Pelham.

In June of 2018 we brought home our second beloved golden doodle by which we had hand chosen for temperament. We chose her based on a set of criteria in hopes that she would become a Diabetic Alert Dog for our daughter Katherine who had been recently, two months prior, been diagnosed with Type One Diabetes. Our daughter, who was ten at the time, took her to training, and has been her main handler. Together, they completed the first round of training with Dave Mc Mahon and their bond is special.

We have many letters of support from our large circle of friends, neighbours and family who have grown to love Oakley through the two and a half years she has been with us. These testimonies also speak to our character as animal owners, and include letters from our long time neighbours who have not ever seen her cross the invisible fence line.

On Monday December 7th, a man showed up in our driveway and initiated a heated conversation with my husband explaining that our Oakley had crossed the electric fence line, and attacked his Jack Russell dog that his wife was walking. We were immediately responsive to the situation and very concerned because she has not crossed the line before in the two and a half years that we have had her and she has not ever been aggressive to people, kids, babies, or animals. Moreover, previously to Oakley, we had another Golden Doodle who never crossed the line, for the five years we had the fence. We asked this man if there was a vet bill, or any way to rectify the situation and the man threatened our dog, and explained that there was no wound on his jack russel because the dog was wearing a sweater jacket. When we asked our son, who was in the driveway when the alleged happened, our nine year son explained that a woman had yelled at him aggressively while he was playing hockey about our dog. When the attack happened, our son would have been 20 meters from where this happened. His fault,

which he has been spoken to regarding, was that he did not come and get a parent. Alternately, I wonder why the woman wouldn't seek an adult also.

When this was brought to our attention, we immediately came in and purchased a new fence and collar to mitigate any faults that the current one might have developed. On Thursday evening, the SPCA showed up with a Muzzle Order which prohibits our beloved Oakleys freedom and labels her a vicious dog. **Specifically, we were presented with the By-Law No. 97-2010 and are requested to complete orders 1,3,4,6 by December 17, 2020 at 9 am. Orders 2 and 5 are to be completed by December 27th 2020 at 9am.** We would like to appeal this order as we feel that the evidence compiled against us is lacking. There was no vet bill, or damage to the animal. We have many letters from the community that speak to our dog's character and our family dog handling skills. We feel that if Oakley was aggressive and attacked, our son would have noticed, sought help and reacted, as this is out of character for our dog. On the off chance the fence was defective, we have taken measures to correct this and will ensure that it does not happen again. Ever. We are struggling with condemning her for a vicious attack that left no marks and has no witnesses other than the woman who was walking the dog. We are requesting a formal appeal, to ensure that a resolution can be met that will enable Oakley to have a quality of life and some freedom.

Please let me know what is needed from this point on to see this important process through.

Warm Regards,

Jennifer Irwin, Paul Irwin, Katie Irwin and Andrew Irwin



4700 Epworth Circle
Niagara Falls, On
L2E 6S5.
289-687-0505
www.davemcmahon.ca

I evaluated Oakley at December 15/2021
my dog training academy today.

I integrated her with a variety
of dogs both small and large dogs
and she was very friendly with
the dogs! Oakley is a wonderful
dog!

Dave McMahon
Professional Dog Trainer.

January 31, 2021

To Whom it May Concern:

Paul and Jen Irwin became friends of ours not long after we moved to Fenwick in 2013. We share a love of the outdoors and have children close in age, and over the years have enjoyed many barbeques, child play dates, hikes, camping trips, horse back riding events and even dog sledding excursions. Almost always the Irwin's dogs have been a part of our backyard barbecues and outdoor activities, playfully interacting with our four children as well as our own animals including our three dogs (a border collie, whippet, and King Charles Cavalier), cats and horses. Whenever we get together there is often a lot of activity and noise with children running, shouting and playing. Despite this, we have **never** had an incident where the Irwin's dogs (Oakley, Winnie, or the late Neo) have acted aggressively or caused injury to a person, including children, or one of our animals. As such, it came as such a surprise to learn of the allegation that Oakley had "viciously attacked" a small dog passing by the Irwin's property on leash. *An unprovoked attack seems completely out of character and inconsistent with our experience of Oakley as a family and our knowledge of the Irwin's as responsible dog owners.* To illustrate:

