



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 47-2008

A By-law to amend Dog By-law 250-2005  
to provide for appeals to the Brampton Appeal Tribunal

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**WHEREAS** a lower tier municipality has power under Section 11(3)9 of the *Municipal Act* to pass by-laws respecting animals;

**AND WHEREAS** Council has created the Brampton Appeal Tribunal to hear appeals of the decision of the Poundkeeper instead of providing for these appeals to be heard by a Committee of Council;

**AND WHEREAS** this by-law makes the necessary amendments to the Dog By-law;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. The definition of "Animal Control Tribunal" is deleted from Section 1 of Dog-By-law 250-2005.
2. The definition of "Tribunal" In Section 1 of Dog-By-law 250-2005 is replaced by the following:  
  
"Tribunal" means the Brampton Appeal Tribunal.
3. The phrase "shall mean" is replaced by the word "means" in the following definitions in Section 1 of Dog-By-law 250-2005: "Animal Control Officer", "City", "Commissioner", "Dog", "Guide Dog", "Kennel", "License Inspector", "Police Work Dog", "Pound", "Poundkeeper", "Pure-bred" and "Tag". All definitions are in lower case, except for "Brampton Appeal Tribunal", "City", "Commissioner", and "Tribunal".
4. Sections 24 to 30 of Dog By-law 250-2005 are replaced by:  
  
"DESIGNATION AS POTENTIALLY DANGEROUS or DANGEROUS DOGS  
  
24. After receiving a complaint of a potentially dangerous or dangerous dog, the poundkeeper may investigate, and upon being satisfied

that grounds exist, may designate the dog as a potentially dangerous or dangerous dog.

25. A poundkeeper's designation shall be deemed to be received on the "receipt date", which is:

- (a) in the case of mailed documents, four (4) days following the mailing, as determined from the postmark;
- (b) in the case of an emailed or faxed document, the day of emailing or faxing;
- (c) in the case of a document that is delivered in person, the date of delivery.

Where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.

26. A designation is effective on the receipt date.

27. Where a notice is mailed, it is sufficient to use the address given by the addressee to the poundkeeper or the last known address of the owner."

28. Where the poundkeeper has designated a dog as a potentially dangerous or dangerous dog, the owner may appeal to the Tribunal by filing written notice to the City Clerk, accompanied by the appeal fee as set out in the City's User Fee By-law 380-2003, within fifteen (15) days after the receipt date.

29. Notwithstanding that an owner has appealed to the Tribunal under Section 28, the designation is effective until the appeal is disposed of.

30. The parties to the appeal are the poundkeeper, the owner, and such other persons as the Tribunal may specify.

5. Section 30.1 of Dog By-law 250-2005 is deleted.

6. The phrase "No member of the Tribunal or its staff" in Section 31 of Dog By-law 250-2005 is replaced with the phrase "No member of the Tribunal, Council or any City employee".

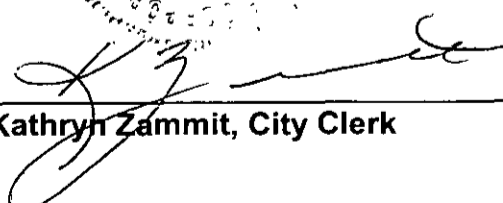
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 13<sup>th</sup> DAY OF February, 2008.

27<sup>th</sup>




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Susan Fennell, Mayor




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Kathryn Zammit, City Clerk

Approved as to Form and Content

T. Yao Feb 13/2008  
 T. Yao  
 Legal Counsel