

## DANGEROUS DOG REVIEW TRIBUNAL DECISION

<b>Hearing:</b> DDRT2021-05-DG15.3		<b>Hearing Date:</b> 02/18/2021
<b>Applicant/Dog Owner:</b> Douglas Bassett		
<b>Being the owner of a dog described as:</b> Animal ID A745056		
<b>Breed:</b> German Shepherd	<b>Sex:</b> Female Spayed	<b>Age:</b> 5 years
<b>Colour:</b> Black and Tan	<b>Name:</b> Network	
<b>Licence No:</b> D20-331394	<b>Microchip:</b> 960 00000 483591	
<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 Jodi Savage, the Appellant Douglas Bassett and his wife Susan, their housekeeper, Divina Mendosa, and dog walker Jennifer Johnston as well as an Interested Party, namely the victim dog owner Wynn Theriault, In addition, the Tribunal considered several “character references” for the subject dog Network from neighbours, the dog’s veterinarian and the dog’s trainer.

The Tribunal determined that a dangerous act occurred and was committed by Network 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. Network was being walked by Ms. Mendosa on her daily 1 p.m. walk. As they passed the residence of Ms. Theriault Network went up two steps into the property and behind a bush. There was a dog that yelped and Ms. Mendosa pulled Network back onto the sidewalk and reprimanded Network. Seeing no other dog, they continued on their way.
2. Ms. Theriault heard the yelp and immediately ran over and saw her dog shaking and coming toward her. She examined her dog and found her side wet which she felt was from another dog’s saliva. Her dog was trembling. She could not find any injuries but took her dog to the veterinarian that afternoon and he confirmed there were no injuries.
3. Network’s dangerous act was unprovoked as Ms. Theriault’s dog was quietly eating grass on her own property.
4. There were previous documented incidents on record for Network with the City including menacing behaviour.
5. Mr. Bassett’s professional dog walker Jennifer Johnston, who walks Network nine times per week said that this routine was setup as Mr. Bassett was occasionally having trouble managing Network due to Mr. Bassett’s age. Ms. Johnston suggested they would be willing to enter into an undertaking that Mr. Bassett would not walk his dog off the property in return for the order being rescinded. The Tribunal explained that this was not possible as the Tribunal’s jurisdiction was limited to either confirming or rescinding the order and had no power to attach a condition to the order.

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