

**LICENSING AND COMMUNITY STANDARDS BOARD DECISION**

PRESIDING OFFICER: D. WIELINGA  
PANEL MEMBER: M. KARTUSCH  
PANEL MEMBER: T. HEGER

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BETWEEN:

RONALD WOZNEY

**Appellant**

and

CITY OF RED DEER

Represented by Amy Fengstad and Jared McBeth, Inspections and Licensing

**City Authority**

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This decision pertains to an appeal to the Licensing and Community Standards Board in respect to the City of Red Deer, 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 the 23<sup>th</sup> day of July, 2024 at the City of Red Deer Council Chambers within 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 June 6, 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. 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 had any objection to the constitution of the Board. There were no conflicts identified by the Board Members.
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 purpose of regulating and controlling dogs within The City of Red Deer, Alberta.
6. The Council of The City of Red Deer 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”.
7. 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)).
8. The Policy includes a “behavior assessment chart”, with six levels to be referred to in evaluating a dog for aggressive behavior.

Level	Description
<b>1</b>	Dog growls, lunges, and/or snarls. Chases a person in a menacing fashion. No teeth touch skin. Mostly threatening behaviour toward a person.
<b>2</b>	Teeth touch skin but no puncture of the skin. May have red mark/minor bruising. A minor injury to a person.
<b>3</b>	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.
<b>4</b>	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.
<b>5</b>	Multiple bites at Level 4 or above. A concerted, repeated attack. A severe injury.
<b>6</b>	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.

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**BACKGROUND:**

10. Prior to designating the dogs “Gwen” and “Levi” as aggressive, three separate incidents took place leading up to the designation as aggressive. Following are the dates the incidents took place:
  - April 29, 2024
  - March 31, 2023
  - January 10, 2023
11. Following an investigation by Alberta Animal Services in relation the above-mentioned incident dates, Alberta Animal Services staff provided an Aggressive Dog Designation Report to the City on May 29, 2024. The report recommended the Dog “Gwen” and the Dog “Levi” be designated as aggressive.
12. On June 6, 2024, the Inspections and Licensing department issued an Aggressive Dog Designation for “Gwen” and “Levi”.
13. On June 6, 2024, the Appellant was served with the Aggressive Dog Designation Alberta Animal Services.
14. On June 14, 2024, the Appellant submitted a Notice of Appeal regarding the Aggressive Dog Designation.

**SUMMARY OF EVIDENCE AND ARGUMENT: BACKGROUND**

*The City of Red Deer Inspections and Licensing Department (City Authority):*

**Incidents*****April 29, 2024:***

15. On April 29, 2024 Alberta Animal Services received a report of a dog attack resulting in a severe injury of a Canada Post employee delivering mail at the Appellant’s residence.
16. The injuries sustained to the Canada Post employee were multiple dog bites on the back of her leg, hand and wrist. There was a puncture through her clothes and some bleeding. The right hand had two small puncture wounds around the third and fourth finger bases. Pain in the right wrist and right hand. Bruising to the posterior right thigh, no break in the skin. Larger bruises approximately 2 inches on the left thigh with a 2-inch laceration. Part of the laceration punctured the skin and part was superficial. Wounds were repaired with glue and Steri-Strips. Under Council Policy 6118-C – Aggressive Dog Designation, these injuries would be consistent with a level 4 designation and therefore classified as a level 4 dog bite.
17. On May 22, 2024 Animal Control Officers Dzuba and Banman attended the Appellant’s residence and informed him that the investigation was concluded and the Appellant was issued a violation ticket for a “Dog causing Severe Injury” (Dog Bylaw, s. 14(1)(b)) to a person.
18. On May 28, 2024 Animal Control officers Dzuba and Banman reviewed the tickets and case file and attended the Appellant’s residence to issue an additional ticket for a “Dog biting/attacking causing minor injuries to a person” (Dog Bylaw s. 13 (1)(b)) for the second dog as both the Appellant and the postal worker stated both dogs were involved in the incident. The ticket for “Dog causing Severe Injury” (Dog Bylaw, s. 14(1)(b)) to a person was reissued to have the same Court Date as the second ticket.

**March 31, 2023:**

19. On March 31, 2023, Animal Control Officer Dzuba received a complaint from a male Canada Post letter carrier who indicated he was attacked by two dogs who reside at the Appellant's address.
20. The letter carrier was delivering mail across the street from the Appellant and as he walked back to his vehicle he was charged by the two dogs.
21. The dogs caused two puncture wounds to his right elbow, and he was seeking medical attention for treatment.
22. This incident was classified as a level 3 dog bite wound.

**January 10, 2023:**

23. On January 10, 2023 Animal Control Officer Blue received a call from a complainant who stated that he was running with a friend along the trails near the Appellant's residence. The complainant saw a large black dog off-leash in the middle of the trail. He continued to run and saw an older male slightly in front of the dog. He slowed when close to the dog, but the dog jumped on his chest trying to nip but not making contact.
24. He brushed the dog off and continued on his way. The dog followed him despite the older gentleman's command to "come here". The dog continued to follow, jumping and biting his right arm/elbow down to the forearm and near the wrist area.
25. The jogger indicated that he sustained no injuries or pain due to his clothing but yelled at the owner to put the dog on a leash. At the same time, he observed that there was a female who also had a large black dog but that dog was on a leash.
26. This particular incident only involved one dog, although it cannot be determined which of the two dogs was involved.
27. This incident was considered a level 2 incident.
28. The City Authority concluded their presentation by stating they properly exercised discretion to make their designations in accordance with The City Bylaws. The classification of level 4 meets the definition of severe injury as this classification is intended to protect the public.

**The Appellant:**

29. The Appellant began his testimony by thanking all parties involved in the evening's proceedings.
30. The Appellant stated that in reference to the January 10, 2023 incident the Dog involved was "Levi".
31. The Appellant stated that both his dogs were not involved in the two incidents of levels 2 and 3.
32. The Appellant stated the January 10, 2023 incident involved only one dog, his dog "Levi" was triggered by two men jogging from behind which startled Levi.

33. The Appellant stated that March 31, 2023 does not meet the designation for Aggressive Dog.
34. The Appellant stated that initially he did not believe the April 29, 2024 incident met the designation for Aggressive Dog, Level 4. However, he had not seen the pictures until the hearing.
35. The Appellant stated he has taken the following precautions to prevent any future incidents:
- the rear fence has been relocated and parts of it replaced; the replaced pieces of the fence are taller metal chain link fence with the gate locked
  - the dogs can no longer see persons at the front of his home
  - the dogs have seen the vet and are receiving calming medication
  - the dogs are always supervised when they are outside the fence
  - one of his dogs, “Gwen”, was rehomed around June 23, 2024, she is now happy and calm and the rehoming process is complete
  - he is in the process of securing behavior training for “Levi”; group training is available but he is waiting for one-on-one training
  - aggressive dog signs are posted in the places where he previously posted sign stating “Beware of dog”
36. The Appellant stated that the January 10, 2023 incident was exaggerated by the person who filed the complaint. In this situation, the jogger came up and startled everyone.
37. The Appellant received a \$2500 ticket for the severe injury and the ticket of \$1000 for a minor injury was revoked at Court.
38. The Appellant questioned the City Authority stating that his dog “Gwen” is now rehomed in Calgary and whether or not this makes a difference to the dog designation. The City Authority stated that in January 10, 2023 they can identify one dog; the other two incidents (March 31, 2023 and April 29, 2024) it could not be deciphered so they designated both dogs as Aggressive Dogs.

## **FINDINGS AND REASONS**

39. The Board notes the Appellant did not dispute the dogs in question and whether or not the incidents occurred.
40. The Board recognizes that the Appellant confirmed that “Gwen” is no longer with them and has been rehomed and “Levi” currently lives with the Appellant and his family.
41. The Board finds that although “Gwen” has been rehomed, the incidents under review took place in the Municipality of Red Deer. Further the Board reviewed both Council Policy and the Dog Bylaw and determined any applicable designation would still be warranted for a dog involved in an offence dependant on the classification of each incident.
42. The Board finds that all the incidents of January 10, 2023, March 31, 2023 and April 29, 2024, all play a part in the Aggressive Dog Designation.
43. The Board notes that only one dog was involved in the January 10, 2023 incident. In the other two incidents, both “Levi” and “Gwen” were involved and it cannot be deciphered which dog caused which injuries.

44. Upon review of the evidence provided and the verbal presentation from the City Authority and through questioning of the Appellant, the Board determined the classification levels were accurately applied in accordance with the Dog Bylaw and Policy's "behavior assessment chart".
- April 29, 2024 – level 4
  - March 31, 2023– level 3
  - January 10, 2023 – level 2
45. Through questioning the Board confirms that the Level 4 Dog Bite Classification is sufficient to warrant an Aggressive Dog classification in accordance with the Dog Bylaw and Policy and the definition of "Severe Injury".
46. The Board finds that based on the evidence presented, the wounds incurred during the incident of April 29, 2024 warrant an Aggressive Dog Designation.
47. The Board also finds the City Authority exercised appropriate discretion to make the determination of this designation.
48. The Board finds that based on the evidence presented that an alternative classification would not be appropriate. The level 4 dog bite was substantiated by the injuries inflicted by the dogs "Levi" and "Gwen". Therefore, the City Authority exercised the discretion provided under Section 15(3) of the Dog Bylaw when designating "Levi" and "Gwen" as Aggressive Dogs.
49. The Board commends the Appellant for taking the proactive steps he had taken in response to the three incidents prior to this hearing.

**CLOSING:**

Based on the evidence submitted in writing and presented at the hearing, the Board denies the Appeal and confirms the Aggressive Dog Designation, as issued on June 6, 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 6<sup>th</sup> of August, 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.

*A. Wilson*

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A. Wilson, Clerk for Don Wielinga,  
Presiding Officer  
Inspections and Licensing Appeal 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	14 pages
Exhibit B.1:	City Authority Report	92 pages
Exhibit B.2:	Appellant Submission	44 pages