



STATEMENT OF APPEALS COMMITTEE HEARING

History

On February 20, 2024, Danne and Robert Whitehead (the “**Appellants**”) as Owners/Occupants of 1045 Snake Lane, Harrow, Ontario (the “**Property**”) were issued a Notice to Muzzle, ordering them to restrain their dog Cheyene in accordance with Part 4 of By-Law 1966.

On March 19, 2024, by Appeal Request Form (the “**Appeal Request Form**”), the Appellants as Owners of Cheyene, 5 year old German Sheppard Mix, in accordance with s. 4.7 of By-Law 1966, submitted a Request for Appeal to the Formal Notice.

Grounds for Appeal

By Appeal Request Form, dated March 19, 2024, the Appellant as Owner/Occupant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

- “MY DOES IS NOT A DANGEROUS DOG AND WE HAVE NEVER HAD ANY PROBLEMS BEFORE WHEN SHE GOT LOOSE. WE’VE LIVED HERE SINCE 2015 AND THERE’S NEVER BEEN A PROBLEM WITH OUR DOGS, THERE ARE MANY COYOTE’S IN OUR NEIGHBOURHOOD SO I’M NOT CONVINCED IT WAS MY DOG.”

Convening of Appeals Committee

According to s. 4.7.1 of By-Law 1966:

Where an Owner of a Dog has been served with a Notice to Muzzle pursuant to the provisions of this By-Law, the Owner of a Dog may apply for a hearing in respect of such Notice to Muzzle.



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
p: 519.776.7336 f: 519.776.8811 | essex.ca

Reasonable Notice

By this Statement, Danne and Robert Whitehead as Owner/Occupants of 1045 Snake Lane, Harrow Ontario, take notice that the Appeals Committee Hearing with regard to the Appeal Request Form will take place at 33 Talbot Street South, Essex, Ontario, on **July 16, 2024 at 5:00 PM.**

Relevant Sections of By-Law 1966

s.4.6	s.4.7	

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APPEAL REQUEST FORM**Town of Essex Appeals Committee**

Property Standards Appeals must be submitted using the Property Standards By-Law Notice to Appeal Form which can be obtained by contacting By-Law Enforcement at bylaw@essex.ca or 519-776-7336 ext. 1409.

The undersigned hereby requested the Appeals Committee of The Corporation of the Town of Essex to consider this application in respect to the following, as amended:

Appeals

- ☒ Animal Care and Control By-Law No. 1966
- ☐ Kennel Licensing By-Law No. 2221
- ☐ Short-Term Rental Unit By-Law No. 2025
- ☐ Taxicab Licensing By-Law No. 1052
- ☐ Fortification By-Law No. 2210
- ☐ Tree Management By-Law No. 2205

Fee to appeal (Must accompany request)

- ☒ No Fee
- ☐ \$300.00
- ☐ \$150.00
- ☐ \$150.00
- ☐ \$300.00
- ☐ \$300.00

☐ Order provided on Feb 20-2024
in regard to Notice to MAUZZEL.

The undersigned certifies that the information contained herein, on which this request is based, to be true and the owner is aware of this appeal request.

Applicant Information

Applicant/Agent: Robert Whitehead
Address: 1045 SNAKE LANE HARROW
Telephone Number: [REDACTED]

Property Owner Information

Owner(s): Robert Whitehead
Address: 1045 SNAKE LANE
Telephone Number: [REDACTED]

Subject Property Address:

GORE Rd. HARROW, Ont.



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Provision(s) of By-Law for Requested Appeal:

PART. 4.6
PART. 4 DANGEROUS DOG.

Reason(s) for Appeal:

My dog is not a dangerous dog and we have never had any problems before when she got loose. We've lived here since 2015 and there's never been a problem with our dogs, there are many coyotes in our neighbourhood so I'm not convinced it was my dog.

For the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body any information contained in respect to this request for the purposes of processing this request.

R. Whitehead

Signature of Applicant/Agent

March 19-2024

Date

NOTE: Please attach further information, if required.

