

To: SPECIAL COUNCIL

Meeting Date: 6/28/2022

Subject: Dog Muzzle Appeal Committee Update

Submitted By: Danielle Manton, City Clerk

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Report No.: 22-036-CRS

File No.: C1101

Wards Affected: All Wards

RECOMMENDATION(S):

THAT Report 22-036-CRS re: Dog Muzzle Appeal Committee Update be received;

AND THAT the Property Standards Committee be authorized to hear and make decisions on any outstanding or new Dog Muzzle Appeals received until the end of the Council term;

AND FURTHER THAT the City Clerk be directed to include a review of the Dog Muzzle Appeal Committee's mandate and terms of reference as part of the Advisory Committee Review with the new term of Council.

EXECUTIVE SUMMARY:

Purpose

To provide an update on the status of the Dog Muzzle Appeal Committee and to recommend a process for addressing any new and outstanding Dog Muzzle Appeals received since August of 2021.

Key Findings

In August of 2021 the City was notified that one of the members of the Dog Muzzle Appeal Committee passed away unexpectedly leaving the Committee with only two (2) of the five (5) member complement established by Council.

Shortly after the member's passing, one (1) of the remaining two (2) members of the Committee resigned leaving one (1) member left.

The Clerk's Division has attempted to recruit members to the Dog Muzzle Appeal Committee without success.

There are several outstanding appeals that were to be heard by the Committee at a scheduled meeting in August 2021 which could not be heard because of the member's passing.

New appeals have been received since August 2021 that are outstanding and for which appellants are awaiting confirmation of a hearing date.

Financial Implications

There are no anticipated financial implications associated with the Property Standards Committee taking on Dog Muzzle Appeals until the end of the Council term. The Property Standards Committee currently receives a stipend of \$50 per sitting and would be compensated at the same rate to hear and make decisions on Dog Muzzle Appeals.

STRATEGIC ALIGNMENT:

- ☐ Strategic Action; or
- ☒ Core Service

Objective(s): WELLBEING - Connect people to services that support individual and community wellbeing

Strategic Action: Choose a Strategic Action

Program: Governance

Core Service: Council and Citizen Committees

The proposal for the Property Standards Committee to hear and make decisions on Dog Muzzle Appeals ensures that the citizens of Cambridge retain their right to have their appeals heard in a timely manner and that an important service continues to be provided per the requirements of the Dog By-law.

BACKGROUND:

In March of 2004, Council enacted an Animal Control By-law to provide for the designation of "Potentially Dangerous Dogs" and "Dangerous Dogs", and included conditions for muzzling and the establishment of a Dog Designation Appeal Committee whose mandate was to:

- hold hearings from an owner's appeal to the designation of a dog as potentially dangerous or dangerous;

- to affirm or rescind the designation of the dog;
- To substitute the Committee's designation of the dog as potentially dangerous or dangerous; and
- To place conditions upon continued ownership of a potentially dangerous or dangerous dog.

In addition, a resident of Cambridge could, upon complaint, request the City investigate the possibility of designation for a specific dog.

In 2007 a review of the Animal Control By-law and the procedures of the Dog Designation Appeal Committee was undertaken and a revised Terms of Reference for the Committee was adopted by Council along with hearing procedures. At the time, staff were also directed to investigate the possibility of entering into an agreement with the Cambridge & District Humane Society (SCPA) for their services to act as By-law Officers for the City of Cambridge when dealing with "Dangerous or Potentially Dangerous Dogs" as it pertains to the City's Animal Control By-law for the remainder of 2007 and 2008.

As a means to address concerns raised by both the Cambridge & District Humane Society and complaints received from the general public, in October of 2013, Council enacted a revised Animal Control By-Law (171-13) as well as a stand-alone Dog By-Law (By-law 172-13). As a large component of the previous Animal Control By-law was dedicated to dogs, a stand-alone Dog By-law was established to separate the dog regulations from the other animals to provide clearer requirements for the public and the appeal process. The Dog By-law also removed the ability of dog owners to appeal and/or modify their dog's designation as a "dangerous" or "potentially dangerous" dog. The rationale for this change was that it would maintain the integrity of the By-Law as well as reduce the corporation's liability. The ability to appeal muzzling orders remained in place through the Dog Muzzle Appeal Committee.

Operating as a quasi-judicial committee under the Statutory Powers and Procedures Act, the Dog Muzzle Appeal Committee is able to affirm, modify or rescind the Animal Control Officer's muzzling of a dog. The Council established Membership composition of the Committee includes one (1) local veterinarian, one (1) representative of a local kennel club and three (3) citizens at large for a total of five (5) members appointed by Council for the term of office.

