

DANGEROUS DOG REVIEW TRIBUNAL DECISION

Hearing: DDRT2021-06-DG15.4		Hearing Date: 02/18/2021
Applicant/Dog Owner: David Taylor		
Being the owner of a dog described as: Animal ID A815495		
Breed: American Bulldog	Sex: Male neutered	Age: 2 years
Colour: Brown and white	Name: Bodhi	
Licence No: D20-329215	Microchip: 982126052655868	
<p>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:</p> <p>Hear appeals from dog owners who are served with a Dangerous Dog Order, 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><u>Decision:</u></p> <p>As a result of a hearing, the Dangerous Dog Review Tribunal,</p> <p>Confirms the Dangerous Dog Order 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"> 1. Ensure the dog is muzzled pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(1); 2. Prohibit the dog from entering into a designated leash-free area of a City Park, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(2); 3. Ensure the dog is wearing a dangerous dog tag at all times, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(3); 4. Post a warning sign on the owners' private property in the form and location required by the Executive Director, Municipal Licensing and Standards, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.A(4); 5. Ensure the dog is identified with a microchip, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(5); 6. Ensure you have provided a picture of the dog to the City of Toronto, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(6); 7. Ensure the dog receives training, pursuant to the Dangerous Dog Order, as provided by the City of Toronto Municipal Code Chapter 349-15.1.A(7). <p><u>Summary of Reasons:</u></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 Julia Guerrieri, the Appellant David Taylor as well as an Interested Party, namely the victim dog Kingsley's owner James Frost. The Tribunal accepted late evidence from Mr. Taylor in the form of a training plan, receipt and letter.

The Tribunal determined that a dangerous act occurred and was committed by Bodhi 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, the second dangerous act on record, although there was some provocation, was not in proportion to the provocation and threat perceived.

The Tribunal accepts the following evidence.

1. The victim dog Kingsley was in the Power Avenue off-leash dog park with other dogs including the offending dog Bodhi. Bodhi went over to play with a poodle he knew. Kingsley approached Bodhi who did not appear to be interested in playing with Kingsley.
2. Kingsley started to bother Bodhi by barking in his face and also snapped and nipped Bodhi. Mr. Taylor and Mr. Frost did not agree on the amount of bother or how long it lasted but both men agreed it occurred. At first Bodhi ignored Kingsley but eventually responded by biting Kingsley and pinning him down. Kingsley suffered three puncture wounds in his neck and shoulder area. Bodhi suffered no injuries.
3. Mr. Taylor thought that Mr. Frost's admission that Kingsley suffers from fear aggression was an aggravating factor in the scuffle.
4. Although Bodhi's attack had some provocation, the Tribunal believed the severity of the attack was out of proportion to the provocation and threat perceived.
5. This was the second attack on record for Bodhi with the City.
6. Mr. Taylor said that Bodhi is a very strong and powerful dog who would likely always be the stronger dog in a confrontation. Accordingly, he said he would always muzzle Bodhi in dog parks but felt it was not necessary when walking on a leash on the street.

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 22nd day of February, 2021

Rick Ross, Chair
Randy Yuen
Alisa Chaplick

for the Dangerous Dog Review Tribunal