Completed Appeal Request Form will only be accepted as follows:

By Mail or In-Person to:

Town of Essex
Legal and Legislative Services
33 Talbot Street South, Essex, ON N8M 1A8

By email to:

clerks@essex.ca

Appeal Requests will not proceed without payment of the applicable fee. Cheque or money order is to be made payable to The Town of Essex.



ESSEX COUNTY ANIMAL CONTROL

DANGEROUS DOG/BITE WORKSHEET

DATE: NOV 22, 2023

ACO: Walsh

PERSON/ANIMAL INJURED:

NAME/DESCRIPTION: LYNN PAHL

ADDRESS: 1424 GORE RD, HARROW, ON N0R1G0

PHONE NUMBER: [REDACTED]

TIME AND DATE OF BITE: LOCATION/ADDRESS BITE OCCURRED:

9:15 AM NOV 22, 2023 @ 1424 GORE RD

TYPE MEDICAL ATTENTION RECEIVED

☐ DOCTOR ☐ CLINIC ☐ HOSPITAL ☐ PARAMEDIC ☒ NONE ☐ VET

REPORTED TO: ☒ OPP ☐ HEALTH UNIT ☐

OFFICER: SEGUIN

INCIDENT #: E231572687

DESCRIPTION OF ATTACKING DOG /OWNER INFO (BREED, COLOUR, OTHER DISTINGUISHING FEATURES)

NAME OF OWNER: DANNE WHITEHEAD

ADDRESS: 1095 SNAKELANE, HARROW

PHONE: [REDACTED]

NAME OF DOG: CHEYENE/ZEKE

BREED: GSD MIX/GSD MIX

COLOUR: TAN/BLACK

AGE: 5YRS/3YRS

SEX: FEMALE/MALE

LICENSE NUMBER:

RABIS TAG NUMBER: 154042565/

DESCRIPTION AND LOCATION ON BODY OF BITE (CUT, PUNCTURE, WOUND, TEAR, BRUISE)

2 DOGS ENTER PROPERTY AT 1424 GORE RD AND ATTACKED AND KILLED 5 CATS

Statement 1: _____ Statement 2: _____ Vet record: _____ Injury Pictures: _____ D/D picture: _____

INTERNAL USE ONLY

Dunbar Bite Severity Scale

Low severity incident	Level 1	Dog growls, lunges, snarls-no teeth touch skin. Mostly intimidation/threatening behaviour
	Level 2	Teeth touch skin but no puncture. May have red mark/minor bruise from dogs head or snout. May have minor scratches from paws/nails. Minor surface abrasions or lacerations.
Medium severity incident	Level 3	Punctures one to three holes, single bite. No tearing or slashes. Victim not shaken side to side. Bruising
High severity incident	Level 3.5	Multiple level 3 bites
	Level 4	Two to four holes from a single bite, typically contact/punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
	Level 5	Multiple bites at level 4 or above. A concerted repeated attack causing sever injury.
	Level 6	Any bite resulting in death of an animal.

Town of ESSEX
Notice To Muzzle

Name of Dog Owner(s)

To: DANNE WHITEHEAD

Date Notice Hand Delivered: Feb. 20, 2024

-or-

Date Notice sent by Registered Mail: _____

Information on Dog Owner(s) and Dangerous Dog:

Address: 1045 SNAKELANE, ESSEX, ONTARIO

Description of Dog:

Name of Dog: CHEYENE

Breed of Dog: GSD MIX

Age of Dog: 5 YRS

Sex of Dog: FEMALE

Colour of Dog: TAN

Dog Tag Number: N/A

Year of Dog Tag: N/A

Rabies Tag Number: 154042565

Year of Rabies Tag: 12/09/23

Veterinarian's Office That Issues Rabies Tag: HARROW ANIMAL HOSPITAL

The Corporation of the Town of Essex is in receipt of a Declaration duly executed by the Enforcement Officer pursuant to Subsection 4.04 of By-law Number 1966, that the dog described above did on the 22 day of NOVEMBER, 2023

Description of Incident: ENTER PROPERTY AT 1424 GORE RD, ESSEX, ONTARIO, ATTACKED AND KILLED 5 FELINE

Note that the definition for "bite" as provided under Part 4 – Definitions of By-Law Number 1966 means a wound received from the mouth and, in particular, the teeth of an animal, which may results in abrasions, cuts, punctures, tearing of the skin or bruising.