ANALYSIS:

On August 25, 2021 the Dog Muzzle Appeal Committee was scheduled to meet for a full day of hearings on appeals that had been received by the Clerks Division since the last

meeting in May of 2021. On the Monday of the week of the hearing date, the City was notified that one of Committee members had passed away unexpectedly over the weekend.

With the passing of the member, only two (2) members of the five (5) member complement remained, and the meeting could not proceed. The hearing date was postponed and all parties were notified of the delay; however, shortly after the member's passing, one (1) of the two (2) remaining members of the Committee resigned while Clerks staff were attempting to recruit new members to the Committee.

The Clerks Division has explored various options for how to move forward with this Committee in recognition of the need to resolve the outstanding appeals from August of 2021 and to address appeals received since then. Several attempts have been made to recruit new members to the Dog Muzzle Appeal Committee without success. This led to discussions with By-law staff where it was determined that the most viable solution to ensure the existing appeals could be dealt with was to have the Property Standards Committee assume responsibility for all Dog Muzzle Appeals until the end of the Council term.

As quasi-judicial committees, both the Dog Muzzle Appeal Committee and the Property Standards Committee operate in a very similar manner. Both conduct their proceedings under the Statutory Powers and Procedures Act with support from City staff. Meeting preparations are similar in terms of the requirement to provide Notice of the Hearing Date(s), to provide Disclosure to the Appellants of the Officer's notes and any evidence and to provide an opportunity for all parties involved to make statements and share evidence before a decision is rendered by members. In light of this, it was deemed appropriate for the Property Standards Committee to assume responsibility for Dog Muzzle Appeals to assist with the backlog of appeals and anything new that might come in before the end of the year.

In reviewing some of the previous reports to Council and the current Terms of Reference for the Dog Muzzle Appeal Committee, it is clear that there also exists a need to revisit this Committee as part of the larger Advisory Committee Review process with the new term of Council and to take a closer look at the membership of the Committee that was previously established. The current requirement for members to have experience through a local kennel club, be a veterinarian or have other dog related experience, i.e. grooming, boarding, kennels, training, etc. may be working against the Committee in the attempt to recruit members as it puts potential new members with experience in these areas in a conflict situation where an appellant who is unhappy with the Committee's ruling may speak against a particular business that a member is affiliated with. Staff have received similar concerns from the 'dog community' in attempting to recruit members.

EXISTING POLICY / BY-LAW(S):

The Dog By-law (By-law 172-13) was enacted by Council on October 21, 2013 to separate the dog regulations from other animals and to provide clearer requirements for the public.

FINANCIAL IMPACT:

There is no financial impact.

PUBLIC VALUE:**Collaboration:**

Should Council approve the staff recommendation, collaboration will involve working in partnership with the Cambridge & District Humane Society and City By-law staff to transition all outstanding appeals over to the Property Standards Committee as well as to provide support to the Committee as it deliberates on any appeals.

Transparency:

To ensure transparency, this report is being brought forward to Council and will be posted publicly on the City's website as part of the Council agenda. Once the transition of appeals to the Property Standards Committee is approved, communication to all affected parties will be undertaken.

ADVISORY COMMITTEE INPUT:

Similar to the Property Standards Committee, the Dog Muzzle Appeal Committee meets, as required, to hear and make decisions on appeals. Staff have advised the remaining member of the Dog Muzzle Appeal Committee of the intent to have the Property Standards Committee hear and make decisions on Dog Muzzle Appeals until the end of the Council term and there were no concerns with this plan. As part of the communication of Council's decision, the Property Standards Committee will be advised of this additional work and will be provided with training specific to the Dog Muzzle Appeals process.

PUBLIC INPUT:

Posted publicly with agenda.

INTERNAL / EXTERNAL CONSULTATION:

Consultations have been undertaken with the Cambridge & District Humane Society and with the Manager of By-law Compliance whose team facilitates the in-take, preparation for and holding of Property Standards Appeals. Dog Muzzle Appeals are currently facilitated by the Council & Committee Services team within the Clerks Division and would simply move over to the By-law team with support for future meetings to be provided by the Council & Committee Services team.

CONCLUSION:

To ensure that outstanding and new Dog Muzzle Appeals can be addressed, staff are recommending that the Property Standards Committee assume responsibility for hearing and making decisions on appeals for the remainder of the Council term. This will permit staff to explore and bring forward a long-term solution for consideration and approval by the new term of Council as part of the Advisory Committee review.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

Not applicable.