

## DANGEROUS DOG REVIEW TRIBUNAL DECISION

<b>Hearing:</b> DDRT2021-02-DG14.3		<b>Hearing Date:</b> 01/21/2021
<b>Applicant/Dog Owner:</b> Jason Tam		
<b>Being the owner of a dog described as:</b> Animal ID A751576		
<b>Breed:</b> German Shepherd	<b>Sex:</b> Male	<b>Age:</b> 6 years
<b>Colour:</b> Black and Brown	<b>Name:</b> Jasper	
<b>Licence No:</b> D20-211830	<b>Microchip:</b>	
<p><b>In accordance with the City of Toronto Municipal Code Chapter 349 and the Rules of Procedure adopted by the Tribunal, pursuant to section 25.1 of the <i>Statutory Powers Procedure Act</i>, R.S.O. 1990, c. S. 22, the Dangerous Dog Review Tribunal has the authority to:</b></p> <p>Hear appeals from dog owners who are served with a <b>Dangerous Dog Order</b>, and:</p> <p>A. Confirm the determination of a dangerous dog; or</p> <p>B. Rescind the determination of a dangerous dog order and exempt the owner from the compliance with section 349-15.1.</p> <p>In deciding whether or not to confirm or rescind the determination of a dangerous dog, the Tribunal may consider whether the dog was acting in self-defence when the dangerous act leading to the order to comply under section 349-15 occurred.</p>		
<p><b><u>Decision:</u></b></p> <p><b>As a result of the hearing, the Dangerous Dog Review Tribunal rescinds the determination of the Dangerous Dog Order and exempts the owner from the compliance with section 349-15.1;</b></p> <ol style="list-style-type: none"> <li>1. The dangerous act remains on record with the City;</li> <li>2. No further action required beyond the legal requirements as provided by the City of Toronto Municipal Code Chapter 349.</li> </ol>		
<p><b><u>Summary of Reasons:</u></b></p> <p>The Dangerous Dog Review Tribunal Panel was presented with a Dangerous Dog Order appeal. The Tribunal heard oral and written arguments from the Applicant Jason Tam, the Executive Director, Municipal Licensing and Standards, and the Animal Care and Control officer Jim Konstantinidis. The panel also considered written arguments from the victim Brenda Shim, Roger Richards of Toronto K9 Center and three references as to Jasper's character from people who know him. In addition, Ms. Kim's medical records, including comments she made to attending medical personnel at the hospital where she was taken for treatment were entered into evidence by the City.</p> <p>The Tribunal determined that a dangerous act occurred and was committed by the dog in question. Further it determined the Order was issued in accordance with the by-law. However, the Tribunal concluded, by a majority decision, the act was in self-defence.</p>		

The Tribunal accepts the following evidence.

1. Danny Tam, Jason Tam's father was walking Jasper and saw the victim and her friend's daughter Cathy Ayow trying to put a chair in a vehicle in the driveway of 111 Placentia Blvd. Ms. Ayow's mother Philma, Ms. Shim's friend, was on the front porch.
2. They were having trouble getting the chair in the car and Danny Tam was asked if he thought it would fit. He said no and it probably had to be taken apart to fit. According to her written statement, Ms. Shim went to the back of the car where the chair was in order to check the bolts and screws. In the hospital report Ms. Shim stated to the medical personnel she went to pick up the chair and was bitten by Jasper.
3. Tragically at this time Danny Tam suffered what turned out to be a fatal heart attack. Jasper went and lay down beside Mr. Tam who was now lying down on the grass with one hand on the leash and the other hand on his heart.
4. An ambulance was called and the ambulance personnel decided it would be better to transport Mr. Tam to hospital immediately and have a second ambulance take Ms. Shim to the hospital.
5. Ms. Shim's injury was severe resulting in the need for several stitches.
6. Jason Tam was notified about what happened and came over immediately and took Jasper back to his home.
7. In his oral evidence Jason Tam said he could neither confirm or deny that Jasper was acting in self defense out of fear for the possibility of being hit with the chair as he was not present for the incident. He did indicate he felt an unprovoked attack by Jasper was totally out of character for the dog as there were no bite incidents on record.

Two of three Tribunal members felt that, although the bite was undeniably severe, the act was in self-defence believing the dog perceived a threat when Ms. Shim went to pick up the chair.

Based on the evidence and for the reasons above, the Tribunal rescinds the Dangerous Dog Order a vote of two to one.

### **Issued in the City of Toronto**

This 27<sup>th</sup> day of January, 2021

Rick Ross, Chair  
Dr. Hayley Glaholt  
Tracey Hamilton

for the Dangerous Dog Review Tribunal