



BY-LAW 2022-XX

Being a By-Law amend By-Law No. 2018-91, the Animal Protection and Services By-Law

WHEREAS the Council of The Corporation of the City of Markham enacted By-law 2018-91 on MONTH DAY, 2018; and,

WHEREAS By-Law 203-199 Licensing Committee, has been repealed; and,

WHEREAS Hearing Officers will conduct appeal hearings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. That the following definitions be added:

“Applicant” means a person that is appealing a decision of the Animal Services Officer under the provisions of this By-law.

“Clerk” or **“City Clerk”** means the Clerk of the City, as appointed under the authority of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

“Electronic Technology Devices” includes all computers, personal electronic and digital devices, and mobile, cellular and smart phones

“Hearing” or **“Appeal Hearing”** means a proceeding held in person, by conference telephone, or by some other City-approved form of communication using Electronic Technology Devices allowing persons to communicate with one another.

“Hearing Officer” means a person duly appointed to conduct Hearings under the Hearing Officer Appointment By-law 2022-15, as amended.

“Notice to Muzzle” means an notice issued by the Animal Control Officer, By-Law Enforcement Officer or Ontario Provincial Police Officer to the Owner of muzzling requirements, pursuant to Section 3.5 of this By-law;

“Written Warning” means a warning cautioning the Owner of a second bite pursuant to Section 3.5 of this By-law.

2. That the following definition be deleted:

“Manager”

3. That any reference to “Manager” in By-law 2018-91 be repealed and replaced as follows:

“City Clerk or designate”

4. That the following Subsection (5) be deleted in its entirety:

(5) Where the Owner of a dog is served with a Notice to Muzzle, the Owner may request a hearing before the Licensing Appeal Committee by making such a request in writing and mailing or delivering it to the Manager of By-law and Regulatory Services within 7 days after the Notice to Muzzle is served on the Owner.

5. That Subsection (5) be replaced with the following:

(5) Where the Owner of a dog is served with a Notice to Muzzle, the Owner may request an appeal hearing before a Hearing Officer by sending a notice of appeal to the City within ten (10) days of the written notice.

6. That Subsection (7) be deleted in its entirety:

(7) Where a hearing date before the Licensing Appeal Committee has been fixed and the Owner who has been given notice of the hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed in the absence of the Owner and the Owner will not be entitled to any further notice in the proceedings.

7. That Subsection (7) be replaced with the following:

(7) The City Clerk, upon receipt of the notice of appeal, shall determine and give notice in writing to all parties:

- (a) the place, date and time of the Hearing;
- (b) the purpose of the Hearing ; and
- (c) a statement that if the party notified does not attend at the Hearing, the Hearing Officer, may proceed in the party’s absence and the party will not be entitled to any further notice in the proceeding.

8. That Subsection (8) be deleted in its entirety:

(8)The Licensing Appeal Committee has the power to: (a) exempt the Owner in whole or part from any requirement set out in the Notice to Muzzle; (b) impose conditions on any exemption granted under subsection (a) that the Licensing Appeal Committee considers appropriate; or (c) confirm the requirements of the Notice to Muzzle.

9. That Subsection (8) be replaced with the following:

(8.1)

(a) The powers and authority to hear appeals from decisions made by the Manager pursuant to section 3.5 are hereby delegated to the Hearings Officer;

(b) The Hearings Officer shall hear all appeals from decisions made by the Manager pursuant to section 3.5

(8.2)The Hearing Officer has the power to:

(a) Exempt the Owner in whole or in part from any requirement set out in the Notice to Muzzle;

(b) Impose conditions on any exemption granted under subsection (a) that the Hearing Officer considers appropriate; or,

(c) Confirm the requirements of the Notice to Muzzle.

10. That Subsection (10) be amended as follows:

(10.0) The hearing shall be conducted pursuant to the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended.

(10.1) That the decision of the Hearing Officer is final.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
8th DAY OF MARCH, 2022.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR