



THE CORPORATION OF
HALDIMAND COUNTY

**SPECIAL COUNCIL
AGENDA**

DATE:February 8, 2016

TIME: 2:30 P.M.

PLACE: Haldimand County Central Administration Building, Council Chambers

Page

A. CALL TO ORDER

B. ROLL CALL

C. DISCLOSURES OF PECUNIARY INTEREST

D. NEW BUSINESS

1. To conduct a hearing with respect to Appeal of Notice to Muzzle

(a) Notice of Hearing and Supporting Documentation

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| 1 | 2) Welland and District Humane Society Incident # 10732, Muzzle Order Appeal Brief |
| 42 | 3) Letter of Appeal dated December 9, 2015 from Appellant, Valerie Toth |
| 43 | 4) Notice of Hearing dated January 25, 2016 |
| 44 | 5) Haldimand County Animal Control By-law 1396/13 |

(b) Hearing Procedure

- 1) Overview of Hearing Procedure – Randy Charlton, Manager, Building & By-law Enforcement
- 2) Randy Charlton – Presenter of Facts
- 3) Questions from Staff, the Appellant and Council
- 4) Presentation from the Witness, Rochelle Mawhinney
- 5) Questions from Staff, the Appellant and Council
- 6) Presentation from the Witness, Constable Joanna VandenBeukel
- 7) Questions from Staff and Council
- 8) Statement and Evidence of Animal Control officer, John Hoadley with respect to Service of the Muzzle Order
- 9) Questions from Staff and Council
- 10) Presentation from the owner of Alleged Victim Dog, Brownyn Mawhinney
- 11) Presentation from the Appellant, Valerie Toth
- 12) Questions from Staff and Council
- 13) Summation by the Appellant
- 14) Recommendation – Randy Charlton

(c) Council Deliberation

The Appeal Committee shall have regard to the following matters where relevant, as may be raised at a hearing:

- 1) This by-law, the Dog Owner's Liability Act and any other applicable law;
- 2) the dog's past and/or present temperament and behaviour;
- 3) the seriousness of the injuries caused by the bite(s) or attack;
- 4) unusual contributing circumstances or mitigating factor(s) tending to justify the dog's action;
- 5) the likelihood that a similar attack will be repeated;
- 6) the dog's physical potential for inflicting harm;
- 7) precautions taken by the owner to preclude similar attacks in the future;
- 8) the seriousness of convictions under this by-law; and
- 9) the steps taken by the owner to comply with the by-law and avoid further violations.

(d) Decision

Upon conclusion of the Hearing, having considered all of the matters in the Haldimand County Animal Control By-law Section 114, Council shall make a decision:

- 1) that the dog has bitten or attacked a person or animal or has not bitten or attacked a person or domestic animal
- 2) to order the dog to be muzzled
- 3) to modify the muzzle order in some manner
- 4) to quash the order to muzzle
- 5) to impose conditions in addition to any license or muzzle order (available under Section 124 of By-law 1369/13).

E. CLOSED SESSION (IF NECESSARY)

F. CONFIRMING BY-LAW

1. A by-law to confirm the proceedings of Council of The Corporation of Haldimand County

G. ADJOURNMENT