

LICENSING AND COMMUNITY STANDARDS BOARD DECISION

PRESIDING OFFICER: D. WIELINGA
PANEL MEMBER: B. SANSREGRET
PANEL MEMBER: T. HEGER

BETWEEN:

SCOTT KLINGER

Appellant

and

CITY OF RED DEER

Represented by Erin Stuart, Inspections and Licensing and Marilee Murgatroyd, Legal Services

City Authority

This decision pertains to an appeal to the Licensing and Community Standards Board regarding the City of Red Deer's Bylaw No. 3429/2009 (the "Dog Bylaw"), which regulates and controls dogs and dog ownership within the City. Section 15 of the Dog Bylaw provides the process for designating a dog as "Aggressive."

The Appeal was heard on December 4, 2024, at the City of Red Deer Council Chambers in the Province of Alberta.

DECISION:

Based on the evidence submitted in writing and presented at the hearing, the Licensing and Community Standards Appeal Board Confirms the Aggressive Dog Designation, as issued on October 28, 2024.

A detailed summary of the decision follows.

JURISDICTION AND ROLE OF THE BOARD

1. The Board is established by The City of Red Deer, Bylaw No. 3680/2022, *Red Deer Tribunals Bylaw*, April 11, 2022. The duty and purpose of the Board is to hear and make decisions on appeals for which it is responsible.
2. None of the parties objected to the board's constitution, and the Board members identified no conflicts.
3. There were no preliminary issues for the Board to decide.

LEGISLATION AND POLICY

4. The legislation governing municipalities in the Province of Alberta is the Municipal Government Act (MGA), RSA 2000, c. M-26. The MGA provides that a Council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them.
5. The Council of The City of Red Deer passed the Dog Bylaw 3429/2009 for the purposes of regulating and controlling dogs within the City of Red Deer, Alberta.
6. The Dog Bylaw states, “The Inspections and Licensing Manager may designate a Dog as an Aggressive Dog if he or she determines that the Dog has caused or is likely to cause damage, injury, or death to another domestic animal or person” (S.15(3)).
7. The City of Red Deer Council established Council Policy 6118-C (the Policy) to “set out the criteria The City of Red Deer will use to determine and designate a dog as aggressive.”
8. The Policy includes a “behaviour assessment chart”, with six levels to be referred to in evaluating a dog for aggressive behaviour:

Level	Description
1	Dog growls, lunges, and/or snarls. Chases a person in a menacing fashion. No teeth touch skin. Mostly threatening behaviour toward a person.
2	Teeth touch skin but no puncture of the skin. May have red mark/minor bruising. A minor injury to a person.
3	Puncture wounds to the skin, no more than ½ the length of the dog’s canine tooth; one to four puncture holes from a single bite. No tearing or slashing of the skin. Probable bruising. A minor injury.
4	One to four holes from a single bite; one hole deeper than ½ the length of the canine tooth, typically with contact or punctures from more than just the canines only. Deep tissue bruising, tears, and/or slashing wounds. Dog usually clamped down and held, shook, or slashed the victim. A severe injury. Also, an attack that results in the death of another domestic animal.
5	Multiple bites at Level 4 or above. A concerted, repeated attack. A severe injury.
6	Any bite resulting in the death of a human.

9. Section 2 of the Policy states:

The City may designate a dog as aggressive if:

- a) the dog has been involved in more than three incidents evaluated to be at level 1;
- b) the dog has been involved in more than two incidents evaluated to be at level 2 or 3; or
- c) the dog has been involved in an incident evaluated to be at level 4.

10. A “severe injury” is described in the policy as “any physical injury to another domestic animal or person caused by a Dog or Aggressive Dog that results in broken bones or lacerations requiring sutures or cosmetic surgery.”

BACKGROUND

11. On July 8, 2024, The City of Red Deer contracted service, Alberta Animal Services, received a report of a dog attack resulting in a severe dog injury outside of a residential building.
12. The attack dog was a male Pitbull Cross named Bear; the victim dog was named Louie.
13. Following an investigation by Alberta Animal Services, the city received an Aggressive Dog Designation Report on August 12, 2024, with a recommendation to designate the attack dog Bear as Aggressive to protect safety by ensuring that the dog's owner completes proper housing, training, and steps to prevent any further incidents.
14. On October 28, 2024, Inspections & Licensing issued the Aggressive Dog designation for Bear.
15. Alberta Animal Services served The Designation to the Appellant on October 29, 2024.
16. On November 11, 2024, the Appellant submitted a Notice of Appeal regarding the Designation.
17. The Board entered into evidence all items listed in Appendix “A”.

SUMMARY OF EVIDENCE AND ARGUMENT

The City of Red Deer Inspections Licensing Department

18. The City presented that on July 8, 2024, Alberta Animal Services received a call related to a dog attack that took place on July 7, 2024. Officer Dzuba of Alberta Animal Control Services along with two RCMP members, attended a forested area to locate the Appellant and the subject dog, Bear. The Appellant was in possession of two dogs. Officer Dzuba explained that the Appellant’s dog was allegedly the subject of a recent dog attack and that as a public safety concern, the Appellant could voluntarily surrender his dogs. The Appellant did not wish to surrender his dogs at that time.
19. The City presented documentation indicating Scott Klinger (Appellant) did not have a dog licence for Bear.
20. The City presented that on July 7, 2024, a dog (Louie) was attacked by a dog Bear belonging to the Appellant when Louie and its owner (Bonnie) were outside their residential building. Bonnie later took Louie to the veterinary clinic, where Louie underwent surgery.
21. The City presented that Bonnie, Louie’s owner also received an injury, and was given antibiotics for, puncture wounds and scratches from the same dog that attacked her dog, Louie.
22. The City presented records from Cedarwood Veterinary & Animal Emergency Hospital from July 7 to 9, indicating that:

- On July 8, 2024, Louie was treated for wounds and underwent surgery. Most of the damage was associated with his neck, and bruising was noted in the lumbar and other locations.
 - On July 9, 2024, the vet at Cedarwood advised that Louie is deceased, likely for a few hours, as Louie was in full rigor and that CPR could not be attempted. Cause of death is not obvious on the external exam alone but presumably was related to the trauma of the dog fight and extreme age.
23. The City presented that on July 15, 2024, Officer Banman of Alberta Animal Control Services attended Bonnie's residence to obtain a witness statement. While waiting for a witness statement and veterinarian reports from the complainant, the Appellant and his dog were not found at their last known location.
24. The City presented two witness statements:
- Witness #1, Bonnie, indicated that on July 7, 2024, her dog Louie was attacked by a dog belonging to the Appellant. She took Louie to the veterinary clinic where Louie underwent surgery. Louie was given antibiotics for puncture wounds and scratches. Later Bonnie was informed that Louie died a few hours after his surgery.
 - Witness #2, Robyn, indicated that on July 7, 2024, she observed from her balcony two dogs: a large black one and a small white one, with a large dog circling the small one. She indicated she saw blood on the neck of the small dog and a puncture on his right hind end.
25. The City presented that on August 3, 2024, with the assistance of the City of Red Deer Parks Peace Officers, the Appellant and his dogs were located. Due to public safety concerns, and pending an aggressive dog designation, the two dogs were seized by Officer Dzuba and brought back to Alberta Animal Services for intake. At the time of the seizure, the dogs were not in the possession of the Appellant, they were being held by a friend, Jaylene Morris. This friend was advised that the Appellant would be able to attend Alberta Animal Services on Tuesday, August 6, 2024, and he would be issued the violation tickets as a result of the attack on July 7, 2024.
26. The City presented that on August 7, 2024, the Appellant attended Alberta Animal Services and spoke with Officer Banman. Officer Banman advised the Appellant that the second dog that was seized could be released as it was determined it was not involved in the incident. Officer Banman reviewed the seizure order and the aggressive dog designation and stated they would be holding Bear for public safety concerns. Officer Banman explained that he would be issuing two tickets: one under section 14(3)(a) for a dog causing death to another domestic animal and one under section 9(1)(a) for failing to obtain a dog tag under Red Deer Dog Bylaw #3429/2009.
27. The City presented that Sergeant Thomas determined that the attack involving Bear, which resulted in the death of Louie on July 8, 2024, in the City of Red Deer, was a Level 4 classification as per the Council Policy.
28. The City presented that Sergeant Thomas provided the Report to the City on August 12, 2024, with a recommendation to designate Bear as Aggressive to prevent further incidents and to maintain public safety.

Licensing and Community Standards Board

29. The City presented that based on the review of the report and documentation, Inspector & Licensing Manager, Erin Stuart, determined that Bear had been involved in a Level 4 incident and issued an Aggressive Dog Designation for Bear on October 28, 2024.

The Appellant

30. The Appellant noted that his dog, Bear, is a support dog who made a mistake that led to some unfortunate consequences.
31. The Appellant stated that Bear was accidentally off its leash; the leash was tangled up, and it was easier for him to unhook the leash from Bear than untangle the leash with the dog on the leash.
32. The Appellant stated that while his dog was off-leash he approached another off-leash dog (Louie).
33. When the Appellant caught up to the dogs it originally looked like they were playing with each other.
34. The Appellant acknowledges that at some point during the dog's interaction, Louie was bit by Bear.
35. The Appellant picked up the dog and went to return him to his owner, at the time the dog seemed fine. He was not whimpering or moaning.
36. The Appellant informed the Board that when he returned the dog to its owner, the owner dropped the dog and that may have caused some bruising on the dog.
37. When questioned about who owned Bear, the Appellant stated he does along with his partner, Jaylene Norris.
38. Through questioning the Appellant stated that Bear was previously tagged but not at this time.

FINDINGS AND REASONS

39. The Board heard and recognizes the emotional toll this situation has had on the Appellant and his partner.
40. The Board finds that the Appellant confirmed that his dog, Bear, was involved in the incident on July 7, 2024. This was acknowledged by the Appellant at the hearing during verbal testimony and in his submission within Exhibit C.1. Therefore, there is no dispute as to the nature of the injuries by Bear.
41. The Board finds that as a result of the incident which occurred on July 7, 2024, Louie was injured, had surgery and subsequently died, as evidenced in The City's report containing witness statements, veterinarian statements and photographs. The Board finds the notes from the vet to be persuasive in what ultimately led to Louie's death. The photographs found at B.1 page 27 show some deep bite wounds, but the Board ultimately found the comments from the vet to be determinative in the link between the attack and Louie's ultimate death.

Licensing and Community Standards Board

42. The Board finds that no evidence or testimony was provided regarding the injuries of Bonnie, however, given the injuries of Louie the Board did not need further evidence to draw their conclusions.
43. The Board considered the evidence submitted by the Appellant in Exhibit C.1 and finds that the behavior of Bear outside the incident subject to this appeal is not relevant to the Aggressive Dog Designation. The designation is based on the Dog Bylaw and Council Policy 6118-C.
44. The Board finds that based on the evidence presented by both parties, the wounds inflicted by Bear on the day of the incident warrant an Aggressive Dog Designation of Level 4 pursuant to Dog Bylaw and Council Policy 6118-C.
45. The Board finds that Bear inflicted a “severe injury”, as defined in the Policy, to another domestic animal on July 7, 2024. As a result, the designation of an Aggressive dog is further confirmed as appropriate to this case.
46. The Board also finds that the Manager of Inspections & Licensing exercised appropriate discretion to determine this designation. The Board found that the injuries inflicted by Bear ultimately led to the death of Louie since, without the attack, Louie would not have died on July 8, 2024.

CLOSING:

Based on the evidence submitted in writing and presented at the hearing, the Board denies the Appeal and CONFIRMS the Aggressive Dog designation for Bear (Owned by the Appellant), as issued on October 28, 2024, by the Inspections and Licensing Department of the City of Red Deer.

Dated at the City of Red Deer, in the Province of Alberta, this 17th day of December 2024 and signed by the Presiding Officer on behalf of all panel members who agree that the content of this document adequately reflects the hearing, deliberations, and decision of the Board.



Alisha Wilson on behalf of
Don Wielinga, Presiding Officer
Red Deer Appeal & Review Board

This decision can be appealed to the Court of Appeal on question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in section 688 of the Municipal Government Act which requires an application for leave to appeal to be filed and served within 30 days of this decision.

APPENDIX A

Exhibit A.1:	Hearing Materials	5 pages
Exhibit B.1:	City Authority Report	39 pages
Exhibit C.1:	Appellant Subissions	3 page