In accordance with Subsection 4.08 of By-Law Number 1966, you are hereby ordered to restrain your dog as follows:

Method of Restraining Dog

4.08.1 Every person who owns a dog for which a Notice of Muzzle has been served, shall:

- a) Immediately upon being served a Notice to Muzzle, keep the Dangerous Dog restrained at all times when the Dangerous dog is on the property of the owner in accordance with the definition for "restrained" as outlined in Section 4.01 – Part 4 Definitions of By-Law Number 1966 – Animal Care and Control By-Law of the Town of Essex.

"Restrained" means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons, other than the owner of the dog, or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside.

"Dangerous Dog" means a dog, which has, without provocation, regardless of age and whether on private or public property:

- a) injured, attacked, bitten or killed a person or a domestic animal;
- b) damaged or destroyed any public or private property;
- c) been declared dangerous or vicious in another municipality in Ontario.

"Without Provocation" means that the dog has not been incited or induced to behave aggressively because:

- a) the dog was acting in defense of an attack on itself by a person or domestic animal;
- b) the dog was acting in defense of its offspring or reacting to a person or domestic animal trespassing on the property of its owner, or,
- c) the dog was being teased, provoked or tormented.

- b) Immediately upon being served a Notice to Muzzle, when the Dangerous Dog is off the property of the owner,:

- i) keep the dog securely on a leash attached to a dog collar or halter with such leash to be a maximum length of one and one-half (1-1/2) metre and of sufficient strength to restrain the dog and keep it from chasing a person or a domestic animal;
- ii) muzzle the dog; and
- iii) ensure the dog is under the control of a person eighteen years of age or older.

"Muzzle" means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials that does not interfere with the breathing, panting, ability to drink or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting.

- c) Within three business days after being served a Notice to Muzzle, pay to the Town of Essex the additional licence fee for dangerous dogs as outlined in Schedule A of By-Law Number 1966;

d) Notify the Clerk in writing within forty-eight hours of any changes to the residency of the Dangerous Dog;

e) Notify the Clerk in writing within forty-eight hours after the ownership of the Dangerous Dog is transferred to another person;

f) Notify the Clerk in writing within forty-eight hours of the death or euthanasia of a Dangerous Dog and provide proof of such death or euthanasia;

g) Within three business days of being served a Notice to Muzzle, provide proof of personal liability insurance in the amount of not less than Two Million Dollars (\$2,000,000.00) with such insurance policy being endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without providing thirty days written notice to the Clerk of the Town of Essex;

h) Within three business days of being served a Notice to Muzzle, place signage on the property of the dog owner's that clearly warns people of the Dangerous Dog; and

i) The owner of a Dangerous Dog shall be prohibited from allowing such Dangerous Dog to enter a designated off-leash area, that is undesignated by signage and permits dogs to be kept off-leash.

In accordance with Subsection 4.09 of By-Law Number 1986, an application for a hearing with respect to the suspension of a Notice to Muzzle may be made to the Clerk, in writing.

As per Section 4.09.3 of By-Law Number 1986, one year following the issuance of a Notice to Muzzle, or such other time specified by the Appeal Committee as part of an Appeal Hearing with respect to the issuance of a Notice to Muzzle, and upon obtaining proof that the Dangerous Dog has been rehabilitated, the Owner of a Dangerous Dog may make appeal to the Appeal Committee for the suspension of the Notice to Muzzle.

Personal information contained in this form is collected under the authority of the Municipal Act, S.O., 2001, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk for the Town of Essex, 33 Tolbot Street South, Essex, Ontario N8M 1A8, (519) 776-1536.

This Notice is served upon the owner in accordance with Subsection 4.08 of By-Law Number 1986 on the 30 day of February, 2020.


