

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Thursday, October 24, 2013 at 4:00 o'clock p.m.
Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

1. CALL TO ORDER

2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held September 26, 2013 (copy attached).

3. DISCLOSURE OF INTEREST

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

5. COMMUNICATIONS

6. LICENCE TRANSFERS

- (a) Mr. Kamel Kakish & Mr. Rajaei Kakish Transfer of Plate #175
Transferor
- Mr. Samer Hammoud
Transferee

7. APPLICATIONS/HEARINGS

- (a) 2339700 Ontario Ltd. Livery Vehicle (Class C –Executive)
o/a Windsor Airport Metro Cars

- (b) 1890928 Ontario Inc. Entertainment Lounge & Tobacconist
o/a Good Time Charly
- (c) Hoby Dwayne Maracle (Guardian of "Sasha") – Dangerous Dog
- (d) Michael Nahnybida (Guardian of "Axxel") – Dangerous Dog

8. REPORTS AND ADMINISTRATIVE MATTERS

- (a) Expired Application(s) for Business Licence

9. IN-CAMERA AGENDA

No In Camera Session.

10. NEW BUSINESS

11. DATE OF NEXT MEETING

As there are meeting conflicts for the scheduled date of November 26, 2013, the following dates are proposed –

November 21, 2013 or December 12, 2013

12. ADJOURNMENT

KK/
Windsor, Ontario September 26, 2013

A meeting of the **Windsor Licensing Commission** is held this day commencing at 4:00 o'clock p.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Councillor Ron Jones, Chair
Councillor Drew Dilkens
Councillor Ed Sleiman

Regrets received from:

Jack Fathers

Also present are the following resource personnel:

Gary Cian, Manager of Policy Gaming & Licensing/Deputy Licence Commissioner
Michael Chantler, Supervisor of Licensing & Deputy Licence Commissioner
Werner Plackmen, Zoning Coordinator
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 4:00 o'clock p.m. and the Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. MINUTES

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the minutes of the Windsor Licensing Commission at its meeting held September 26, 2013 **BE ADOPTED** as presented.
Carried.

3. DISCLOSURE OF INTEREST

None disclosed.

4. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

6(a) **Transfer of Plate #132**

Mr. Don Ing, Transferor and Mr. Abdi Barre Abdullaahi, Transferee are present and available to answer questions.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC16/13 That the transfer of Taxicab Plate #132 from 2196935 Ontario Limited to Mr. Abdi Abdullaahi **BE APPROVED** with the following conditions:

1. Mr. Abdullaahi be given thirty (30) days from the date of this decision to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007.
2. Mr. Abdullaahi must submit a Plate Holder application and pay the applicable fee.
3. Mr. Abdullaahi shall not lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

Carried.

7. **APPLICATIONS/HEARINGS**

7(a) **Mary Ferrar, Fantasy Playhouse – Body Rub Parlour – Owner**

No one is present to speak to the matter.

M. Chantler advises on May 30, 2013 Ms. Mary Ferrar attended the Licensing Office to make application for a Body Rub Parlour – Owner licence. He notes on June 7, 2013 the Zoning Coordinator indicated the current zoning does not allow for a body rub parlour at the desired location. A letter from the Licensing Department was sent to the applicant on June 1, 2013 requesting that she contact the Zoning Department to bring their application into compliance with Zoning By-law 8600. The applicant was provided a compliance deadline of June 27, 2013. As of July 29, 2013, the Zoning Coordinator had not received the necessary application for a change of use permit.

M. Chantler states the applicant failed to produce sufficient documentation demonstrating the applicant's right to occupy the premises. The applicant's current lease

states that she agrees to ensure that the use of the rented premises is for “residential purposes only and for no other purposes whatsoever”.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC17/13 That the application for a Body Rub Parlour – Owner licence at 2478 Tecumseh Road East submitted by Mary Ferrar o/a Fantasy Playhouse **BE REFUSED**.
Carried.

8. REPORTS AND ADMINISTRATIVE MATTERS

8(a) Expired Application(s) for Business Licence

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the report of the Supervisor of Licensing and Deputy Licence Commissioner dated September 9, 2013 entitled “Expired Application(s) for Business Licence” **BE RECEIVED** for information.
Carried.

7(b) Alex Ubavin, Bosch Auto Service – Automobile Service Station – Repairs

Alex Ubavin, Owner, Bob Brkovich, (translator) and Brian Rizok are present and available to answer questions. Mr. Ubavin distributes a document entitled “Zoning Issues – History of Subject Business Property, 3527 Sandwich Street”, attached as Appendix “A”.

M. Chantler states an Automobile Services Station licence was issued to Mr. Alex Ubavin for Bosch Auto Service on September 27, 2012. A By-law Enforcement Officer attended 3527 Sandwich Street on July 19, 2013. He noted there was an Automobile Service Station licence issued for the address, however, there was no business being carried on at the premises.

Mr. Ubavin requests that the Windsor Licensing Commission allow him to keep his licence, as he plans to operate his business.

B. Brkovich requests the licence be extended for an additional year.

In response to a question asked by Councillor Sleiman regarding if the property is sold or leased, how the zoning (residential) will be affected, W. Plackman responds the current zoning stays with the property.

M. Chantler states if the property is leased, the business licence is not transferable and the new owner would have to make a new application which would be forwarded to the Building Department to ensure zoning compliance.

Councillor Dilkens states the land is zoned residential and has site specific zoning which allows for a business, however, it is not operating. He suggests the \$188 payment be put to better use by the applicant if he is trying to fix up the property.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC18/13 That Automobile Service Station – Repairs Licence #12-142051, issued to Mr. Alex Ubavin (Bosch Auto Service) at 3527 Sandwich Street, Windsor Ontario **BE REVOKED.**

Carried.

9. IN CAMERA AGENDA

Verbal Motion is presented by Councillor Dilkens, seconded by Councillor Sleiman, to move In Camera at 4:25 o'clock p.m. for discussion of the following item:

Item No.	Subject	Section Pursuant to Municipal Act 2001, as amended
9(a)	Personal matters about an identifiable individual	s. 239(2)(b)

Motion Carried.

The applicant is present and available to answer questions.

Discussion on the item of business.

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Dilkens to move back into public session at 4:40 o'clock p.m.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the Licence Commissioner **BE DIRECTED** to transmit the recommendations contained in the report(s) discussed at the In Camera Windsor Licensing Commission meeting held September 26, 2013 directly to the Windsor Licensing Commission for consideration at the next Regular meeting.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC19/13 That the In Camera report of the Licence Commissioner respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.

Motion Carried.

10. **NEW BUSINESS**

None.

11. **DATE OF NEXT MEETING**

The next meeting of the Windsor Licensing Commission will be held on October 24, 2013 at 4:00 o'clock p.m. in the Council Chambers, 3rd floor, City Hall.

12. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 4:42 o'clock p.m.

CHAIR

SECRETARY

AGENDA

WINDSOR LICENSING COMMISSION

For a meeting on Thursday, September 26, 2013 at 4:00 o'clock p.m.
Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

1. CALL TO ORDER

2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held August 22, 2013 (copy attached).

3. DISCLOSURE OF INTEREST

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

5. COMMUNICATIONS

6. LICENCE TRANSFERS

- (a) 2196935 Ontario Limited Transfer of Plate #132
Mr. Don Ing
Transferor

Mr. Abdi Barre Abdullaahi
Transferee

7. APPLICATIONS/HEARINGS

- (a) Mary Ferrar, Fantasy Playhouse Body Rub Parlour - Owner

- (b) Alex Ubavin, Bosch Auto Service Automobile Service Station –
Repairs

8. REPORTS AND ADMINISTRATIVE MATTERS

- (a) Expired Application(s) for Business Licence

9. IN-CAMERA AGENDA

Item No.	Subject	Section – Pursuant to Municipal Act 2001, as amended
9(a)	Personal matter about an identifiable individual	s. 239(2)(b)

10. NEW BUSINESS

11. DATE OF NEXT MEETING

The following 2013 meetings are scheduled for the Licensing Commission:

October 24, 2013	4:00 p.m.	Council Chambers
November 28, 2013	4:00 p.m.	Council Chambers

12. ADJOURNMENT

ITEM NO. 6(a)**WINDSOR LICENSING COMMISSION****October 24, 2013****APPLICANT/LICENSEE:**

Mr. Kamel Kakish & Mr. Rajaei Kakish
10654 Palms Crescent
Windsor, ON N8R 2E8
Transferor
&
Mr. Samer Hammoud
1311 Foster Street
Windsor, ON N8W 5P3
Transferee

LICENCE CATEGORY:

Taxicab Plate #175

Plate Transfer

Folder # ACLT/11772

HEARING PARTICULARS:

Approve Transfer of Taxicab Plate #175 with conditions

APPENDED MATERIALS

- Copy of application from plate holder requesting transfer, attached as Appendix "A".
- Copy of transferee application, attached as Appendix "B".

LICENCE COMMISSIONER'S COMMENTS

On August 30, 2013, Mr. Kamel Kakish made application in person on behalf of the partnership for the prospective transfer of Taxicab Plate #175.

REGULATORY AUTHORITY

Schedule 5, Part VII, Section 20.1 through 20.4 of Licensing By-law 137-2007 states:

20.1 Except as approved by the Licensing Commission, a taxicab plate holder may not transfer a taxicab plate and associated taxicab plate holder licence for a period of at least five (5) years from the date of issue of the licence.

20.2 No taxicab plate holder licence shall be transferred without the approval of the Licensing Commission.

20.3 No taxicab plate holder licence shall be transferred until the person to whom the transfer is to be made has first received approval from the Licence Commissioner as a licensee.

20.4 Subject to the restrictions herein, taxicab plates numbered 001 to 224 are transferable, provided that:

- (a) the transferee satisfies the eligibility criteria for inclusion on the Drivers' List;
- (b) the transferee signs a form of statutory declaration prescribed by the Licence Commissioner;
- (c) the transferor has completed a written application for the transfer in the prescribed form;
- (d) the transferee satisfies the requirements of a taxicab plate holder under this By-law, including submitting for inspection the taxicab to which the plate will be affixed;
- (e) the transferee pays all fees required under this By-law; and the transferee will receive a taxicab plate holder licence at the time of transfer of the taxicab plate."

Further, Section 21.3 states:

"A taxicab or taxicab wheelchair accessible vehicle plate holder who has held a licence for a minimum of one (1) year may lease the taxicab or taxicab wheelchair accessible vehicle licence on a daily, weekly, monthly or yearly basis provided that:

- (a) the lessee is licensed by the City of Windsor as a taxicab driver;
- (b) all weekly, monthly or yearly leases are filed with and approved by the Licence Commissioner and shall be subject to such terms and conditions the Licence Commissioner may require;
- (c) the amount charged under the lease shall be a fair fee as approved by the Licence Commissioner and no additional charges shall be made against the lessee;
- (d) the lease agreement shall include a statement that the leasing agreement is considered null and void in the event that the lessor or lessee, either by written or verbal agreement, sub-leases the taxicab or taxicab wheelchair accessible vehicle or transfers responsibility for the operation of the taxicab or taxicab wheelchair accessible vehicle to a third party;
- (e) the lease agreement shall contain a clearly-stated right of the lessor and lessee to early termination of the lease;
- (f) where the lessee is a corporation, the lessee shall, at the time at which the lease is filed with the Licence Commissioner in accordance with the provision of this section, file with the Licence Commissioner a form supplied by the Licence Commissioner and a copy of the lessee's articles of incorporation, amendment or amalgamation; and,
- (g) the lease term shall be a minimum of twelve (12) months and a maximum of twenty-four (24) months."

BACKGROUND

- August 30, 2013, transfer application and fee was received from Mr. Kamel Kakish on behalf of the partnership he has with his brother Rajaei, which is the current plate holder of #175, attached as Appendix "A"
- September 16, 2013, transferee application was submitted, attached as Appendix "B".

SUMMARY

Kamel and Rajaei Kakish have been the taxi plate holder since at least 2000; therefore, compliant with section 20.1. Mr. Hammoud is not currently a licensed plate holder. Further, Licensing records indicate he has been licensed as a taxicab driver since 2000 and meets the criteria for the drivers wait list. Vets Cab has verified that he has been employed on a full time basis since February 7, 2000 and is in good standing with the company.

Administration is prepared to recommend that the transfer be completed pending the following outstanding items:

Mr. Hammoud must provide:


- (a) Verification of an appropriate vehicle to which he will affix taxicab plate #175
- (b) A completed Plate Holder application and pay the associated fee

RECOMMENDATION

THAT the transfer of Taxicab Plate #175 from Kamel Kakish & Rajaei Kakish to Mr. Hammoud **BE APPROVED** with the following conditions:

- I. Mr. Hammoud be given thirty (30) days from the date of this decision to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007.
- II. Mr. Hammoud must submit a Plate Holder application and pay the applicable fee.
- III. Mr. Hammoud shall not lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

DISPOSITION:

	OFFICE OF THE CITY CLERK Policy, Gaming & Licensing 350 City Hall Square West - Suite 203 Windsor, ON N9A 6S1 Ph: (519) 255-6200, Option 1 Fax (519) 255-6868 www.citywindsor.ca
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**TAXICAB PLATE TRANSFER
TRANSFEROR**

PLATE TRANSFER FEE	\$400.00
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Pursuant to Public Vehicle Licensing Bylaw 137-2007, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)", please be advised that I am the Plateholder of the City of Windsor Taxicab Plate No. 175 and I wish to transfer my plate in accordance with Bylaw 137-2007. I am currently licenced as a Plateholder with respect to the operation of the following vehicle:

YEAR:	
MAKE & MODEL:	<u>NOT ON ROAD</u>
VIN:	
COMPANY NAME:	

PLEASE PRINT CLEARLY

NAME: <u>Kamel + RAS KAKISH</u>			
SIGNATURE: <u>[Signature]</u> KAKISH			
ADDRESS: <u>10654 PALMS CR</u>			
CITY: <u>WINDSOR</u>	POSTAL CODE: <u>N8R 2E8</u>	HOME PHONE: <u>519-735 1112</u>	CELL PHONE: <u>519-991 8837</u>

- By making this application for transfer, I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION	
<p>I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 137-2007 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West, Room 203, Windsor, ON N9A 6S1 / (519) 255-6200, Option 1.</p>	
<u>Aug 30/13</u> DATE (MM/DD/YYYY)	<u>[Signature]</u> SIGNATURE OF APPLICANT

OFFICE USE ONLY	DATE STAMP
	RECEIVED
	AUG 30 2013
STAFF INITIALS: <u>SO</u>	POLICY GAMING & LICENSING



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

350 City Hall Square West - Suite 203

Windsor, ON N9A 6S1

Ph: (519) 255-6200, Option 1 Fax (519) 255-6868

www.citywindsor.ca

TAXICAB PLATE TRANSFER TRANSFEREE

Pursuant to Public Vehicle Licensing By law #137-2007, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)", please be advised that I am interested in receiving City of Windsor taxicab plate No. 175 and I have reached an agreement with the current plateholder.

PLEASE PRINT CLEARLY

NAME (PRINT CLEARLY): <u>Samer Hammad</u>			
SIGNATURE: <u>Samer Hammad</u>			
ADDRESS: <u>1311 Foster st</u>			
CITY: <u>Windsor</u>	POSTAL CODE: <u>N8W-5P3</u>	HOME PHONE: <u>519-567-4290</u>	CELL PHONE: <u>Same</u>

By making this application for transfer:

- I hereby declare that I satisfy the eligibility criteria for inclusion on the Drivers' List.
- I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 137-2007 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West, Room 203, Windsor, ON N9A 6S1 / (519) 255-6200, Option 1.

