



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SPECIAL COUNCIL MINUTES

MEETING NO. FOURTEEN

August 12, 2024, 6:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Cheryl Ganann
Councillor Shelley Bradaric
Councillor Joann Chechalk
Councillor Mike Rehner
Councillor Jason Trombetta

Absent: Councillor William Reilly

Staff: Truper McBride, Chief Administrative Officer
Mike DiPaola, Director of Public Works and Recreation
Brian Treble, Director of Planning and Building
Katelyn Repovs, Manager of Finance and Deputy Treasurer
Gerrit Boerema, Manager of Planning
Tim Hofsink, Deputy Fire Chief
Cindy Weir, Chief Executive Officer, Library
Justin Paylove, Acting Director of Legislative Services/Clerk
Kevin Geoghegan, IT Help Desk Analyst

Attendees: Regional Councillor Albert Witteveen
David Scanlan
Nina Turmel
Dan Templeton
Kelly McCaffery
Mary Templeton
Michael Kott
Brian Semeniuk
Matt Campbell
Inspector Dave Gomez
Staff Sergeant Sarah Rose
Sergeant Karl Fiddes

Stephanie Sabourin

Note: Others were in attendance but their names are not able to be included, as they were not self-recorded on the attendance sheet at the meeting.

1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

2. APPEAL HEARING WITH RESPECT TO A NOTICE TO MUZZLE

Under By-law 2023-54, Being a By-law to Provide for the Licensing, Control and Regulation of Dogs, under Section 8 individuals can petition Council to appeal this order.

3. CONFIRMATION OF NOTICE OF HEARING WITH RESPECT TO A NOTICE TO MUZZLE

The notice of Hearing is attached to the agenda.

4. INFORMATION RELATING TO THE INCIDENT THAT IS THE SUBJECT OF THIS HEARING DETAILS

4.1 Date of Incident: July 4, 2024.

4.2 Appellant of Muzzle Order: Dan Templeton

4.3 Niagara SPCA & Humane Society: David Scanlan

4.4 Owners of victim dogs, witness and or victim: Michael Kott/Trenton Kott

5. EVIDENCE RELATING TO THE INCIDENT THAT IS THE SUBJECT OF THIS HEARING DOCUMENTATION

- Notice of Hearing dated August 12, 2024
- Copy of Email dated July 11, 2024 requesting a hearing with respect to a Declaration of a Vicious dog - Notice to Muzzle
- Copy of Niagara SPCA and Humane Society - Occurrence Report- Investigation # 23685 issued by Niagara SPCA and Humane Society - Caitlin Warren - Investigator
- Copy of Muzzle Order dated July 4, 2024
- Synopsis - dated July 3, 2024

- Will Say Statement of Niagara SPCA Animal Service Officer David Scanlan
- Copy of photos after the attack
- Copy of the Township of West Lincoln By-law 2023-54, relating to the muzzle order.

6. STATEMENT & EVIDENCE OF ANIMAL CONTROL OFFICER WITH RESPECT TO SERVICE OF NOTICE TO MUZZLE

6.1 David Scanlan, Niagara SPCA Animal Service Officer

Mr. Scanlan explained the nature of the incident, the investigation, and the issuance of the muzzle order.

6.2 Opportunity to Question

Opportunity for Council or Committee Members to make inquiries.

Councillor Bradaric inquired to Mr. Scanlan about if there is a general rule for when muzzle orders are issued following an incident, or if that decision is case by case.

In response to Councillor Bradaric's inquiry, Mr. Scanlan explained that it is a case by case situation, but that a muzzle order can certainly be issued for a dog after its first reported incident.

Councillor Bradaric further inquired what his decision making process looks like in deciding to issue a muzzle order.

In response to Councillor Bradaric's further inquiry, Mr. Scanlan explained that he attempts to provide a solution that is the most cost effective while also diffusing potentially high risk situations down the road.

Councillor Rehner inquired to Mr. Scanlan about the breed of the dog.

In response to Councillor Rehner's inquiry, Mr. Scanlan explained that the dog is an Australian Shepherd.\

Councillor Rehner further inquired to Mr. Scanlan if he met the individual who was bit by the dog.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that he saw photos of the bite but did not meet the victim in person.

Councillor Rehner further inquired to Mr. Scanlan if Mr. Templeton, the owner of the dog, was shown the photos of the victim.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that Mr. Templeton did not see the photos of the victim.

Councillor Rehner further inquired if Mr. Scanlan was aware if the dog was free of zoonotic diseases and was up to date on its vaccinations.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that he was told by Mr. Templeton that the dog was of good health and was up to date on its vaccinations.

Councillor Rehner further inquired to Mr. Scanlan if he believed, based on his conversation with Mr. Templeton, that Mr. Templeton thought it was acceptable for his dog to run after individuals who passed by his property on bicycles.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that yes, this was his impression following his discussion with Mr. Templeton.

7. OPPORTUNITY TO QUESTION - Witness(s)

Opportunity for Council or Committee Members to make inquiries to any witnesses (if present).

Nina Turmel
Animal Services Manager, Niagara SPCA

Ms. Turmel provided further explanation in regards to Councillor Rehner's inquiries regarding zoonotic diseases, specifically rabies.

Mayor Ganann inquired to Mr. Scanlan about the timing of the photos that were taken of the bite victim.

In response to Mayor Ganann's inquiry, Mr. Scanlan explained that the photos were provided ahead of his visit to Mr. Templeton on July 4, 2024. The photos were taken on July 3, 2024, the day after the incident.

8. STATEMENT & EVIDENCE OF APPLICANT/APPELLANT

8.1 Applicant/Appellant Dan Templeton

Kelly McCaffery
Co-owner of the dog

Ms. McCaffery read from a prepared statement detailing the situation that occurred on July 2, 2024.

