

The Corporation of the Town of Ajax  
**GENERAL GOVERNMENT COMMITTEE**



Monday, September 12, 2016

**Open Meeting at 1:30 p.m.**

**In-Camera to follow immediately after open session**

River Plate Room, Town Hall

65 Harwood Avenue South

Confirmed by: 

## **AGENDA**

*Alternative formats available upon request by contacting:  
[accessibility@ajax.ca](mailto:accessibility@ajax.ca) or 905-619-2529 ext. 3347*

Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To manoeuvre back to the agenda page use the **Ctrl + Home** keys simultaneously **OR** use the "Bookmark" icon to the left of your screen to navigate from one report to the next

**R. Ashby, Chair**

### **Open Meeting**

1. **Call To Order**
2. **Disclosure of Pecuniary Interest**
3. **Adoption of In-Camera Minutes – July 11, 2016** (circulated separately)
  - *Any discussion will be held in the In-Camera Session*
4. **Consent Agenda** – *Considered to be routine, these items may be approved by one motion. Items may be separated and referred to the Discussion Agenda*
  - 4.1 **Capital Account Closing Report, July 31, 2016**, S. Strain, Director of Finance/Treasurer / D. Valentim, Senior Financial Analyst ..... 3
  - 4.2 **Insurance Renewal – July 1, 2016 to June 30, 2017**, S. Strain, Director of Finance/Treasurer – K. Deveau, Insurance & Risk Management Coordinator ..... 6
  - 4.3 **Contract Award – Church Street Bridge Design**, G. Muller, Acting Director of Planning & Development Services – H. Cheung, Capital Projects Engineer ..... 9
  - 4.4 **Final Expenditure Report – Harwood Cycling Facilities/ Parking Improvements Design**, G. Muller, Acting Director of Planning & Development Services / H. Doucette, Capital Projects Technologist ..... 15

4.5	<b>Contract Award – Storm Sewer Infrastructure Maintenance</b> , D. Meredith, Director of Operations & Environmental Services / J. Perez, Operations Supervisor / D. Smith, Manager of Operations and Fleet Services.....	18
4.6	<b>Amendment to Mandate of the Ajax Archives</b> , M. de Rond, Director of Legislative & Information Services/Clerk / B. Kriz, Records & FOI Coordinator.....	22
4.7	<b>2017 Meeting Schedule and Committee Chair and Vice-Chair Appointments</b> , M. de Rond, Director of Legislative & Information Services/Clerk / L. Billings, Legislative Services Associate.....	27

## 5. Discussion

None

## 6. Presentations

6.1	<b>Appeal of the Town's Property Standards / Animal Services Appeal Committee (PSASAC) Decision – Appellant L. Bannerman - Order to Restrain #16-101825</b> , M. de Rond, Director of Legislative & Information Services/Clerk / D. Hannan, Manager of By-law Services .....	31
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## 7. Departmental Updates

### In-Camera

## 8. Authority to Hold a Closed Meeting and Related In-Camera Session

- *A personal matter about an identifiable individual, including municipal or local board employees; [Sec. 239 (2)(b), Municipal Act, 2001, as amended]*

8.1 Confidential Personnel Matter

8.2 Confidential Personnel Matter

## 9. Adjournment

## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Sheila Strain, CPA, CGA  
Director of Finance / Treasurer

**PREPARED BY:** Dianne Valentim, CPA, CGA  
Senior Financial Analyst

**SUBJECT:** Capital Account Closing Report, July 31, 2016

**WARD(S):** All

**DATE OF MEETING:** September 12, 2016

**REFERENCE:** N/A

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### **RECOMMENDATION:**

1. That Council receive the attached listing of Capital Account Closings as of July 31, 2016 for information.
2. That Council approve the funding transfers from the July 31, 2016 Capital Account Closings to/from the Reserves / Reserve Funds.

