

DANGEROUS DOG REVIEW TRIBUNAL DECISION

Hearing: DDRT2021-03-DG15.1		Hearing Date: 02/18/2021
Applicant/Dog Owner: Krishna Mohan		
Being the owner of a dog described as: Animal ID A668089		
Breed: Siberian Husky	Sex: Female Spayed	Age: 7 years
Colour: Black and Grey and White	Name: Lizzy	
Licence No: D20-234702	Microchip:	
<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). 		

Summary of Reasons:

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 Krishna Mohan who was represented by his son Nathaniel, as well as an Interested Party, namely Ada Lim the owner of the victim dog Lilly. In addition, the Tribunal considered written documentation in the form of support letters for Lizzy the dog for whom the order was being appealed.

The Tribunal determined that a dangerous act occurred and was committed by Lizzy 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 even though it was the first dangerous act on record, the injuries inflicted were not proportionate to the threat perceived, and were so severe that the victim dog succumbed to her injuries, and the order was justified.

The Tribunal accepts the following evidence.

1. The victim dog Lilly was being walked by her owner Ada Lim. Ms. Lim indicated since they were only planning on going a short distance on a familiar route, she had not leashed Lilly.
2. When they crossed the road after exiting her house Ms.Lim said Lilly took off and ran towards Lizzy who was being walked by Sheila Mohan. Lilly ran about 100 yards to reach Lizzy barking all the time on the way.
3. Lizzy picked up Lilly in her mouth and swung her around like a rag doll. Unfortunately, Lilly died from the attack in spite of rapid veterinary care. This was the first dangerous act on record for Lizzy with the City. However, the Tribunal felt the severity the attack justified the Dangerous Dog Order.
4. Although not an eye witness Nathaniel Mohan testified, he believed Lizzy was protecting his mother who he felt would have been startled by Lilly. There was no compelling evidence presented to support this position.
5. Lizzy is a Siberian husky while Lily was a Yorkie Chihuahua mix so the ferocity of the attack was completely out of proportion with any consideration of self-defence.

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