Dan Templeton
Co-owner of the dog

Mr. Templeton read from a prepared statement detailing the situation that occurred on July 2, 2024.

8.2 Opportunity to Question

Opportunity for Council or Committee Members to make inquiries to the applicant/appellant (if present).

Councillor Rehner inquired to Ms. McCaffery to confirm if Mr. Scanlan said to Mr. Templeton during his investigation that he did not need to see proof of vaccination.

In response to Councillor Rehner's inquiry, Ms. McCaffery confirmed that this is the case.

Mayor Ganann inquired to Ms. McCaffery about the number of incidences involving the victim and the dog.

In response to Mayor Ganann's inquiry, Ms. McCaffery explained that there were multiple interactions involving the victim, potentially other individuals with him as well, and the dog. The incident that incited the muzzle order involved only the victim and the dog.

Councillor Trombetta inquired to Ms. McCaffery about her reference to a separate appeal process.

In response to Councillor Trombetta's inquiry, Mr. Templeton explained that there is a provincial appeal also ongoing in regards to the fine and infraction, failure to muzzle a dangerous dog, that was given to Mr. Templeton by Mr. Scanlan on July 11, 2024 following the muzzle order issuance.

Mayor Ganann inquired to Ms. McCaffery if there is any fenced-in area on their property within which the dog could be held.

In response to Mayor Ganann's inquiry, Ms. McCaffery explained that no, there is no fenced-in area on the property that the dog could be held in.

Councillor Bradaric inquired to Mr. Templeton for a follow-up on the dog training services that have been procured for the dog.

In response to Councillor Bradaric's inquiry, Mr. Templeton explained that the dog has been involved in multiple rounds of training.

9. OPPORTUNITY TO QUESTION - Witness(s)

Opportunity for Council or Committee Members to make inquiries to any witnesses (if present).

Michael Kott
Neighbour, Father of Bite Victim

Mr. Kott explained that his son was by himself during the incident, and that his son, being a 15-year-old hockey player, was not

Mr. Kott read a statement prepared by his son, the bite victim, detailing the incident on July 2, 2024.

Mr. Kott further explained that his son did not kick at or otherwise provoke the dog during the incident or prior to the incident.

Mayor Ganann inquired to Mr. Kott about when the photos of the victim's leg were taken.

In response to Mayor Ganann's inquiry, Mr. Kott explained that the photos were taken on the same day that the bite took place, and that the bite was severe compared to others he has seen.

Within an hour following the bite incident, Mr. Kott, along with Mr. Semeniuk, went to the residence of Mr. Templeton and attempted to discuss the incident. It was an emotional discussion and communication between both parties was difficult.

Mr. Kott then took his son to the hospital immediately following the bite incident to check for zoonotic disease.

Brian Semeniuk
Neighbour, Baseball Coach to the Bite Victim

Mr. Semeniuk described the situation from his perspective in regards to the incident, as the bite victim arrived at his house following the incident.

Mr. Semeniuk explained that he has been chased by the dog.

Councillor Rehner inquired to Mr. Semeniuk if he feels frightened or bothered by the dog chasing him in the past.

In response to Councillor Rehner's inquiry, Mr. Semeniuk explained that he and his friends and family members have been frightened and have had concerns with the dog chasing cars and individuals riding by on bicycles in the past.

Councillor Rehner further inquired to Mr. Semeniuk if he was surprised when he heard about the incident, and if he perceived the behaviour of the dog to be aggressive.

In response to Councillor Rehner's inquiry, Mr. Semeniuk explained that he was not surprised, but was disappointed when he learned about the situation. He also shared that he perceived the behaviour of the dog to be aggressive.

10. PUBLIC INPUT REGARDING THE APPEAL

10.1 Members of the Public who wish to provide their input

10.2 Opportunity to Question - Members of Public

Opportunity for members of the public to make inquiries to any witnesses, or the applicant/appellant (if present).

11. PRESENTATION OF SUMMARY ARGUMENTS

11.1 David Scanlan - Animal Control Officer

Closing arguments from David Scanlan, Animal Control Officer

Mr. Scanlan explained that he felt he made the most appropriate decision in issuing the muzzle order as it pertains to maintaining and upholding public safety.

11.2 Dan Templeton - Applicant/appellant

Closing arguments by Dan Templeton the applicant/appellant

Mr. Templeton explained that he believes the muzzle order to be an overbearing decision given that this is only the first incident in which the dog has bit somebody.

12. CONFIDENTIAL MATTERS

Moved By Councillor Mike Rehner

Seconded By Councillor Shelley Bradaric

That the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

13.1 Acting Director of Legislative Services/Clerk (Justin Paylove)

Re: Resolution regarding Muzzle Order

Applicable closed session exemption(s):

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

Carried

Moved By Councillor Joann Chechalk

Seconded By Councillor Mike Rehner

That, staff proceed as directed in Closed Session.

Carried

12.1 Director of Legislative Services/Clerk (Justin Paylove)

13. RENDERING OF A DECISION BY THE APPEAL COMMITTEE

Acting Director of Legislative Services/Clerk, Justin Paylove, explained that the Committee's decision regarding the Muzzle Order Appeal will be issued within 10 days, in accordance with Township by-law, but will be disclosed in the minutes.

DISCLOSURE OF CONFIDENTIAL RESOLUTION:

That the appeal of the muzzle order submitted by Dan Templeton be denied, and the muzzle order to proceed.

14. ADJOURNMENT OF HEARING

The Chair declared the Hearing adjourned at the hour of 7:24 p.m.

JUSTIN PAYLOVE, CLERK

MAYOR CHERYL GANANN