



Municipality of Brockton Dangerous Dog Review Committee Minutes

Friday, November 1, 2024, 4:00 pm
Electronic Meeting

Committee Members Present: Deputy Mayor Kym Hutcheon
Councillor B. Carl Kuhnke
Councillor Mitch Clark

Staff Members Present: Lisa MacDonald, Animal Control/By-Law Enforcement Officer
Fiona Hamilton, Director of Legislative and Legal Services
(Clerk)

Participants Present: Janelle Gutscher
Joel Gutscher
Chrissy Craig

1. Call to Order and Acceptance of Agenda

Resolution:

Moved By B. Carl Kuhnke

Seconded By Mitch Clark

That the Dangerous Dog Review Committee for the Municipality of Brockton accepts the Agenda as presented.

Carried

2. Declaration of Pecuniary Interest or General Nature Thereof

3. Powers of the Committee and Explanation of the Process

Fiona Hamilton, Director of Legislative and Legal Services (Clerk) advised all those in attendance that the Committee had authority under the Statutory Powers Procedure Act and explained how the hearing process would occur. Ms. Hamilton advised all the individuals in attendance that, as the Committee was acting in a quasi-adjudicative way and not as a full meeting of Council, the Committee could deliberate separately and return to provide the decision and reasons for the decision.

4. Administration of Oaths

Fiona Hamilton, Director of Legislative and Legal Services (Clerk) administered Oaths to the Animal/Control and By-Law Enforcement Officer, the Owner of the dog and the Complainant as a witness.

5. Hearing for Appeal of Dangerous Dog Order

5.1 Animal Control/By-law Enforcement Officer Submissions

The Committee asked the Animal Control/ By-Law Enforcement Officer to summarize any additional information that was not contained in the written report. The Animal Control/Bylaw Enforcement Officer confirmed the fencing that had been erected and confirmed the Dangerous Dog signage that was erected at the time of inspection.

5.2 Appellant Submissions

The Committee asked the Owners of the dog, Janelle and Joel Gutscher if they had any submissions they wanted to make in addition to the written submissions that were previously provided to the Committee and posted on the municipal website.

Janelle Gutscher confirmed that the dog, Murphy, had been owned since he was a puppy and that the couple purchased him from a purebred beagle breeder. Ms. Gutscher responded to questions from the Committee and confirmed that while Murphy has exhibited signs of stress due to neighbours trespassing and throwing things at the animal, Murphy had received additional training from a professional and was demonstrating much more calm behaviour.

Ms. Gutscher responded to additional questions from the Committee and confirmed that, to her knowledge, the dog had not previously bitten anyone else and there were no issues with Murphy with other dogs or when walking on a leash. Ms. Gutscher said that neighbours may have mentioned occurrences, but it was difficult for her to determine as she had not directly witnessed Murphy bite another person.

The Gutscher's confirmed that Murphy was fixed and weighed approximately thirty (30) pounds.

Fiona Hamilton, Director of Legislative and Legal Services (Clerk) requested that the Gutscher's confirm the specific remedy being sought from the Committee. The Gutscher's confirmed that while they intended to fully fence an area on their property to protect Murphy, they wanted the dangerous dog order overturned entirely so that they could continue to talk Murphy on walks with just a leash and attend the dog park.

5.3 Complainant Submissions

Ms. Craig stated that she had never observed children tormenting the dog, and noted that Murphy had not been a friendly animal but rather always nipped at children crossing along the property line. Ms. Craig confirmed that Murphy was very familiar with her daughter as her daughter spent significant time at the property. Mr. Craig confirmed that she witnessed her daughter approach Murphy slowly and in a crouched position, when Murphy jumped up and bit her daughter's face.

Ms. Craig responded to questions from the Committee and confirmed that she was also a dog owner.

5.4 Replies

Deputy Mayor Hutcheon asked if any of the parties had a reply.

Joel Gutscher stated that they had spoken with neighbours because the children were always cutting through their backyard and provoking the dog causing Murphy to become increasingly more anxious.

Ms. Craig stated that her children had always been invited onto the yard and the dog attacked her child without provocation. Ms. Craig urged the Committee to consider upholding the order for the safety of all the children in the neighborhood.

5.5 Deliberation and Decision

The Committee recessed from the hearing at 4:36 p.m. to deliberate.

5.5.1 Recess for Deliberation

The Committee returned from deliberations at 4:58 p.m.

5.5.2 Decision

The decision of the Committee was delivered by Chairperson Deputy Mayor Kym Hutcheon.

The Committee decided to overturn the Order naming Murphy as a Dangerous Dog due to the large wooden fencing that had been installed by the Gutschers, the fact that Murphy had never had an incidents with other dogs or when on a walk and the extensive subsequent training that Murphy had received. The Committee strongly encouraged the Gutscher's only allow Murphy to use the fully fenced backyard, not the front yard that was controlled with an electronic fence.

Resolution:

Moved By B. Carl Kuhnke

Seconded By Mitch Clark

That the Dangerous Dog Review Committee for the Municipality of Brockton overturns the Dangerous Dog Order issues to Janelle and Joel Gutscher in relation to their dog Murphy.

Carried

6. Adjournment

Resolution:

Moved By B. Carl Kuhnke

Seconded By Mitch Clark

That the Dangerous Dog Review Committee for the Municipality of Brockton adjourns at 5:00 p.m.

Carried