



# Township of Scugog Staff Report

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**Report Number:** DEV-2024-027

**Prepared by:** Hilary Williams, Director of Animal Control  
Emily Gerber, Supervisor of Animal Control

**Department:** Development Services – Animal Control

**Report To:** Council

**Date:** June 24, 2024

**Reference:** Strategic Direction 5: Complete Community: Strengthen our communities to be inclusive, healthy, safe, connected and engaged.

**SD5 Objective 4: Expand community and governmental partnerships**

**Report Title:** Policy and Procedure Search and Seizure - DOLA Summary

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## Recommendations:

1. THAT Report DEV-2024-027 Policy and Procedure Search and Seizure - DOLA Summary, be received.
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## 1. Background:

On Monday, May 6<sup>th</sup>, 2024, Joy Casey, presented a delegation to Council regarding a petition for public safety against dogs residing on a property located on High Point Road, within the Township of Scugog. Council motioned that the matter be referred to staff for further investigation and once completed, forward a report to Council for information.

## 2. Discussion:

Municipal by-laws are in place regarding dog(s) at large and instances of aggression; including biting and attacks. When an officer determines that the consequences under the municipal by-law are not sufficient due to the severity of aggression or a history of non-

compliance, they may proceed with legal action under Provincial Legislation such as the Dog Owners' Liability Act.

The Dog Owners' Liability Act outlines specific responsibilities and liabilities for dog owners. When a violation of the Act has occurred, proceedings may commence in the Ontario Court of Justice against the owner of a dog. In certain circumstances, a Peace Officer may apply to obtain a Search and Seizure warrant that authorizes the Peace Officer to seize a dog, if necessary to ensure public safety.

The officer will consult with legal counsel to review the evidence and determine if there are sufficient grounds to lay charges under the Dog Owners' Liability Act or if charges should be laid under the municipal by-law.

This report details the requirements to seize a dog under the Act.

### **To obtain a Search and Seizure warrant under the Act:**

The Dog Owners' Liability Act provides a Peace Officer with the ability to apply to a Justice of the Peace to obtain a search and seizure warrant, if it is not in the interest of public safety for a dog to be in a location other than in a pound operated by or on behalf of a municipality or a designated body or in a research facility registered under the *Animals for Research Act*.

The Act specifies that a dog must have on one or more occasions:

- bitten or attacked a person or domestic animal;
- behaved in a manner that poses a menace to the safety of persons or domestic animals;
- the owner of the dog has on one or more occasions failed to exercise reasonable precautions to prevent the dog from biting or attacking a person or domestic animal;
- the dog is a restricted pit bull and an owner of the dog has on one or more occasions failed to comply with one or more of the requirements of this Act or the regulations respecting restricted pit bulls;
- the dog is a pit bull other than a restricted pit bull or there is reason to believe that the dog may cause harm to a person or domestic animal.

### **To obtain a warrant:**

The Officer must provide a detailed history outlining why it is not in the interest of public safety for the dog to be in a location other than the municipal pound, during proceedings under the Act. The officer must prove the necessity of a search and seizure warrant and the grounds for issuing a warrant. Supporting evidence and documents must be provided.

A Justice of the Peace will review the evidence and supporting documentation submitted to determine if there are reasonable grounds to issue a Search and Seizure warrant.

### **Non-Pursuance of Search and Seizure Warrant for High Point Road**

Animal Control has not pursued a Search and Seizure Warrant for the location on High Point Road for the following reasons:

#### **2019 – Reported Dog Bite**

- **Officer's Report:** The officer must provide a comprehensive history justifying why public safety is compromised if the dog remains in the location. This was the first complaint about the dog, with no prior history or documentation available.
- **Dog's Location:** The dog was on its own property.
- **Restraint:** The dog was tied up.
- **Legal Action:** A restraining order was issued.
- **Enclosure Compliance:** Compliance with enforcing enclosure measures was observed.
- **Reasonable Grounds:** Insufficient grounds to pursue action under the Dog Owners' Liability Act (DOLA).

#### **2024 – Livestock Attack**

- **Outcome:** Both dogs involved have been euthanized.
- **Warrant Specificity:** A warrant pertains to a specific dog, not a residence.

### **3. Financial Implications:**

There are no financial implications associated with this report.

### **4. Conclusion:**

#### **Ongoing Monitoring and Compliance**

Due to recurring incidents involving dogs at High Point Road, animal control officers will continue to monitor the situation closely. This ongoing oversight aims to ensure adherence to local by-laws and compliance with existing restraining orders. The objective is to safeguard the community and the dogs, promoting a cooperative approach to animal control and public safety.

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Respectfully Submitted by:

Reviewed By:

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Hilary Williams/ Emily Gerber  
Director/ Supervisor Animal Control

Kevin Heritage, MES, MCIP, RPP  
Director of Development Services

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**Attachments:**

**Report Approval Details**

Document Title:	Policy and Procedure Search and Seizure - DOLA Summary - DEV-2024-027.docx
Attachments:	
Final Approval Date:	Jun 19, 2024

This report and all of its attachments were approved and signed as outlined below:

Kevin Heritage

Kenneth Nix