



**CITY OF WELLAND DOG CONTROL APPEAL COMMITTEE
MINUTES OF ELECTRONIC HEARING VIA ZOOM**

May 17, 2021, 10:00 AM

Members Present: Diane Zakraysek-Bourque, Chair
John Ingrao, Member
Gary Galambos, Member

Staff Present: Christine Rossetto, Secretary

Others Present: Cory Moxam, Dog Owner
Carly Koll and Ryan Hurman, Animal Control Officers
Sarah Plante, Victim
Tristan Cassibo, Witness and his father Tim Cassibo

APPOINTMENT OF APPEAL COMMITTEE SECRETARY - Moved by John Ingrao that Christine Rossetto, Planning Assistant be appointed as Secretary, retroactive to April 19, 2021.

CARRIED

APPOINTMENT OF APPEAL COMMITTEE CHAIR – Moved by John Ingrao that Diane Zakraysek-Bourque appointed as Committee Chair.

CARRIED

CALL TO ORDER – The Chair called the Hearing.

RULES OF PROCEDURE, PURPOSE OF COMMITTEE AND FORMAT OF HEARING – The Chair advised of the purpose of the Committee, Schedule 1, format of the Hearing and the rules of procedure noting that all information was provided on May 7, 2021.

ADOPTION OF MINUTES - Moved by Ingrao that the minutes of the Hearing held on January 6, 2020 be adopted as circulated.

CARRIED

CONFLICTS OF INTEREST – Nil.

REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPEAL – Nil.

NOTICE OF APPEAL – CORY AND AMY MOXAM (OWNERS OF 2 DOGS: Maximus is the black male husky dog and Akira is the black female husky dog)

Cory Moxam summarized the complaint and said that he hired Tristan to walk his dogs a couple times a week, Sarah did fall, his dog did not bite Sarah, his dog is a pure breed dog, his dogs were on leash, Sarah's dog was off leash and as he was not there he suggests that the Committee hear from the dog walker.

Tristan Cassibo said he was walking the 2 dogs, Sarah was walking her dog, Akira pulled and picked up Sarah's little dog, he tried to pull the dogs away from Sarah's dog, Maximus turned toward Sarah and she fell and her dog was dropped and then started running.

Cory Moxam noted that a written letter stated that Sarah was okay and there were no puncture wounds and no blood. The Chair questioned submission of this letter and Mr. Moxam said it was not submitted and that Tristan's father, (Tim Cassibo) spoke to Sarah.

John Ingrao noted that the patient history summary form from the vet said there was a bite on Sarah's dog and a shot was given for treatment. Cory Moxam said the vet confirmed that there was a bite mark. He said that his dog picked up her dog, no blood on the scene and her dog is fine. In response to Ingrao, Cory Moxam said his dogs are 55 and 75 pounds. It was noted that the dog that was bit is 16.5 pounds.

Gary Galambos questioned Tristan, the dog walker, and Tristan replied that he had walked the dogs for a month, that he can handle both dogs, that they have never pulled away before. Tim Cassibo said both dogs were on harnesses.

Diane Zakraysek-Bourque questioned if the Moxam dogs are licenced, vaccinated, trained and if his yard is fenced. Cory Moxam confirmed yes.

Sarah Plante said her dog is a rescue dog, her dog got off leash during the incident, the bigger dog came around her and she was knocked down. She said that Tristan asked if she needed help. She said that the dog that bite her dog should wear a muzzle. She said that the dog that knocked her down does not need a muzzle as her back was better in a day and she did not need medical attention.

In response to Galambos, Cory Moxam said there have been no prior incidents with his dogs and that his dogs chases bunnies and squirrels.

In response to Zakraysek-Bourque, Sarah Plante said that Akira's leash came out of Tristan's hand and Akira bite her dog.

Carly Knoll described the orders to muzzle both dogs as Akira bite a dog and Maximus pulled down a person causing injury which corelates to a dangerous dog. In response to Zakraysek-Bourque's question if the officer had seen the dog that was bitten, Carly Knoll said no and that she received the vet summary and evidence from the statement. She said that the muzzle order is immediate, a person walking a dog must be 16 or older so they have the strength to restrain a dog and definition of a dangerous dog includes causing a fall due to lack of control which results in an injury.

Cory Moxam said Maximus is not aggressive and he does not want to neuter him at age 6 and change the dog's personality.

In response to Ingrao's question about neutering Maximus, Carly Knoll said that Council has the right to decide what is upheld in the muzzle orders.

Ryan Huurman said per Section 12.1 of the By-law, that the muzzle requirement is immediate upon receipt of the Order.

John Ingrao and Diane Zakraysek-Bourque said they were in favour of removing the neutering item of the Muzzle Order Notice for Maximus. Gary Galambos said he was in favour of removing the neutering item and removing the muzzling item of the Muzzle Order Notice for Maximus. Diane-Zakraysek Bourque noted liability against the City if any further events happened. The Secretary confirmed the Committee's Decision for Maximus as Number 4 on Schedule 1 with the Appeal being successful in part. The Secretary confirmed the Committee's Decision for Akira as Number 1 on Schedule 1 with the Appeal being denied.

Decision – Maximus the black male husky dog

The Muzzle Order is hereby REMOVED IN PART, and ALLOWED IN PART, as follows:

- Item 7 of the Muzzle Order is removed.
- Items 1, 3, 5 and 6 of the Muzzle Order are allowed and shall be complied with by May 27, 2021.

- Items 2, 4 and 8 of the Muzzle Order are allowed and shall be complied with by June 1, 2021.

Signed Electronically: "Diane Zakraysek-Bourque"
"John Ingrao"
"Gary Galambos"

CARRIED

Decision – Akira the female male husky dog

The Muzzle Order is CONFIRMED as follows:

- Items 1, 3, 5, 6 and 7 of the Muzzle Order shall be complied with by May 27, 2021.
- Items 2, 4 and 8 of the Muzzle Order shall be complied with by June 1, 2021.

Signed Electronically: "Diane Zakraysek-Bourque"
"John Ingrao"
"Gary Galambos"

CARRIED

OTHER ITEMS - The Chair requested a draft copy of the minutes from this Hearing to review in advance of a future Hearing.

ADJOURNMENT – Hearing closed at 11:15 am.

Chair Signature

Secretary Signature