



## 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:** Tuesday, February 25, 2025  
**Report Number:** LCS-2025-07  
**Subject:** Dangerous Dog Designation Appeal

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### Recommendations

It is recommended:

**That** Report LCS-2025-07 entitled “Dangerous Dog Designation Appeal” **be received**;

**And that** the Dangerous Dog designation **be affirmed**;

**And further that** the Animal Control Officer’s recommendation, that after a period of six (6) months and upon a satisfactory positive assessment from a dog behaviourist or providing satisfactory proof of the dog passing a recognized behavioural test, the Dangerous Dog designation be removed, **be approved**;

**And furthermore, that** until such time as the Dangerous Dog designation is removed, that the Dog Owner **be required** to continue to comply with the requirements set out in Section 9.1 of the Dog Control Bylaw.

### 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.

Following a complaint received and an investigation by Essex County Animal Control, the Town's appointed Animal Control Officer (ACO) (Attachment 1), 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, the requirements resulting from such a designation and the right to appeal.

At the December 10, 2024 Regular Council Meeting (RCM), [Report LCS-2024-20](#) was presented advising the Town received written correspondence from the Owners seeking an appeal of the Dangerous Dog designation on November 21, 2024.

Section 9.3 of the Dog Control By-Law designates Council to hold an appeal if requested. However, the Dog Control By-Law does not state the form and manner of such an appeal process. Given the logistical challenges associated with the scheduling and holding of a Special Council meeting within the prescribed times, it was recommended that instead Council grant an exemption from the requirements of Section 9.2, 9.3 and 9.4 of the Dog Control By-Law and alternatively provide direction for the Owner's appeal of the Dangerous Dog Designation to be heard by way of written submissions. As a result, the following resolution was passed (RCM-301/24):

**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** 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.

The purpose of this report is to give consideration to the Owner's written submissions, appealing and seeking the removal of the Dangerous Dog designation.

## Comments

The Owners and the ACO were advised, following Council's direction at the December 10 RCM, that the Owner's appeal of the Dangerous Dog designation is 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.

On January 12, 2025, the Owners submitted their written materials for Council's consideration, including a reference letter, statements originally provided to the ACO as part of the complaint investigation and candid pictures taken of the dog. (Attachment 2)

In their written correspondence, the Owners contend *"there was a mitigating factor – the other dog owner's belligerent and aggressive behaviour towards Neo [Owner's dog] at the time of their encounter. Not only that, but we firmly believe it was the plaintiff's dog that bit the plaintiff."*

The ACO's investigation worksheet provides the following information that was provided to the ACO by the complainant/victim:

*"2nd bite by same dog. Bit Wife in May 2024 as well. Was walking his dog on leash down Little River, Husky was running towards us on road. Car started honking horn to try and warn him. He turned around and the dog attempted to attack his dog. He got between the dogs and was bit on left forearm causing scrapes and 2 puncture wounds, Owner's of Husky were out looking for the dog and took off when he saw the Owner's coming. Attended TMC Clinic in Tecumseh where he received antibiotics."*

The ACO's report, appended to this report (Attachment 3), does not comment or conclude that it was the other dog (not the subject dog) that either committed the dog bite or provoked the dog bite incident. Instead, the ACO states that:

*"After collecting statements and relevant evidence from the parties involved, the information was reviewed by the Town of Tecumseh By-Law Department and Essex County Animal Control. A consensus was made that the aforementioned incident met the definition set out in the Town of Tecumseh By-law 2003-091 section 1.3 regarding a dangerous dog"...*

The ACO, in his materials, has further offered his opinion that dogs can be rehabilitated. The ACO suggests after a set period of time (6 months to a year) that an assessment from a dog behaviourist from a reputable organization (i.e. Windsor Essex Humane Society, Ontario SPCA and Humane Society, etc.) be obtained or the dog passing a recognized behavioural test such as the Canadian Kennel Club Good Neighbour Test (CGN). Subject to passing the assessment and/or testing, suspension of the Dangerous Dog designation may be applied.

In accordance with the ACO, 6 months to a year is a realistic time frame for a dog to be rehabilitated in order for consistent, reliable conditioning to be established in a dog. The ACO also states that a majority of veterinarians are not trained in animal behaviour or behavioural testing and as such, is the reason why he would recommend recognized testing from an established organization such as those organizations noted above who will have the knowledge and background necessary to fully assess a dog.

The written submissions provided to the Town by the Owners and the ACO were then shared with each other and an opportunity was provided to review and submit a further written response.

While the ACO did not provide a further written response to the Owner's submission, the Owner, in response to the ACO's report, provided the following further written response:

1. *"In both incidences with the plaintiff, the other dog could have bitten both times as he was present.*
2. *A muzzle would not solve the issue or be a direct consequence as both times our dog escaped when a guest left the house. Since then, our dog has been going through obedience training and we took extra measures, such as putting the dog in the back yard when somebody leaves the house and educating the guests on his escaping behaviour. A muzzle would only stop our husky from panting which he does a lot since he overheats.*
3. *We would like to highlight that he is extremely gentle with all other dogs and humans...which leaves us perplexed of the situation with the plaintiff."*

The Dog Control By-Law stipulates that it is the ACO, at their discretion, who can deem a dog to be a Dangerous Dog or a Potentially Dangerous Dog as defined by the by-law.

The ACO has accordingly conducted an investigation and deemed the subject dog as being 'Dangerous' in accordance with the by-law. The ACO has made the further recommendation that after a period of 6 months and upon a satisfactory positive assessment from a dog behaviourist or providing satisfactory proof of the dog passing a recognized behavioural test, at the Dog Owner's expense, (as determined at the discretion of the ACO) the Dangerous Dog designation be removed.

From the perspective of Town Administration, it supports and relies on the recommendations set out by the ACO.

Until such time as the Dangerous Dog designation is removed, the Owner would be required to continue to comply with the following requirements per Section 9.1 of the Dog Control Bylaw:

9.1 (a) to keep such Dog confined within the Owner's dwelling; or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the Dog, while preventing it from escaping therefrom and preventing the entry therein of unsupervised children; and

(b) to securely attach a muzzle to and to leash such Dog at all times when it is not confined in accordance with Section 9.1 (a).

## **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>
1	Essex County Animal Control Investigation Report
2	Dog Owner's Written Appeal Submission
3	Essex County Animal Control Report