<b>Reserve / Reserve Fund</b>	<b>Transfers to</b>	<b>Transfers from</b>	<b>Net Transfer</b>
Building Maintenance Reserve	(\$20,045.54)	\$49,516.30	\$29,470.76
Roads Maintenance Reserve	(\$287,004.73)		(\$287,004.73)
Federal Gas Tax Reserve Fund	(\$17,823.72)		(\$17,823.72)
2013 DC Reserve Fund	(\$425,671.68)		(\$425,671.68)
2008 DC Reserve Fund	(\$6,717.93)		(\$6,717.93)
Strategic Initiatives Reserve	(\$2,984.09)		(\$2,984.09)
Vehicle / Equipment Replacement Reserve	(\$18,654.65)		(\$18,654.65)
Development Reserve	(\$67,852.98)		(\$67,852.98)
<b>Total Transfers</b>	<b>(\$846,755.32)</b>	<b>\$49,516.30</b>	<b>(\$797,239.02)</b>

### **BACKGROUND:**

The Financial Sustainability Plan identifies a report to Council on the results of capital account closings. There are typically three capital account closings annually. This is the second closing report for 2016 and indicates, on a project by project basis, the final balances of capital project accounts which have been completed or cancelled.

**DISCUSSION:**

The reporting on the closed capital accounts identify projects which have had contracts awarded by Council separately from those awarded by Staff.

Attachment 1 is a listing that shows the capital accounts closed as of July 31, 2016 and their balances.

**FINANCIAL IMPLICATIONS:**

The net approved budget / funding, from completed capital projects, being transferred to Reserve / Reserve Funds is as follows:

<b>Reserve / Reserve Fund</b>	<b>Net Funding Transferred</b>
Building Maintenance Reserve	\$29,470.76
Roads Maintenance Reserve	(\$287,004.73)
Federal Gas Tax Reserve Fund	(\$17,823.72)
2013 DC Reserve Fund	(\$425,671.68)
2008 DC Reserve Fund	(\$6,717.93)
Strategic Initiatives Reserve	(\$2,984.09)
Vehicle / Equipment Replacement Reserve	(\$18,654.65)
Development Reserve	(\$67,852.98)
<b>Total</b>	<b>(\$797,239.02)</b>

The total amount transferred \$797,239.02 will be available for future capital projects.

**CONCLUSION:**

The presentation of this report to Council complies with the requirements of Corporate Policies 120 and 127, the Financial Sustainability Plan and the Capital Expenditure Control Policy respectively.

**ATTACHMENTS:**

ATT 1 – Closed Capital Projects as of July 31, 2016

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Dianne Valentim, CPA, CGA  
Senior Financial Analyst

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Sheila Strain, CPA, CGA  
Director of Finance / Treasurer

