

Licence and Community Standards Appeal Board Adjudication of Nuisance and Vicious Animal Appeals

RECOMMENDATIONS:

That the Community and Protective Services Committee recommend that Council:

1. Give three readings to the proposed Bylaw (Attachment 1), to amend the Licence and Community Standards Appeal Board Bylaw, Bylaw 50M2011, as amended; and,
2. Adopt amended qualifications for members of the Licence and Community Standards Appeal Board (Attachment 2).

RECOMMENDATION OF THE STANDING POLICY COMMITTEE ON COMMUNITY AND PROTECTIVE SERVICES, 2021 MAY 12:

That Council:

1. Give three readings to **Proposed Bylaw 48M2021** (Attachment 1), to amend the Licence and Community Standards Appeal Board Bylaw, Bylaw 50M2011, as amended; and,
2. Adopt amended qualifications for members of the Licence and Community Standards Appeal Board (Attachment 2).

HIGHLIGHTS

- Amendment of the Licence and Community Standards Appeal Board (LCSAB) Bylaw is proposed in alignment with changes to the Responsible Pet Ownership (RPO) Bylaw, to ensure a more timely, accessible and convenient means of adjudicating appeals of decisions that will be made by the Chief Bylaw Officer under the RPO Bylaw.
- **What does this mean to Calgarians?** Having appeals of decisions respecting animal designations and conditions adjudicated by an independent, quasi-judicial tribunal will allow Calgarians to have recourse that is more timely, informal and efficient.
- **Why does this matter?** Timely and convenient access to justice for pet owners will allow for an independent balancing of concerns respecting the welfare of pets and their owners, as well as community safety concerns.
- Provincial Traffic court will no longer be available for animal-related appeals after Phase three of the Alberta Justice Transformation Initiative (JTI) is implemented, likely in 2023. Proceeding with these changes now will provide timely resolution of animal-related appeals.
- The size of the LCSAB membership would be increased to ten members, including the addition of members with expertise in animal behaviour.
- Through One Calgary 2019-2022 Service Plans and Budgets, Council directed Administration to revise the RPO Bylaw to bring insightful change based on pet owners and neighbour engagement, reflect current trends and improve satisfaction.
- Recommendations for changes to the Responsible Pet Ownership Bylaw are being brought forward at the same time, and can be found in report CPS2021-0740.

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- Strategic Alignment to Council's Citizen Priorities: A well-run city

DISCUSSION

The LCSAB currently adjudicates appeals under a variety of City bylaws, but predominantly hears and decides remedial order appeals, as well as appeals of taxi licence and business licence decisions.

The volume of appeals dealt with by the LCSAB has recently been very low. Over the past five years, the LCSAB has heard and decided less than five appeals per year. At the same time, the City Appeal Boards section of the Appeals & Tribunals Division in the City Clerk's Office has been supporting a decreasing annual caseload for the Subdivision and Development Appeal Board (SDAB). This situation has left capacity within the City Appeal Boards section to absorb the anticipated 15-25 appeals of decisions made under the RPO Bylaw each year.

Complementing Council's direction to revise the RPO Bylaw, and in consideration of public support for a tribunal to provide faster, less formal and more accessible way to appeal City decisions made under the RPO Bylaw, the LCSAB is well situated to hear and decide the following types of appeals:

- Vicious dog designations and/or conditions
- Nuisance dog designations and/or conditions
- Livestock licence decisions, remedial orders and/or conditions

Amendments to the LCSAB Bylaw would establish expertise for dealing with these appeals by having Council appoint individuals to the Board with expertise in animal health, behaviour and rehabilitation, including individuals who are: current or retired veterinarians, and/or dog trainers with certification from the Certification Council for Professional Dog Trainers. Proposed Licence and Community Standards Appeal Board member qualifications are included in Attachment 2.

To hear each appeal of a decision made under the RPO Bylaw, the LCSAB would sit in a panel of no more than five members, with a minimum of two Designated RPO Members. Quorum for the Board would continue to be three members.

Minor housekeeping amendments are also included in the proposed amending bylaw (Attachment 1), including changes to timelines for appeal processing.

Council's approval of the foregoing recommendations will provide the City Clerk's Office adequate time to recruit new members to the LCSAB and provide them with the necessary training and orientation to the expanded jurisdiction of the tribunal. Appeals of the Chief Bylaw Officer's decisions under the RPO Bylaw would be heard by the LCSAB starting in 2022.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

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In October 2020, as part of the RPO Bylaw Review, a Phase Two “What We Heard Report” was developed, revealing that a majority of respondents supported using a tribunal to manage responses to dog bite incidents, concluding that “there is general support for the proposed tribunal system.”

Calgary Community Standards and the City Clerk’s Office have worked closely together to develop amendments to the LCSAB Bylaw which are aligned with and complement proposed amendments to the Responsible Pet Ownership Bylaw

IMPLICATIONS

Social

Use of the LCSAB to adjudicate pet-related bylaw enforcement appeals will provide pet owners with an informal, accessible and timely forum to appeal decisions affecting their pet ownership, and will produce independent decisions balancing the fundamental importance of public safety with the value of pet ownership in a liveable city. The addition of members to the LCSAB with specific expertise in animal health, behaviour and behaviour modification will ensure that decision-making will be well-informed.

Environmental

Not applicable.

Economic

Not applicable.

Service and Financial Implications

No anticipated financial impact

There are no operating budget requests associated with this report. If Council approves the proposed amending bylaw and member qualifications, all costs associated with independent legal counsel, as well as member training, orientation and remuneration would be absorbed into the existing operating budget.

RISK

Legal and administrative support for member orientation and training will minimize reputational risk for The City as it diverts these appeals from Traffic Court to the LCSAB. Future appellants need to trust that the LCSAB has appropriate capacity and process to provide a timely, informal and accessible way for their concerns to be fairly heard and adjudicated.

ATTACHMENTS

1. **Proposed Bylaw 48M2021**
2. Proposed LCSAB Member Qualifications

Department Circulation

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General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	City Manager's Office	Consult
Katie Black	Community Services	Inform
Kay Choi (Acting Director)	Calgary Community Standards	Consult