

**DANGEROUS DOG REVIEW TRIBUNAL DECISION**

<b>Hearing:</b> DDRT2021-10-DG 20.1 (continuation of DG 19.2 from June 17, 2021)		<b>Hearing Dates:</b> 06/17/2021 and 07/05/2021
<b>Applicant/Dog Owner:</b> Levi Laszlo and Christine Curran		
<b>Being the owner of a dog described as:</b> Animal ID A-853686		
<b>Breed:</b> Plott Hound mix	<b>Sex:</b> Male neutered	<b>Age:</b> 3 years
<b>Colour:</b> Brindle	<b>Name:</b> Wilbur	
<b>Licence No:</b> D20-341369	<b>Microchip:</b> 982 126 055 132 350	

**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 *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, the Dangerous Dog Review Tribunal has the authority to:**

Hear appeals from dog owners who are served with a **Dangerous Dog Order**, and:

- A. Confirm the determination of a dangerous dog; or
- B. Rescind the determination of a dangerous dog order and exempt the owner from the compliance with section 349-15.1.

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.

**Decision:**

**As a result of the hearing, the Dangerous Dog Review Tribunal unanimously rescinds the determination of the Dangerous Dog Order and exempts the owner from the compliance with section 349-15.1 based on the reasons cited in this written decision.**

No further action is required by the Appellant and no dangerous act will remain on file for Wilbur.

**Oral and Written Evidence Before the Tribunal**

The Dangerous Dog Review Tribunal was presented with a Dangerous Dog Order appeal brought by the owners of Wilbur, Mr. Levi Laszlo and Dr. Christine Curran. The Tribunal considered oral and written arguments from the Executive Director, Municipal Licensing and Standards, the Animal Care and Control Officer Julia Guerrieri, and a witness Mr. Clifford Linton who also provided video surveillance footage of the incident that occurred on March 2, 2021, at approximately 12:30 pm. The victim, Ms. Patricia Daley, provided oral evidence only. The Tribunal was also presented with oral and written evidence from the Appellant Levi Laszlo and certified dog trainer Mr. Leonard Heafey. The Appellants who were represented by counsel, Ms. Jennifer Friedman, relied on written statements from Radmila Petrovic Guzina and Walter Kowalahuk. Written statements in the form of several "character" witnesses for Wilbur were also provided from his veterinarian, Dr. Jankovic, and several of Mr. Laszlo's and Dr. Curran's neighbors/friends. The dog's owner, Dr. Curran, did not testify nor did she provide a written statement.

**Summary of Reasons:**

**The City has failed to prove on a balance of probabilities that the Appellants' dog, Wilbur, is the alleged dog in the attack against Patricia Daley on March 2, 2021. Given this finding, there is no need for the Tribunal to determine whether the attack was severe.**

1. The Tribunal accepts that Mr. Laszlo and Dr. Curran own 2 dogs, Luna and Wilbur.
2. The Tribunal accepts as fact that Wilbur is a Plott Hound mix.
3. The Tribunal accepts that on March 2, 2021 at approximately 12:30 pm, an unidentified dog attacked Patricia Daley in and around Lloyd Manor Road and Prince George Drive ("the Attack").
4. The Tribunal also accepts the video surveillance footage of the Attack provided by Clifford Linton.
5. On March 4, 2021, Mr. Linton provided Officer Guerrieri a written statement. He also attended the hearing and gave oral testimony under oath and stated that he witnessed the Attack through the window of his home office, when he heard a woman screaming. In addition to this, Mr. Linton provided additional facts that were not indicated in his written statement (and which were not disclosed to the City before his oral testimony during the hearing). When he was asked about these facts on cross-examination, Mr. Linton indicated that he felt that his memory of the Attack was better now than it had been at the time of the incident some 4 months earlier. Some of the additional facts provided by Mr. Linton at the hearing were contradicted by Mr. Laszlo and two of the written statements before the Tribunal. In this regard, some of the contradictions were as follows:
  - a. Mr. Linton stated he had seen a white minivan driven by a woman (with another dog in the vehicle) pick up the dog he identified as the perpetrator of the dangerous act. Mr. Linton further testified that he saw the same white minivan driven by the same woman drive by his home twice while Ms. Daley was attended to by paramedics on his property. He stated that he saw this same white minivan in the driveway of Mr. Laszlo and Dr. Curran when he drove around the neighborhood. Mr. Laszlo testified under oath, however, that neither he nor his wife own a white minivan.
  - b. Radmila Petrovic Guzina ("Guzina") submitted a written statement indicating that on March 2, 2021, around 11:45 am she returned Mr. Laszlo's other dog, Luna, to his home after she got out of Mr. Laszlo's backyard. Similarly, Mr. Laszlo testified that Guzina had returned Luna to their home.
  - c. Walter Kowalahuk submitted a written statement that he returned Wilbur to Mr. Laszlo's wife, Dr. Curran, after Wilbur had come into Mr. Kowalahuk's backyard.
6. Leonard Heafy, a professional dog trainer, provided a detailed written assessment of Wilbur dated March 21, 2021. Mr. Heafy also testified under oath during the hearing that he watched the video of the Attack several times and stated with "100 percent certainty, beyond a shadow of a doubt" that the dog in the video was not Wilbur. He further gave evidence that in his professional opinion, the behaviour of the dog in the video was not consistent with Wilbur's behaviour and the dog in the video did not even look like a Plott Hound breed.
7. Mr. Heafy also testified that as Wilbur's trainer he tried to replicate the situation depicted in the video, but Wilbur not only did not attack but tried to run away.
8. The Tribunal found that Officer Guerrieri's investigation, while warranted, was less than thorough. While she admitted during her testimony that she was aware that there were several other dogs in the area who looked similar to Wilbur, she testified she saw no need to investigate other dogs as she was "100%" certain Wilbur was responsible for the attack. The Tribunal found that her evidence appeared to focus on the difference in appearance between Luna and Wilbur. Further, Officer Guerrieri ignored numerous emails from the Appellant's counsel prior to the issuance of the Dangerous Dog Order, which prevented Officer Guerrieri from hearing the competing narrative and the Appellant's version of events.

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

**Issued in the City of Toronto**

This 12<sup>th</sup> day of July, 2021

Rick Ross, Chair  
Tracey Hamilton  
Randy Yuen

for the Dangerous Dog Review Tribunal