



Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: March 7, 2022

Prepared by: Shelley Brown, Deputy Clerk

Report Number: Legal and Legislative Services-2022-05

Subject: Appeal Hearing with respect to a Dangerous Dog Declaration and Issuance of a Notice to Muzzle

Number of Pages: 4

Recommendation(s)

That Legal and Legislative Services-2022-05 report entitled Appeal Hearing with respect to a Dangerous Dog Declaration and Issuance of a Notice to Muzzle prepared by Shelley Brown, Deputy Clerk dated March 7, 2022 be received, and

That Council grant an exemption from the requirements of Section 4.01 of the Animal Control By-Law as it relates to the composition of the Appeal Committee, and direct that the members of the Appeal Committee for the upcoming appeal hearing (s) (to be scheduled) shall be comprised of three members of the general public to be appointed who have declared that they will serve impartially and that they do not have a conflict of interest in the matter to be adjudicated.

Purpose

Part 4 – Dangerous Dogs of the Animal Care and Control By-Law defines an Appeal Committee as a committee comprised of three members of Council to conduct hearings with respect to

muzzling requirements for a dog. Exemptions the Animal Care and Control By-Law require Council approval.

Background and Discussion

An Appeal Committee is a quasi-judicial advisory committee that is a legislated requirement under the *Municipal Act*. It is the responsibility of the Appeal Committee to review all appeals made with respect to the issuance of a Notice to Muzzle by Animal Control.

The mandate of the Appeal Committee is to hear and determine all appeals in accordance with the procedures established under the *Statutory Powers Procedure Act*.

To ensure transparency and impartiality in the judicial process, it is recommended that Council opt to appoint three members from the general public to serve as members of the committee for the limited purpose of adjudicating an upcoming appeal.

Financial Impact

As the members of the Animal Control Appeal Committee are serving an adjudicative role for a specific purpose, it is recommended that an honorarium of \$100 be paid to each member. This honorarium will cover both preparation time and the date of the appeal hearing itself.

Consultations

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Animal Control BL Exemption S4.01-Legal and Legislative Services-2022-05.docx
Attachments:	
Final Approval Date:	Feb 2, 2022

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to be 'R Auger', with a long horizontal stroke extending to the right.

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Feb 2, 2022 - 3:31 PM

A handwritten signature in black ink, appearing to be 'Doug Sweet', with a stylized 'D' and 'S'.

Doug Sweet, Chief Administrative Officer - Feb 2, 2022 - 3:32 PM