Sept 16 / 2013
DATE (MM/DD/YYYY)

Samer Hammad
SIGNATURE OF APPLICANT

OFFICE USE ONLY

DATE STAMP

RECEIVED

SEP 16 2013

STAFF INITIALS: JU

POLICY GAMING & LICENSING

ITEM NO. 7(a)

WINDSOR LICENSING COMMISSION

October 24, 2011

APPLICANT/LICENSEE:

Mr. John Severin
2339700 Ontario Ltd. o/a Windsor Airport Metro Cars
201 Pointe West Drive
Amherstburg, ON N9V 3P2

LICENCE CATEGORY:

Livery Vehicle
(Class C - Executive)

LiveLink#ACL/11771

HEARING PARTICULARS:

Approve application for two vehicles

APPENDED MATERIALS

- Copy of application, being Appendix A
- Copy of market study, being Appendix B
- Copy of rate schedule, being Appendix C
- Copy of 4 pages of photos being Appendix D

LICENCE COMMISSIONER'S COMMENTS:

A new application for two livery vehicles was submitted on September 16, 2013 by Mr. John Severin on behalf of 2339700 Ontario Ltd. o/a Windsor Airport Metro Cars. The Licensing Division records show that Windsor Airport Metro Cars has been operating since 2012 and currently holds three livery plates.

REGULATORY AUTHORITY

Section 2.1 of Schedule 3 to By-law 137-2007 relating to Livery Vehicles states:

"2.1 The following limit on the number of licences shall be established and reviewed by the Licensing Commission from time to time:

<i>(a) Class A - Luxury Limousine or Class B - Limousine</i>	<i>25 units</i>
<i>(b) Class C - Executive</i>	<i>15 units</i>
<i>(c) Class D - Van</i>	<i>30 units</i>
<i>(d) Class E - Pedicab</i>	<i>10 units</i>
<i>(e) Class F - Horse Drawn Carriage</i>	<i>12 units"</i>

Section 4.1 further states:

"4.1 Applicants for livery plate holder licenses in the first instance shall provide to the Licence Commissioner for consideration by the Licensing Commission:

- (a) type and number of vehicles to be operated;*
- (b) details of the nature of the operation;*
- (c) market studies or other information to justify the need for the service within*

- (c) *market studies or other information to justify the need for the service within the current marketplace, including details of any specific contracts for the service;*
- (d) *an assessment of the impact of the proposed service on existing "for hire" transportation services in the municipality; and,*
- (e) *rate structure proposed for the service for comparison with existing, competing services."*

Section 11.1 states:

"11.1 Every livery vehicle excluding pedicabs shall charge at least \$50 per hour or parts thereof."

BACKGROUND

The following is the chronology of events as it relates to the licence application:

- September 16, 2013, an application for two Livery vehicles (Class C-Executive) was received, copy attached as Appendix A
- September 16, 2013, a market study was received, copy attached as Appendix B
- September 16, 2013, a rate schedule was received, copy attached as Appendix C
- September 16, 2013, pictures of vehicle were received, copy attached as Appendix D

SUMMARY

Currently there are 8 Class "C" Livery Vehicles licensed in the City of Windsor, which is well below the limit of 15 as outlined as a limitation in the bylaw.

The Licensing Commission must review all new applications for livery vehicles. The applicant has satisfied the requirements of the bylaw by providing the requested support documentation with his application.

RECOMMENDATION:

That the Livery Placeholder Application by 2339700 Ontario Ltd. o/a Windsor Airport Metro Cars to operate two, Class C – Executive Vehicles **BE APPROVED** for the following vehicles:

1. 2008 Lincoln Navigator – VIN#5LMFL28508LJ13950
2. 2008 Lincoln Towncar – VIN#2LNM84W38X652009

DISPOSITION:



OFFICE OF THE CITY CLERK
 Policy, Gaming & Licensing
 350 City Hall Square West - Room 203
 Windsor, ON N9A 6S1
 Ph: (519) 255-6200, Option 1 Fax (519) 255-6868
 www.citywindsor.ca

LIVERY PLATEHOLDER APPLICATION
 (2 pages)

FOLDER #: 13194645
 13194649
 Vehicle Class: C

- REQUIRED:**
- Safety Certificate
 - Vehicle Ownership
 - Insurance Policy
 - WLC
 - Photo of Vehicle
 - Market Study
 - Rate Schedule

LICENCE FEE(S):

Livery Vehicle – Motorized	(\$180.00 each)	No. of Plates: 2	\$ 360 ⁰⁰
Livery Vehicle – Muscular	(\$70.00 each)	No. of Plates:	\$
TOTAL FEE			\$

PLEASE PRINT CLEARLY

APPLICANT Personal Information	NAME: JOHN SEVELIN			
	ADDRESS: 201 ROUTE WEST XR			
	CITY: AMHERSTBURG	POSTAL CODE: N9V-3P2	PHONE: 519-7364217	FAX:
	DATE OF BIRTH: JAN. 8/57			
BUSINESS INFORMATION	BUSINESS NAME: 2339700 ONTARIO LTD c/o WINDSOR AIRPORT METRO CORP			
	BUSINESS ADDRESS: AS ABOVE			
	CITY:	POSTAL CODE:	PHONE:	FAX:
CORPORATION (if applicable)	NAME OF CORPORATION: 2339700 Ontario Ltd. 519-736-4735			
PREVIOUS LICENCES	TYPE: Livery 2012		YEAR:	

Have you ever been convicted of an indictable offence in Canada or any other criminal offence in any other country?

YES NO

If so, year: _____ Place: _____


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THE DEADLINE TO OBTAIN THE RENEWAL OF A LIVERY VEHICLE LICENCE IS AUGUST 31ST. FAILURE TO OBTAIN A LICENCE RENEWAL BY AUGUST 31ST MAY RESULT IN FURTHER PENALTIES AND/OR FINES. A 50% PENALTY IS ADDED TO THE ABOVE LICENCE FEE ON SEPTEMBER 1ST.

I acknowledge that the information requested on this form and any appendices attached are collected under the authority of the Municipal Act, City of Windsor Act, and City of Windsor Licensing By-law 395-2004. This information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Office of the City Clerk, Policy, Gaming & Licensing Division. The name and business address of the licensee is public information. Any other personal information collected will only be used for investigative purposes. Questions regarding this collection can be made to the Supervisor of Licensing, 350 City Hall Square W. Room 203, Windsor, ON N9A 6S1 (519) 255-6200, Option 1.

08-31-2013
 DATE (MM/DD/YYYY)

[Signature]
 SIGNATURE OF APPLICANT



OFFICE OF THE CITY CLERK
 Policy, Gaming & Licensing
 350 City Hall Square West - Room 203
 Windsor, ON N9A 6S1
 Ph: (519) 255-6200, Option 1 Fax (519) 255-6868
 www.citywindsor.ca

LIVERY VEHICLE LICENCE APPLICATION (page 2)

VEHICLE INFORMATION:

City Plate	Year of Manufacture	Make/Model Class of Vehicle	Provincial Plate No.	V.I.N.
	2008	LINCOLN NAVIGATOR	B5HN 232	5LMFL2B50BLJ13950
	2008	LINCOLN TOWN CAR	B5KY 800	2LNHM84W38X652009

PARTICULARS OF INSURANCE:

Insurance Liability	\$ 8 Million	Expiry Date	SEP. 3/14
Insurance Company	ACE INA INS.		
Insurance Agent	PSC INS LONDON ONT		

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- By making application, I hereby undertake to notify the Licence Commissioner ten days prior to cancellation of said insurance or any part thereof, or transfer to any other company of such insurance
- It is the applicant's responsibility to ensure compliance with any provincial operating licenses required by the Ministry of Transportation.

09-31-2013
DATE (MM/DD/YYYY)

[Signature]
APPLICANT'S SIGNATURE

COMPLIANCE OFFICER INSPECTION COMMENTS:

APPROVED NOT APPROVED

Compliance Officer Signature: _____

APPENDIX "B"

WINDSOR AIRPORT METRO CARS

MISSION STATEMENT:

Windsor Airport Metro Cars is dedicated to providing the finest limousine service, while setting new standards in the industry. Our mission is accomplished through a working partnership with our clients and employees built upon trust, honesty and mutual support.

BUSINESS OVERVIEW:

To provide our customers in the City of Windsor and surrounding communities with excellent value on pre-arranged service utilizing experienced drivers and vehicles that meet service needs.

EQUIPMENT:

Our current operation includes 5 vehicles described as:

- (1) 2007 Lincoln Navigator*
- (2) 2007 Lincoln Navigator L*
- (3) 2008 Lincoln Navigator L*
- (4) 2007 Lincoln Towncar*
- (5) 2008 Lincoln Towncar*

RATE STRUCTURE:

** See Attached*

MARKET STUDY:

Windsor Airport Metro Cars has received endorsements from major enterprises requesting our ground transportation services. Windsor Airport Metro Cars has corporate accounts with Air Canada, Porter Airlines, Premier Aviation, Valiant Machine and Tool, Centerline Inc., Concours Tool and Mold, Jazz Aviations, Atlas Tube and many more.

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SEP 16 2013

POLICY GAMING & LICENSING

WINDSOR AIRPORT METRO CARS

519-980-1238 Phone

Rate Sheet:

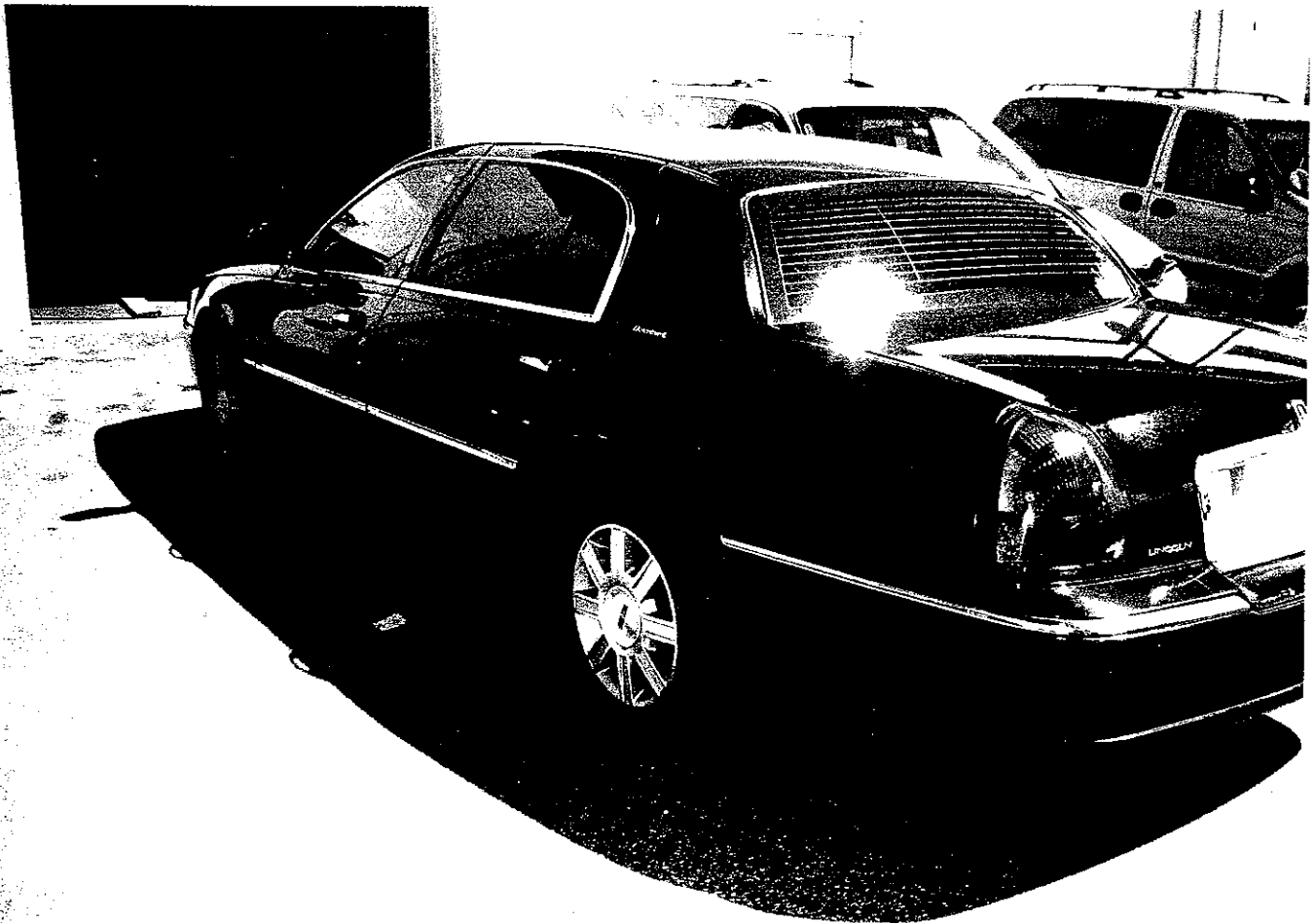
Origin	Destination	Rate
Windsor ON	Hilton Hotel (Downtown)	\$50.00 + HST
Windsor ON	Detroit Metro Airport	\$100.00 Flat
Windsor ON	Tecumseh, ON	\$50.00 + HST
Windsor ON	LaSalle, ON	\$50.00 + HST

*Hourly rate \$55.00 per hour plus applicable taxes

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SEP 16 2013

POLICY GAMING & LICENSING









ITEM NO. 7(b)

WINDSOR LICENSING COMMISSION

October 24, 2013

APPLICANT/LICENSEE:

Mr. Constantin Apatsidis
1890928 Ontario Inc. o/a Good Time Charly
4715 Tecumseh Road East
Windsor, ON N8T 1B6

LICENCE CATEGORY:

Entertainment Lounge &
Tobacconist

LiveLink File #ACLB/11769

HEARING PARTICULARS:

Refuse to issue – 2 applications

APPENDED MATERIALS

- Copy of Entertainment Lounge Application, being Appendix A
- Copy of Tobacconist Application, being Appendix B
- Copy of AMANDA notes from Fire Inspector, being Appendix C
- Copy of AMANDA notes from Pollution Control Inspector, being Appendix D

LICENCE COMMISSIONER'S COMMENTS

These are new applications for this location. Previous use at this location was an Entertainment Lounge.

REGULATORY AUTHORITY

Business Licensing By-Law 395-2004

3.8 Licence - application - subject to approval

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Licence Commissioner deems necessary, or as directed by the Windsor Licensing Commission, including but not limited to: Police Services, Windsor/Essex County Health Unit, Fire and Rescue Services Department, Building and Development Department, Environmental Services Department and Licensing and Enforcement Department.

3.25 Licensing powers – Licence Commissioner – issue or renew

- (1) Upon receipt of an application in the prescribed form for a licence or renewal thereof, shall make or cause to be made all investigation required by law and if the investigation disclose any reason to believe that the applicant is not of good character or that the carrying on of the said trade, calling, business or occupation will be likely to result in a breach of the law or be in any way adverse to the public interest, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it not issue or renew the licence or that it impose conditions on the issuance of a

licence, otherwise, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it issue or renew the licence.

3.31 Refusal - suspension - revocation - by Windsor Licensing Commission – hearing

- (1) At the hearing, the Windsor Licensing Commission may suspend, revoke or refuse to issue any licence under this by-law:
 - (a) for any reason that would disentitle the holder to a licence if he/she were an applicant;
 - (b) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;
 - (c) if there are reasonable grounds to believe that the statements on the licence application are false;
 - (d) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
 - (e) upon such grounds as are set out in this by-law;
 - (f) if the applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;
 - (g) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (h) if the geographic location of the business does not meet land use requirements;
 - (i) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law or with honesty and integrity; or
 - (j) if issuing a licence is not in the public interest.

BACKGROUND

- August 19, 2013, Mr. Constantin Apatsidis makes application for 2 licences on behalf of 1890928 Ontario Inc. One application is for an Entertainment Lounge and the other is for Tobacconist.
- September 19, 2013, the Fire Inspector attends the premises at 4715 Tecumseh Road East and finds the business to be in non-compliance. The Inspector issues an order on the property.
- September 24, 2013, the City of Windsor Supervisor Environmental Quality noted that the operators have not complied with the Pollution Control Inspection.

