



**City of Welland**  
**Infrastructure and Development Services**  
Planning and Building Division  
60 East Main Street, Welland, ON L3B 3X4  
**Phone:** 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772  
**Email:** devserv@[welland.ca](http://welland.ca) | [www.welland.ca](http://www.welland.ca)

## **HEARING**

Monday March 5, 2018 2:00 PM  
City Hall – Council Ante Room, 2<sup>nd</sup> Floor  
Log File No. 2018-01

---

## **MINUTES**

Committee Members: Mr. John Ingrao  
Mr. Gary Galambos  
Mrs. Diane Zakraysek-Bourque

Staff Present: Mrs. Jennifer Blacklock – Building Services Technician/Dog Control Appeal  
Secretary

Others in Attendance: Mr. Tysen Przygoda – Appellant  
Ms. Adrienna Labonte – Appellant support  
Mr. Dave Robertson – Appellant support  
Mrs. Fran Robertson – Appellant support  
Ms. Amanda Ellis – Enforcement Manager/OSPCA  
Ms. Samantha Palmer – Animal Control Officer

1. Committee Members and all other in attendance met at approximately at 2:00 pm.
2. Committee appointed Mr. Gary Galambos as Chair.
3. Hearing called to order at 2:00 pm by Chair and introduces Committee Members and Secretary.
4. Committee established/adopted Rules of Procedure (attached).
5. Committee adopts the minutes of previous meeting (June 22, 2016) – Ms. Zakraysek-Bourque.
6. Chair asks for declaration of conflict of interest. Mr. John Ingrao submits a written explanation regarding the victim and his last name. No conflict.
7. Chair calls Appellant (Mr. Tysen Przygoda) to come forward to state case. Appeal begins.

Dog owner, Mr. Przygoda read a written statement (Secretary collected copy for file). Mr. Przygoda stated that Dixie is no threat, she is still a puppy but she is a very energetic dog. There is a stereotype of the type of dog. She has a caring and loving environment. They are very vocal animals. Everything

is expressed through sound. They may sound as if they have an aggressive tone. Dixie was surrounded by small animals and children from a very young age. She is very tolerant of toddler behaviour. She has a remote collar and she is trained with a leash on and off. Hounds are active dogs and the ability to run freely is a must. Hounds can be sensitive. Throughout the appeal case, Secretary collected the prepared letters from neighbours in favour of Dixie and prepared information on the Coon Hound dog breed type from Mr. Przygoda.

In response to Mr. Galambos questions, Mr. Przygoda advised that the dog is 3 years old, weighs 65lbs, and the girl was cut by a claw not a dog bite. Mr. Przygoda looked at it and was trying to comfort her. He stated the dog may have jumped up and she was scratched. The young girl is about 15, highschool age. The dog is not hyper, she wags her tail and jumping is out of character.

In response to Mrs. Zakraysek-Bourque's questions, Mr. Przygoda advised that the backyard is not fenced. There is a doghouse with a leash. The license and shots are all up to date and the dog was trained by himself and had some tips from dog councillors.

In response to Mr. Ingrao's questions, Mr. Przygoda advised that in the first incident, he received a business card from the Department of Health and didn't know what it was about. He called 15 times and could not get a hold of anyone. He received another and called a different number. They have to complete a follow up and needed to meet someone at the house. The dog seemed in good health and in good spirits and that was the end of it. They asked for some information on vaccines. It was the only incident. In the report, it said 120lb Great Dane was the dog in question. Thought it was weird. The time had lapsed to put the dog in quarantine.

Mr. Ingrao asked questions regarding the second incident. Mr. Przygoda advised that he did not see the second incident. He just got home from working late and he was bringing groceries in the house. The door doesn't latch properly and he didn't notice. Don't know how long she was out but around 10 minutes.

Mr. Galambos asked if the dog had a tendency to run off and Mr. Przygoda stated that no because it has a remote collar. (Provided picture references).

Ms. Labonte, friend of Mr. Przygoda stated that she used to live on the same street and ran a daycare. She never had an incident with Dixie and the kids loved her begged to see her. Lives in Port Colborne currently, since November 2017.

Mr. Galambos asked questions of Ms. Palmer of the SPCA. She stated that on January 18 at 4:35pm she received a call regarding a bite. She spoke with mother of victim and discussed that the coat was bit and she was pulled backwards. There were rips in coat. Daughter stumbled and fell a couple stairs while trying to deliver mail. Daughter received prior injuries in September that were reported to hospital. Requested information and shots. On 20<sup>th</sup> spoke with Mr. Przygoda and he told her wasn't aware of incident which happened but admits Dixie was quarantined. Ms. Palmer said she saw footprints – he had permission from neighbours to allow dog on properties. Written statement from the victim, Ms. Chloe Ingrao. January 23 and 24 she attempted to deliver order. She explained order and the appeal process. January 29<sup>th</sup> received pictures from witness (Chloe Ingrao). February 3, she received more information from Chloe's mother regarding Mr. Przygoda trying to contact Ms. Chloe Ingrao through social media through neighbour

In response to Mr. Galambos' and Ms. Zakraysek-Bourque's questions, Ms. Ellis of the SPCA advised that when the skin broken, the 10 day quarantine applies. It doesn't matter if it's a bite or scratch. SPCA doesn't always get notified. Its up to individuals to contact the SPCA to put in a complaint. The SPCA was informed that it was a bite. Ms. Ellis never met the victim or mother, just spoke over the phone and by e-mail. The victim is 16. Pictures were provided by her mom. (picture reference of coat and teeth marks passed out). The bite showing skin lacerations were the September incident and the ripped coat is the January incident.

