

2022 Annual Chair's Report for the Dangerous Dog Review Tribunal for the Economic and Community Development Committee

Overview

All hearings were conducted remotely using the City's Webex technology. Statistically the Tribunal heard 14 Appeals of Dangerous Dog Orders with 8 being upheld unanimously, 4 being upheld by a split decision and 2 being rescheduled. There were 2 Requests for Reconsideration by appellants with 1 being refused and 1 being approved for a rehearing which is yet to be scheduled

Item for Consideration

This report includes 1 item for the consideration of the Economic and Community Development Committee. In 2019, at the urging of the Tribunal, the City produced a 2-page flyer for potential appellants explaining the appeal process. During hearings the Tribunal has still seen misunderstandings by appellants on what constitutes an acceptable defence for appealing a Dangerous Dog Order under Section 349 Animals of the Toronto Municipal Act. This has resulted in time being taken on arguments that are not relevant in overturning the Dangerous Dog Order. As such the flyer should be updated in fairness to potential appellants.

The following points should be included:

- The Dangerous Dog Order must be issued in accordance with the by-law and identify the dog that committed the dangerous act.
- The Dangerous Dog Order applies to a specific incident and not to previous or subsequent behaviour before or after the dangerous act.
- A dangerous act is not limited to just biting but can include any bite, attack, act of menacing behaviour or any combination of a bite, attack or act of menacing behaviour.
- The determination of what is severe is based on the judgement of the Animal Care and Control Officer issuing the order.
- Self-defence can be a defence if the Tribunal deems the act is not an out of proportion response to the initial act.

Final Comments

In conclusion, the Tribunal would like to thank the Tribunal Secretary Brad Bartlett, and his manager Amanda Wahl, as well as the legal support of Scott Nowoswlski and Lisa Pasternak and the technical support provided by the Clerk's office.

Respectfully submitted this 19th day of January 2023.

Rick Ross

Chair, Dangerous Dog Review Tribunal