

Dangerous dog order signage, posting and by-law considerations

Date: March 17, 2025

To: Economic and Community Development Committee

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

At its meeting on November 13 and 14, 2024, City Council requested Legal Services to report back on the following:

- a. how condos can be required to be brought into compliance with City requirements to post dangerous dog signage;
- b. options to include the entire postal code related to a dangerous dog order on the City's website; and
- c. what steps could be taken to publicly quantify the severity chart.

This report responds to these requests and contains action Council could take in relation to these items.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact resulting from this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

On November 14, 2024, City Council adopted Item 2024. EC16.3 - Update on Actions to Address Dangerous Dogs, with amendments. The report summarized actions taken by Toronto Animal Services to address dangerous dogs in Toronto. City Council requested the City Solicitor to report to Economic and Community Development Committee in the first quarter of 2025 on how condos can be required to be brought into compliance with city requirements to post Dangerous Dog Signage; options to include the entire postal code related to a dangerous Dog Order on the city's website; and what steps could be taken to publicly quantify the severity chart.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EC16.3>

On May 29, 2024, the Economic and Community Development Committee adopted Item 2024.EC13.1 - Dangerous Dog Review Tribunal 2023 Annual Report, with amendments. The Committee received the Tribunal Chair's 2023 Annual Report, and requested MLS, in consultation with the City Solicitor, report back in the fourth quarter of 2024 on the definition of severity of a dangerous act.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EC13.1>

On March 20, 2024, City Council adopted Item 2024.EC10.2 - Response to EC6.9 - Incident and Operational Review of Serious Dog Attacks, with amendments. The report summarized operational reviews of a specific dangerous dog attack undertaken by MLS and Toronto Public Health, as well as actions identified to improve processes and enhance public safety, including establishing a public dangerous dog registry and creating a new standard format dangerous dog warning sign.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EC10.2>

COMMENTS

At its meeting on November 13 and 14, 2024, City Council requested Legal Services to report back on the following:

- a. how condos can be required to be brought into compliance with City requirements to post dangerous dog signage;
- b. options to include the entire postal code related to a dangerous dog order on the City's website; and

c. what steps could be taken to publicly quantify the severity chart.

This report responds to these requests.

a. Dangerous dog signage in condominiums

Municipal Code Chapter 349, Animals (Chapter 349) requires that where the owner of a dog is served with a dangerous dog order to comply, the owner must comply with several conditions including the following:

(4) That a warning sign is posted on the owners' private property in the form and location required by the Executive Director;

The current provision provides Toronto Animal Services (TAS) enforcement staff with discretion to ensure dangerous dog signs are posted in locations where they are visible.

Chapter 349 could be amended to clarify that unit doors in condominiums or apartment buildings are locations where the Executive Director, Municipal Licensing and Standards, can require a dangerous dog warning sign be posted. This would provide clarity to staff, condominium boards and residents to ensure compliance with Chapter 349.

Section 349-15.1A(4) could be amended so it reads as follows:

(4) That a warning sign is posted in the form and location required by the Executive Director, with such locations potentially including, but not being limited to, the following:

(a) on the owners' private property in a location where it is visible to any person passing or entering the property;

(b) on the outside of the unit door for the apartment unit or condominium unit where the dog owner resides.

b. Including entire postal codes in dangerous dog public postings

In March 2024, City Council directed the Executive Director, Municipal Licensing and Standards, to create and maintain a public record listing information from all served dangerous dog orders to comply under Chapter 349. Council directed the public record include the dog owner's forward sorting area (first three digits of their postal code), ward number, dog name, dog breed, dog colour, and the date of the dangerous act. This information is now posted on the City's website.

Dangerous dog orders to comply generally contain personal information of dog owners including their name, address and e-mail address, so when the City creates a public record listing information from dangerous dog orders to comply, it must consider relevant factors to ensure this posting of information is in accordance with applicable

law and best privacy practices. Confidential Attachment 1 provides further legal information about this analysis.

In deciding what might form part of the City's public record of information from dangerous dog orders to comply, Council should additionally consider the policy and operational impacts raised by enforcement staff. These considerations can serve to contextualize the operational impact of any additional information being included in the public record.

If City Council wishes to add additional information to the public record listing information from dangerous dog orders to comply, it could amend section 349-15D(1) of Chapter 349 to add that information to the list of what is posted in the public record.

c. Publicly quantifying severity in Chapter 349

Under Chapter 349, one of the scenarios where TAS enforcement officers could serve a dangerous dog order to comply is where the dangerous act is the first on record with the City but is found to be "severe." "Severe" is not defined in Chapter 349.

TAS currently has information on [the City's website about how staff assess dangerous act severity](#), with such information including a bite scale that officers may use as one tool to determine severity. If Council wishes to publicly quantify severity using the bite scale chart posted online or an approach akin to it, Council could amend Chapter 349 to include a definition of severity which incorporates a bite scale or other identified criteria.

Creating a definition which quantifies what constitutes a "severe" dangerous act is legally possible. A definition would have legal impacts on the interpretation of Chapter 349 and subsequent enforcement as described in Confidential Attachment 1.

Council could take the following steps to publicly quantify severity in a Chapter 349 definition by using a bite scale chart or other identified criteria:

1. City Council can identify key criteria or elements it would like to see in a definition of severe, including use of an identified bite scale chart, other document or other indicia of what would constitute a dangerous act being severe.
2. City Council can request Municipal Licensing and Standards, in consultation with Legal Services, to consider the key criteria and elements identified by Council and report back with a proposed definition for Council's consideration; and
3. City Council can consider the subsequent report from Municipal Licensing and Standards and amend Chapter 349 to include a definition of severe as Council deems appropriate.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1