SUMMARY

Administration recommends to the Windsor Licensing Commission, that it refuse to issue any licences to the owner at 4715 Tecumseh Road East as it is not in the public interest to do so and because they have outstanding fire and pollution control issues. This will not prevent the applicant from making application in the future should they take the necessary actions to comply with the various orders/requests from the inspectors.

RECOMMENDATION:

That the Windsor Licensing Commission **REFUSE TO ISSUE** an Entertainment Lounge Licence and **REFUSE TO ISSUE** a Tobacconist Licence to 1890928 Ontario Inc. o/a Good Time Charly at 4715 Tecumseh Road East.

DISPOSITION:

ENTERTAINMENT LOUNGE		OFFICE USE ONLY
APPLICATION - (2 PAGES)		LICENCE # <u>13191591</u>
APPLICANT NAME AND ADDRESS		
APPLICANT NAME:	CONSTANTIN APATSIDIS	DATE OF BIRTH: <u>09-10-1958</u>
STREET ADDRESS:	2300 HOWARD AV.	HOME PHONE:
CITY, PROVINCE:	WINDSOR ONT.	CELL PHONE: <u>519-919-0193</u>
BUSINESS NAME AND ADDRESS		POSTAL CODE: <u>N6K 3V3</u>
NAME UNDER WHICH BUSINESS OPERATES:	GOOD TIME CHARLY	PLEASE INDICATE WITH A CHECK MARK: (✓)
		Corporation <input type="checkbox"/> Sole Proprietorship <input checked="" type="checkbox"/> Partnership <input type="checkbox"/>
STREET ADDRESS:	4715 TECOMSEH RD EAS	BUS. PHONE: <u>948-0600</u>
CITY, PROVINCE:	WINDSOR ONT.	FAX NUMBER: <u>944-9500</u>
MAILING ADDRESS FOR BUSINESS, IF DIFFERENT THAN ABOVE		POSTAL CODE: <u>N8T-1B6</u>
STREET ADDRESS:		CITY, PROVINCE:
		POSTAL CODE:
LICENCE CATEGORY		LICENCE FEES
ENTERTAINMENT LOUNGE		NEW - \$358.00 RENEWAL - \$278.00
HAVE YOU EVER HAD ANY PREVIOUS MUNICIPAL LICENCE(S)? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> IF YES: What type? <u>BAE & GRILL</u> What year? _____		HAVE YOU EVER BEEN CONVICTED OF ANY CRIMINAL OR INDICTABLE OFFENCE IN CANADA OR ANY OTHER COUNTRY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF YES: Year? _____ Location? _____
PLEASE ENCLOSE THE FOLLOWING DOCUMENTS WITH THIS APPLICATION		
COPY OF VALID LIQUOR LICENCE	BUSINESS OWNERSHIP DECLARATION FORM	
BOARD OF HEALTH INSPECTION CERTIFICATE		
DEPARTMENT DISTRIBUTION ONLY		
FIRE DEPARTMENT	BUILDING ZONING CLEARANCE	
PUBLIC WORKS - POLLUTION CONTROL		
PLEASE RETURN THIS APPLICATION WITH YOUR PAYMENT TO THE OFFICE OF THE CITY CLERK/POLICY, GAMING & LICENSING DIVISION AT 350 CITY HALL SQUARE WEST, ROOM 203, WINDSOR, ON N9A 6S1. THE LICENCE RENEWAL DEADLINE IS FEBRUARY 28 TH ANNUALLY. A 50% LATE PENALTY IS ADDED TO THE BUSINESS LICENCE FEE ON MARCH 1 ST . THE APPLICANT COULD FACE FURTHER PENALTIES/FINES FOR OPERATING WITHOUT A VALID BUSINESS LICENCE.		

RECEIVED


AUG 19 2013

POLICY GAMING & LICENSING

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached are collected under the authority of the Municipal Act, City of Windsor Act, and City of Windsor Licensing By-law 395-2004. This information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Office of the City Clerk, Policy, Gaming & Licensing Division. The name and business address of the licensee is public information. Any other personal information collected will only be used for investigative purposes. Questions regarding this collection can be made to the Supervisor of Licensing, 350 City Hall Square W. Room 203, Windsor, ON N9A 6S1, 519-255-6200.

Aug 19 2013
DATE (MM/DD/YYYY)


SIGNATURE OF APPLICANT & TITLE



OFFICE OF THE CITY CLERK Appendix "A"
 Policy, Gaming & Licensing
 350 City Hall Square West - Room 203
 Windsor, ON N9A 6S1
 Ph: 519-255-6200, Option 1 Fax: 519-255-6868
 www.citywindsor.ca

ENTERTAINMENT LOUNGE

OFFICE USE ONLY

LICENCE # _____

APPLICATION-PAGE 2

I hereby make application under By-law 395-2004 for an Entertainment Lounge Licence.

BUSINESS NAME:

GOOD TIME CHIRPY

BUSINESS ADDRESS:

4715 TECUMSARAH EAST

THE FOLLOWING SECTION FOR NEW APPLICATIONS ONLY MUST COMPLETE AND RETURN TO OFFICE IN PERSON

IF THE COMPANY IS INCORPORATED, PLEASE PROVIDE THE FOLLOWING:

RECEIVED

AUG 19 2013

LETTERS OF INCORPORATION (NOTARIZED COPY IS ACCEPTABLE)

LIST OF SHAREHOLDERS

IF THE COMPANY IS A PARTNERSHIP, PLEASE PROVIDE THE FOLLOWING:

A DECLARATION SIGNED BY ALL PARTNERS DECLARING THE FULL NAME OF EVERY PARTNER AND THE

ADDRESS OF THEIR NORMAL RESIDENCE

PLEASE INDICATE BY CHECKMARK THE TYPE OF SERVICE(S) CONDUCTED AT THE ABOVE NOTED BUSINESS

	YES	NO
1. DOES THE PREMISES HAVE A DANCE FLOOR?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. DOES THE PREMISES PROVIDE LIVE OR PRE-RECORDED MUSIC?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. ARE TOBACCO PRODUCTS SOLD ON THE PREMISES?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. DO YOU OPERATE A PATIO ON CITY PROPERTY?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IF YES DO YOU HAVE A PATIO AGREEMENT?	<input type="checkbox"/>	<input type="checkbox"/>
5. DO YOU USE THE PUBLIC RIGHT-OF-WAY TO QUEUE PATRONS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IF YES, PLEASE PROVIDE A COPY OF YOUR PERMIT.	<input type="checkbox"/>	<input type="checkbox"/>
6. HAVE ALL THE EMPLOYEES TAKEN THE FOOD HANDLING COURSE OFFERED BY THE WINDSOR ESSEX COUNTY HEALTH UNIT? IF YES, PLEASE PROVIDE A LIST OF EMPLOYEES' NAMES.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. IS FOOD COOKED ON THE PREMISES?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. DO YOU SELL ALCOHOL	<input type="checkbox"/>	<input type="checkbox"/>
IF YES PLEASE PROVIDE YOUR VALID LIQUOR LICENCE # _____ EXPIRY DATE: _____	<input type="checkbox"/>	<input type="checkbox"/>

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Aug 19 - 2013
 DATE (MM/DD/YYYY)

[Signature]
 SIGNATURE OF APPLICANT & TITLE



OFFICE OF THE CITY CLERK Appendix "B"
Policy, Gaming & Licensing
 350 City Hall Square West - Room 203
 Windsor, ON N9A 6S1
 Ph: 519-255-6200, Option 1 Fax: 519-255-6868
 www.citywindsor.ca

TOBACCONIST APPLICATION

OFFICE USE ONLY
 LICENCE # 13 M1597

APPLICANT NAME AND ADDRESS

APPLICANT NAME:	<u>CONSTANTIN APATSIDIS</u>	DATE OF BIRTH:	<u>09-10-1958</u> <small>(MM/DD/YYYY)</small>
STREET ADDRESS:	<u>270 HOWARD AV</u>	HOME PHONE:	
CITY, PROVINCE:	<u>WINDSOR ONT.</u>	CELL PHONE:	<u>519 919-0193</u>
BUSINESS NAME AND ADDRESS		POSTAL CODE:	<u>N8X 3V3</u>

NAME UNDER WHICH BUSINESS OPERATES:	<u>GOOD TIME CHARITY</u>	PLEASE INDICATE WITH A CHECK MARK: (✓)	
		Corporation <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/>	
		<input checked="" type="checkbox"/>	
STREET ADDRESS:	<u>4715 TECUMSEH RD. E</u>	BUS. PHONE:	<u>948 0600</u>
CITY, PROVINCE:	<u>WINDSOR ONT.</u>	FAX NUMBER:	<u>944-9500</u>
MAILING ADDRESS FOR BUSINESS, IF DIFFERENT THAN ABOVE:		POSTAL CODE:	<u>N8T 1B6</u>

STREET ADDRESS:		CITY, PROVINCE:	
		POSTAL CODE:	

LICENCE CATEGORY CLASS OF LICENCE	LICENCE FEES	
	NEW	RENEWAL
TOBACCONIST - MAIN BUSINESS <input checked="" type="checkbox"/>		
OR - ANCILLARY <input type="checkbox"/> (OPERATES UNDER ANOTHER LICENCED BUSINESS)	<input type="checkbox"/> \$188.00	<input type="checkbox"/> \$148.00

HAVE YOU EVER HAD ANY PREVIOUS MUNICIPAL LICENCE(S)? YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES: What type? _____ What year? _____	HAVE YOU EVER BEEN CONVICTED OF ANY CRIMINAL OR INDICTABLE OFFENCE IN CANADA OR ANY OTHER COUNTRY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF YES: Year? _____ Location? _____
--	---

PLEASE ENCLOSE THE FOLLOWING DOCUMENTS WITH THIS APPLICATION:

DEPARTMENT DISTRIBUTION ONLY:

BUILDING-ZONING CLEARANCE

BUSINESS OWNERSHIP DECLARATION INFORMATION REQUIRED

IF THE COMPANY IS INCORPORATED, PLEASE PROVIDE THE FOLLOWING:

LETTERS OF INCORPORATION (NOTARIZED COPY IS ACCEPTABLE) AUG 19 2013

LIST OF SHAREHOLDERS

IF THE COMPANY IS A PARTNERSHIP, PLEASE PROVIDE THE FOLLOWING: **POLICY GAMING & LICENSING**

A DECLARATION SIGNED BY ALL PARTNERS DECLARING THE FULL NAME OF EVERY PARTNER AND THE ADDRESS OF THEIR NORMAL RESIDENCE

PLEASE RETURN THIS APPLICATION WITH YOUR PAYMENT TO THE OFFICE OF THE CITY CLERK/POLICY, GAMING & LICENSING DIVISION AT 350 CITY HALL SQUARE WEST, ROOM 203, WINDSOR, ON N9A 6S1. **THE LICENCE RENEWAL DEADLINE IS ON FEBRUARY 28th ANNUALLY.** A 50% LATE PENALTY IS ADDED TO THE BUSINESS LICENCE FEE ON MARCH 1st. THE APPLICANT COULD FACE FURTHER PENALTIES/FINES FOR OPERATING WITHOUT A VALID BUSINESS LICENCE

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached are collected under the authority of the Municipal Act, City of Windsor Act, and City of Windsor Licensing By-law 395-2004. This information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Office of the City Clerk, Policy, Gaming & Licensing Division. The name and business address of the licensee is public information. Any other personal information collected will only be used for investigative purposes. Questions regarding this collection can be made to the Supervisor of Licensing, 350 City Hall Square W. Room 203, Windsor, ON N9A 6S1, 519-255-6200.

08-19-2013
 DATE (MM/DD/YYYY)

SIGNATURE OF APPLICANT & TITLE

Folder#	Ref	Folder	13 191591 000 00 EL	Process	2022 Fire - EL Inspection
2013 191591 000 00 EL		Property	4715 TECUMSEH RD E	Inspection#	
Status		Order Issued	Start Date		End Date
User		John Smith	Schedule		Oct 29, 2013
Sign Off			Actual		Aug 26, 2013
Discipline		Inspection	Baseline		Aug 26, 2013
Print Flag		<input type="checkbox"/>	Mandatory		<input type="checkbox"/>
Assign To-Do		<input type="checkbox"/>	Scheduled		<input type="checkbox"/>
Display Order			File Location		
ProcessRSN			2397050		Priority
COMMENTS					
Attempt (1) Checklist (6) Memo Deficiency (5) Attachment Dependency Info (2) Consent Insp Detail					
Date	User	Comment	Result	Hours	Mileage Expense
Sep 19, 2013	John Smith	Attended address for business licence inspect	Inspection Order (1.5	

Text Field Editor (Maximum 4000 characters)

Attended address for business licence inspection. Spoke with manager CONSTANTIN APATSIDIS regarding the building which was under renovations. Emergency lights and exits sign have be removed for painting as the business is not open at this time. There was a exit door on the west elevation that did not have an exit sign or emergency lighting, nor a pull station. Instructed that it is required to have those items at the exit. Other emergency lights that were installed did not function as designed when tested. FSP requires updated and was at the address (dated 2005, not stamp from FD division). FAS requires annual and KSS requires semi-annual inspection. Mr. Apatsidis stated that he was going to open next Wednesday no matter what so I suggest that he takes of the fire safety issued first

1 Row Returned

7 Rows Returned



Folder#	Ref	Folder 1319159100000EL	Process 97 Pollution Control Inspection			
201313159100000EL		Property 4715 TECUMSEH RD E	Inspection#			
Status	Denied	Start Date	End Date			
User	Ken Passa	Schedule	Aug 26, 2013			
Sign Off	Ken Passa	Actual	Aug 26, 2013			
Discipline	Inspection	Baseline	Aug 26, 2013			
Print Flag	<input type="checkbox"/>	Mandatory	<input type="checkbox"/>			
Assign To-Do	<input type="checkbox"/>	Scheduled	<input type="checkbox"/>			
Display Order		File Location				
ProcessRSN	2397051	Priority	117			
COMMENTS	Sept 23, 2013: Grease interceptor is very large and in an awkward area. It is owners responsibility to have it cleaned and opened for our inspection. They did not comply with this request					
Attempt (1)	Checklist (5)	Memo	Deficiency			
Attachment	Dependency	Info	Consent			
Insp Detail						
Date	User	Comment	Result	Hours	Mileage	Expense
Sep 24, 2013	Ken Passa		Denied	0.5		
1 Row Returned						

List View Related View
 Start Today End on Start Repeat File Location Reschedule Re-Default
 Show no. of rows on tabs
 End Today End on Due Assign Sign Off Clock Activity Review Email
 7 Rows Returned

ITEM NO. 7(c)

WINDSOR LICENSING COMMISSION

October 24, 2013

APPLICANT/LICENSEE:

Hoby Dwayne Maracle (Guardian of "Sasha")
415 Pierre Ave.
Windsor, On N9A 2J9

LICENCE CATEGORY:

Dangerous Dog-"Sasha"
Animal Licence # nil

File # ACLC/11773

HEARING PARTICULARS:

Appeal of Dangerous Dog Designation.

APPENDED MATERIALS

- Copy of Windsor Police Occurrence Report, being Appendix "A"
- Copy of electronic notes by Dan Jenner, By-law Enforcement Officer, being Appendix "B"
- Copy of photographs taken by Dan Jenner, By-law Enforcement Officer, being Appendix "C"
- Copy of victim's medical report, being Appendix "D"
- Copy of victim's statement, being Appendix "E"
- Copy of Provincial Offence Notice – Permit Dog to Run at Large, being Appendix "F"
- Dangerous Dog Notice, being Appendix "G"

LICENCE COMMISSIONER'S COMMENTS

A dangerous dog designation appeal was submitted to By-law Enforcement Officer Dan Jenner on October 3, 2013 by Hoby Maracle of 415 Pierre Ave. Windsor, Ontario, guardian of a two year old American Bulldog named "Sasha". Licensing Division records indicated at the time of the incident that this dog did not have a valid City of Windsor Animal licence. A search on the City's AMANDA database at the time of authoring this report indicated that dog guardian Hoby Maracle still has not procured a valid City of Windsor Animal licence for his dog Sasha.

REGULATORY AUTHORITY

Dangerous Dog is defined by By-law Number 245-2004, a By-law for the Registration and Licensing of Dogs and for the Control of Dogs Generally Within the City of Windsor as follows:

"Dangerous Dog":

- i. "means a dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;

Section 17 to By-law Number 245-2004 states:

17. If an Animal Control Officer designates a dog as a dangerous dog, the Animal Control Officer shall serve notice upon the Guardian, requiring the Guardian, upon receipt of such notice to comply with the following requirements:

notice to comply with the following requirements:

- a) to keep such dog confined;
 - i. within the guardian's dwelling, or
 - ii. in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the guardian of the dog;
 - iii. conspicuously display on his or her property a sign provided by the City warning that there is a dangerous dog on the property.
- b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17(a);
- c) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should to policy expire, be cancelled or be terminated for any reason; and
- d) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog;
- e) To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

BACKGROUND

On Monday July 8, 2013 Brenda Langan was walking her two leashed, Jack Russell dogs along Pierre Avenue near Assumption Road in the City of Windsor, Ontario. A white and brown Bulldog type dog, unleashed and not accompanied by a dog guardian, lunged at Brenda Langan and her dogs. Brenda Langan attempted to pick up her two dogs and was subsequently bit by the white and brown Bulldog type dog resulting with a puncture wound on her middle finger of her left hand. It was also discovered that hair was pulled off of the back, left foot of her female Jack Russell named "Roxy". Brenda Langan contacted Windsor Police Service and they arrived on site. Upon their arrival a male party was discovered looking for his dog. Responding Officers determined that he was the owner of the Bulldog type dog. The male party was identified as Hoby Dwayne Maracle, residing at 415 Pierre Avenue in the City of Windsor, Ontario. His dog was identified as a two year old American Bulldog named "Sasha". Windsor Police interviewed the parties involved and completed an occurrence report attached as Appendix "A". Upon further investigation by By-law Enforcement Officer Dan Jenner, it was discovered that the fence surrounding the back yard at Hoby Maracle's residence is not suitable for the containment of his dog. It was discovered by Officer Jenner that there are areas on the chain link fence that allow the dog to readily escape. Through further interviewing by Officer Jenner, Hoby Maracle admitted that this was not the first time that his dog has escaped from the yard. As a result of Officer Jenner's investigation, a Provincial Offence Notice was issued under By-law 245-2004, Section 8 (a), Permit Dog to Run at Large along with a Dangerous Dog Notice being served against dog guardian Hoby Maracle.

SUMMARY

The Windsor Licensing Commission may determine whether or not there were any mitigating factors that would give reason for the dog to attack and bite. Based on the information provided by the By-law Enforcement Officer, Windsor Police report and statements, Administration is of the opinion that there are no mitigating factors. Therefore Administration is recommending that the dangerous dog designation remain in place.

RECOMMENDATION:

That the **DANGEROUS DOG** designation **REMAIN IN PLACE** for two year old American Bulldog known as "Sasha" which currently resides with guardian, Hoby Dwyane Maracle at 415 Pierre Avenue in Windsor, Ontario and further, that the following actions **BE REQUIRED** as a result of this designation:

1. To keep such dog, when in or on the property of another person with the person's consent, on a leash and under the control of that person who is sixteen years of age or more.
2. Conspicuously display on his or her property a sign provided by the city warning that there is a dangerous dog on the property.
3. To securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17 (a).
4. Obtain and maintain a policy liability insurance coverage in an amount of not less than \$1,000,000 for any damage or injury caused by such dangerous dog and to provide to the animal Control Officer a Certificate of such policy and each subsequent renewal of it.
5. Insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog.
6. To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

DISPOSITION:

WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY

GO# 2013-48390

ANIMAL DOG BITE COMPLAINTS

General Occurrence Information

Main offence: **ANIMAL DOG BITE COMPLAINTS - COMPLETED**
 Operational status: **ACTIVELY ASSIGNED**
 Location: [REDACTED] **WINDSOR**
 District: 3 Zone: 30 Atom: 301
 Approved on: **Tuesday, 2013-Jul-09** by: 4036 **NOHRA, EMIG**
 Reported on: **Monday, 2013-Jul-08 9:56**
 Occurred on **Monday, 2013-Jul-08 9:56**
 Submitted by: 14439 **CALCE, MICHAEL** Org unit: **STATION 1, PLATOON 4**

CCJS Information

CCJS Status: **NOT CLEARED**
 Offences committed: **ANIMAL DOG BITE COMPLAINTS - COMPLETED**
 Location type: **STREETS, ROADS, HIGHWAYS**
 Hate Crime Indicator: **NO**

Related Event(s)

CP 2013 - 48390

Related Person(s)**1. COMPLAINANT 1 - LANGAN, BRENDA L (Case-specific)**

Sex: **FEMALE**, Born on: [REDACTED]
 Residing at: [REDACTED] **WINDSOR**
 [REDACTED] **ONTARIO**, [REDACTED]

Phone numbers

HOME: [REDACTED]

Particulars

Driver's licence: **L04200966615813** **ONTARIO**
 Ethnicity: **WHITE**
 Height: [REDACTED] Weight: [REDACTED]
 Build: [REDACTED] Complexion: [REDACTED]
 Eye colour: **GREEN**
 Hair colour: **BROWN**
 Hair style: **LONG**

Linkage factors

Ethnicity: **WHITE**
 Resulting in: **MINOR INJURY**
 Statement taken: **YES**

Master Name Summary

Name: **LANGAN, BRENDA L**
 Sex: **FEMALE**, Born on: [REDACTED]
 Residing at: [REDACTED] **WINDSOR**

*** CONFIDENTIAL ***



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-48390

ANIMAL DOG BITE COMPLAINTS

ONTARIO, [REDACTED]

Phone numbers

HOME: [REDACTED]

2. OWNER 1 - MARACLE, HOBY DWAYNE (Case-specific)

Sex: MALE, Born on: [REDACTED]

Residing at: 415 PIERRE AV, WINDSOR
ONTARIO, N9A2J9

Phone numbers

HOME: [REDACTED]

BUSINESS: [REDACTED]

Particulars

S.I.N.: -- Born in: LONDON C216 POB: ON

Occupation: [REDACTED]

Employed by: [REDACTED]

Driver's licence: [REDACTED]

Marital status: [REDACTED]

Ethnicity: [REDACTED]

Height: [REDACTED] Weight: [REDACTED]

Build: [REDACTED]

Eye colour: BROWN

Hair colour: BLACK

Hair style: CURLY, SHORT

Facial hair colour: BLACK

Facial hair style: MOUSTACHE

Remarks: [REDACTED]

Linkage factors

Ethnicity: [REDACTED]

Statement taken: YES

Master Name Summary

Name: MARACLE, HOBY DWAYNE

Sex: MALE, Born on: [REDACTED]

Residing at: 415 PIERRE AV, WINDSOR
ONTARIO, N9A2J9

Phone numbers

HOME: [REDACTED]

BUSINESS: [REDACTED]

*** CONFIDENTIAL ***

**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-48390

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: INITIAL OFFICERS REPORT

ANIMAL BITE

Author: 14439 CALCE, MICHAEL

Related date/time: Monday, 2013-Jul-08 16:18

BEFORE NARRATIVE, LIST: DAMAGE; ALL WEAPONS; ALL INJURIES, HOSPITAL ATTENDED, DOCTOR'S NAME AND TREATMENT, AND IF ANY CHILDREN WERE PRESENT AT THE TIME OF THE OCCURRENCE. LIST PROPERTY ON SEPARATE APPROPRIATE TEXT PAGE.

VICTIM: Brenda LANGAN [REDACTED]

DOG: Shasha - American Bull Dog

OWNER: Hoby MARACLE [REDACTED]

OSPCA AGENT: Kyle KAUFMANN (#1730)

HOSPITAL ATTENDED: Hotel Dieu Grace

ATTENDING PHYSICIAN: DR FAVOT

NARRATIVE:

On Monday July 8, 2013 at 09:59hrs, I (PC CALCE) along with SGT GARRETT-BURAL were dispatched to [REDACTED] regarding an animal bite. Information was provided that the complainant was walking her dogs in the area of Pierre and Assumption when they were attacked by a white and brown bulldog. According to the complainant, the dog was on the loose and the owner was not around. At 10:05hrs, as I was coming into the area I received information that SGT GARRETT-BURAL was out with the owner of the bull dog who was looking for his the dog.

The owner of the dog identified himself as Hoby MARACLE [REDACTED]. According to MARACLE, he let the dog out to use the bathroom and the dog took off. MARACLE advised that the dog is not aggressive, but can be agitated by other dogs if aggression is shown to her. MARACLE advised that the dogs name is Shasha, and had just recently had puppies.

I continued to check the area for the dog, while SGT GARRET-BURAL went to speak with the complainant. While searching for the dog SGT GARRET-BURAL advised that the complainant would be heading to the hospital for treatment. Officers continued to search the area for the dog, before receiving information that the dog had now returned to MARACLE's address at 415 Pierre. I attended MARACLE's address to obtain a statement from him as to what occurred. MARACLE was also advised that his dog was to be

*** CONFIDENTIAL ***



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-48390

ANIMAL DOG BITE COMPLAINTS

quarantined for a period of 14 days as per the by-law regarding dog bites.

At 10:48hrs, I attended Hotel Dieu Hospital to check on injuries to the complainant, and obtain a statement. The complainant identified herself as Brenda LANGAN [REDACTED]. According to LANGAN, she was walking her dogs southbound on Pierre approaching Assumption when she observed a white and brown bull dog off leash, and with no owner around. LANGAN stated that the bull dog then began running towards her and her dogs. LANGAN stated that she tried to pick her dogs up and get between them and the bull dog. LANGAN stated that as she was trying to pick up the dogs, the bull dog bite her on the hand breaking the skin. According to LANGAN, x-rays showed that there was no damage to the bones in her hand. LANGAN was given a tetanus shot and released from the hospital. LANGAN advised that her main concern was whether the dog that bit her had its' vaccination up to date. According to LANGAN, her dogs were not injured in the attack.

At approximately 15:30hrs, I had the opportunity to contact Dougall Veterinary located at 3020 Dougall Ave. According to them the last vaccination for Shasha was October 23, 2011. I subsequently contacted LANGAN and advised her of this. I further contacted MARACLE again, regarding the dog's vaccination. According to MARACLE, he was unable to update Shasha's vaccinations due to her pregnancy.

****Please forward a copy of this report to By-laws and Windsor/Essex Humane Society for review.

}

*** CONFIDENTIAL ***

**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-48390

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: WITNESS STATEMENT

MARACLE HOBY DWAYNE

Author: 14439 CALCE, MICHAEL

Related date/time: Monday, 2013-Jul-08 10:28

{Q. Today is Monday July 8, 2013. There was a complaint regarding your dog today. Can you tell me what you know about that and what happened?

A. I just let her outside to use the bathroom. And about ten minutes later I come out to look for her and she wasn't there. Usually she's in this yard _____, cause they have a dog over there. So usually she goes over there and plays with that dog. I don't know how she got out today, because both their gates are closed. Then I come out looking for her and that's when I ran into you guys.

Q. Is your dog aggressive in any way?

A. No.

Q. Has your dog ever attacked anyone or any other animal before?

A. No. She defended herself once from another dog. I only heard her growl once before, at a guy across the street, but she don't like that guy for some reason. I don't know why.

Q. Is there any reason your dog might become aggressive or attack another person or animal?

A. She has puppies, but she hasn't had any problems with anyone. We've had people coming over to look at the puppies. She might have issues with little dogs, because one time at the dog park she went to another dog to play with it. She might have been too hyper for the dog and the other dog bit her in the face. So now she's kind of leery about them. She'll play with other dogs, but if they snap at her she might do something. She'll never be the aggressor. }

I declare that the statement as it appears above was made by me, that it was read to me and by me, and that I have been given the opportunity to alter it. I understand that it was electronically locked by the police officer to prevent any alterations to the statement and that a computer generated number has been attached to my statement indicating the date and time that the text has been locked.

*** CONFIDENTIAL ***

**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-48390

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: WITNESS STATEMENT

LANGAN BRENDA L

Author: 14439 CALCE, MICHAEL

Related date/time: Monday, 2013-Jul-08 12:02

{Q. Today is Monday July 8, 2013. You were bitten by a dog today in the area of Pierre and Assumption. Can you tell me what happened?

A. I was walking my dogs up Pierre. I was just a few houses from Assumption. I saw a white and brown bull dog in front of a house, not on a leash. The dog looked up at me and my dogs. I went to pick my dogs up, but before I could the dog was right there. I pulled on my dogs leash and got between, but as I was reaching down to grab them I got bit on my hand. This hand (*showing left hand). I got my dogs and ran to a neighbours house and hid behind the screen. The dog followed and was jumping up and barking at the door. When my neighbour opened his door, the dog ran away. He ran west on Assumption then I think he turned right (north) down the alley. I went home and called the police. I just hope the dog has it's shots, because it broke the skin when it bit me. That's my biggest worry.

Q. What side of the street were you on and what direction were you walking on Pierre?

A. I was walking away from the river, on the right side (west). I was almost at Assumption.

Q. What injuries did you sustain from this attack?

A. Just the bite on my hand. It broke the skin. The doctor gave me a tetanus shot. I just hope the dog has it's shots.

Q. Were your dogs injured in the attack?

A. No. I called my husband and he told me that he checked them and there wasn't any blood on them or anything.

Q. Is there anything else you can think of?

A. I just want to make sure that the dogs have their shots. People say that they have their shots all the time, but I want to make sure. }

I declare that the statement as it appears above was made by me, that it was read to me and by me, and that I have been given the opportunity to alter it. I understand that it was electronically locked by the police officer to prevent any alterations to the statement and that a computer generated number has been attached

*** CONFIDENTIAL ***

Dangerous Dog – Sasha, American Bulldog Owner Hoby Maracle, 415 Pierre, Windsor

July 16, 2013 -- Complaint came in as follows -WPS report #2013-48390 - On July 8, 2013 while walking her dogs, they came upon a loose white and brown bulldog (off leash) who bit her on her hand breaking the skin. Medical treatment was at Hotel Dieu where she was given a tetanus shot.

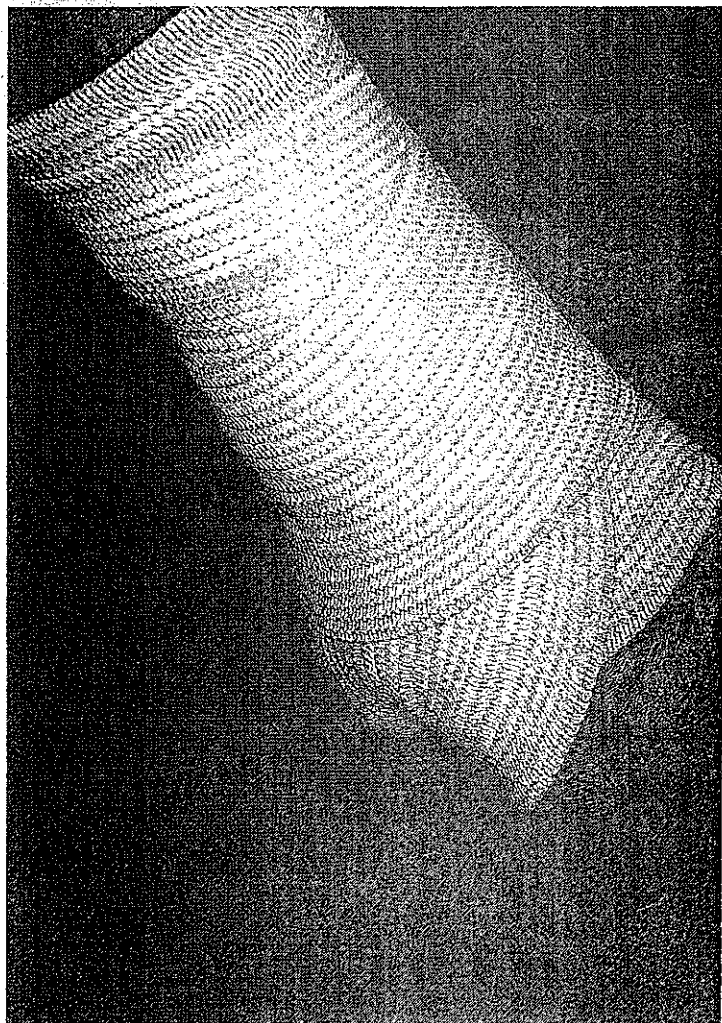
July 22, 2013 9:37 am arrived, met with victim Brenda Langan, she advised that on the day of the occurrence, July 8, 2013 at approx 9:45 am in the front yard of 415 Pierre she was walking her dogs when a brown bulldog type dog, unleashed, no owner lunged at her and her dogs, as she was picking up her dogs to get them away from the bulldog she was bit by this bulldog type dog on her left hand middle finger, small puncture, and pulled hair off her dogs Roxy back left foot, she did attend hospital after the incident and received treatment, she did not bring her dog to the vet, I provided her with statement forms for her to complete and advised her to sign /date photos and to have doctors report faxed to me, I advised her that I would retrieve completed statements forms on Tuesday July 23, 2013

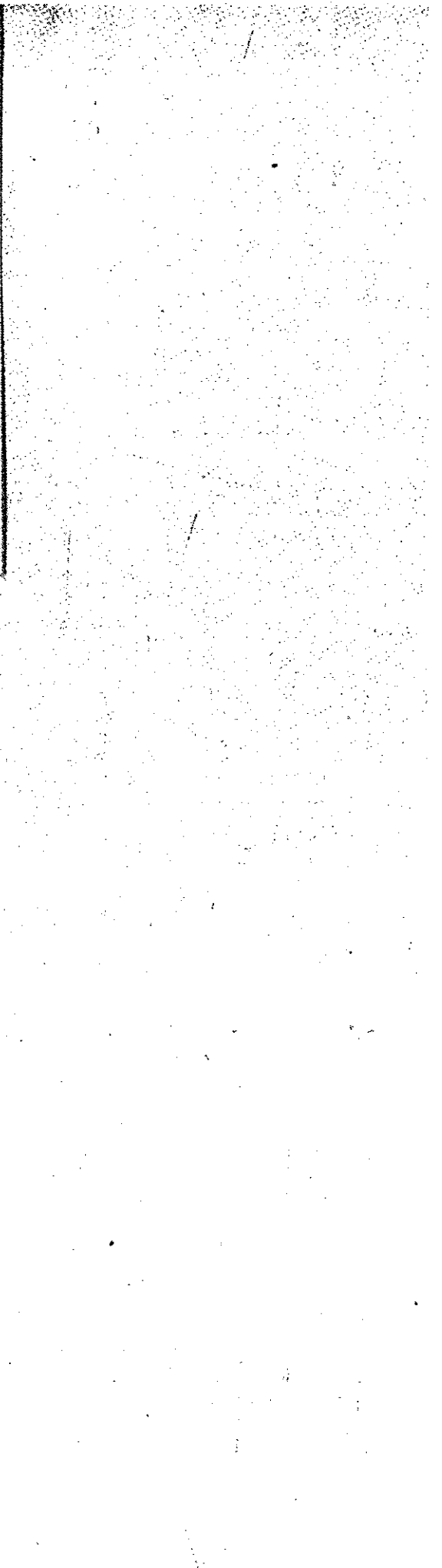
July 23, 2013 –

2:05 pm arrived at 415 Pierre, Windsor, Spoke with [redacted] dog owner's girlfriend, Hoby Maracle not home at this time. She advised that the dog, Sasha, can escape the backyard through holes in the fence and has done so in the past with no steps taken by the Landlord to fix the problem. I proceeded to the backyard and observed areas in the fence where there appeared to be holes dug and the fence was buckled not making contact with the ground which would allow a dog and area to crawl under.

9:51 am arrived at subject address of 415 Pierre, Windsor, Ontario. I spoke with dog owner Hoby Dwayne Maracle, [redacted] he was aware of the incident relating to the dog bite, owner of female American bulldog named Sasha, approx. 2 years old. Female, not fixed, medium in size, white/ brown in color, he advised that on the day of the occurrence he let the dog outside in his backyard, within 5 minutes he went to retrieve the dog and it was gone. He advised that the dog can crawl through the backyard fence allowing the dog to leave the property, he advised that he dog has done this before and that he has informed the Landlord who has not fixed the fence. I served him with a dangerous dog notice, explained the notice and appeals provision. He made appeal on site and submitted it to me. I served him with a PON - permit dog to run at large, Contrary to City of Windsor by law 245-2004, set fine \$100.00 total payable \$120.00.

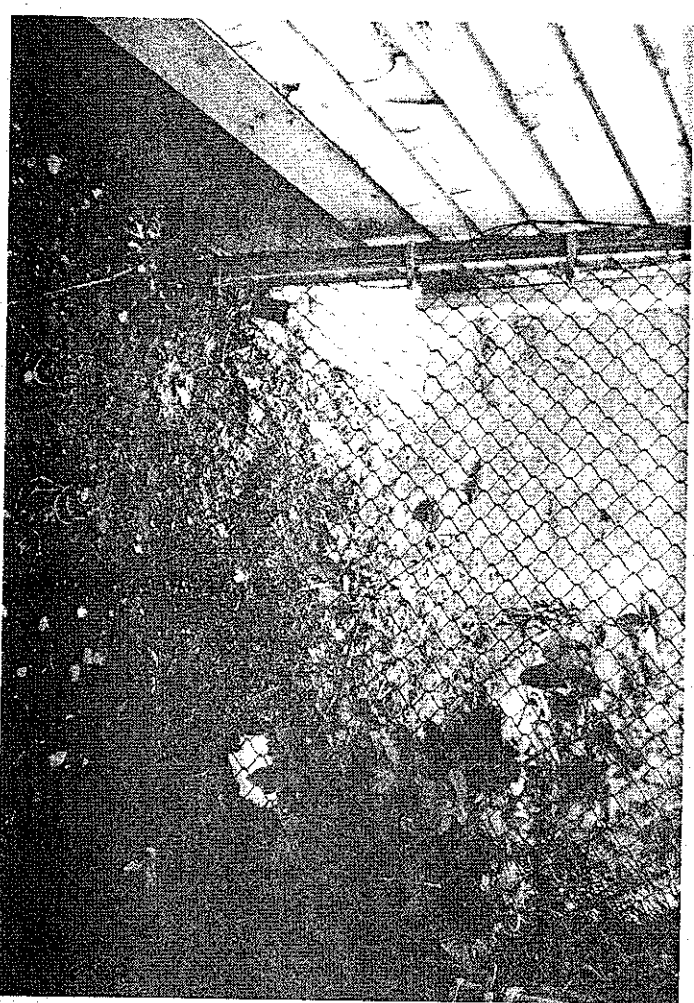
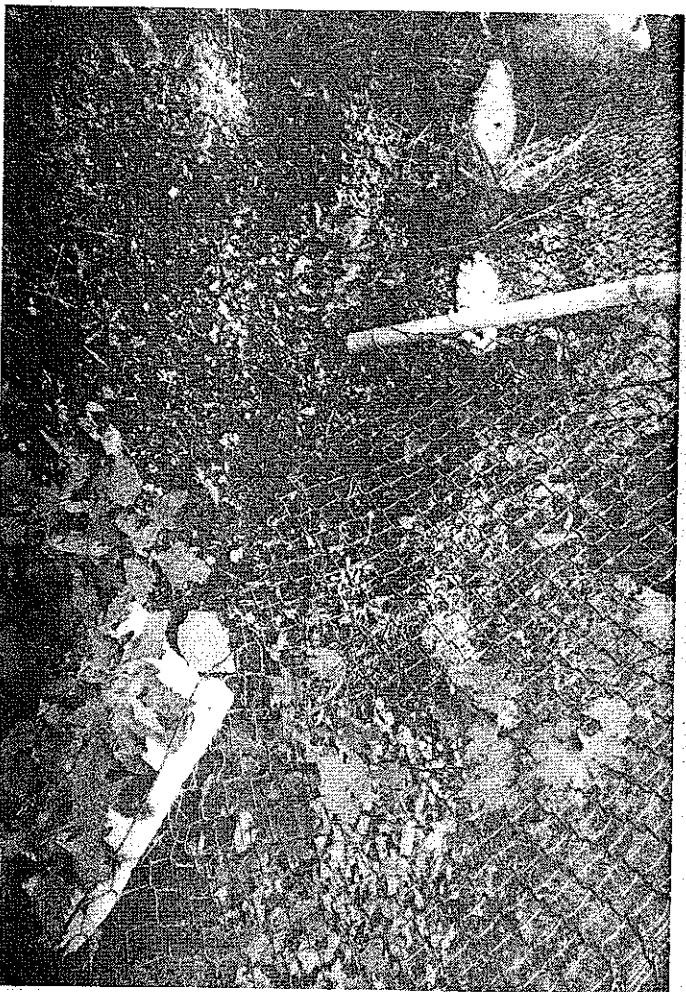
Amanda -- 2011 AL issued to Hoby Maracle for Sasha, no past complaints







5 Aug 03, 2013
8:00pm South face 415 plant site, window out.



n-



Hôtel-Dieu Grace
Hospital

Emergency Department

Last Name: I ANGAN	First Name: BRENDA
MRN: _____	Account Number: _____
Age: _____	Sex: F
DOB: _____	
Address: _____	
WINDSOR	
ON _____	
Home Phone No: _____	

Triage Record

Pre-Triage

Pre-Triage Date/Time: 8 JUL 2013 10:22	Pre-Triage Nurse: HANSON, JENNIFER	FRUGI Screen: PASS
Pre-Triage Complaint: DOG BITE LT MIDDLE FINGER		

Triage

Triage Date/Time: 8 JUL 2013 10:30	Mode of Arrival: WALK IN	Allergies: Yes
Triage Complaint: ANIMAL / HUMAN BITE		
Assessment: VITAL SIGNS - NORMAL PAIN (ACUTE) - MOD (4-7/10) LOOKS WELL MINOR BITE / STING BLEEDING - MINIMAL BLEEDING - NOT ACTIVE		
Triage Notes: 8 JUL 2013 10:30 RODGERS, JAMES pt was attacked by a dog, bit on left hand, 2 puncture wounds to middle finger, no active bleeding, good sensation, c/o pain to thumb radiating up wrist, no deformity <i>pted [Signature]</i>		
<input type="checkbox"/> ON ANTICOAGULANT <input type="checkbox"/> DIABETIC <input type="checkbox"/> LANGUAGE BARRIER <input type="checkbox"/> TETANUS UTD		
Temp: 36.0°C	P: 92 /min	R: 18 /min
B/P: 138/72 mmHg	SaO2: 96%	Cap Refill:
Cap Blood Sugar:		Pain Scale: 6/10
<input type="checkbox"/> No Triage Vitals Recorded		
CTAS: 4	Triage Nurse: RODGERS, JAMES	

Triage Record

Pre-Triage

Pre-Triage Date/Time: 8 JUL 2013 10:22

Pre-Triage Nurse: HANSON, JENNIFER

FRI/GI Screen: PASS

Pre-Triage Complaint: DOG BITE LT MIDDLE FINGER

Triage

Triage Date/Time: 8 JUL 2013 10:30

Mode of Arrival: WALK IN

Allergies: Yes


Triage Complaint:
ANIMAL / HUMAN BITE

Assessment:

VITAL SIGNS - NORMAL | PAIN (ACUTE) - MOD (4-7/10) | LOOKS WELL | MINOR BITE / STING | BLEEDING - MINIMAL | BLEEDING - NOT ACTIVE

Triage Notes:

8 JUL 2013 10:30 RODGERS, JAMES pt was attacked by a dog, bit on left hand, 2 puncture wounds to middle finger, no active bleeding, good sensation, c/o pain to thumb radiating up wrist, no deformity

Notes 

ON ANTICOAGULANT DIABETIC LANGUAGE BARRIER TETANUS UTD

Temp:	P:	R:	B/P:	SaO2:	Cap Refill:	Cap Blood Sugar:	Pain Scale:
36.0°C	92 /min	18 /min	136/72 mmHg	95%			6/10

No Triage Vitals Recorded

CTAS:

4

Triage Nurse: RODGERS, JAMES

Hôpital Hotel-Dieu Grace Hospital

EMERGENCY RECORD

HEALTH RECORDS

PATIENT SURNAME GIVEN: LANGAN, BRENDA
 WINDSOR, ON
 RESIDENCE CODE: PHONE NO.:
 PRESENTING COMPLAINT: DOG BITE LT MIDDLE FINGER
 ATTENDING: THOMAS, SOPHIA
 REFERRING: FAMILY WEISENRACHER, A
 NEXT OF KIN (IN CASE OF EMERGENCY NOTICED):
 RELATIONSHIP: PHONE NO.:
 ROOM: REGISTRATION DATE: 07/08/2013 TIME: 10:24
 CLERK: CDUNL DOB: M/D/Y AGE: 051Y SEX: F ACCT NO.:
 CTAS: MARITAL STATUS: RELIGION: REGISTER NO.:
 ALTERNATE / PREVIOUS NAME: BROUGHT IN BY: AMB Y
 ACCIDENT DATE: 00/00/0000 TIME: 00:00 WCB#: DATE LAST VISIT: 03/09/13
 EMPLOYER: PT GUAR PHN (1001): ON OTHER INSURANCE: SIN: 000000800 LANG. OF PREF: A FC: 10

TIME SEEN BY ERP: 1035 ALLERGIES: Penicillin
 TETANUS STATUS: needs
 SIGNATURE OF PATIENT/ GUARDIAN: X

INVESTIGATION	TIME	INITIAL
CBC <input type="checkbox"/> D <input type="checkbox"/>		
SMA <input type="checkbox"/> D <input type="checkbox"/>		
LFT, LPASE <input type="checkbox"/> D <input type="checkbox"/>		
UA <input type="checkbox"/> CAS <input type="checkbox"/> D <input type="checkbox"/>		
Preg U <input type="checkbox"/> S <input type="checkbox"/>		
Tox U <input type="checkbox"/> S <input type="checkbox"/>		
ABGs <input type="checkbox"/>		
CCU labs <input type="checkbox"/>		
Cardiac monitor <input type="checkbox"/>		
EKG 12 <input type="checkbox"/> 15 <input type="checkbox"/> D <input type="checkbox"/>		
Hep Lock <input type="checkbox"/> D <input type="checkbox"/>		
Chest Xray <input type="checkbox"/>		
CT <input type="checkbox"/>		

TIME ORD.	MEDICATION/TREATMENT ORDERS
	Tetanus 211 [Signature]
	Saline soaks
	Costs seen over
TIME	REASSESSMENT
	Reflex Sns R/O (35)
	rev of wound

DISPOSITION: DISCHARGE ADMISSION REQUEST TRANSFERRED TO: NERVA CLINIC OR OTHER

EXPIRED: DCA DAADCE

WALKOUT POST: REG TRIAGE ASSES. PHYS ASSES.

DIAGNOSIS: Dog Bite Fingers SCRIPT OVER

CONDITION ON D/C: Stable

NURSE'S SIGNATURE: [Signature]

PHYSICIAN'S SIGNATURE: [Signature]





INFECTION CONTROL ANIMAL BITE INVESTIGATION

LANGAN, BRENDA
 M# _____ A# _____
 Sex F
 Ohip# _____
 Att DR. 00163 Loc EB
 ER

Date of bite: July 8 2013

VICTIM This form to be completed by patient.

- Please complete this questionnaire as best possible
- This form will be forwarded to the Windsor-Essex County Health Unit as part of their animal bite/rabies investigation.

Name Brenda Langan
 Street _____
 Town Windsor Postal Code _____
 Phone (h) _____ (w) _____
 Age _____ Sex F Weight _____ lb _____ kilos
 Parent/Guardian (if child) _____

Describe incident: 357 I was walking my dog and spotted a dog at pierce when a bull dog charged

Comments: _____

Attack provoked: Yes No

WOUND AND EMERGENCY INFORMATION

Location of bite: _____ head _____ arm _____ leg hand _____ foot _____ Other _____

Type of Wound: Yes skin broken Yes bleeding Yes bite _____ scratch _____ Other wrist

Medical Treatment Yes No Stitches Yes No

Tetanus shot Yes No Up to date

Victim's Family Physician: Dr. Weissenbacher
 Address: Central Mall
 Phone: _____

OWNER INFORMATION

Name _____
 Street _____
 Town _____ Postal Code _____
 Phone (h) _____ (w) _____
 Description/Type of Animal: _____
 Name of Animal: _____
 Bitten Before Yes No

HDGH STAFF:

1. Give patient this questionnaire while in triage
2. Notify the Health Unit by phone of this animal bite
Days - 258-2146
(After hours) - 973-4510
3. Fax this completed form to the Health Unit
Fax: 258-8672

(insert the faxed form in the Infection Control Communication Manual at the front Desk)





CITY OF WINDSOR

STATEMENT
CONTINUATION REPORT

PAGE(S): 2 OF 2

FILE #:

Location Statement recorded:

Date of Statement:

Victim: Family name: Hangan Given name(s): Brenda Sex: F
Witness: Date of birth: Contact number: or

Address: Apt. City: Windsor Province: ON

Recording Officer: Department: Enforcement Department Employee #

and gave me the phone to call all the dog stayed for about another two minutes barking and then finally the dog left the ambulance came and took me in the ambulance and took my blood pressure as I was hyperventilating and started to clean my wound. Well I was at the hospital they gave me a tetanus shot and okra my hand and then a police officer showed up and I asked him if he talk to the owner and he said he did and the owner told him the dog had her shots I asked the officer if he seen her papers or tag or card he did not he asked me if I wanted him to return and I stated yes as the dog broke my skin. The officer called me three hours later and informed me that the dog had not had any shots since 2011. I have not taken my dogs for a walk since as I am too afraid. The officer also stated that the owner stated he has been bugging his landlord to put up a fence so all he could do has been doing is letting the dog out loose to go to the bathroom with put aie I still have a sore wrist not quit healed yet and the bite is almost healed. Because of this my granddaughter came down from Calgary and was together and had to tell my son he could not bring her for the first week as I needed to see if I had any sign of rabbies as I could not put her at risk.

Brenda Hangan

Witness Signature: Date signed: July 22-2013 Time: 7:00pm

Recording Officer's Signature: Date completed:

Witness Name (print): Witness Signature:



CITY OF WINDSOR

Appendix "E"

STATEMENT

PAGE(S): 1 OF 2

CONTINUATION REPORT

FILE #:

Location Statement recorded:

Date of Statement:

Victim: Family name: Langan Given name(s): Brendae Sex: F

Witness: Date of birth: [redacted] Contact number: [redacted]

Address: [redacted] Apt: [redacted] City: Windsor Province: ON

Recording Officer: [redacted] Department: Enforcement Department Employee # [redacted]

On July 8th around 9:45^{am} I took my two Sack Russell for a walk - my male's name is Harley and my female name is Roxie. We walked on the sidewalk on their leash down Anvers and turned right Pierre as we were walking I got around 4 house on Pierre and noticed a Big Golden Brown Bull Dog I believe at corner on Pierre and Assumption in the middle of street road with no owner and my leash. The Bull dog notice and ran towards us I tried to pick up my dogs but the Bull Dog was right at us the Bull Dog started to growl and show her teeth I kept trying to turn around and keep the dog away from mine the bull dog started to bite my female's leg and I kept moving around she kept barking and attacking my dogs. I tried to push the dog away and the dog bite my finger and sprained my left hand and thumb. We were in front of 357 Pierre when this took place and from me trying to get to the neighbours house it took place I finally had to grab my dogs leg with my right hand and pull them up and check them and ran up the stairs and went in between the screen door with me facing the street and kicking with my foot on the neighbours door the dog follows us jumping up at the door and barking showing its teeth. Finally an elderly man opened the door and let me in. Brenda Langan.

Witness Signature: [redacted] Date signed: July 22-2013 Time: 7:00pm

Recording Officer's Signature: [redacted] Date completed: [redacted]

Witness Name (print): [redacted] Witness Signature: [redacted]

5224504A

0860
 Offence Number
 Code
 d'emplacement
 de l'infraction

Provincial Offences Act Ontario Court of Justice
 Loi sur les infractions provinciales Cour de justice de l'Ontario
 Enforcement Agency Record/Registre des documents de l'agence d'exécution

By law Officer D. Jones

Believes and certifies that on the day of **21** **0** / **7** **10** / **18** **9** **M**
 (Print name in letters only) VIA M/M D/J Time / A (Heure)

Name **Marie**
 Family / Nom de famille
Hoby

Address **415 Prince Ave**
 Number and street / Numéro et nom de la rue
Windsor **Ontario** **L9A 2P9**
 Municipality / Municipalité P.O./C.P. Province Postal code / Code postal

Driver's licence No. / Numéro de permis de conduire

Birth date / Date de naissance **1** / **9** / **9**
 Sex **M**
 Motor Vehicle Involved Y / N
 Collision Involved Y / N
 Witnesses Y / N

AVA **357 Prince Avenue**
 County of **Essex** City of **Windsor**
 Municipality / Municipalité

Did commit the offence of: **permit dog to run at large**
 A commis l'infraction de:

Contrary to: **City of Windsor by law 245-2004**
 Contrairement à: Sect./l'art. **8 (a)**

Plate number / N° de plaque d'immatriculation	Juris. Aut. lég.	Commercial Utilitaire <input type="checkbox"/> Y / <input type="checkbox"/> N	CVOR/UVU <input type="checkbox"/> Y / <input type="checkbox"/> N	NSC/CNS <input type="checkbox"/> Y / <input type="checkbox"/> N	Code
---	------------------	---	--	---	------

CVOR No. - NSC No. / N° de PIUVU - N° du CNS

And I further certify that I served an offence notice personally upon the person charged on the offence date. Or other service date of: **July 24, 2008**
 J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.

Signature of issuing Provincial Offences Officer **[Signature]** Officer No. **2753** Station **[Signature]**
 Signature de l'agent des infractions provinciales

Set fine of Amende fixée de \$100.00	Total payable \$120.00 Montant total exigible	Total payable includes set fine, applicable victim fine surcharge and costs. Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.
---	---	---

Summons issued. You are required to appear in court on **2** **0** / **1** / **18** **9** **M**
 VIA M/M D/J Time / A (Heure)

Assignment. You are to appear at the Ontario Court of Justice P.O.A. Office at **[Address]**
 Vous êtes tenu(e) de comparaître devant le tribunal à la Cour de justice de l'Ontario, Bureau des infractions provinciales au



DANGEROUS DOG NOTICE
CORPORATION OF THE CITY OF WINDSOR
WINDSOR LICENSING COMMISSION

IN THE MATTER OF THE DESIGNATION OF DANGEROUS DOG.

I, Dan Tennet, Animal Control Officer, upon reasonable belief, and in the absence of mitigating factors, serve

a DANGEROUS DOG NOTICE to Hedy Dianne Maracle, the GUARDIAN of

Sasha, which has been deemed DANGEROUS DOG, as defined under City of

Windsor By-Law 245-2004 Section 1(i).

Further that,

The said GUARDIAN shall, upon receipt of such notice, comply with the requirements as outlined under City of Windsor By-Law 245-2004 Section 17.

[Signature] SIGNATURE OF ANIMAL CONTROL OFFICER

[Signature] SIGNATURE OF GUARDIAN

"Guardian" means any person who owns, keeps, possesses or harbours a dog or dogs and "own", "owns" or "owned" have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor

Table with 2 columns and 3 rows detailing requirements for Dangerous Dog: 1. To keep such dog confined... 2. Conspicuously display on his or her property... 3. To securely attach a muzzle... 4. Obtain and maintain a policy of public liability insurance... 5. Insert a microchip implantation... 6. To restrain the dangerous dog...

Assessment for Dangerous Dog form with fields for Date of Assessment, Guardian's Name, Dog's Name, Address, Telephone, Description of Dog, Breed of Dog, Rabies Tag No., City of Windsor Tag No., Microchip No., and various checkboxes for Complaints, Bite of Attack, At Large, Surrendered, Seized, Police Report, Report No., and Witness.

Appeal Dangerous Dog Notice form with text: In accordance with By-Law 245-2004 Section 18(c), you may request, within three working days of receipt of the Animal Control Officer's notice... I wish to submit my written request to the Licence Commissioner of the City of Windsor to have a hearing before Appeal Committee.

(Licensing and Enforcement Department's copy -white)
(Animal Control Officer's copy - yellow)
(Guardian's copy - pink)

ITEM NO. 7(d)

WINDSOR LICENSING COMMISSION

October 24, 2013

APPLICANT/LICENSEE:

Michael Nahnybida (Guardian of "Axxel")
1558 Lincoln Rd.
Windsor, On N8Y 2J4

LICENCE CATEGORY:

Dangerous Dog-"Axxel"
Animal Licence # nil

File # ACLC/11774

HEARING PARTICULARS:

Appeal of Dangerous Dog Designation.

APPENDED MATERIALS

- Copy of Windsor Police Occurrence Report, being Appendix "A"
- Copy of electronic notes by Dan Jenner, By-law Enforcement Officer, being Appendix "B"
- Copy of photographs taken by Dan Jenner, By-law Enforcement Officer, being Appendix "C"
- Copy of Clearwater Animal Hospital invoice, being Appendix "D"
- Copy of victim's physician statement and prescriptions, being Appendix "E"
- Dangerous Dog Notice, being Appendix "F"

LICENCE COMMISSIONER'S COMMENTS

A dangerous dog designation appeal was submitted to By-law Enforcement Officer Dan Jenner on August 6, 2013 by Michael Nahnybida of 1558 Lincoln Road Windsor, Ontario, guardian of an eight year old Husky named "Axxel". Licensing Division records indicated at the time of the incident that this dog did not have a valid City of Windsor Animal licence. The dog guardian was provided with a compliance deadline of October 4, 2013 to procure a 2013 City of Windsor Animal licence.

REGULATORY AUTHORITY

Dangerous Dog is defined by By-law Number 245-2004, a By-law for the Registration and Licensing of Dogs and for the Control of Dogs Generally Within the City of Windsor as follows:

"Dangerous Dog":

- i. "means a dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;

Section 17 to By-law Number 245-2004 states:

17. If an Animal Control Officer designates a dog as a dangerous dog, the Animal Control Officer shall serve notice upon the Guardian, requiring the Guardian, upon receipt of such notice to comply with the following requirements:
 - a) to keep such dog confined;

- a) to keep such dog confined;
 - i. within the guardian's dwelling, or
 - ii. in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the guardian of the dog;
 - iii. conspicuously display on his or her property a sign provided by the City warning that there is a dangerous dog on the property.
- b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17(a);
- c) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should to policy expire, be cancelled or be terminated for any reason; and
- d) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog;
- e) To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

BACKGROUND

On Tuesday August 6, 2013 Michelle Oncea was walking her leashed Yorkie/Shih-Tzu dog named "Harley" at the northwest corner of Kildare Road and Shepherd Street East, in the City of Windsor, Ontario. A Husky like dog, not accompanied by a dog guardian, attacked her dog Harley. The Husky dog had Harley by the neck. Michelle Oncea attempted to pull the Husky off of her dog by pulling on the blue harness worn by the Husky. Michelle Oncea was unsuccessful in doing so and eventually hit the Husky in the head with a dog bag holder. Michelle Oncea attempted to pick her dog up and was subsequently bit by the Husky, resulting in four (4) puncture wounds on her right hand. Shortly after, the owner of the Husky dog arrived and indicated that his dog had broken off of his leash. The owner of the Husky dog named "Axxel" was identified as Michael Nahnybida of 1558 Lincoln Road Windsor, Ontario. Windsor Police were subsequently contacted by the victim. Windsor Police Service interviewed the parties involved and completed an occurrence report attached as Appendix "A". Upon further investigation by By-law Enforcement Officer Dan Jenner, charges were filed under the Dog Owner's Liability Act of Ontario along with a Dangerous Dog Notice being served against dog guardian Michael Nahnybida.

SUMMARY

The Windsor Licensing Commission may determine whether or not there were any mitigating factors that would give reason for the dog to attack and bite. Based on the information provided by the

By-law Enforcement Officer, Windsor Police report and statements, Administration is of the opinion that there are no mitigating factors. Therefore Administration is recommending that the dangerous dog designation remain in place.

RECOMMENDATION:

That the **DANGEROUS DOG** designation **REMAIN IN PLACE** for eight year old Husky known as "Axxel" which currently resides with guardian, Michael Nahnybida at 1558 Lincoln Road. in Windsor, Ontario, and further, that the following actions **BE REQUIRED** as a result of this designation:

1. To keep such dog, when in or on the property of another person with the person's consent, on a leash and under the control of that person who is sixteen years of age or more.
2. Conspicuously display on his or her property a sign provided by the city warning that there is a dangerous dog on the property.
3. To securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17 (a).
4. Obtain and maintain a policy liability insurance coverage in an amount of not less than \$1,000,000 for any damage or injury caused by such dangerous dog and to provide to the animal Control Officer a Certificate of such policy and each subsequent renewal of it.
5. Insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog.
6. To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

DISPOSITION:

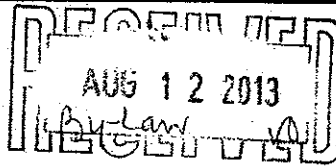
WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY

GO# 2013-56667

ANIMAL DOG BITE COMPLAINTS

BYLAWS

Purpose:

Date Released: **Monday, 2013-Aug-12**Time Released: **11:32**Authorized by: **HBYLAW-BYLAWS**Released by: **6328-ELSIDO, CARMELLA**

Dan Jenner
#13-190768 DD

RELEASED TOBusiness: **CITY OF WINDSOR**Person: **OGLAN, VERA****** DISCLAIMER ****

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 Windsor Police Service P.O. Box 60 Windsor ON N9A 6J5 (519) 255-6700

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**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-56667

ANIMAL DOG BITE COMPLAINT

General Occurrence Information

Main offence: **ANIMAL DOG BITE COMPLAINTS - COMPLETED**

Operational status: **ACTIVELY ASSIGNED**

Location: [REDACTED], WINDSOR

District: 3 Zone: 3I Atom: 312

Approved on: **Thursday, 2013-Aug-08** by: 4036 NOHRA, EMIG

Reported on: **Tuesday, 2013-Aug-06 20:29**

Occurred between: **Tuesday, 2013-Aug-06 20:15 and Tuesday, 2013-Aug-06 20:30**

Submitted by: 15076 FREDERICK, ALBERT S Org unit: STATION 1, PLATOON 3

CCJS Information

CCJS Status: **NOT CLEARED**

Offences committed: **ANIMAL DOG BITE COMPLAINTS - COMPLETED**

Location type: **OPEN AREAS**

Hate Crime Indicator: **NO**

Related Event(s)

CP 2013 - 56667

Related Person(s)

1. COMPLAINANT 1 - ONCEA, MICHELLE E (Case-specific)

Sex: **FEMALE**, Born on: [REDACTED]

Residing at: [REDACTED] WINDSOR
[REDACTED] ONTARIO, [REDACTED]

Phone numbers

HOME: [REDACTED]

BUSINESS: [REDACTED]

Particulars

Driver's licence: [REDACTED] ONTARIO

Ethnicity: **WHITE**

Linkage factors

Ethnicity: **WHITE**

Resulting in: **MINOR INJURY**

Statement taken: **YES**

Master Name Summary

Name: **ONCEA, MICHELLE E**

Sex: **FEMALE**, Born on: [REDACTED]

Residing at: [REDACTED] WINDSOR
[REDACTED] ONTARIO, [REDACTED]

Phone numbers

HOME: [REDACTED]

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**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-56667

ANIMAL DOG BITE COMPLAINTS

BUSINESS: [REDACTED]

2. OWNER 1 - NAHNYBIDA, MICHAEL B (Case-specific)

Sex: MALE , Born on: [REDACTED]
Residing at: 1558 LINCOLN RD , WINDSOR
ONTARIO , N8Y2J4

Phone numbers

HOME: [REDACTED]
BUSINESS: [REDACTED]

Particulars

S.I.N.: - - - Born in: WINDSOR C216 POB: ON
Occupation: [REDACTED]
Employed by: [REDACTED]
Driver's licence: [REDACTED] ONTARIO
Marital status: [REDACTED]
Ethnicity: WHITE
Language: ENGLISH
Height: [REDACTED] Weight: [REDACTED]
Build: [REDACTED] Complexion: [REDACTED]
Eye colour: BROWN
Hair colour: SALT AND PEPPER
Hair style: SHORT, OTHER

Linkage factors

Ethnicity: WHITE

Master Name Summary

Name: NAHNYBIDA, MICHAEL B
Sex: MALE , Born on: [REDACTED]
Residing at: 1558 LINCOLN RD, WINDSOR
ONTARIO , N8Y2J4

Phone numbers

HOME: [REDACTED]
BUSINESS: [REDACTED]

WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY

GO# 2013-56667

ANIMAL DOG BITE COMPLAINT

NARRATIVE: INITIAL OFFICERS REPORT

DOG BITE

Author: 15076 FREDERICK, ALBERT S

Related date/time: Wednesday, 2013-Aug-07 13:28

Note: Statements (Charge and Voluntary) from the parties concerned are required when the dog is at large in a public place or on private property other than that of the dog's owner*

Location of Injury on Body: {Right hand/palm 4 small red spots/broken skin }
Physician or Hospital Attended: {Dr. BOISMIER - Walker Rd @ Ottawa St }
Description of Dog: {Large white dog - possible husky }
Dog Tag Number: { }
Date of Last Rabies Shots: { }
Rabies Tag #: { }
Was dog at large: () Yes ()No
() Public Place () Private Property (Mark with X)
Was the Owner Warned of the Board of Health 14-Day Confinement
Period: ()Yes ()No (Mark with X)

Brief Summary of the Occurrence:

{

NARRATIVE:

On Wednesday August 07, 2013 at 1149hrs I, PC FREDERICK was dispatched to _____ for report of an animal bite. Prior to arrival I received the following information:

Complainant, Michelle ONCEA and her dog were were both bitten by a white husky that resides at 1558 Lincoln Rd.

I arrived on scene at 1149hrs and met with the complainant, Michelle ONCEA - 'ONCEA'. I immediately observed a white cloth, band-aide style bandage on her right hand. She advised that she had already seen her family doctor, Dr. BOISMIER and had her injury assessed. ONCEA received a tetanus shot at this time. She was further advised that she needs to learn if the dog that bit her has had its rabies shots or not. I viewed ONCEA's injury; I observed 4 very small red dots (broken skin) on her right palm. There was another faint scratch near the red dots. After viewing ONCEA's injury we went into her residence where I met her 13 year old male shihtsu named Harley. Harley has its hair short cut and its coat is light colored. ONCEA tried to show me her dogs injuries but none were visible. Harley didn't appear to be injured but closer inspection may reveal injuries unseen at this time.

ONCEA provided a statement. She stated that on Tuesday August 06, 2013

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**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-56667

ANIMAL DOG BITE COMPLAINTS

between 2015hrs and 2030hrs she was walking Harley on Kildare (west sidewalk) and was about to turn (west) right on Shepherd. Harley was on a leash. It was at this time ONCEA observed a large white dog wearing a blue harness running south on Kildare approaching Shepherd. Behind the husky dog (approx. 20 feet) she could see a man jogging. She assumed the dog was on a retractable leash. She soon realised the dog was not on a leash when it ran across Shepherd and immediately targeted her dog. ONCEA grabbed the husky's leash and tried to pull it off of her dog but could not over power the husky. ONCEA stated, "he had my dog by the neck, and then he grabbed him around the middle. I was pulling on the harness but couldn't pull him away from my dog." Eventually ONCEA hit the husky over the head with a plastic dog bag container. This momentarily stunned the husky while ONCEA took this opportunity to grab Harley out from under the husky. When she did this she was bitten by the husky resulting in the above mentioned injuries. After ONCEA was able to take her dog away from the husky it left running north-bound towards Ottawa St. ONCEA sat on the steps of a near by business and comforted Harley.

Soon after the husky ran off, ONCEA was approached by the man who had been jogging, he provided aid. When asked, he advised that the dog was not his. Then he yelled at another person walking north on Kildare approaching them. This male quickly advised that his dog had broken his leash. ONCEA asked him for his name and address. She is unable to remember if he said his name or not but recalls that he resides at 1558 Lincoln. ONCEA described this male as, 40-50 years old, who was short with a large build and a bald head.

I advised ONCEA that I would attend 1558 Lincoln to ascertain whether or not the address was accurate, and if so, whether or not the husky dog has paper work regarding its immunization.

Address history for 1558 Lincoln has a hazard for a husky puppy. It also shows this to be the residence for Michael NAHNYBIDA [REDACTED]. This information was confirmed by a drivers licence check - address confirmed. NAHNYBIDA is negative on CPIC, [REDACTED].

At 1313hrs. I attended 1559 Lincoln Rd and knocked on the front door. The main pedestrian door was wide open but a screen door was closed and locked. My knock was not answered by a person but it did get the attention of a large all white husky style dog. The dog approached the door and looked at me. It did not bark and/or growl. Even as I knocked it remained silent. WPS dispatch attempted to contact NAHNYBIDA but were unable to do so. He was left a message to contact WPS at his earliest convenience.

I later spoke with Amy REAUME - OSPCA Agent #1492. She was advised of the situation. She was provided with a brief synopsis of events at which time she advised that they will attend within the next week or so to speak with both ONCEA and NAHNYBIDA. She further advised that they will put a hazard

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**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-56667

ANIMAL DOG BITE COMPLAINT

on the husky dog as aggressive and dangerous.

**** At the time of this report I have not had the opportunity to speak with NAHNYBIDA regarding his dog. Follow-up is requested to ascertain whether or not his dog has its appropriate immunizations/paper work and to issue NAHNYBIDA a By-Law offence - as follows:

THE CORPORATION OF THE CITY OF WINDSOR

Part I Provincial Offence

Permit dog to run at large. s. 8(a) \$100.00

}

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**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2013-56667

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: SUPPLEMENTARY

DOG INFO

Author: 15076 FREDERICK, ALBERT S

Related date/time: Friday, 2013-Aug-09 09:04

{

NARRATIVE:

On Friday August 09, 2013 at 0850hrs I, PC FREDERICK attended 1558 Lincoln Rd to speak with Michael NAHNYBIDA [redacted] in regards to his dog and an incident involving his dog on Wednesday August 07, 2013.

NAHNYBIDA was home as was his dog - 8 1/2 year old Siberian Husky named Axxel. When asked, NAHNYBIDA advised that he was aware of the incident regarding his dog and Michelle ONCEA's dog. He stated that his dog broke its leash and ran ahead of him. NAHNYBIDA asked a near-by jogger to help him catch his dog. Before they could catch Axxel, NAHNYBIDA came across ONCEA and her dog at Shepherd and Lincoln. He provided her his name and address then continued on in attempt to catch Axxel. He eventually caught up to his dog several blocks later.

NAHNYBIDA showed me Axxel's blue harness as well as the leash that was torn.

NAHNYBIDA described his dog as being very friendly with people and other dogs but very strong and full of energy. NAHNYBIDA provided me with Axxel's collar which displayed the following information:

Axxel 2013 Rabies Vacc. Brack Animal Hospital #00677

I told NAHNYBIDA that the humane society was made aware of the situation and would follow-up with him.

At 0910hrs I attended the ONCEA's residence - 1835hrs. She was made aware of the above mentioned information. She advised that she understood and was thankful.

No By-law offence and/or charge was laid as NAHNYBIDA showed me the broken dog leash.

}

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WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY

GO# 2013-56667

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: VICTIM STATEMENT

ONCEA MICHELLE E

Author: 15076 FREDERICK, ALBERT S

Related date/time: Wednesday, 2013-Aug-07 12:30

{
My name is Michelle ONCEA. Yesterday I was walking my dog, Harley. We were on Kildare, just turning onto Shepherd, right in front of Kilroys Bar. We were on the sidewalk on the west side of Kildare. And, my dog was on a leash. Running towards us on the same side of the street was this big white dog. He was pretty white and he wore a blue harness but no leash. Behind the dog, by about 20 feet, was a guy jogging. To me I thought it was his dog and he had him on a retractable leash. But the dog just ran across the street and went right for my puppy. So then I grabbed the huskeys harness and tried to pull him off. At that point he had my dog by the neck, and then he grabbed him around the middle. I was pulling on the harness but couldn't pull him away from my dog. At the same time I was trying to pull my dog away, but we were just going in circles. Eventually I thought to hit him over the head with my dog bag holder. So I did, and when I hit him he stopped for a second and then I grabbed Harley and that's when I was bitten. I have four marks on my right hand/thumb area. There's also a deeper cut and that was the only one that was bleeding. Once I was able to pick Harley up the dog just left, he came this way towards Ottawa St, he went north. After that I couldn't see him, I had just sat on the steps of the bar. That's about the time the jogger showed up. He was asking if Harley and I were ok and if he could call someone for me. He just showed concern I guess. Then he yelled at another guy who was further down Kildare; he was probably half a block away at that time. Then he just walked up and said, "oh, my dog broke my leash". And then I asked him if his dog had shots and he said, yes. Then I asked him for his name and address; I didn't get his name but I remember him saying, '1558 Lincoln, about 3 houses away from the methadone clinic'. Then he said I got to go get my dog. And then I said, 'you better come back', but he didn't. That's when then jogger guy asked if I was ok to get home, I said I was and I thanked him. I picked Harley up and I came home.

This incident happened at probably between 8:15 P.M. and 8:30 P.M. After I came home I called you guys.

Today at about 10:45 I went to see my family doctor, Dr. BOISMIER, She's over at the MarketPlace on Walker and Ottawa. There I received a tetanus shot and she just told me to try and find the dog to see if it has had its shots. Then she explained the rabies procedure to me.

Harley is shaken and he is not himself. He won't go up or down the stairs. He has some marks on his belly but I don't know what they are yet. We are going to the Vet at 2:00 P.M.

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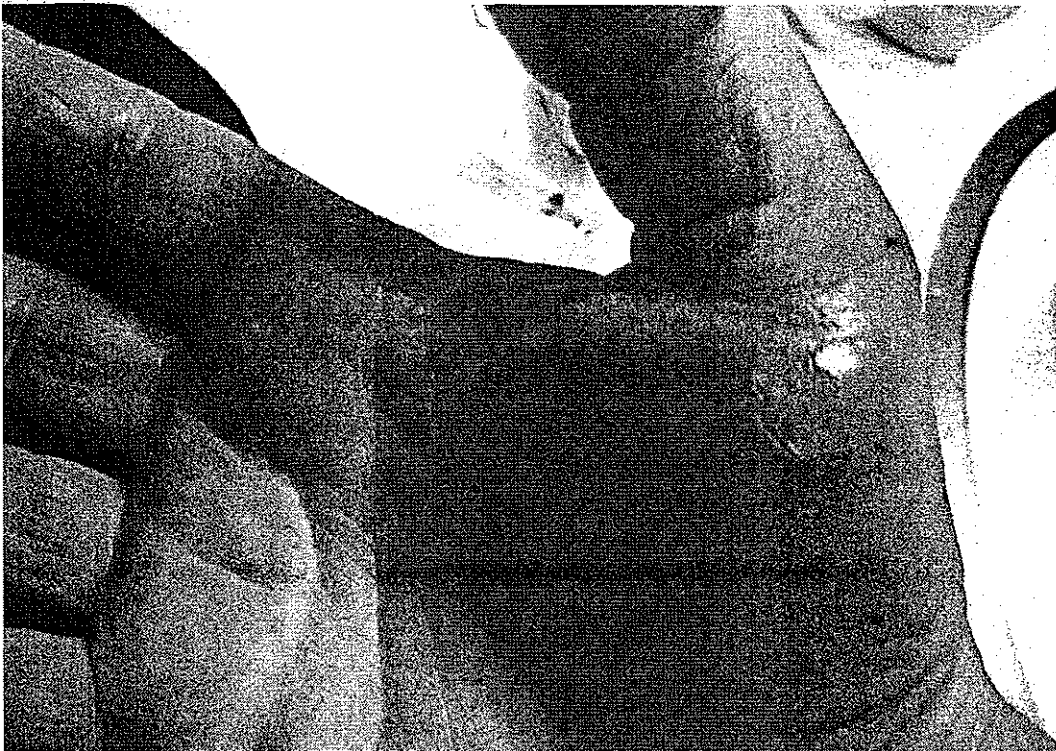
August 12, 2013 -- City of Windsor By law Enforcement Unit received a complaint from Michelle Oncea, Windsor, Ontario, regarding being bit by a Husky dog on August 6, 2013. The investigation was assigned to By Law Enforcement officer Dan Jenner.

August 26, 2013 -- Officer Jenner arrived at [redacted] spoke with victim Michelle Oncea owner of Harley, yorkie/shiatsu mix, She advised that on the day of the occurrence August 6, 2013 at approx 8:30 pm she was walking Harley on a leash and was on the sidewalk on the northwest corner of Kildare Road and Shepherd Street East, in the City of Windsor, Ontario when a large husky like dog, unleashed attacked Harley and had him by the neck, she attempted to pull the dog off by the blue harness he was wearing but could not, she eventually hit the Husky over the head with a dog bag holder, she then went to pick Harley up and was bitten by the Husky, resulting in 4 puncture wounds on her right hand. Shortly after the owner of the dog showed up and said that his dog broke his leash and told her that he resides at 1558 Lincoln and then left to get his dog and never came back. On Wednesday she attended her doctor and received a tetanus shot. Brought the dog to the vet on August 8, 2013 at Clearwater animal hospital where the dog was examined and Clavamox prescribed

September 3, 2013 - 10:58 am Officer Jenner arrived at 1558 Lincoln, knocked on door - no answer, large white Husky type dog came to the door, two different eye colors

September 6, 2013 - . 9:00 am Officer Jenner had meeting with dog owner Michael B. Nahnybida, claimed ownership of Axel, male Husky, 8 years old, not fixed. He did have a recollection of the events pertaining to his Husky dog regarding the dog bite incident on August 6, 2013. He indicated that on the day of the occurrence he was taking Axel for a walk on Lincoln when the dog broke off its leash and ran from him, thinking it's a game. Mike asked a nearby jogger if he could follow his dog as he cannot run because of knee problems, Mike produced a broken blue leash, Mike advised that he did not witness the bite but when he came up to the lady and her dog at the corner of Kildare and Shepherd, he noticed some blood on the palm of her hand. He gave the female his name and address. Mike advised that he spoke two witnesses who were on bikes who told him they saw the female hit her own dog and that it was her own dog that bit her, but he does not know there contact information. (this information was not given to Police) He advised that the joggers name was Matt but he does not want to get involved in the incident and did not give me any contact information for the bikers or Matt. I served him with a dangerous dog notice. He made appeal. I asked him if Axel has two very different colored eyes and he said yes. I provided my card to him and advised him to purchase a 2013 City of Windsor dog license by the end of the first week of October 2013 due to financial reasons.

Appendix "C"



August 6, 2013



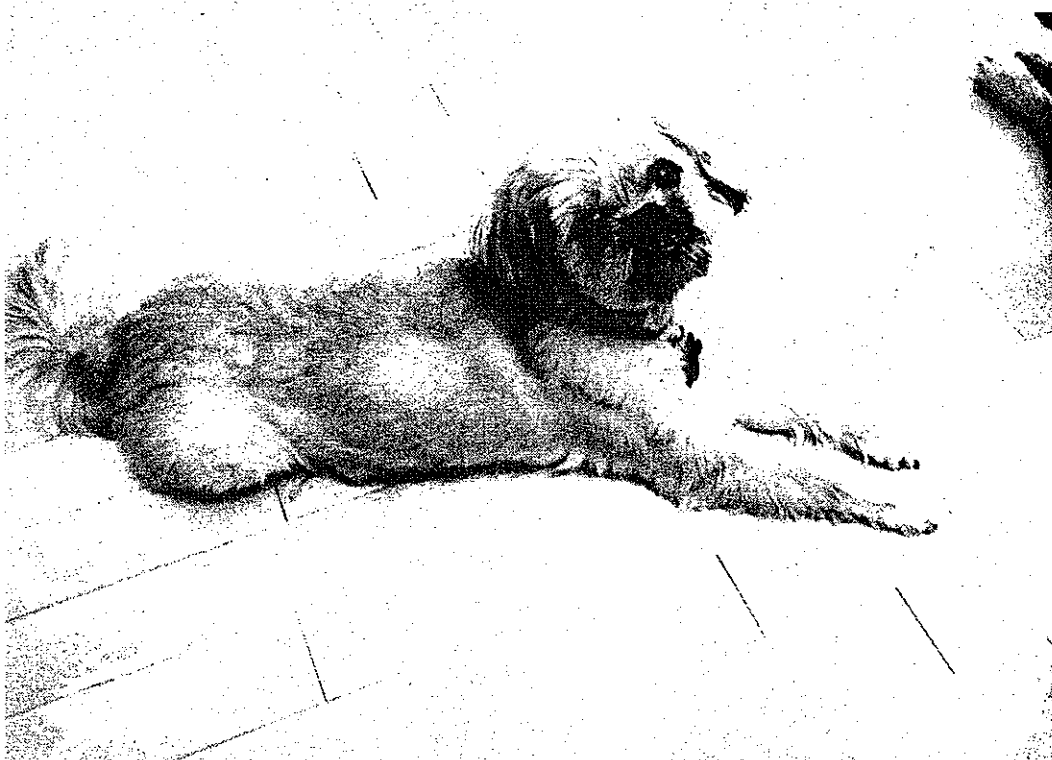
August 6, 2013



August 8, 2013



August 20, 2013



Harley Aug 9, 2013

Breed: Small Yorkie
 Coat Color: Tan/Black
 Weight: 12.4 lbs
 Rabies Tag Number: D10-0441

Heartworm Test: 05/17/20
 Leptospirosis: 05/17/20
 Bloodwork: 05/18/20

RECHECKS:
 Tuesday, May 25, 2010 Please call to schedule an appointment for Harley to remove the pain patch.
 Wednesday, Nov 17, 2010 Please remember to schedule an appointment for Harley to have the teeth checked following dental procedure.

Date	Description	Qty	Discount
03/21/2010	Initialy - Dog <20 lbs	1.000	
	• Anesthetist Monitoring	1.000	
	• Clean & Polish Teeth - Canine	1.000	
	• Dental Examination	1.000	
	• Fluoride Gel Application	1.000	
	• Hospitalization 1/2 day < 6hrs	1.000	
	• Induction	1.000	
	• Isoflurane Anesthesia < 20lbs	1.000	
	• TPM Sedation	0.200	
	• Valium/Ketamine IV	0.600	
	Fluids IV Catheterization & Drip Kit	1.000	
	• IV Catheterization (No Fluids)	1.000	
	• Infusion Pump Daily Maintenance	1.000	
	• Drip Kit 10DR 68" 2 sites	1.000	
	Isoflurane Anesthesia Additional 15min	5.000	
	Extractions Major per tooth	6.000	
	Monocryl 3/0 Absorbable Suture	1.000 Each	
	Baytril 50mg Injection	0.650 ml	
	Rimadyl Injection 30mg/ml	0.240 ml	
	Extractions Minor per tooth	4.000	
	Fluids Lactated Ringers Solution 250ml	1.000 Each	
	Garagec 25	1.000 Each	
	Rimadyl 25mg Chewables	1.000 Each	

Harley teeth
 May 21, 2013
 2010

CLEARWATER ANIMAL HOSPITAL
 1117 Walker Road, Windsor, ON N8Y 2N8
 519-253-7204
 www.windsorvets.com
 Caring People Caring for Pets



The Standard of
 Veterinary Excellence

Michelle Oncea (# 505)

Windsor, ON (

Harley (# B)



Home Phone: [redacted]
 Work Phone: [redacted]
 Species: Canine Sex: Male Neutered
 Age: 12 years and 9 months old
 Breed: Shih Tzu/Yorkie
 Coat Color: Tan/Black
 Weight: 12 lbs 4 ozs
 Rabies Tag Number: 3012239033

Aug 08, 2013
 Invoice Number 70967

Bordatella: 05/07/2005
 Parasite-Heartworm Prevention: 09/04/2011
 Fecal Analysis: 06/09/2013
 DA2PP: 05/03/2014
 Leptospirosis: 05/03/2014
 Bloodwork: 05/04/2014

Date	Description	Qty	Price
08/08/2013	Exam - Medical	1	\$ 50.99 ⁺⁺
	Clavamox 62.5mg	14 62.5mg	\$ 27.45 ⁺⁺
Total for Harley:			\$ 78.44
Total Products:			\$ 78.44
H.S.T. @ 13%:			\$ 10.20
Total Invoice:			\$ 88.64
Previous Balance:			\$ 0.00
Total Amount Due:			\$ 88.64
Debit			\$ 88.64
Total Payments - Thank you:			\$ 88.64
New Balance Due:			\$ 0.00

Dr. Sukhpal Gill

Name	Performed	Due Date
Harley (# B)		

We are offering WELLNESS PLANS - What does that mean to you? Affordable, budgeted, quality care & the highest standard of care for your pet! One great feature in the plan is UNLIMITED office visits/exams.
 Is your schedule hectic? Does your cat hide at the sound of the carrier coming out? Great news, we now provide home services. A veterinarian and technician will come to your home and provide veterinary care to your pets. Call us!

For 24 hour after care and EMERGENCY CARE 519-972-9000 - 3016 Walker Road

**DR. JENNY BOISMIER
2109 OTTAWA STREET
WINDSOR, ON N8Y 1R8**

September 10, 2013

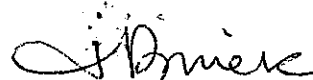
RE: MICHELLE ONCEA

To Whom It May Concern,

I am writing this letter at the request of my patient, Michelle Oncea. Michelle presented to my office on August 7, 2013 with evidence of a dog bite to her right hand. She reported that she had been walking her own leashed dog on August 6, 2013 when a large unleashed dog ran over to her and proceeded to attack herself and her dog, resulting in the dog biting her right hand. She had three visible puncture marks on her right hand with significant redness, tenderness and a slight yellow drainage. My treatment consisted of giving her a tetanus vaccination, a prescription for Clindamycin 300mg tid x 10 days, advised to follow-up with me if she experienced increased redness or pain and discussed the importance of locating the dog to determine if the dog has been immunized against rabies.

I saw Michelle back in my office on September 9, 2013. She reported that the dog was located and it has previously received necessary vaccines. The puncture wounds have healed without complication. However, she reported experiencing pain in her right wrist, forearm, and elbow since the attack. In fact, Michelle has a previous injury to her right elbow and lower arm. Struggling with this dog has resulted in an exacerbation of her previous right arm pain. We are going to attempt and settle this down with conservative measures (rest, ice, physiotherapy, acupuncture) and of course I will follow-up with Michelle if her pain persists.

Sincerely,



Dr. Jenny Boismier MD, CCFP

Dr. Jenny Boismier MD

2109 Ottawa Street, Suite 1500
Windsor, Ontario N8Y 1R8

Phone 519-254-0303

Fax 519-254-8800

For Michelle Orca
Address _____

R

Date Sept 9/13

Acupuncture
at @ omst
elbow strain

Generics Permitted

Jenny Boismier

Dr. Jenny Boismier MD

2109 Ottawa Street, Suite 1500
Windsor, Ontario N8Y 1R8

Phone 519-254-0303

Fax 519-254-8800

For Michelle Orca
Address _____

R

Date Sept 9/12

Phyto
at @ omst
elbow strain

Generics Permitted

Jenny Boismier



DANGEROUS DOG NOTICE
CORPORATION OF THE CITY OF WINDSOR
WINDSOR LICENSING COMMISSION

IN THE MATTER OF THE DESIGNATION OF DANGEROUS DOG.

I, D. Jenner, Animal Control Officer, upon reasonable belief, and in the absence of mitigating factors; serve

a DANGEROUS DOG NOTICE to Michael Matnybida, the GUARDIAN of

Axxel, which has been deemed DANGEROUS DOG, as defined under City of

Windsor By-Law 245-2004 Section 1(i).

Further that,

The said GUARDIAN shall, upon receipt of such notice, comply with the requirements as outlined under City of Windsor By-Law 245-2004 Section 17.

[Signature] SIGNATURE OF ANIMAL CONTROL OFFICER

[Signature] SIGNATURE OF GUARDIAN

"Guardian" means any person who owns, keeps, possesses or harbours a dog or dogs and "own", "owns" or "owned" have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor.

Table with 2 columns and 3 rows detailing requirements for Dangerous Dog: 1. To keep such dog confined... 2. Conspicuously display on his or her property... 3. To securely attach a muzzle... 4. Obtain and maintain a policy of public liability insurance... 5. Insert a microchip implantation... 6. To restrain the dangerous dog...

Assessment for Dangerous Dog form with fields for Date of Assessment (September 6, 2013), Guardian's Name (Michael Matnybida), Dog's Name (Axxel), Address (1558 Lincoln Windsor, Ont), Telephone (519-254-1897), Description of Dog (medium size / white), Breed of Dog (Husky), Rabies Tag No., City of Windsor Tag No., Microchip No., and various checkboxes for Complaints, Bite of Attack, etc.

Animal Control Officer's Comments:

Appeal Dangerous Dog Notice

In accordance with By-Law 245-2004 Section 18(c), you may request, within three working days of receipt of the Animal Control Officer's notice, and are entitled to, a hearing by the Appeal Committee, which is the Windsor Licensing Commission.

I wish to submit my written request to the Licence Commissioner of the City of Windsor to have a hearing before Appeal Committee.

Guardian: [Signature] Address: 1558 Lincoln

Date Submitted: August 6, 2013 Received by: [Signature]

Licensing and Enforcement Department's copy - white)
Animal Control Officer's copy - yellow)
Guardian's copy - pink)



DANGEROUS DOG NOTICE
CORPORATION OF THE CITY OF WINDSOR
WINDSOR LICENSING COMMISSION

IN THE MATTER OF THE DESIGNATION OF DANGEROUS DOG

I, D. Jenner, Animal Control Officer, upon reasonable belief, and in the absence of mitigating factors, serve

DANGEROUS DOG NOTICE to Michael Nathybida, the GUARDIAN of Axel

NAME OF DOG

Windsor By-Law 245-2004 Section 1(i)

Further that,

The said GUARDIAN shall, upon receipt of such notice, comply with the requirements as outlined under City of Windsor By-Law 245-2004 Section 17

SIGNATURE OF ANIMAL CONTROL OFFICER

SIGNATURE OF GUARDIAN

Guardian means any person who owns, keeps, possesses or harbours a dog or dogs and own, owns or owned have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor

Table with 2 columns: Requirement description and Requirement number. Includes items like 'To keep such dog confined...', 'Obtain and maintain a policy of public liability insurance...', 'Conspicuously display on his or her property a sign...', 'Insert a microchip implantation...', 'To securely attach a muzzle...', 'To restrain the dangerous dog...'.

Assessment for Dangerous Dog form. Fields include: Date of Assessment (September 6, 2013), Time (7:00am), Guardian's Name (Michael Nathybida), Dog's Name (Axel), Address (1558 Lincoln Windsor, Ont), Telephone (519-254-1897), Description of Dog (medium size / white), Breed of Dog (Husky), Rabies Tag No., City of Windsor Tag No., Microchip No. (1MA-156001), and a table for various status checks (Complaints, Bite of Attack, At Large, Surrendered, Seized, Quarantined, Police Report, Report No., Witness).

Appeal Dangerous Dog Notice form. Text: 'In accordance with By-Law 245-2004 Section 18(c), you may request, within three working days of receipt of the Animal Control Officer's notice, and are entitled to, a hearing by the Appeal Committee, which is the Windsor Licensing Commission. I wish to submit my written request to the Licence Commissioner of the City of Windsor to have a hearing before Appeal Committee.' Fields include: Guardian (Asta Kalyndak), Address (1558 Lincoln), Date Submitted (August 6 2013), Received by (B. Jenner).

(Licensing and Enforcement Department's copy - white)
(Animal Control Officer's copy - yellow)
(Guardian's copy - pink)

(see over)

**THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY CLERK
LICENSING DIVISION**



MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

Livelihood: Report #	Report Date: October 3, 2013
Author's Name: Michael Chantler Supervisor of Licensing and Deputy Licence Commissioner	Date to Commission: October 24, 2013
Author's Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: mchantler@city.windsor.on.ca	

To: Windsor Licensing Commission

Subject: Expired Application(s) for Business Licence

1. RECOMMENDATION: City Wide: Ward(s): _____

To the Commission for information.

EXECUTIVE SUMMARY:

2. BACKGROUND:

Various business licence application(s) are submitted to the Licensing Division annually for either the renewal of a licence or for a new business.

Section 3.20 of Business Licensing By-law 395-2004 states:

"3.20 Licence – application deemed expired

Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within 60 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application is referred to the Windsor Licensing Commission under section 3.28 of this by-law."

3. DISCUSSION:

An application(s) for a business licence was submitted by the following:

<u>APPLICANT</u>	<u>LOCATION</u>	<u>LICENCE CATEGORY</u>	<u>DATE OF APPLICATION</u>
A to Z Auto and Collision	468 Erie Street East	Automobile Service Station-Repair of Vehicles	January 29, 2013
Barrio Fiesta Restaurant	1574 Howard Avenue	Hospitality Food Service	February 26, 2013
RS Services Corp. o/a Green Door	20 Chatham Street East	Entertainment Lounge	February 27, 2013
2336375 Ontario Inc. o/a Charly's Bar and Grill	4175 Tecumseh Road East	Entertainment Lounge	March 22, 2013
Imelda's Kitchen	7880 Wyandotte Street East	Hospitality Food Service	April 8, 2013

The above mentioned applications have been pending for more than 60 days, and the applicant has not complied with the requirements of Business Licensing By-law 395-2004.

A letter has been sent to the above applicant(s) advising that their application has expired and is no longer valid.

4. FINANCIAL MATTERS:

5. COMMUNITY STRATEGIC PLAN

6. CONSULTATIONS:

7. CONCLUSION:

The application(s) listed above shall be deemed to have expired.



Michael Chantler
Supervisor of Licensing and Deputy Licence
Commissioner

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 Ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX