



Staff Report

Report To: Dan Best, Chief Administrative Officer
From: **Rebekah Msuya-Collison, Municipal Clerk**
Date: October 15 2018
Report: 32-2018
Subject: South Huron Animal Control Tribunal Rules of Procedure and Terms of Reference.

Recommendations:

That South Huron Council receives the report of R. Msuya-Collison, Clerk regarding the proposed South Huron Animal Control Tribunal Rules of Procedure and Terms of Reference.; and

That Council approve the South Huron Animal Control Tribunal Rules of Procedure and Terms of Reference. as presented; and

That the necessary by-law be forwarded to Council for the required three readings.

Purpose:

The purpose of this report is to obtain Council approval for the proposed South Huron Animal Control Tribunal Rules of Procedure and Terms of Reference.

Background and Analysis:

With respect to the muzzling and leashing of dogs, the *Municipal Act*, 2001 provides as follows:

“If a municipality requires the muzzling or leashing of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from these requirements.”

With respect to Designation As Potentially Vicious Or Vicious Dogs, the Animal Control By-Law provides as follows:

“8.2 Where a dog has been designated as a potentially vicious or vicious dog the owner may appeal to the Tribunal, by written notice, within fifteen days of the Municipality notifying the owner of the decision to designate the dog.

8.3 Where an owner appeals to the Tribunal the Tribunal shall hear the appeal by way of a new hearing under the Statutory Powers Procedure Act to determine whether the dog is vicious or potentially vicious.

8.4 No member of the Tribunal or its staff is personally liable for anything done by it or him or her under authority of this by-law.”

In addition to establishing the requirement for an appeal process, the *Municipal Act* also provides that a municipality may delegate the powers of Council to a Committee of Council. South Huron Animal Control By-law provides for a process whereby the owner of a dog in receipt of an Order pursuant to the By-law may appeal the Order to the Animal Control Tribunal.

The Animal Control Tribunal will hear appeals under the Animal Control By-law. The Animal Control Tribunal is a quasi-judicial body operating separate from Council and requires its own procedural by-law. The rules of procedure for the Animal Control Tribunal are established as required in accordance with the *Statutory Powers of Procedure Act*.

The draft South Huron Animal Control Tribunal Rules of Procedure (the “Rules of Procedure”) sets out how the Tribunal will conduct its hearings. In accordance with the *Statutory Powers of the Procedure Act*, the rules of procedure sets out the steps in which the Chair of the Tribunal shall conduct the Hearing. The rules of procedure and terms of reference will ensure that the Animal Control Tribunal Hearing provides an effective, efficient, transparent and fair process.

The portion of the By-law 21-2018 with respect to vicious/potentially vicious dogs should be reviewed with respect to the *Dog Owners Liability Act* to determine if enforcement should be undertaken through our current process.

Operational Considerations:

The Tribunal's operating budget and meeting management support is provided through the Clerk's department.

South Huron's Strategic Plan:

Section 6.2.2 of the Municipality of South Huron 2015- 2019 Strategic Plan identifies Strategic Objectives. The following elements are supported by the actions outlined in this report:

- ✓ Administrative Efficiency and Fiscal Responsibility
- ✓ Transparent, Accountable, and Collaborative Governance

Financial Impact:

Costs are only incurred in the case of an appeal being submitted for a Hearing to be conducted.

Legal Impact:

As a committee of Council, the South Huron Animal Control Tribunal members will be covered by the municipality's errors and omissions and general liability policies to protect and defend against claims from third parties while performing duties outlined in the Terms of Reference for their position as a member of the Tribunal.

Staffing Impact:

Tribunal meetings are scheduled as needed when an appeal is received.

Policies/Legislation:

Municipal Act, 2001

Statutory Powers of Procedure Act

South Huron Animal Control By-law 21-2018

Consultation:

Chief Administrative Officer

Related Documents:

Draft Animal Control Tribunal Rules of Procedure
Draft Animal Control Tribunal Terms of Reference

Respectfully submitted,

Rebekah Msuya-Collison, Municipal Clerk