

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO. *-18**

A By-law to amend By-law 260-99, as amended, of the Corporation of the Town of Richmond Hill, being Chapter 310 of the Municipal Code, to provide for the delegation of the holding of hearings to any hearing officer appointed by the Town

WHEREAS pursuant to Section 23.5(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (the “*Act*”) a municipality may delegate to a person or body described in Section 23.2(1) of the Act the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step taken;

AND WHEREAS pursuant to Section 105(1) provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement;

AND WHEREAS on November 29th, 1999, Council (“Council” of the Corporation of the Town of Richmond Hill (the “Town”) enacted By-law No. 260-99, being Chapter 310 of the Town’s Municipal Code, a by-law to regulate various matters relating to the control of dogs in the Town of Richmond Hill (the “Dog Control By-law”), which provides hearings relating to dogs designated as dangerous dogs and the muzzling of such dogs;

AND WHEREAS on September 12, 2016, Council enacted By-law no. 70-16 that, among other things, provides for the appointment of hearing officers to adjudicate appeals of administrative penalties required to be paid for failing to comply with the Town’s parking by-laws;

AND WHEREAS Council wishes to delegate its powers and duties to hold hearings and make the decision pursuant to such hearings for appeals of dangerous dog designations made pursuant to the Dog Control By-law to hearing officers appointed pursuant to By-law No. 70-16;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:

1. That the definition of “Council” in the Dog Control By-law be deleted and replaced with the following:

“Council” means Council of the Town.

2. That the definition of “Provincial Offences Officer” in the Dog Control By-law be deleted and replaced with the following:

“Provincial Offences Officer” means an individual appointed from time to time for the purpose of enforcing this Chapter or all of the by-laws of the Town pursuant to section 15 of the Police Services Act, R.S.O. 1990, c. P.15, as amended or superseded.

3. That the following new definition be added in alpha-numeric sequence to the Dog Control By-law:

“Hearing Officer” means an individual appointed for the purpose of adjudicating appeals of administrative penalties required to be paid for failing to comply with the Town’s parking by-laws in accordance with O. Reg. 333/07 of the Municipal Act, 2001, S.O. 2001, c.25, as amended or superseded.

4. That Section 310.2.3 of the Dog Control By-law be deleted and replaced with the following:

The notice referred to in Section 310.2.1 shall include:

- (a) a statement that a Provincial Offences Officer has reason to believe that the dog is a dangerous dog;

- (b) the requirements that the owner must comply with in accordance with this Chapter and when such requirements take effect; and
 - (c) a statement that the owner may request a hearing with respect to the Provincial Officer's designation of the dog as a dangerous and the requirements with which the owner must comply pursuant to Section 310.2.1 (a) to (g), inclusive, by providing a written request for such hearing to the Clerk within five working days of receipt of such notice.
5. That Section 310.2.4 of the Dog Control By-law be deleted and replaced with the following

Where the owner of a dog who receives a notice from a Provincial Offences Officer requests a hearing in accordance with Section 310.2.3(c), in writing to the Clerk of The Town within five working days of receipt of such notice, a Hearing Officer shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act* and:

- (a) affirm or rescind the Provincial Offences Officer's designation of the dog; and
 - (b) substitute its own requirements of the owner
6. That Section 310.2.8 of the Dog Control By-law be deleted and replaced with the following

Where a dangerous dog has been impounded for any reason, a Provincial Offences Officer shall not restore the said dog to its owner or to any other person unless the Provincial Offences Officer is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the provisions of Section 310.2.1, or such conditions as have been imposed on the owner by a Hearing Officer after an appeal. All fees otherwise payable upon restoration of an impounded dog to its owner are payable by the owner of a dangerous dog for any length of time it may be impounded pursuant to this Chapter.

7. That the exercise of any hearing and decision-making authority related to dangerous dog designations under the Dog Control By-law by any individual appointed for the purpose of adjudicating appeals of administrative penalties required to be paid for failing to comply with the Town's parking by-laws in accordance with O. Reg. 333/07 of the Municipal Act, 2001, S.O. 2001, c.25, as amended or superseded, shall be deemed to have been a proper exercise of such authority notwithstanding that the exercise of such authority may have been prior to the enactment of this by-law.

PASSED THIS XXTH DAY OF JUNE, 2018.

Mayor

Clerk