

August 1, 2019

Dear Mayor and Members of Council,

First of all, I would like to make certain that it is understood that my letter is not requesting any changes to the Animal Control By-Law. My letter is simply requesting accountability and that said By-Law be fully enforced.

Everyone should feel comfortable and at ease when walking down any sidewalk in the Town of Fort Frances. In my personal opinion, this is, unfortunately, not the case due to the fact that our two full time By-Law Enforcement Officers and the CAO, who supervises the Municipal Law (By-Law) Enforcement Department, are neglecting their duties by refusing to enforce established By-Laws. The TOFF By-Laws are clearly written rules that are required to be followed by all Citizens. When By-Law Enforcement Officers deem the enforcement of established By-Laws to be at their "discretion", I, personally, find that to be abhorrent and believe they are circumventing justice, failing to do their job and endangering the safety of the public. Further, I would think that the Town of Fort Frances could possibly be held legally responsible and deemed negligent in a case where a vicious dog, having been already documented as biting someone, attacks another person.

Town of Fort Frances Animal Control By-Law, By-Law No. 50-17, last modified January 17, 2018, states the following:

"5.2 Where a By-Law Enforcement Officer or Police Officer is informed upon receipt of complaint, and is satisfied that a dog, cat or animal has attacked, bitten a person or animal or has been threatening or aggressive towards a person or animal without being provoked, and has further been provided with satisfactory evidence as to the name and address of the owner of the dog, cat or animal that the By-Law Enforcement Officer or Police Officer shall serve notice on the owner of the dog, cat or animal that the dog, cat or animal is deemed to be a vicious dog, cat or animal and requiring the owner to comply with any or all of the requirements set out in Section 5.4 and 5.5."

The Town of Fort Frances Animal Control By-Law further states:

"5.4 Every owner of a vicious dog, cat or animal shall at all times when the vicious dog, cat or animal is not in the owner's dwelling unit, but otherwise within the boundaries of the owner's premises, ensure that: (a) the vicious dog, cat or animal is muzzled so to prevent it from biting a person or animal; (b) the vicious dog, cat or animal is securely leashed on a leash which does not allow it to go beyond the Lot Line of the owner's lands; or (c) the vicious dog, cat or animal is confined within a secure structure in a good state of repair so as to prevent escape; and (d) a warning sign stating 'beware of dog' is posted in a conspicuous place so as to be visible from the road.

5.5 Every owner of a vicious dog, cat or animal shall at all times when the vicious dog, cat or animal is not within the boundaries of the owner's premises; (a) keep the vicious dog, cat or animal under effective control of a responsible person on a leash held by the person; and (b) keep the vicious dog, cat or animal muzzled."

A woman I know was attacked and bitten by a very large dog while walking down the sidewalk on the 200 block of Second Street East. The mammoth dog, weighing an easy 120 lbs, broke free from its inadequate leash and violently attacked her. She sustained a gash of over 5 cm on her leg; spent over 6 hours in Emergency to have it attended to, got a tetanus shot and had to take 875 mg of antibiotics daily for 10 days because of this vicious attack. The Hospital reported the attack to officials.

After an investigation, By-Law Enforcement chose to circumvent all of Section 5 of the Animal Control By-Law by:

- ignoring their own definition that: “vicious dog” – means a dog that has attacked or bitten a person, dog, cat or animal as determined by the By-Law Enforcement Officer in accordance with Section 5.1”;
- choosing to not deem the dog as vicious;
- asking the owners to muzzle the dog and ensure it was properly/securely restrained for only 10 days;
- not requiring the owners to properly post “beware of dog” signage in a conspicuous place as to be visible from the road;
- demonstrating an inept and indifferent attitude towards the issue by failing to do anything to ensure the safety of anyone walking down the sidewalk.

Nowhere in the By-Law do I see anything about “asking” owners of a vicious dog to comply. What I see are the words “shall” and “requiring the owner to comply” which, in my opinion, means “do it” or charges will be laid. Nowhere in the By-Law do I see that By-Law Enforcement Officers may use their discretion to enforce the By-Law. What I see are requirements to be enforced that are written in simple English. I would hope that the Town did not write this By-Law to simply put words on paper or to fulfill some Municipal requirement. I would hope that this By-Law was written to actually ensure the safety of Citizens.

The Town of Fort Frances website states,

“When by-laws are not followed the By-Law Officers take appropriate actions such as laying charges under the provisions of the Town By-Laws.”

I, respectfully, request that our By-Law Enforcement Officers actually do the job they are entrusted, and paid for, to do and enforce the established Animal Control By-Law. There is no discretion! Rules/consequences are rules/consequences! It’s that simple! I find it to be both perplexing and outrageous that there would appear to be more repercussions to property owners that water their lawn on the wrong day than there are for property owners with a dog who has bitten someone walking down the sidewalk.

What will it take for the required rules/consequences of the Animal Control By-Law to be properly administered and enforced by our By-Law Enforcement Officers? Will it take a person being mauled, permanently disfigured or, possibly, killed by what is defined as a “vicious” dog? If that is what it takes, we are living in very troubling times.

Sincerely,

J.A. Brandli  
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