Signature of Enforcement Officer



ESSEX COUNTY ANIMAL CONTROL SERVICES

Please contact at 519-816-7627 when complete to arrange pick up. You may

also email this statement to

Please describe incident in as much detail as possible. Include date, time, location, pictures etc.

NAME: Rainer Pahl
1424 Gore Rd, Huron, ON N0R1G0
PHONE: [REDACTED]

On November 22, 2023 at about 9:15am I walked out
to the garage to feed my cats. I saw a large black
dog on my property near the garage. Looking around
I saw several dead cats lying on the ground. I went
back in the house to inform my wife of the situation.
She and several others came out to investigate.
I saw a second dog exit my garage.
Both dogs left the property heading northeast
across the field. I saw that the dogs had
broken into the garage through the bottom
panels. Entering the garage I saw another
dead cat lying on the floor.

Above statements are true and correct to the best of my knowledge.

Signature: Rainer Pahl Date: Dec 13, 2023

My documentation on the incident is 6 pages long.
Find below a summary. If more information is
required please call. — J Pahl



ESSEX COUNTY ANIMAL CONTROL SERVICES

Please contact at 519-816-7627 when complete to arrange pick up. You may

also email this statement to

* Please describe incident in as much detail as possible. Include date, time, location, pictures etc.

NAME: Lynne Pahl
ADDRESS: 1424 Gore Rd. Harrow ON N6R 1G0
PHONE: [REDACTED]

On the morning of Nov 22, 2023 at approx. 0915 we found two dogs on our property hunting our cats. We observed five lifeless cats bloody & mangled. I chased the two large dogs. A large black male who growled at me while standing over one of his kills and a female with traditional German Shepherd coloring. I observed the female with a lifeless cat in her mouth ^{exiting the hole in the garage door,} and the black with an orange pit bull lifeless in his mouth. The dogs broke out two panels of our garage door to hunt the cats inside the garage. It took considerable effort to chase them off. I followed them to the first property on Snake Lane on the west side of the road. That neighbour directed me to 1045 Snake Lane "Bobby" Whitehead as possible owner. I went to Bobby's house and a woman (I believe Mrs Whitehead) answered the door (see back).

Above statements are true and correct to the best of my knowledge.

Signature: Lynne Pahl Date: Dec 7, 2023

She indicated they were her dogs. The conversation was not productive. She said "I was just going to get them" yet she was not dressed in a manner to leave the house nor did she have keys in her hand. She also said "Well it's not like I sent them" and did not apologize or express any remorse when informed her dogs had hunted my cats and killed brutally, five of them. In fact, she lied and said "well your dog barks all night" which is completely false and showed her complete lack of sympathy. I went home to assess the damage. She ~~for~~ came to my home approximately twenty minutes later asking "Where are they?" I told her they weren't here and she said she would send her husband over after work. She went directly home, not continuing to look for the dogs. I observed the female still loose running in the field at 1034. The husband never came over. Late afternoon I observed the dogs running and barking at my dog who I was walking, from behind the west fence of their yard. When this ~~happened~~^{happened} I had four adult house guests 2 small children and my husband who all can give statements if needed ———— X Paul ————

See attached 11 colour and black & white copies of digital image printed from an email, off a cell phone. The images are clearer when viewed digitally yet I have no way to attach or send them. They were taken by one of my house guests that morning



ESSEX COUNTY ANIMAL CONTROL SERVICES

Please contact at 519-816-7627 when complete to arrange pick up. You may also email this statement to animalcontrol@essexcountycity.ca
Please describe incident in as much detail as possible. Include date, time, location, pictures etc.

NAME: Danne Whitehead
ADDRESS: 1045 Spadina Lane Harrow
PHONE: [REDACTED]

My dogs got out went over to
the people that live behind us and
supposedly killed some cats. But
I don't believe they did because they
aren't violent dogs and they wouldn't
let me see what happened

Above statements are true and correct to the best of my knowledge.

Signature: Danne Whitehead Date: Nov 12 / 2023