Agenda – East Kildonan-Transcona Community Committee – November 17, 2015

HEARING

Item No. 1 Revocation of Excess Animal Permit – 629 Chalmers Avenue (Elmwood-East Kildonan Ward)
File PA 301/2013

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the Excess Animal Permit approved by the East Kildonan-Transcona Community Committee on December 10, 2013, for the permit holder at 629 Chalmers Avenue, be revoked in accordance with sections 27(3), 5(1) and 19(1) of the Responsible Pet Ownership By-law No. 92/2013, thereby reducing the total number of animals allowable in the home to the legal limit of six.

Agenda – East Kildonan-Transcona Community Committee – November 17, 2015

File: PA 301/2013

Premises Affected: 629 Chalmers Avenue

Exhibits Filed:
1. Notification of Public Hearing dated October 28, 2015, to Courtney Voth, Property Owner
2. Report from the Chief Operating Officer, Animal Services SOA, dated November 9, 2015

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Exhibit "1"

ADMINISTRATIVE REPORT

Title: **Excess Animal Permit - 629 Chalmers Avenue**

Critical Path: **East Kildonan-Transcona Community Committee**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
L. Gordon	L.Gordon		

RECOMMENDATIONS

1. That the Excess Animal Permit approved by the East Kildonan-Transcona Community Committee on December 10, 2013, for the permit holder at 629 Chalmers Avenue, be revoked in accordance with sections 27(3), 5(1) and 19(1) of the Responsible Pet Ownership By-law No. 92/2013, thereby reducing the total number of animals allowable in the home to the legal limit of six.

REASON FOR THE REPORT

Community Committee approval is required for revocation of an Excess Animal Permit.

EXECUTIVE SUMMARY

On December 10, 2013, an Excess Animal Permit was approved for the resident at 629 Chalmers Avenue, allowing for eight dogs and three cats "as listed" in the Permit.

On October 26, 2015, Animal Services Officers attended to the property at the request of the Winnipeg Police Service. Officers observed 13 dogs and six cats in the home, placing the pet owner in violation of the Excess Animal Permit.

It was also observed that the living conditions for the animals in the home were substandard; including the strong odor of feces and urine, dried feces on the floor, walls and on a cabinet, the lack of food and water for the animals, lack of space for a caged cat, and overall filth and clutter.

While onsite, the Officers also noted that the pet owner was in violation of an additional condition imposed on the Permit – that dogs and cats were not properly licensed, in violation of sections 5(1) and 19(1) of the Responsible Pet Ownership By-law.
It is the recommendation of the Animal Services Agency that the Excess Animal Permit for the permit holder be revoked, based on sections 27(3), 5(1) and 19(1) of the Responsible Pet Ownership Bylaw.

IMPLICATIONS OF THE RECOMMENDATIONS

On October 26, 2015, Animal Services Officers attended to 629 Chalmers Avenue at the request of the Winnipeg Police Service.

Upon attendance at the home, it was determined that the permit holder was in violation of section 27(3) of the Responsible Pet Ownership By-law No. 92/2013 which states:

> *"27(3) It is a condition of every Excess Animal Permit that the permit holder must comply with this By-law, The Animal Care Act and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Community Committee is authorized to suspend or revoke the permit."*

Specifically:

- Violation of condition imposed on the permit – Permit holder is allowed to harbour, keep, or have a maximum of eight dogs and three cats "as listed". On October 26, 2015, 13 dogs and six cats were observed in the home by Animal Services Officers. The permit holder was over the limit and the "as listed" permit condition was also breached.

- Violation of condition imposed on the permit - Dogs and cats were not properly licensed in violation of sections 5(1) and 19(1) of The Responsible Pet Ownership By-law.

It was also observed that the living conditions for the animals in the home were substandard; including the strong odor of feces and urine, dried feces on the floor, walls and on a cabinet, the lack of food and water for the animals, lack of space for a caged cat, and overall filth and clutter.

Revocation of the Excess Animal Permit at this property will result in the pet owner having to reduce the numbers of animals in the home to the legal limit. This limit allows for six dogs and cats in total, of which a maximum of four can be dogs in the home. If revocation is approved, Animal Services will work with the pet owner and provide a timeline to reduce animal numbers to the legal limit.

HISTORY

Homeowners in Winnipeg are allowed to own or harbor a maximum of six dogs and cats of which a maximum of four may be dogs. The current limit was established with the passage of the Responsible Pet Ownership By-law on July 17, 2013.

An "Excess Animal Permit" allows a homeowner to own or harbor more than the legal limit of animals and is issued upon approval from Community Committee.

An Excess Animal Permit was issued for the pet owner at 629 Chalmers Avenue on December 10, 2013, based on a request to own/harbour eight dogs and three cats at the property.

FINANCIAL IMPACT

Financial Impact Statement **Date:** November 9, 2015

Project Name: **First Year of Program** **2015**

Excess Animal Permit Revocation

	2015	2016	2017	2018	2019
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

No Financial Impact associated with the excess animal permit revocation.

original signed by

Kelly Lemoine, CPA, CA
Controller
Community Services Department

CONSULTATION

Legal Services Department

OURWINNIPEG POLICY ALIGNMENT

The Animal Services Agency aligns with the Quality of Life 03-2 Vitality Direction of OurWinnipeg by maintaining the health and safety of neighbourhoods by enforcing animal control by-laws and promoting responsible pet ownership.

The Enabling Strategy that pertains to Excess Animal Permits is to engage residents and community organizations on an ongoing basis to ensure that City animal control services are responsive and effective in addressing locally identified neighbourhood needs.

SUBMITTED BY

Department: Animal Services Agency
Prepared by: Leland Gordon, Chief Operating Officer
Date: November 9, 2015

Exhibit "2"

Community Services Department ▪ Services communautaires
Animal Services Agency ▪ Agence des fourrières

October 28, 2015

Dear Ms. Voth:

You are the holder of an Excess Animal Permit issued on December 10, 2013 by the East Kildonan Transcona Community Committee.

On October 26, 2015 Animal Services Officers attended to your home at the request of the Winnipeg Police Service.

Upon attendance at your home it was determined that you are in violation of section 27(3) of the Responsible Pet Ownership Bylaw which states:

> **27(3)** It is a condition of every excess animal permit that the permit holder must comply with this By-law, *The Animal Care Act* and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Community Committee is authorized to suspend or revoke the permit.

Specifically:

- Violation of condition imposed on your permit - You are permitted to harbor, keep, or have a maximum of eight dogs and three cats "as listed". On October 26, 2015 thirteen dogs and six cats were observed in your home by Animal Services Officers. You were over limit and the "as listed" permit condition was also not complied with.

- Violation of condition imposed on your permit - Dogs and cats not properly licensed in violation of s. 5(1) and 19(1) of *The Responsible Pet Ownership By-law.*

The conditions the animals were living in your home were completely unacceptable and inexcusable. Observed conditions included strong odor of feces and urine, dried feces on floor, walls, and on a cabinet, animals with no food and water, lack of space for a caged cat, and overall filth and clutter throughout your home.

As a result, Animal Services is recommending revocation of your Excess Animal Permit.

The revocation of your Excess Animal Permit will be considered by the East Kildonan Transcona Community Committee at its meeting on November 17, 2015, 6:00pm, at City Hall. You will have an opportunity to hear the evidence presented to the Committee by Animal Services. You will have an opportunity to speak to the Committee or otherwise present your position on the revocation of your Excess Animal Permit. **If you choose not to attend the meeting or if you choose not to present your position, the Committee may nevertheless make a decision about revoking your Permit in your absence or without your input.**

For further information about the Committee meeting and the procedures that will be followed, please contact Andrew Poitras, Office of the City Clerk, (204) 986-6170.

Sincerely,

Leland Gordon
Chief Operating Officer