

**Minutes Of An Amherstburg Municipal Council Special Public Meeting
Held In Council Chambers on Monday, November 30, 2009 At 5:00 PM**

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor Rosa White

ALSO PRESENT:

Pamela Malott, Chief Administrative Officer
Kristina Pozar Di Paolo, Acting Deputy Clerk
B.J. Wilder, Community Standards Officer

Jacki Kavanaugh
Justin Holden

ABSENT WITH NOTICE:

Councillor Paul Renaud (LOA)
Brenda Percy, Manager of Council & Leg. Service/Clerk
(Vacation)

CALL TO ORDER

The Mayor called the meeting to order at 5:05 P.M.

DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were made.

REPORT FROM MUNICIPAL OFFICERS

Report # 1

A report by Brenda Percy regarding the Dangerous Dog Designation Appeal – Cavanagh was discussed.

COMMENTS FROM ADMINISTRATOR

B.J. Wilder, Community Standards Officer, provided Council with an overview regarding the Dangerous Dog Designation. Mr. Wilder stated that this is a newer by-law that was passed a few months ago and stated that an educational attempt was approached first. Ms. Cavanagh was advised by phone call and registered mail by Mr. Wilder.

COMMENTS FROM THE APPELLANT

Jacki Cavanagh stated that her family had just moved into the current residence and was in the process of erecting a fence. Her dog is 5 years old and she has never had an issue with the dog before. After she was approached by Mr. Wilder the first time she invested in a kennel/pen and keeps the dogs in it so that her dogs are not running freely in her yard. Ms. Cavanagh stated that she does not feel that her dogs should be muzzled while they are being walked since they are currently also walked by her five year old son and there has never been any issue previously with the dogs. Justin Holden stated that he does not understand why their dog “Kuda” is deemed a dangerous dog when the dog has only barked at someone and not attacked anyone.

Mr. Wilder clarified that there has been no physical attack on the complainant or another dog, however the first complainant stated that they had to elevate their dog above their head to prevent “Kuda” from attacking it and the second complainant stated that she had to use a cane to keep the dog at bay while trying to remove her dog away.

Councillor R. Pillon asked Ms. Cavanagh what part of the order she has an issue with regarding her dog “Kuda”. Ms. Cavanagh stated that her 5 year old son used to walk the dog and does not feel that the designation of having an 18 year old is appropriate since that will prevent him from continuing to do so.

Ms. Cavanagh stated that she has complied with the posting of the Dangerous Dog Sign, however she does not want to have her dog muzzled.

Councillor R. Fryer asked if when the dog is walked does the dog go after other dogs. Ms. Cavanagh replied that no, the dog does not try to pull away from the walker and go after other dogs.

Councillor R. Pillon asked if provision were to be made to have this dog take obedience training could the muzzle be lifted from the order.

Mayor Hurst stated that the dog owners have every right to have dog on their own property but other property owners also have right to not have their (appellant’s) dog on their property or on municipal property. Mayor Hurst stated that a dog that is aggressive can become more aggressive in a certain situation and that by-laws are put in place to protect the dog owner and others in the community. Mayor Hurst warned that if restrictions were taken off and an altercation takes place then the Town would be liable. Mayor Hurst stated that it is the dog owner’s responsibility to ensure that the dog does not go off of their property.

Ms. Cavanaugh asked how long the restrictions stay on the dog once placed. Mr. Wilder replied that the by-law states the restrictions are in effect until the dog no longer resides in Amherstburg or becomes deceased.

Deputy Mayor Bailey stated that he understands the appellants' situation however the incidents with their dog "Kuda" have now occurred twice and this Council is taxed with ensuring the safety of all members of the municipality and uphold the Town's by-laws.

COMMENTS FROM THE PUBLIC

There were no other members of the public in attendance to address Council.

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Pillon

That the report by Brenda Percy dated November 19, 2009 regarding the Dangerous Dog Designation Appeal – Cavanagh be received;

That the comments by B.J. Wilder, Community Standards Officer, regarding the Dangerous Dog Designation be received;

That the comments by the appellant be received;

And further that Council uphold the designation and conditions imposed on the owner for keeping of a dangerous dog.

Motion Carried

ADJOURNMENT

Moved by Councillor R. Fryer
Seconded by Councillor J. Sutton

That the Hearing adjourn at 5:30 P.M.

Motion Carried



WAYNE HURST, MAYOR



BRENDA M. PERCY, CLERK