

City of Peterborough Appeals Committee – Animal Control Orders
Terms of Reference

Recitals

- A. Dog Owners who receive an Animal Control Order, issued under the authority of the City of Peterborough’s Animal By-law, may appeal that Order to the Peterborough Appeals Committee.
- B. The purpose of the Peterborough Appeals Committee is to provide a timely and final determination concerning the content of Animal Control Orders.

1.00 Purpose of the Committee

- 1.01 The Peterborough Appeals Committee (the “Committee”) has the responsibility to hear and determine all appeals of Animal Control Orders in the City of Peterborough under the provisions of the **Municipal Act, 2001** and By-law 16-XXX (the “Animal By-law”).
- 1.02 On an appeal, the Committee has the authority to do any of the following things if, in the Committee’s opinion, it would be reasonable to do so based on its assessment of the evidence presented:
 - a. confirm, vary or reverse the declaration in an Animal Control Order that the subject dog is a biting dog;
 - b. confirm or vary any of the requirements of an Animal Control Order;
 - c. exempt the owner of the dog in whole or in part from any of the requirements of an Animal Control Order, subject to such terms and conditions as the Committee considers appropriate;
 - d. impose conditions which, if fulfilled to the satisfaction of the Committee, will permit the Committee in its sole discretion to vary or exempt the owner from some or all of the terms or restrictions in the Animal Control Order;
or
 - e. combine any confirmation, variance, condition, or exemption of any of the requirements in an Animal Control Order as the Committee considers appropriate.

2.00 Operation of the Committee

- 2.01 Hearings by the Committee are attended by Committee members, Animal Control Officers, witnesses, and applicants and/or their representatives.

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- 2.02 The Committee shall establish its own rules of practice and procedure and the Committee may accept and weigh evidence in such manner as it determines is fair, reasonable and expeditious.
- 2.03 The written decision of the Committee is final.
- 2.04 The decision of the Committee need not be unanimous, and in the event of a split decision, the majority decision shall be the Committee's final decision.
- 2.05 No appeal shall be heard and determined unless at least 3 Committee members are present for the entire hearing.
- 2.06 In the event that a majority of Committee is satisfied that the appellant and/or the Animal Control Officers were provided with reasonable notice of the hearing, and if one or more of the appellant or the Animal Control Officer is not present at the hearing, the Committee may:
 - a. Adjourn the hearing to another date; or
 - b. Confirm the existing Animal Control Order.
- 2.07 Only in extraordinary circumstances, which are within the Committee's discretion to determine, shall more than one adjournment be granted to an appellant.

3.00 Term of Office

- 3.01 The appointed members of the Committee shall hold office for a term concurrent with the term of Council, but every member shall continue in office until his or her successor is appointed.
- 3.02 Any member of the Committee whose term of office has expired is eligible for reappointment.
- 3.03 When a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the unexpired portion of the term.

4.00 Composition of the Committee

- 4.01 The Committee shall consist of at least 3 members, duly appointed by the Council for the Corporation of the City of Peterborough, including one member of Council.
- 4.02 The Committee will select a Chair and a Secretary.

5.00 Qualifications

- 5.01 In selecting its appointments to the Peterborough Appeals Committee, Council shall consider, among other factors:
- a. the candidate’s demonstrated commitment to and interest in the community;
 - b. the candidate’s knowledge of dogs, veterinary medicine or canine behaviour;
 - c. the candidate’s status as resident, property owner or employee within the City of Peterborough;
 - d. the candidate’s availability and commitment to be impartial and attend all Committee meetings; and
 - e. the candidate’s ability to objectively and fully consider the information provided at any hearing.

6.00 Role of Committee Members

- 6.01 It is the duty of the Chair to:
- a. preside at all hearings of the Committee;
 - b. call the hearing to order;
 - c. swear in the Animal Control Officer, appellant and all witnesses; and
 - d. determine in conjunction with the other Committee members the Committee’s procedure.
- 6.02 It is the duty of the Secretary to:
- a. ensure that the appellant and the Animal Control Officer who issued the Animal Control Order are informed of the hearing date at least 7 calendar days prior to the hearing;
 - b. keep records of all official business of the Committee, including records of all appeals and copies of all decisions respecting each appeal;
 - c. issue the Committee’s decision within a reasonable time period; and

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- d. concurrent with the issuance of the Committee's decision, inform the dog owner and the Peterborough Humane Society, or any successor organization thereto, of the Committee's decision.

7.00 Remuneration

- 7.01 Members of the Committee shall serve without remuneration.

8.00 Meetings

- 8.01 The Committee shall meet as required to consider appeals that have been filed with the City.
- 8.02 Meetings of the Committee shall be held at City Hall or such other location within the City of Peterborough, as the Committee deems advisable.

9.00 Conflict of Interest

- 9.01 Members of the Committee shall exercise their duties ethically and identify and /or avoid potential conflicts of interest.