

## DANGEROUS DOG REVIEW TRIBUNAL DECISION

<b>Hearing:</b> DDRT2021-04-DG15.2		<b>Hearing Date:</b> 02/18/2021
<b>Applicant/Dog Owner:</b> Mohammed Shinwari		
<b>Being the owner of a dog described as:</b> Animal ID A854373		
<b>Breed:</b> Belgian Malinois	<b>Sex:</b> Male neutered	<b>Age:</b> 1 year 4 months
<b>Colour:</b> Brown	<b>Name:</b> Rocky	
<b>Licence No:</b> D20-3220040	<b>Microchip:</b> 982126058878488	
<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 a hearing, the Dangerous Dog Review Tribunal,</b></p> <p><b>Confirms the Dangerous Dog Order</b> issued in accordance with the City of Toronto Municipal Code Chapter 349, Section 15 and the Applicant/Dog Owner is therefore required to:</p> <ol style="list-style-type: none"> <li>1. <b>Ensure the dog is muzzled</b> pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(1);</li> <li>2. <b>Prohibit the dog from entering into a designated leash-free area of a City Park</b>, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(2);</li> <li>3. <b>Ensure the dog is wearing a dangerous dog tag at all times</b>, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(3);</li> <li>4. <b>Post a warning sign on the owners' private property in the form and location required by the Executive Director, Municipal Licensing and Standards</b>, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.A(4);</li> <li>5. <b>Ensure the dog is identified with a microchip</b>, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(5);</li> <li>6. <b>Ensure you have provided a picture of the dog to the City of Toronto</b>, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(6);</li> <li>7. <b>Ensure the dog receives training</b>, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(7).</li> </ol> <p><b><u>Summary of Reasons:</u></b></p>		

The Dangerous Dog Review Tribunal was presented with a Dangerous Dog Order appeal. The Tribunal considered oral and written arguments from the Executive Director, Municipal Licensing and Standards, the Animal Care and Control Officer Patrick Palubjak, the Appellant Mohammed Shinwari as well as an Interested Party, namely the victim Ms. Yan Peng. In addition, the Tribunal considered oral arguments from the owner's son Rashidullah Shinwari and his cousin Asif Rahinzada. The Tribunal also accepted late evidence from Mr. Shinwari in the form of an invoice and photo of a pill bottle from a veterinarian.

The Tribunal determined that a dangerous act occurred and was committed by Rocky the dog in question. Further it determined the Order, issued in accordance with the City of Toronto Municipal Code Chapter 349, Section 15, was so issued in accordance with the by-law. The Tribunal concluded the dangerous act was unprovoked and not in self-defence and was the second dangerous act on record.

The Tribunal accepts the following evidence.

1. Asif Rahinzada and Rashidullah Shinwari were out walking Rocky when Rashidullah had to go inside to go the bathroom. In his absence Asif, who had never walked Rocky alone before got tired of waiting for Rashidullah and went for a short walk on the sidewalk with Rocky.
2. Ms. Peng was jogging on the sidewalk in the same direction as Asif and Rocky. As she passed them Rocky bit her on the leg, unprovoked and she sustained an injury that required five stitches as well as a tetanus shot and antibiotics.
3. Asif ran off with Rocky and Ms. Peng followed them in order to get information on Rocky's vaccination status.
4. Asif claimed that Ms. Peng had stepped on Rocky's paw and Rocky bit her in self-defence. Ms. Peng vehemently denied this. Photographs provided showed the sidewalk where the incident occurred was wide enough for Ms. Peng to pass without the need to make any contact. Ms. Peng also indicated that there was no noise from Rocky indicating she had made any contact with his paw.
5. Mr. Shinwari said he took Rocky to a veterinarian two days after the incident as Rocky was limping and licking his paw. The veterinary evidence was a pill bottle with medication prescribed for pain and an invoice for the medication and consultation – further assessments/examinations were declined. There was no detailed injury documentation signed by a veterinarian.
6. This was the second dangerous act on record for Rocky. In the first incident there was similarity in nature in that Rocky had bitten a young child who was running.

Based on the evidence and for the reasons above, the Tribunal unanimously confirms the determination of the Dangerous Dog Order.

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

This 22<sup>nd</sup> day of February, 2021

Rick Ross, Chair  
Randy Yuen  
Alisa Chaplick

for the Dangerous Dog Review Tribunal