

THE SIXTH MEETING OF THE HEARING COMMITTEE OF THE CITY OF GREATER SUDBURY

Committee Room 12
Tom Davies Square

Wednesday, January 20, 2010
Commencement: 4:00 p.m.

Chair

COUNCILLOR JACQUES BARBEAU, IN THE CHAIR

Present

Councillors Berthiaume; Dutrisac; Rivest; Thompson

City Officials

Bryan Gutjahr, Registrar/Manager of Compliance & Enforcement;
Angie Haché, City Clerk; Franca Bortolussi, Council Secretary

News Media

Sudbury Star

Declarations of
Pecuniary Interest

None declared.

HEARING

Item 1
Vicious Dog

The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated November 4, 2009 was received from the General Manager of Growth & Development regarding Vicious Dog.

Boris Nanef and Paula Nanef, the appellants, and Gary McMahon, Solicitor for the appellants, were present.

The Registrar/Manager of Compliance and Enforcement stated that on October 6, 2009 complaints were received from individuals who were attacked or bitten by a German Shepherd dog named Titan and owned by the appellants. Being satisfied that the dog did attack and bite without provocation, on October 7, 2009, he sent a vicious dog notice to the dog's owners requiring compliance with Section 21 of the Animal Control By-law with respect to the muzzling and leashing of a vicious dog. The owners of the dog appealed the decision. He circulated pictures of a dog bite on a child's leg and several complaint letters/emails from area residents.

Allan Kuzenko stated that children, including their daughter, and a puppy were walking in front of the Nanef home and Titan ran from his home, crossed the street, bit their daughter and then chased after the puppy but was unable to catch it. Their daughter was not severely hurt but he feels the dog is dangerous. He advised was jogging and Titan came running after him from across the street and attempted to bite him. He is

HEARING (continued)

Item 1 Vicious Dog (continued)

fearful for the children in the neighbourhood as there are eight children within one kilometer of the Naneff property.

Laura Kuzenko stated that the attacks appear to be escalating and progressively getting worse. She has concerns about this becoming more serious. She indicated the bite broke through the skin of her daughter's calf and she will have a permanent scar as a result of the bite.

Gary McMahon advised that Greater Sudbury Animal Control & Shelter Services conducted an investigation and issued a 'warning' to the Naneff's and therefore they were surprised to receive the 'vicious dog notice' shortly thereafter.

Boris Naneff distributed a brief which includes Purebred Dog Certificate, Microchip Registration, Certificate of Neutering, Certificates of Vaccination, letters from workers at their new home attesting positively to the dog's behavior, information regarding E-Collar, information regarding Skiplyn Kennels where Titan is being trained with Certificate of Achievement – Obedience Training Course Level 2, aggression issues examination report from a veterinarian, photographs of Titan with family, friends and workers and photographs of the fencing around their new home. He stated he made a commitment to the Kuzenko's that his family would work with Titan to ensure a safe neighbourhood and would approach it in a way as if it was their daughter in this situation. He indicated that Titan is now in Level 3 training and provided an electronic presentation of Titan during training. He advised of a situation five years ago where he went to purchase a German Shepherd with his mother. The dog displayed inappropriate tendencies and within a year it was returned to the kennel. He stated they have always been responsible dog owners. He indicated that the neighbourhood children have all played very comfortably with Titan. He indicated that they now live on a fenced one-acre property in Hanmer which gives the dogs room to run. He feels it is important that Titan maintain his freedom which is why he is appealing the notice to muzzle and leash the dog.

Paula Naneff stated that she spoke with Sherri Mills of the Greater Sudbury Animal Control & Shelter Services regarding the warning and she also spoke with Megan's mother to explain the steps they were taking to deal with this matter. She felt the matter had been dealt with and was therefore shocked when she received a call from the Registrar/Manager of Compliance & Enforcement regarding the notice.

HEARING (continued)

Item 1 Vicious Dog (continued)

Boris Naneff advised that, as they were appealing the notice, he contacted Sherri Mills requesting a copy of her. He explained the lengths he went to to get a copy of the notes; but to no avail.

The Registrar/Manager of Compliance & Enforcement stated he was not aware that Sherri Mills had investigated and issued a warning. He advised that it is not common practice for staff to provide notes to the public and requests would be directed to the Municipal Freedom of Information and Protection of Privacy process.

Gary McMahon distributed copies of two letters, dated January 19 and 20, 2010, to Greater Sudbury Animal Control & Shelter Services requesting the notes.

Tammy St. Louis, owner of Skiplyn Kennels, listed her credentials and experience and stated she specialized in aggressive cases. She advised that Titan came to her as a puppy for obedience training and then came back for a refresher in the summer of 2008. She also advised that the Naneff's purchased an E-Collar because it is an easy off leash training tool. Titan has attained his Certificate of Achievement for Level 2, is enrolled in Level 3 and is now very well trained. She stated that Titan was left with her for three weeks for intensive training after the bite. Using an electronic presentation, she explained in detail the work she did with Titan and stated she never had a problem with him in her house and in training. She stated that she believes Titan has the potential to be an excellent dog and is one of her best students in her class right now.

Gary McMahon advised that, until these incidents, Titan was not a problem and, since the notice, there have been no further incidents. He stated that the family no longer live on Donnelly Drive and now have a fenced-in yard in Hanmer. He indicated that Titan is still in training and will continue training. He advised the Naneff's are responsible dog owners and have taken steps to rectify the matter including E-Collar, veterinarian assessment, training, etc. He stated this is a family dog and not a vicious one. He requested that the Committee grant an exemption and impose conditions deemed appropriate with the knowledge that Titan will continue training, he will be in a fenced-in yard and muzzling and leashing rules will voluntarily be followed. Also, he stated that an interim decision could be made with conditions over time.

Paula Naneff advised that Titan will always be in a fenced yard. They have not plans of moving back to Donnelly Drive in the near future and, if they did move back, a fence would be constructed.

HEARING (continued)

Item 1
Vicious Dog (continued)

When asked if he would feel comfortable if the Naneff's fenced the yard, Allan Kuzenko stated he feels the dog would be able to jump over the fence and there is nothing that will contain the dog. He is worried about the children in Hanmer.

Rade Brujic, next door neighbour on Donnelly Drive, stated he has seen the dog tied up in the back yard and would not be afraid to get him back in the neighbourhood.

The Public Hearing concerning this matter was closed and the Hearing Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

2010-01 Berthiaume-Thompson: THAT the vicious dog notice issued by the Registrar on October 7, 2009 be amended as follows:

1. That the dog be muzzled and leashed while in the fenced-in yard when adult owners are not present;
2. That the dog be muzzled and leashed while in public places.

YEAS: Councillors Barbeau, Berthiaume, Thompson

NAYS: Councillors Dutrisac, Rivest

CARRIED

Adjournment

2010-02 Rivest-Dutrisac: THAT this meeting does now adjourn.
Time: 5:42 p.m.

CARRIED

Councillor Jacques Barbeau, Chair

Angie Haché, City Clerk