Mr. Ingrao asked the SPCA some questions. Ms. Palmer explained that 9 Armour is the middle property, beside is a court, backyard is open to the court. Neighbour has hill and treeline. Saw pawprints all over the place. Ms. Chloe Ingrao said that's where dog went through because she was on other side of trees on the steps. Ms. Palmer hadn't had a witness statement at that time. SPCA tries to get both sides of every story. Ms. Chloe Ingrao told her where it happened. Ms. Ellis said that agent Ryan (SPCA?) had pointed out footprints on neighbouring properties and saw feces. The 2 neighbours do not have problems and don't have dogs themselves.

Mrs. Zakraysek-Bourque asked if they could verify the license and shots. Cannot purchase a West Lincoln dog tag. He does not have a dog license on file as of January 31<sup>st</sup>. Mrs. Robertson, Mr. Przygoda's Aunt responded to a question by Mrs. Zakraysek-Bourque. She stated that the license was bought in West Lincoln where Mr. Przygoda's mother is living. They were told they could purchase there. When Dixie was purchased, they shared ownership with the mother and father. Lady at West Lincoln said it covers all of Welland. Ms. Ellis advised that they have addressed with administration staff and they cannot sell Welland tag. Each By-law states specific amounts related to municipality. Not transferable. Outcome will determine if dangerous or normal license is to be applied for in Welland. Shots appear to be up to date.(Copy shown to Committee)

Ms. Ellis explains the Order and By-law and said that the by-law states that a dog has to have tendency to show aggression. There is no severity levels. If mauled, muzzle order is the same. They have issued because they are employed to do so.

Mr. Galambos asked if everything been complied with in the Order. Ms. Ellis stated no, but they cannot enforce to fullest intent – tag issue can be addressed today. Foundation of order such as the pen would not be in force obviously. They would request the muzzle be on up until the appeal process is complete. Wouldn't expect the entire thing until the Decision is made.

Ms. Zakraysek-Bourque asked some more questions. In response, Ms. Ellis explained that The muzzle depends on the fencing. The fence has to make sure dog is secured in yard. Is it a 3' chain link or 6' wooden? Committee decides on the fenced yard, inspection on fence and type of fence could be put in the order. The copies of the by-law and Mr. Przygoda was informed to contact the Parks Department for the Appeal process. An e-mail was also sent out.

Mr. Ingrao read the section of the By-law addressing Running at Large. Mr. Przygoda stated that is why he has a remote collar. He can take the dog anywhere and there are signals to call it back, it has a shock setting to immobilize, a beeper and vibrate warning. Mr. Ingrao said the by-law doesn't address collars.

Discussion took place between Mr. Ingrao, Mr. Przygoda and Mr. Galambos regarding the size of the backyard (60x170), and the fencing of the entire backyard. Mr. Przygoda said that if he needs to make changes, he would prefer to put up a dog run, or something easily dismantled. He likes the open yard and doesn't want a 6' fence. Dog tracks are 100% true a lot of dogs get along not uncommon for kids and dogs to play in yards. Could also have been another dog.

There was further discussion involving all parties regarding time limits on the muzzle Order, and reassessment. It was concluded that the Muzzle Order is in effect for the life of the dog and no opportunity to reassess under the by-law. The Committee is limited in remedies and suggestion that the Appellant can take case to the Superior Court of Justice was made by Mr. Ingrao.

The Committee went into deliberation, in public, to render a decision based on the information heard

Ms. Zakraysek-Bourque stated that unfortunately, based on bylaws she stands by the Order. She agrees to extend time limits 2, 3,4 & 7.

Mr. Ingrao stated he agreed with co-member. Recommend order stays in place. Advised Mr. Przygoda to seek Superior Court of Justice. Agreed on items 2, 3, 4, & 7 extension time. Should make it a business day. Friday April 6<sup>th</sup>.

Ms. Ellis clarified items 2, 3, 4 Mr. Przygoda doesn't have to have a fence. Dixie has to be in pen, or leashed and muzzled. Decision to build up to owner.

8. A decision was passed with all Committee members in agreement. All items in the Notice to Muzzle/Order were confirmed with an extension for items 2, 3, 4, & 7 to be completed by April 6, 2018.

9. All parties present were informed of the decision orally and agreed upon.

#### DECISION:

- All items listed in the Order to remain with an extension for items 2, 3, 4, & 7 to be completed by April 6, 2018.

10. Adjournment 4:00pm