



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Mayor and Members of Council  
**From:** Robert Auger, Director Legislative Services & Clerk  
**Date to Council:** December 10, 2024  
**Report Number:** LCS-2024-20  
**Subject:** Dog Licensing and Control By-Law Exemption

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### Recommendations

It is recommended:

**That** Report LCS-2024-20 entitled “Dog Licensing and Control By-Law Exemption”, **be received**;

**And that** an exemption from the provisions of Section 9.2, 9.3 and 9.4 of the Dog Licensing and Control By-Law **be approved**;

**And further that** that direction **be given** to alternatively provide for this Owner’s appeal of the Dangerous Dog designation to be heard by way of written submissions, with such written submissions to be provided to Council by the relevant parties pursuant to the notice and upon such other terms to be specified by Administration.

### Background

By-Law 2003-91 ‘Dog Licensing and Control By-Law’ (Dog Control By-Law) is a by-law to provide for the regulation, restriction and prohibition of the keeping and the Running At Large of Dogs in the Town of Tecumseh.

Part 9 of the Dog Control By-Law pertains to ‘Dangerous Dogs’, including the provisions and procedures under which a dog may be deemed or designated as dangerous or

potentially dangerous, notice and other requirements of such a designation and the appeal process from such a designation.

Specifically, Section 9.2 'Notice – Dangerous Dog – Potentially Dangerous Dog' stipulates:

*"The notice referred to in Section 9.1 shall include:*

- a) *A statement that the Dog Controller deemed the dog to be a Dangerous Dog or a Potentially Dangerous Dog.*
- b) *The requirements that the Owner must comply with in accordance with section 9.1.*
- c) *A statement that the Owner may request, within three (3) working days of receipt of the notice required by section 9.1, a hearing of the Council of the Town which may affirm or rescind the Dog Controller's designation of the Dog as Potentially Dangerous or Dangerous Dog, as the case may be and that Council may substitute its own designation or its own requirements of the Owner of a Dangerous Dog or Potentially Dangerous Dog pursuant to Sections 9.1."*

Should the Town receive notice from an Owner appealing the Dog Controller's (Animal Control Officer) designation of the Dog as a Potentially Dangerous or Dangerous Dog, the Dog Control By-Law indicates that an Appeal hearing shall be held by Council within twenty-one (21) working days of the Town Clerk's receipt of the request for a hearing.

## **Comments**

Following a complaint received and an investigation by Essex County Animal Control, the Town's appointed Animal Control Officer, a dog was designated as a 'Dangerous Dog' under the Dog Control By-Law. Per the Dog Control By-Law, By-Law Enforcement hand-delivered a Notice, on November 20, 2024, to the Owners advising of the designation and the appeal process.

Pursuant to Section 9.2 (c) of the Dog Control By-Law, the Town received written correspondence from the Owners seeking an appeal of the Dangerous Dog designation on November 21, 2024.

In accordance with Section 9.3 'Hearing – by Council – Dog deemed dangerous – potentially dangerous' provides:

*Where the owner of a dog receives a notice from the Dog Controller deeming such dog as a dangerous dog so requests in writing to the Municipality within three (3) working days of receipt of such notice a hearing of Council. Council*

*shall hold a hearing within twenty-one (21) working days of the Town's Clerk's receipt of the request for a hearing.*

While this section in the current by-law designates Council to hold an appeal if requested, this section fails to specify in any detail the form and manner of such an appeal process. While some municipalities throughout the Province have an independent Appeals Committee already established to hear such appeals, the Town does not have such a Committee.

Given the logistical challenges associated with the scheduling and holding of a Special Council meeting to hear this appeal, including the requirement that the hearing be held within 21 days, it is recommended that Council grant an exemption from the requirements of Section 9.2, 9.3 and 9.4 of the Dog Control By-law and that Council alternatively provide direction for this Owner's appeal of the Dangerous Dog designation to be heard by way of written submissions. Such written submissions would be provided to Council by the relevant parties pursuant to the notice and upon such other terms to be specified by Administration, for Council's consideration and decision at a future meeting to be identified.

The current Dog Control By-Law has been identified by Administration as a by-law in need of further updates and review, having been drafted shortly after amalgamation over 21 years ago. In addition to updating the dangerous dog provisions of this by-law, the by-law is also being considered for inclusion in the Town's Administrative Monetary Penalty system launching in 2025. Once this by-law has been formally added to the AMPS, the dangerous dog designation provisions of the by-law will be tied to the charging of an administrative penalty which penalty charge carries with it a formal appeal process identified in the Town's AMPS By-law.

If Council approves Administration's recommendation for an exemption on this appeal, a subsequent report would be provided to Council for consideration at a meeting in early 2025. This report will contain the Owner's written submissions, the Animal Control Officer and By-Law Enforcement's report or written submissions and any other written materials deemed relevant for Council's consideration.

Upon receiving Council's direction on this matter, By-Law Enforcement together with Legislative & Clerks Services will advise the Owners of the next steps in the process including such interim steps that may be deemed necessary by By-Law Enforcement to ensure a careful watch of the dog pending such appeal.

## **Consultations**

Community Safety  
Animal Control Officer

## Financial Implications

There are no financial implications associated with this report.

## Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

## Communications

Not applicable

Website  Social Media  News Release  Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.  
Deputy Clerk – Clerks Services & Policy Advisor

Reviewed by:

Wade Bondy  
Director Community Safety & Fire Chief

Reviewed by:

Robert Auger, LL.B.  
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None