Oakley is not an ordinary dog and the Irwin's are not your typical dog owners. Oakley was carefully chosen by Jen and Paul (after much research and preparation) to be a companion dog and emotional support for their eldest child who had been diagnosed with diabetes at the age of eleven. As a psychotherapist working in the area of animal-

assisted therapies, I have come to appreciate the tremendous impact that the human-animal bond can have on a child's health and development. Jen and Paul also have this appreciation and anticipated the positive impact that Oakley could have on their family and their daughter's life, post diagnosis. As a puppy, the Irwin's made sure that their daughter helped to train Oakley and complete puppy training through the Dave McMahon dog training school. Since then, I have witnessed the special bond between Oakley and their daughter, including the positive effect that the training, care and companionship of Oakley has had on her confidence, mental health and wellbeing. On any given day prior to this allegation, Oakley could be seen in the Irwin's fenced (invisible) yard happily playing with the Irwin's children or watching them as she lay in the sun. When she wasn't outside, she was a part of the Irwin's indoor activities, always closest to the action. In short, Oakley can be best described as an intelligent and exuberant family dog that loves children and playing with other dogs like mine. She eagerly greets anyone who comes to the door with barks of joy, playful licks and boundless energy. She is without a doubt a delightful dog with a special role in the Irwin family.

If you have any questions please do not hesitate to contact us at [REDACTED]

Sincerely,

Nancy Rushford, PhD

Psychotherapist/Occupational Therapist

Dr. Paul Stacey, Physiatrist.

December 13, 2020

ATTN: Welland & District Humane Society

Hello.

It has come to our attention that one of the dogs in our neighbourhood, Oakley, owned by Paul and Jenn Irwin who live at the corner of Sandra Drive and Maple Street in Fenwick, has been accused of vicious behavior.

We have a small, 12-pound cockapoo which we walk two or three times a day past the Irwin house. Oakley has been outside on numerous occasions and has never been aggressive toward our dog. In fact, they wag their tails and sniff each other without incident.

Our house is across the road from the Irwin's and we are often outside where we can observe people frequently walking through our neighbourhood. The sidewalk beside the Irwin's house experiences a high number of dog walkers and we have not observed any aggressive behavior from Oakley.

If you require any further information, please contact me at [REDACTED]

Thank you.

Manfred Fast

[REDACTED] Sandra Drive, Fenwick

December 12, 2020

Paul and Jennifer Irwin re Oakley

Hi Paul and Jen,

I was shocked to hear the news about Oakley. I tried to send an email directly to the Welland and District Humane Society but I was unable to find that kind of contact information on their website. I would have called but I prefer that there be a written record of my communication.

Recently you shared that the Welland and District Humane Society appeared at your home with a complaint about Oakley, described as a vicious attack on another dog (a Jack Russell Terrier) They indicated that they intended to issue an order against Oakley as a vicious dog, a dog that would be required to wear a muzzle at all times and a requirement that Oakley is leashed and confined to a pen.

In the seventeen years that I have known you, I cannot recall a single moment where you have been people who did not take full responsibility for yourselves and your pets. You have always been conscientious community members and this remains my observation present day. When you got Oakley two and a half years ago I know you intended to train her as a support dog for your daughter Katie who was recently diagnosed with juvenile diabetes.

To imagine that any circumstance would arise that would reveal Oakley to be anything less than a child loving, gentle dog is beyond comprehension. Even at times when our whole staff has been present in your home Oakley was a friendly quiet dog.

It is my understanding that a situation arose where Oakley ran up to a woman and her Jack Russell Terrier while they were out walking. While it can be upsetting to be greeted by an unfamiliar dog, a competent dog owner would have easily assessed Oakley as a non-threat. To learn that the report to the Human Society was made by a third party and that there was no physical evidence of harm to the Jack Russell Terrier, it confounds me that a society whose's mandate is to protect animals and educate the public would take such an ill-considered approach in this instance. To deem any animal vicious would certainly require a thorough investigation of the situation and some form of evidentiary support.

Looking at the mission, vision, and values stated by the Welland and District Humane Society on their website, it seems that they have contravened their mandate to protect all animals from harm. Certainly, a proclamation of Oakley as a vicious dog and a life sentence to be muzzled and confined is in no way protecting her rights to be treated fairly or to protect her well being.

I am dismayed by the Welland and District County Humane Society's disregard for the protection of Oakley from a report given without evidence and a measure of assessment of the validity. The opportunity to educate the public is not clear and the disregard for your record of being very responsible and respectful pet owners is also neglected.

I would like to public to be aware of these circumstances and to have the opportunity to address the appropriate use of the mandate of the Welland and District Human society. Please let me know if I can

6.

support you via social media to bring this situation to light. Perhaps cooler heads will prevail and it will not be necessary to take that step.

I wish you the best in a quick resolution to this unfortunate misunderstanding.

Kim Downs BA Bed OCT,
[REDACTED]anner Drive
Fonthill Ontario
L0S1E4

Dec 15th / 2020 7.

To whom it may concern

In regards to "Oakley" a dog
owned by Paul & Jess Driver and family.
@ 1191 Maple St. Fenwick.
We have never seen this dog in a
"vicious" or "aggressive" at any time.

This dog has been friendly & lovable
to those who have contact with her.
We have seen that with our grandchildren
who see Oakley. We have known
this dog since she became part of
their household a few years ago.

Sincerely Hans & Hilda Dan

Hilda Dan

Hans Dan.

December 12, 2020

To whom it may concern,

We are writing this letter to support Paul and Jen Irwin with their dog Oakley. The Irwins are our neighbours and we share a fence. We've known and have been around Oakley since she was a puppy.

At no time has Oakley ever shown any aggressive tendencies towards us, our daughter or our own dog Fletcher. Oakley has consistently been friendly towards any guests we have witnessed with her.

We also would like to confirm that Paul and Jen are responsible pet owners and ensure that their dogs are safe around children as they have two children of their own. They have taken Oakley to obedience classes and have ensured their children know how to handle and walk her.

Please do not hesitate to contact us if you require any additional information or clarification. We can be reached at [REDACTED]

Regards



Phil Hayes



Nicole Hayes

[REDACTED] Sandra Drive
Fenwick, Ontario
L0S 1C0

To Whom it May Concern,

I, Ethan Jones am writing this letter on behalf of Jennifer and Paul Irwin in hopes that their dog Oakley is given the appropriate and fair treatment he deserves. My wife (Samantha Jones) and I have lived in Fenwick, Ontario for the past nine months. In our experience over the past nine months we have observed nothing but adequate and responsible pet ownership from the Irwin family. We believe so much in that responsibility that we asked their family to look after our own pet while we were on vacation in August. I am a secondary teacher in the Grand Erie District School Board and my wife is a midwife with the Niagara Midwives. We have shared many evenings with the Irwin's and have had the opportunity to meet and play with their dog, Oakley. In that experience we have never observed an inkling of aggressive behavior from Oakley. Oakley has never raised any concern to our safety or the safety of others. Too my knowledge Oakley has always been confined to the property by means of an electric fence and has never been able to escape that boundary in our presence. I truly hope Oakley is given fair and proper treatment and the order to have Oakley labelled as Vicious is reconsidered for the sake of the Irwin family and for Oakley.

Sincerely,

Ethan Jones

[REDACTED]

[REDACTED]

Attn: Pelham Councillors and Clerk

My name is Sarah Servos and I am writing this letter to support Jennifer and Paul Irwin, owners of Oakley. I have known the Irwin Family for many years and Oakley since she was a puppy. Jennifer and Paul are experienced dog owners, who have taken a thoughtful and educated approach to training their dogs. I am also an experienced dog owner, and amateur horse and dog trainer. In my experience with Oakley, she has always been sweet and kind with both my young child and my three dogs. I have full confidence in her sound temperament with adults, children and other dogs and have never seen any evidence of aggression. Please feel free to reach out if you have any questions, or if I can provide further support.

Warmly, Sarah Servos

[REDACTED]

[REDACTED]

11.

I lived with Oakley from the time she was brought home until July of 2020

During this time I spent a lot of time with her I have never seen her display anything resembling aggression. I have seen her interact with other dogs in a playful way. She has been present at large gatherings with a lot of children and adults and had no issues.

She will sit when I tell her and comes when I call her

I feel to arbitrarily designate her as vicious is unreasonable

Elaine Law

To Whom It May Concern,

This letter is a personal character reference for both Jen and Paul Irwin. I have been a close friend of Jen's for 15 years. We met and worked together for several years as teachers at William Hamilton Merritt Public School in St. Catharines and maintained a friendship afterwards.

As long as I have known Jen and Paul, they have been pet owners. They are both patient, caring and attentive with their pets. I have seen both of them interact with their previous dog Neo and their present dog Oakley in a positive way many times. Their dogs have been a close part of their family and involved in all family activities, whether it is a camping trip to Maine or an end of the summer bbq with close friends and neighbourhood acquaintances.

I would like to speak about Oakley personally. She is a friendly dog who does not bark or cause a nuisance to the neighbours. Whenever I have visited my friend's house, the dog has been very well behaved. I have seen no evidence of Oakley being aggressive or threatening in any way. My son went for a play date at Jen and Paul's house and hadn't met Oakley at that point. The dog was very friendly with the children. He followed them around the backyard and joined in their play. My son who is sometimes nervous around dogs, very quickly felt comfortable around Oakley and they became friends. I have also witnessed Oakley at Jen and Paul's end of the summer, yearly bbq which is attended by many people, known and unknown to Oakley. Oakley has always been free to walk around unsupervised in both the front and back yards. She has consistently been friendly, well behaved and mingled among both the adults and children with no problems. I believe this is a testament to her disposition, loving and friendly with known and unknown individuals both young and old.

I have no hesitation in stating that Oakley is not a threat to others. If you would like to discuss this further, please contact me at [REDACTED]

Thank you,

Kim Barton

To Whom it May Concern,

I have known Jennifer and Paul Irwin for over 20 years. I know them as caring and fun individuals, and great parents to two, wonderful children. Mr. and Mrs. Irwin have always been dog owners, and I have never known their dogs to become aggressive or threatening in any way.

The Irwin family provides a beautiful and loving home for Oakley and their pup Winnifred, a beautiful cockapoo. These dogs are cared for, loved, and handled with gentle discipline. Oakley is a gentle and loving dog. I have never, ever witnessed this dog become aggressive or unmanageable. As someone who doesn't live in the Fenwick area, I am able to approach their property with ease, and comfort, knowing that I am safe upon entering the Irwin surroundings.

I am saddened and offended as a resident of the Niagara region that it's almost too easy to accuse a family of having a "vicious" dog. I feel there are better solutions for this unwitnessed "attack", and that as a society we have not looked at other ways in which this could be resolved.

I promise you, Oakley is not an aggressive dog, and to make this dog adhere to the outlined stipulations is unreasonable, and excessive.

It worries me that it has become this simple and easy to throw accusations around, not thinking of the outcome of people's reputations, and the stress this could cause a beautiful family. I feel we could look at this situation and come up with different and better solutions.

Sincerely,

Elizabeth Armstrong

[REDACTED]

To whom it may concern,

My family and I live up the street from the Irwin's and walk by their house multiple times a week. I have a 3 year old and 5 year old who often walk ahead of us or lag behind, and I have never run into an issue with their dog approaching aggressively in any way, even with the kids walking "on their own". She has never run towards them, jumped up at them or even barked at us as we walked by. Most often she lies on the drive way and lifts her head to acknowledge us as we walk by. I was saddened to learn someone felt she was dangerous because that has never been our experience with this dog. Please except this letter in support for their dog and family.

All the best,

Marisa Chumley

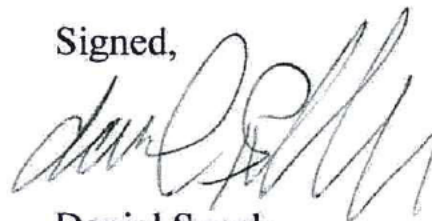
To whom it may concern.

I have known the Irwin family, Paul, Jen, Andrew and Katie since the fall of 2019.

My children regularly play at the Irwin household both indoors and outdoors and walk past their house everyday on their way to school. As a dog owner myself, I would consider the Irwins to be responsible and careful pet owners with their 2 dogs.

We have never had an incident involving either animal and feel very safe in and around their house.

Signed,



Daniel Speck
[REDACTED] Maple Street
Fenwick
[REDACTED]

To whom it may concern

This letter is in relation to the recent complaint that our neighbours Paul & Jennifer Irwin, notified us about an incident that occurred on Dec 7th with their dog attacking another dog walking by. We would like to inform you as their neighbors across the street, that we have NEVER seen their dog be aggressive towards any other dogs or people walking on the sidewalk beside or in front of their property. We have observed the dog playing with other dogs ON their property as their dog cannot go past the invisible fence line. Their dog seems to be friendly, good natured and playful with humans and other animals, not aggressive towards any. Reviewing our camera system that captures the side/ front of their property, we have seen many friendly interactions of their dog with other dogs and humans that have gone onto their property. In our opinion this dog is not a threat or danger to the community.

Jim & Brenda Souter
neighbour at [REDACTED] Sandra Dr Fenwick

To whom it may concern;

My name is Sean O'Neill. I am a close friend and family member of Jenny and Paul Irwin. I write this letter with grave concern about the allegations made against a dear member of our extended family, Oakley. I understand Oakley has been accused of "attacking" another pet while walking with their owner. I find this extremely difficult to believe. Our family has known Oakley from the time she was brought home as a pup (in fact I was present when she was selected as a family dog). Oakley has always been a sweet natured, passive dog that has shown absolutely zero signs of aggression towards other dogs, children or any of the other animals in the family. I have known Paul and Jenny Irwin for over 15 years, and the majority of that time they have owned dogs. To say Paul and Jenny are exemplary dog owners would be an understatement. They have always gone above and beyond with their animals to ensure they are not only well cared for, but well behaved/trained, and guaranteed their needs are taken care of to ensure a happy/healthy dog. I would have absolutely no hesitation to leave my beloved family dog with Paul and Jenny, knowing that he would be taken care of, as if he were their own.

Oakley has routinely proven to be a gentle/docile soul with myself, my wife, our 3 year old daughter and with all of the children and pets in the family while visiting. I have had my share of challenges with my own dog, and as a result done extensive training/research in regards to behavioural challenges with dogs. I have to say, this just does not add up. Oakley has never once shown any sign of aggression in my presence. Not on her "territory" or anywhere else. IF in fact she did show any aggression in this instance, I would be inclined to believe she did so because she had no choice. To attack another dog is completely uncharacteristic of Oakley and I just cannot accept that this was an "unprovoked" attack, as suggested by the other owner (if there was an attack at all).

I would be happy to discuss this further should any additional information be needed.

Regards,

Sean O'Neill
[REDACTED]

To whom it may concern.

My name is Kyle Sheldrick
[REDACTED]

I have known the Irwin's personally since before they got married. The better part of 20 years. My wife and kids have known them for several years - through sports and social settings.

We met Oakley in the winter of 2019.

Jen is a devoted teacher who personally taught my colleagues son and she loves what Jen was able to bring out in him. She's also my ex wife's best friend. The fact that we are still close friends should speak to get character.

Paul is a Minor league hockey coach in his free time and can basically do anything with his mind short of bending steel. He is a kind gentle man who people just want to be around.

I know Paul, Jen, Katie and Andrew to be an extremely loyal and loving family to their friends and family. I would trust anyone of them to watch my kids or my animals without hesitation. In-fact Katie is our go to baby sitter.

I know Oakley to be playful and happy without a mean bone in her body. I would trust her not only with my own animals un-supervised but also with my children!

I hope this has some impact in giving this animal the normal life she deserves.

Yours sincerely

Kyle

This is a letter of reference for Paul and Jen Irwin:

The Irwin's are a good family with multiple pets in the home. We visit often as a family of five. Also our son who is 8 years old visits their son who is 9 years old often and we have never had any report of the dog that is in their home under question being aggressive at all. When we have visited the dog is friendly, greeting you at the door, he listens to commands when given from their family and we have never seen any aggression come from the dog. The Irwin's are responsible people and they take great care of their pets. They are very aware of the surrounding dogs in the town and there has not been any issues to date that we know of or of heard of surrounding the pets that they have.

Thank you for your time

Rosie and John Enzlin
[REDACTED]

My name is James Hulan and I am writing this letter to aid in your decision towards Paul and Jenn Irwin's dog Oakley. I meet Paul Irwin in 1992 when we join the armed forces together. Getting to know Paul he was always a responsible person, especially when it comes down to his family. I met Jenn around 1999 and also the same, very responsible and caring towards her friends and family. As we all grew up together Paul has had mostly dogs as pets growing up with his family, and never did I see any aggression or bad behavior coming from his pets or him with training. Paul and Jenn's dog Neo who passed away a couple of years ago was one of their pets that my wife Beth and I knew best. The training and love Neo got as a pet and a member of their family was unprecedented. Even to the extent of having no games that would cause aggression and possession. Paul and Jenn's kids Katie and Andrew grew up with dogs in their family, and also abided by the training rules and love that Neo got in his life. They have had Oakley since he was a puppy, and they got him especially to help with Katie's diabetes. Every time my wife and I would come over and visit I would always see a loving, playful and happy dog. Most of the times I was there, other people would be there with their dogs as well. I never saw any issues with aggression towards them or their pets. Oakley's training and behavior is what I would want in a pet, especially around children which Oakley is all the time with minimal supervision. If any more information is needed I am available to comment.

James Hulan
[redacted] Wedgewood Ct
St. Catharines Ontario
L2N6L4

To whom it may concern,

We are writing to advocate for the Irwin family and their dog Oakley.

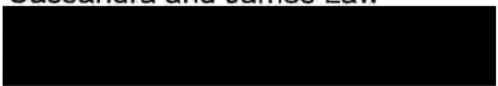
We have known the family for many years and we have spent much time with Oakley, as well as their previous dog Neo.

We consider them very experienced, intelligent and loving dog owners. We have 2 small children (4 and 6 yr old boys) and they have been around Oakley since she was a puppy. We have had, and continue to have, absolutely no concerns about this.

We do not currently have a dog of our own (and our previous elderly dog and Oakley never had the pleasure of meeting), but we have witnessed her many times with other dogs. At large get-togethers for friends and family, other dogs have often been present, and Oakley has always been very playful and gentle. We have never witnessed any behavior that is aggressive or possessive. She has always been very accepting (and excited) to welcome them to her property.

I hope this letter helps in advocating for such a gentle and loving family, and dog. Please feel free to reach out to us at any time.

Respectfully,
Cassandra and James Law



Paul,

As your neighbor, I have never seen Oakley act aggressive.

I've always found her very good with our dog Mack, which is a husky.

She has always been friendly, playful and submissive towards me. At no point have either of my two kids had issue with her.

To think that she bit another dog in anger isn't believable! If like any dog when they're provoked that's another situation.

I have seen, in our neighborhood when other people are walking their dogs, they let their dogs antagonize our dog Mack.

This may not be their intention, but you may never know.

Its not Oakley!! Sometimes its other people's intentions that come into suspect.

Lastly I want to say that Oakley is that typical family dog period.

Graham MacDonald

To Whom It May Concern:

We are writing this letter of reference for Oakley, a golden doodle belonging to Paul and Jen Irwin. Recently, we were made aware of behaviour reported to the Humane Society that Oakley was to be labeled a vicious dog. This goes against everything we know about this dog. We've known Oakley since she was a puppy. She has always been an obedient, loving animal, eager to please and quick to respond to commands and love which she abundantly receives.

She is a playmate for our dog Molly, a labradoodle. Molly is a extensively trained dog who has been accepted as a therapy dog for the St. John Ambulance Association. We are very careful about who we allow her to interact with. We don't go to dog parks at all. Oakley and Molly have been playing together since Oakley was born. They are one year apart. Their play is enthusiastic and sometimes rough but there has never been a sign of aggression from either dog. There is a lot of jumping around and bodily contact but neither dog has ever been bitten. Its hard for me to even imagine Oakley doing that. Some mouthing occurs which is natural for some dogs at play. Oakley comes when called even in the midst of being seriously engaged with Molly. They play together in our yard and in hers. We both have the same electric fences and the dogs wear their collars when they are together. Oakley has always respected the border of the electric fence and we never worry about the two dogs going astray when they are together. Our property is extensive and they have a couple of acres in which to play. We trust Oakley with Molly and that's saying a lot because we are very attached to Molly and have spent a lot of time and money on her and her training.

Paul and Jen are extremely responsible dog owners. Oakley was trained, as was Molly, in obedience at the Dave McMann Training Academy in Niagara Falls. The training took place with both Katie and Andrew, their children, as handlers so that the dog would respond to everyone. I, Catherine, have personally witnessed some of her training. Molly is in the Intermediate class which sometimes overlapped with Oakley's class. I was impressed with the way Oakley responded to the lessons and she passed on the first go around. Many, including Molly, do not.

It would be a great injustice for this loving companion to be treated as a vicious animal. I'm still trying to get my head around the accusation.

Please be sure of all your facts before you make a judgement on a precious family pet.

Catherine and John Griff

To whom it may concern

My wife and I live at [REDACTED] Sandra Dr. in Fenwick . Across the road from [REDACTED] Maple Street in Fenwick The family that lives there have a golden dog that seems to be friendly we have never seen the dog leave his property or go on the side walk feel free to contact us at [REDACTED]

William and Christine Gerada

To Whom It May Concern:

It has come to my attention that someone in my town, has issued a complaint against "Oakley", who resides with his family at 1191 Maple Street, Fenwick.

I have been walking my dog, Maggie around Fenwick twice every morning for several years now. Maggie gets very excited when she sees Oakley, and cannot wait to go and visit. She has sometimes pulled me right up onto the back deck, in order to play with her friend.

It very much disturbs me that a complaint has been made to the SPCA, about this beautiful and friendly dog. It also disturbs me that Oakley's family is very upset by this accusation.

Please, reconsider any actions that could be taken against Oakley. I am sure I am not the only person in Fenwick that has seen what a great dog Oakley is.

Should you wish to discuss this further with me, I can be reached at [REDACTED]

Ron Kozub

To whom it may concern.

We have known Jenn and Paul as pet owners for nearly 20 years. We were beyond shocked to discover that an order had been placed on Oakley as she is the most gentle dog we know. As a puppy, Oakley was a doll, happy and lovely and has grown into a mild tempered wonderful animal. The idea of Oakley being violent to anyone or any animal is just not possible.

We, as pet owners and professionals would allow our children, pets, or any other person around Oakley without hesitation, she is a lovely dog and a very welcome addition to ours and anyone elses homes and spaces.

Please feel free to contact us for a reference on the family and/or Oakley.

Sincerely,

Amber Daniels and Derek Keyes

To whom this may concern,

I have known the Irwin family for just over 3 years, firstly as a coworker to Jenn and secondly as a neighbour. In that time I have witnessed the Irwin's treat and love Oakley to no end.

I have a 2 year old son with a disability who is obsessed with dogs and anytime we walk by their house and chat or bump into them in the neighborhood Oakley has been nothing but phenomenal with my son. She is gentle and curious, allowing my son to pet her, babble at her and poke at her. She has never once given me cause for concern as she just wags her tail and gently licks my sons face which he thinks is hilarious. I can personally attest to how wonderful Oakley is with other people, especially children. Anytime I walk by their house I am never uncomfortable or concerned if Oakley is out in the yard. She wags her tail and we talk to her and say hi as we walk by. The way Oakley behaves around my son is a testament to the love and care she receives at the Irwin household.

Thank you.

Sincerely,

Carly Philbrick-Holditch

To whom it may concern ,

Im writing this letter in regards to Oakley and her family. I have known Jennifer for over 30 years and her husband Paul since they met they are very devoted and caring for their furry family over the years . I personally have had a full house of dogs for over 20 years and any time my two current puppies have visited with Oakley they have gotten along so very well and Oakley is very gentle with my youngest puppy (4months) almost like a big sister. Jennifer and Paul's two children are so very close with Oakley and she provides a great deal of emotional support for their oldest daughter Katie who suffers with diabetes. Oakley has brightened Katie's life since being in their family . I also have a daughter and Oakley has always been very sweet with her also when we visit. I hope that you kindly reconsider your decision and take into consideration my letter it would be very upsetting for their family if Oakley had to punished to this extent over a single incident that did not cause harm . Please let this sweet girl to continue her life as she is with her loving family.

Respectfully yours ,
Nadine Boucher.

To Whom It May Concern,

The purpose of this letter is to provide a character reference for Jennifer and Paul Irwin and their dog Oakley. I have had the pleasure of knowing the Irwin family on a personal level for many years and have known their dog Oakley since she arrived in their home in June 2018. Paul and Jennifer have owned several animals since I've known them and have always shown dedication and love for their pets by providing quality training, regular vet visits and primarily acting in their pet's best interest.

In regards to Oakley, in my experience, she has continuously been mild tempered and loving towards other animals and all humans she interacts with, including children. Oakley is one of the most submissive dogs I've ever seen, often submissively urinating. She has been extremely friendly with our small family dog, a Cavapoo, and was a very good influence when our dog was a puppy and beginning to learn regular commands. To my knowledge Oakley has spent countless hours in training classes and because of this, has always shown obedience, loyal companionship and affection towards people. I have never witnessed any kind of aggression from Oakley towards humans, canines or other animals. Jennifer and Paul Irwin have always acted as honest and responsible pet owners and I would trust them completely with my own pets and children. Please do not hesitate to call if you wish to ask me any specific questions.

Warm Regards,
Natalie Krzysik



To whom it may concern,

I was recently made aware that our neighbor's dog, Oakley, was deemed a vicious dog by the humane society. I can assure you that this dog is not a vicious animal. We have known the owners for at least 4 years now and Oakley since she was a puppy. Oakley has always received good care and lots of love from the Irwin family. She has always been a very happy, well-mannered, docile, and very friendly dog. We have all been together multiple times in a social setting and Oakley was always well behaved. She is good with kids and strangers alike. Just recently, the family adopted another puppy in the home and Oakley has adjusted well to this new situation.

Please reconsider your ruling about Oakley! This will have a negative impact on her as well as on her family.

Best regards,

Natalie Mercier

Neighbour and friend

My husband and I both walk by 1195 Maple St everyday with our Golden Retriever. We see Oakley many times, He is usually just excited, running up and down the driveway along the visible fence on the property! Never passes over the line which is about 5 feet from the sidewalk, We say hello to him and continue on our walk. We have never seen any type of aggression from Oakley and have never feared for our safety or our dogs safety.

John and Dawn Daly, resides on Cherryridge Blvd.

Mark Irwin
[REDACTED]cott St
St. Catharines, ON, [REDACTED]
Dec 12, 2020

To whom it may concern:

I am Paul's brother and I've been around Paul and Jen for as long as they have been together. Both Paul and Jen have always given me the impression of being caring pet owners and have consistently demonstrated responsible actions when interacting with their dog. Every time Paul and Jen are with Oakly, they are providing constant supervision and proper guidance to ensure Oakly behaves well around other people and dogs. I know that having a well behaved dog is of utmost importance to both Paul and Jen and would take action to make sure their dog is always listening to commands and practicing proper obedience.

I have visited several times and been around Oakly without noticing any sign of aggression or misbehaviour. I've always found Oakly to be nice and friendly. I was very surprised to hear news that there was some kind of altercation involving Oakly since she has always seemed so friendly and easy-going. I have seen Oakly interacting with my children, and other people and I've also seen her around other dogs. At no time have I ever been concerned that Oakly would be a danger to any person or another animal.

I do not believe that Oakly should be considered a dangerous or vicious dog. I hope that you please consider the positive impact this dog has on her immediate family and all those, including myself, that have come in contact with her. I would find it very unfortunate that my brother and his family cannot fully enjoy Oakly's company due to the actions of one individual that has had extremely limited interactions and is obviously unaware of the kind, positive actions that Oakly expresses in this world. Thank you for your consideration in this matter.

Sincerely,



Mark Irwin

[REDACTED]

From: [REDACTED]
Sent: February 1, 2021 3:47 PM
To: jody
Subject: Fwd: Oakley

----- Forwarded message -----

From: Paul Irwin [REDACTED]
Date: Mon., Feb. 1, 2021, 3:30 p.m.
Subject: Fwd: Oakley
To: Jen Irwin [REDACTED]

----- Forwarded message -----

From: Tracy Irwin [REDACTED]
Date: Mon., Feb. 1, 2021, 1:57 p.m.
Subject: Oakley
To: paul irwin [REDACTED]

Hello,

This is a message concerning our brother's dog, Oakley. We understand there was an incident concerning Oakley and another dog due to an alleged defective electrical fence. We've known Oakley's owner, Paul and his family and they have had 3 dogs in the last 20 years and have never had any problems with their dogs. They take good care of them and are responsible dog owners. We, our children and our dog, Wookie, are regularly around Oakley and we can attest that this is a friendly and gentle dog. We have not witnessed any aggressiveness whatsoever. In fact, Oakley is one of the most submissive dogs we have ever met- usually rolling unto his back to greet us.

Tracy and Chris Irwin

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4324(2021)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its special meeting held on the 24th day of
February 2021.**

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 24th day of February, 2021, 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 24th DAY OF FEBRUARY 2021 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO