

Dangerous Dog Review Tribunal 2022 Annual Report

Date: April 11, 2023

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

The Chair of the Dangerous Dog Review Tribunal must submit an annual report on the Tribunal's activities to the appropriate standing committee in accordance with its governance structure. Attached to this report is the Tribunal Chair's 2022 Annual Report.

The Tribunal is an adjudicative board and city and local board of the City of Toronto under the authority of the *City of Toronto Act, 2006*. Tribunal hearings are conducted in accordance with the *Statutory Powers Procedure Act, 1990* and the Tribunal's rules of procedure. The Tribunal provides an independent consideration of appeals to Dangerous Dog Orders issued by Municipal Licensing and Standards under the authority of Section 349-15 of Toronto Municipal Code Chapter 349, Animals. The Tribunal has the authority to either confirm the dangerous dog designation or rescind the dangerous dog designation and exempt the owner from requirements of a Dangerous Dog Order.

In 2022, MLS responded to 2,653 service requests related to a dog's potentially dangerous act and issued 139 Dangerous Dog Orders. Thirty-two Dangerous Dog Orders were appealed to the Dangerous Dog Review Tribunal in 2022 with fourteen being heard by the Tribunal, twelve were upheld and two were rescheduled for rehearing in 2023. The Tribunal also received two Requests for Reconsideration of its earlier decisions with one being refused and one approved for a rehearing in 2023.

This report also responds to the recommendation in the Chair's Annual Report to update City documents. Staff have included much of the requested information in MLS' updated Dangerous Dog Order forms, including how a dog owner can make an appeal if they wish. As MLS staff cannot advise appellants on what arguments to make before the Tribunal, staff recommended the Dangerous Dog Review Tribunal consider emulating other City tribunals by making additional guidance available on its own website.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. The Economic and Community Development Committee receive this report, for information.

FINANCIAL IMPACT

There is no financial impact arising from the recommendation contained in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of July 19, 2022 City Council adopted EC31.5 Updates to Chapter 349, Animals, where it amended section 349-15B by substituting "may" for "shall" so that it now reads "Where the Executive Director has reason to believe that a dog has engaged in a dangerous act against a person or domestic animal, an officer may:" - to allow officer discretion in dangerous dog investigations.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EC31.5>

At its meeting of April 6, 2022 City Council adopted EC28.11 Dangerous Dog Review Tribunal 2021 Annual Report, where it amended Toronto Municipal Code Chapter 349, Animals to add Subsections 349-15C(3) and (4), which clarified that a dog previously found to be acting in self-defence would not be counted against the dog if a subsequent dangerous act occurred.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EC28.11>

At its meeting of May 5 and 6, 2021 City Council adopted EC21.13 Dangerous Dog Review Tribunal 2020 Annual Report, which transmitted the Dangerous Dog Review Tribunal Chair's Annual Report and provided the Executive Director, Municipal Licensing and Standards delegated authority to waive fifty percent of the Dangerous Dog Order appeal fee for low-income households who meet the necessary criteria.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EC21.13>

At its meeting of July 23, 2018 City Council adopted, with amendment, LS27.1 Improved Dangerous Dog Review Tribunal, where it amended Toronto Municipal Code Chapter 349, Animals to establish the Dangerous Dog Review Tribunal as an Adjudicative Board.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.LS27.1>

COMMENTS

Dangerous Dog Orders

Toronto Animal Services is a part of Municipal Licensing and Standards and is responsible for promoting responsible pet ownership, compliance with animal-related laws, and pet adoption and pet licensing. Toronto Animal Services also responds to domestic animal and wildlife issues, investigates dog bite complaints, and provides shelter and veterinarian care.

Under Section 15 of Chapter 349, Animals, MLS Animal Control Officers investigate complaints of dangerous acts committed by dogs. If an officer has reason to believe that a dog engaged in a dangerous act against a person or another domestic animal, they may:

- issue a written warning if it is the first such act on record and the dangerous act is not severe; or
- issue a Dangerous Dog Order if:
 - the dangerous act is found to be severe; or
 - the dangerous act is the second or subsequent act on record with the City; or
 - the dangerous act occurred while the dog was subject to a previous order under a City by-law or provincial legislation.

In 2022, Toronto Animal Services officers responded to 2,653 service requests related to a dangerous act by a dog, as shown in Table 1 below.

Table 1: Dangerous Act Service Requests in 2022

Dangerous Act Type	Service Requests
Animal to Animal (Bite)	402
Animal to Human (Bite)	1,316
Animal to Animal (Attack)	189
Animal to Human (Attack)	223
Menacing Behaviour	523
Total	2,653

These investigations resulted in 522 written warnings for non-severe dangerous acts and 139 Dangerous Dog Orders in 2022.

If a Dangerous Dog Order is issued the owner of the dog has certain requirements that they must follow for the duration of the dog's life, including the following:

- The dog must be muzzled at all times when off the owner's property;
- The dog is not permitted in any designated leash-free area of a City park;
- The dog must be microchipped and must wear a dangerous dog tag, issued by the City;
- A warning sign must be posted on the owner's property, in a form and location determined by MLS; and
- The dog must receive training within 90 days of the Order.

Owners who receive a Dangerous Dog Order have a right to appeal the decision to the Dangerous Dog Review Tribunal by submitting a written request and paying the applicable fee to Toronto Animal Services. When a Dangerous Dog Order is issued, the officer provides the owner with information and a brochure about the appeal process.

Dangerous Dog Review Tribunal Overview

The Dangerous Dog Review Tribunal is an adjudicative board and city and local board of the City of Toronto under the authority of the *City of Toronto Act, 2006*. It is comprised of five members of the public appointed by Toronto City Council for a four-year term.

The Tribunal conducts itself in accordance with the *Statutory Powers Procedure Act, 1990* and its rules of procedure. Its members are bound by the *Municipal Conflict of Interest Act, 1990*. The Tribunal provides an independent consideration of appeals to Dangerous Dog Orders issued by Municipal Licensing and Standards under the authority of Section 349-15 of Toronto Municipal Code Chapter 349, Animals.

The Tribunal has the authority to:

- confirm the determination of a Dangerous Dog Order; or,
- rescind the determination of a Dangerous Dog Order and exempt the owner from compliance with Section 349-15.1 of Toronto Municipal Code Chapter 349, Animals.

The Tribunal receives administrative support from the City Clerk's Office. Meeting dates, agendas and written decisions are posted on the Tribunal's webpage online at www.toronto.ca/council.

Where the Tribunal has made a decision on an appeal, a party can request that the Tribunal review that decision and hold a review hearing on the matter. The Tribunal then considers whether to grant a request for a rehearing, determining whether any of the following conditions apply:

- the Tribunal acted outside its jurisdiction;
- the Tribunal violated the rules of natural justice or procedural fairness, including those against bias;
- the Tribunal made an error of law or fact such that the Tribunal would likely have reached a different decision but not for that error;

- the Tribunal heard false or misleading evidence from a party or witness, discovered after the hearing, which may have affected the result; or
- the Tribunal should consider new evidence not available at the time of hearing, which may affect the result of the appeal.

In 2022, fourteen Dangerous Dog Orders were appealed to the Dangerous Dog Review Tribunal, resulting in twelve Orders confirmed and two Orders rescheduled for a future date. Additionally, the Tribunal received two requests for a rehearing to review a previous Tribunal decision. One of these requests for a rehearing was granted by the Tribunal in 2023.

One of the Chair's duties is to prepare and submit an annual report about the Tribunal's activities to the appropriate standing committee. The 2022 Dangerous Dog Review Tribunal Chair's Annual Report is appended to this report as Attachment 1.

In April 2022, as a result of the Chair's recommendation in the Dangerous Dog Review Tribunal 2021 Annual Report, changes were made to Chapter 349, Animals, to specify that if a dangerous dog act is determined by an officer or the Tribunal to have been in self-defence, that self-defence act not "count" towards a dog's total when determining whether to issue a dangerous dog order when coupled with a subsequent dangerous dog act. It is important to note that if the officer finds the subsequent dangerous act to be severe or is coupled with multiple other non-self-defence dangerous acts, it will still lead to a Dangerous Dog Order under the provisions of Chapter 349-15.

As part of the 2021 Annual Report item, City Council also directed the Executive Director, Municipal Licensing and Standards to revise the Dangerous Dog Order text to note that owners should seek permission from their Condominium Board to post the Dangerous Dog Order on their unit door. As Chapter 349 requires persons subject to a Dangerous Dog Order to post a sign in a "location required by the Executive Director," Toronto Animal Services staff work with dog owners who live in condominiums to meet this requirement in the circumstances applicable in each case. The language on orders was amended to broaden the potential locations for a warning sign to be posted, per Council's direction.

Recommendations of the Tribunal Chair

In the Annual Report, the Chair made one recommendation about Dangerous Dog Orders. Staff have reviewed and implemented the recommendation, as described in the following section.

Amendments to Dangerous Dog Order Brochure

In 2019, MLS created a two-page brochure on the Tribunal's process to provide dog owners with information on how to make an appeal if they so wished. The Chair of the Dangerous Dog Review Tribunal has suggested further updates to City documents to provide additional clarity on the appeals process.

MLS is committed to providing the public the information they need and has updated the text of Dangerous Dog Orders to reflect the concerns of the Tribunal. MLS' ongoing

work in this area has included updating Dangerous Dog Order forms to provide dog owners with the following information recommended in the Chair's letter:

- Clear references to the name, breed and microchip ID number for the dog which committed the dangerous act;
- Clear references to the reason the dangerous act led to a Dangerous Dog Order being issued and a brief description of the dangerous act;
- A clear explanation of the appeal process and who a dog owner must contact at the City to make an appeal.

In the annual report, the Chair expresses concern with appellants misunderstanding what constitutes an acceptable defense during hearings. While MLS has taken steps to clarify the process by which an appeal can be made, it is up to each party to a proceeding to determine what appropriate arguments they should make before the Tribunal. MLS does not advise or instruct appellants on such arguments.

At other City tribunals [such as the Administrative Penalty Tribunal](#), the tribunal itself provides guidance on process and how City orders may be disputed. While MLS staff continue to take efforts to clarify the appeals process in City documents as outlined above, MLS suggested that the Tribunal consider additional guidance on the Tribunal's own website to provide appropriate guidance to appellants to address the concerns expressed in the annual report. The brochure and DDRT website where appellants would be looking for such information have been updated.

CONTACT

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SIGNATURE

Carleton Grant
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ATTACHMENTS

Attachment 1 - 2022 Annual Chair's Report for the Dangerous Dog Review Tribunal
Attachment 2 - DDRT Brochure