# ATTACHMENT 1

## CAPITAL ACCOUNTS CLOSED AS OF July 31, 2016

Dept	ACCT	PROJECT NAME	Year Approved	Approved Budget	Funding Approved	Expenditures	Project Balance
<b>COUNCIL AWARDED</b>							
<b>Studies &amp; Other Initiatives</b>							
	670	963211 ACC - Public Art Acquisition	2015	(30,000.00)		27,015.91	(2,984.09)
		<b>Total Studies &amp; Other Initiatives</b>		<b>(30,000.00)</b>	<b>-</b>	<b>27,015.91</b>	<b>(2,984.09)</b>
<b>Road Network</b>							
	685	957911 Millers Trail - Kingston/Ritchie	2014	(220,000.00)		130,427.71	(89,572.29)
	685	959311 Audley Rd Taunton to Rossland	2015	(3,700,000.00)		3,289,329.70	(410,670.30)
	685	969311 Road Resurfacing - 2015	2015	(811,800.00)	(132,287.41)	657,082.68	(287,004.73)
		<b>Total Road Network</b>		<b>(4,731,800.00)</b>	<b>(132,287.41)</b>	<b>4,076,840.09</b>	<b>(787,247.32)</b>
<b>TOTAL COUNCIL AWARDED</b>				<b>(4,761,800.00)</b>	<b>(132,287.41)</b>	<b>4,103,856.00</b>	<b>(790,231.41)</b>
<b>STAFF AWARDED</b>							
<b>Technology</b>							
	625	970011 E-Mail System Migration	2015	(110,000.00)		107,625.89	(2,374.11)
		<b>Total Technology</b>		<b>(110,000.00)</b>		<b>107,625.89</b>	<b>(2,374.11)</b>
<b>Town Buildings</b>							
	640	953011 Fire Staion 1 - Fire Condensing Unit Replacement	2014	(40,000.00)		22,176.28	(17,823.72)
	640	956611 MCC - Air Cond. Condensing Unit	2014	(25,000.00)		74,516.30	49,516.30
	640	968011 Village Arena - Condenser Replacement	2015	(120,000.00)		99,954.46	(20,045.54)
		<b>Total Town Buildings</b>		<b>(185,000.00)</b>	<b>-</b>	<b>196,647.04</b>	<b>11,647.04</b>
<b>Vehicles &amp; Equipment</b>							
	640	978911 OPS - Repl Line Painter	2016	(18,500.00)		18,069.94	(430.06)
	640	962311 BLS - Repl Equip #14001/14002	2015	(90,000.00)		74,149.52	(15,850.48)
		<b>Total Vehicle &amp; Equipment</b>		<b>(108,500.00)</b>		<b>92,219.46</b>	<b>(16,280.54)</b>
<b>TOTAL STAFF AWARDED</b>				<b>(403,500.00)</b>	<b>-</b>	<b>396,492.39</b>	<b>(7,007.61)</b>
<b>BALANCE TO BE TRANSFERRED / FUNDED</b>				<b>(5,165,300.00)</b>	<b>(132,287.41)</b>	<b>4,500,348.39</b>	<b>(797,239.02)</b>

## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Sheila Strain, CPA, CGA  
Director of Finance/Treasurer

**PREPARED BY:** Karen Deveau  
Insurance & Risk Management Coordinator

**SUBJECT:** Insurance Renewal – July 1, 2016 to June 30, 2017

**WARD(S):** All

**DATE OF MEETING:** September 12, 2016

**REFERENCE:**

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### **RECOMMENDATION:**

**That the report on the Insurance Renewal – July 1, 2016 to June 30, 2017 be received for information.**

### **BACKGROUND:**

The Durham Municipal Insurance Pool (DMIP) was established in 2000 and includes the Towns of Ajax and Whitby, the Municipality of Clarington and the Townships of Brock, Scugog, Uxbridge and the Region of Durham.

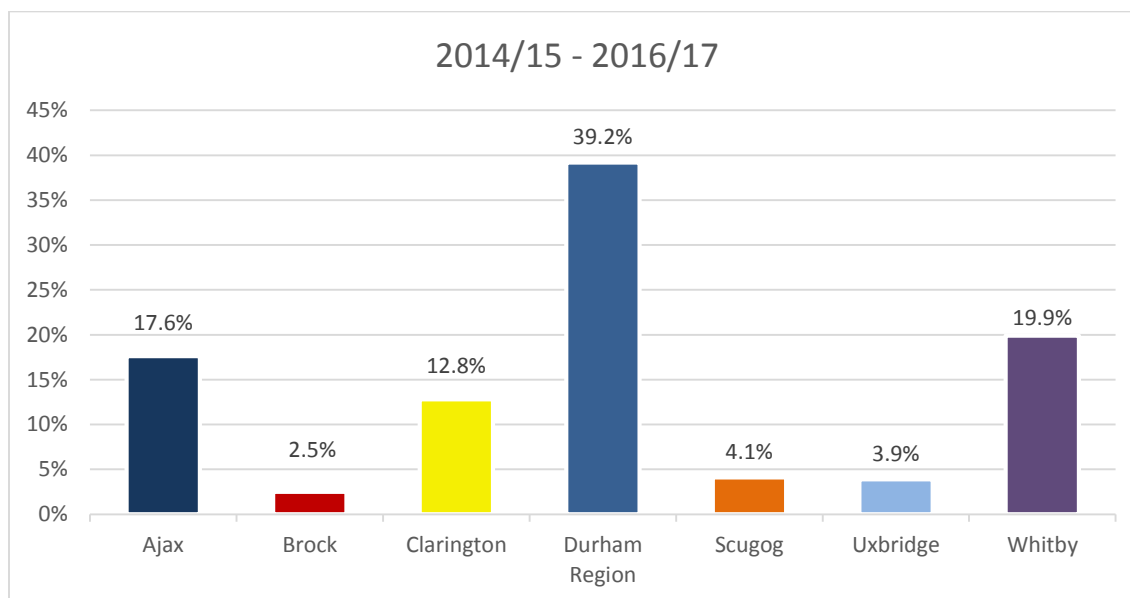
Under the “Subscribers Agreement for the Purchase of Insurance”, which was signed by Council when the DMIP was formed, the authority to secure insurance and set member contributions was delegated to the Pool’s Board of Directors, which is comprised of the Treasurers of the six member municipalities.

### **DISCUSSION:**

DMIP was formed to protect the member municipalities from increasing insurance premium costs by structuring an alternative risk financing program with a higher single deductible and collectively self-insuring claims within that deductible. The Town’s insurance cost is a combination of the premiums paid to the insurance company (Frank Cowan Company) through the DMIP, self-insurance contributions to the Pool including operating costs and the Town’s deductible payments.

The allocation of insurance premiums amongst Pool members is calculated based on the cost of each member's insured assets including: facilities, vehicles, roads, trails and parks as well as the population growth of each member municipality. The 2014 re-basing of premium allocations amongst Pool members was the first time since 2000. The significant increase in assets and population in Ajax over these 14 years resulted in a higher contribution of premiums. With the re-basing now fully phased-in, we can expect to see lower premium increases in the coming years.

### Current Member Contribution Rates



DMIP retains funds for future claim payouts which are invested to maximize the Pool's income and help keep overall costs low. DMIP's financial results continue to be very strong and reflect the achievement of the Pool Board's goals.

On-going positive claims experience and stable investment income resulted in DMIP returning its second dividend within the last 3 years. In July of this year, DMIP distributed back to the Pool members \$1.7 million in surplus funds, with Ajax receiving \$248,030 for its share. The unbudgeted revenue will be included in the 2016 operating budget surplus.

After 16 years in operation, DMIP continues to provide member municipalities with:

- Proactive, comprehensive risk management to aid in reducing property and liability exposures
- Extensive insurance coverage
- Control over the cost of insurance claims below \$500,000
- Accumulated savings from reduced premium costs versus conventional insurance coverage

### **FINANCIAL IMPLICATIONS:**

The Town's combined 2016/2017 insurance premiums/self-insurance contributions are \$1,320,632, which represents a 7.4% increase, largely driven by the last year of re-basing.

The Town has budgeted \$156,100 for claims within our \$10,000 deductible limit. Funds for insurance coverage are included in each department's operating budget.

### **CONCLUSION:**

The Town's continuing membership in the Durham Municipal Insurance Pool is essential in controlling future insurance costs and reducing the frequency and severity of claims through on-going risk management programs and strategies.

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Karen Deveau  
Insurance & Risk Management Coordinator

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Sheila Strain, CPA, CGA  
Director of Finance/Treasurer



## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Gary Muller  
Acting Director of Planning & Development Services

**PREPARED BY:** Hermie Cheung  
Capital Projects Engineer

**SUBJECT:** **Contract Award – Church Street Bridge Design**

**WARD(S):** 1

**DATE OF MEETING:** September 12, 2016

**REFERENCE:** RFP No. P16020 – Church Street Bridge Design  
Capital Account No. 976611 – Church Street Bridge Design - Rossland to Hydro Corridor

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### **RECOMMENDATION:**

**That Council award the contract for the detailed design of the reconstruction of Remner Bridge on Church Street and the reconstruction of Church Street from Rossland Road to the hydro corridor, to R.V. Anderson Associates Limited in the amount of \$424,198.61 (inclusive of all taxes).**

### **BACKGROUND:**

In 2013, the Town completed a Schedule 'C' Environmental Assessment (EA) for the improvements of Church Street from Taunton Road to Rossland Road. The Town is now initiating a contract for consulting services to prepare the detailed designs and request for tender documents for the preferred design between Rossland Road to the hydro corridor.

The preferred solution includes urbanizing the road, providing pedestrian and cycling facilities and replacing the structure at East Duffins Creek with a longer span to improve road sight lines and safety as well as improving the hydraulics of the creek at the road crossing.

The proposed works include the design for:

- The reconstruction of Church Street from Rossland Road to the hydro corridor; and
- The construction of a new 2 lane bridge structure over East Duffins Creek

**DISCUSSION:**

Request for Proposals (RFP) documents were issued to 21 prospective Proponents with Proposals being received back from 11 of these, prior to the closing on August 23, 2016. Listed below is a summary of the Proposals considered:

<b>NAME OF PROPONENT</b>
AECOM Canada Ltd
AIA Engineers Ltd.
CH2M Hill Canada Limited
G.D. Jewell Engineering Inc.
GHD Limited
Morrison Hershfield Limited
OWA-Clinckett
Planmac Engineering Inc.
R.V. Anderson Associates Limited
TSI Inc.
WSP / MMM Group Limited

The following is the Proposal Evaluation Criteria used for this RFP:

<b>PROPOSAL EVALUATION CRITERIA FORM</b>	
<b>EVALUATION CRITERIA</b>	<b>AVAILABLE POINTS</b>
<b><u>Approach and Methodology</u></b> Comprehensive scope of services [10 points] Understanding of specific site issues [5 points] Sensitivity to local issues [5 points] Proposed schedule [5 points] Innovative approaches [5 points]	30
<b><u>Experience and Qualification of Firm</u></b> Experience of firm with relevant projects [15 points] Experience of firm with projects involving the TRCA [10 points]	25
<b><u>Experience and Qualifications of Key Project Team Members</u></b> Education and qualification of key team members [7 points] Experience of team members with relevant projects [8 points]	15
<b><u>Project Management</u></b> Overall project management plan [5 points] Proposed cost, schedule and quality control measures [5 points]	10
<b><u>Pricing</u></b> Cost effectiveness of the Proposal	20
<b>TOTAL POINTS</b>	100
Interview (if applicable)	50

Grand Total Points	150
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An Evaluation Committee, made up of Planning & Development Services staff, reviewed all of the Proposals received. Based on the evaluation criteria, specified in the RFP document, R.V. Anderson Associates Limited was the highest scoring Proponent and met all of the needs of the Town.

### **FINANCIAL IMPLICATIONS:**

Capital Account No. 976611 – Church Street Bridge Design - Rossland to Hydro Corridor

Approved Capital Budget		\$450,000.00
Contract (net of HST rebate)	\$382,003.99	
Contingency (10%)	\$38,200.00	<u>\$ 420,203.99</u>
Under Budget		<u>\$29,796.01</u>

A 10% contingency has been identified to ensure sufficient funding is available to address site specific issues that can be encountered during the design period. Risk factors for this project include: concerns that arise from local residents or landowners; additional meetings with stakeholders; and Toronto and Region Conservation Authority requirements and concerns. These risks may result in additional design work or meetings to accommodate these requirements.

### **COMMUNICATION ISSUES:**

To date extensive public consultation has been held throughout the Class Environmental Assessment completed in 2013. Previous comments from stakeholders will be incorporated into the design for the reconstruction of Church Street.

The detailed design process will include, but not limited to:

- Notice of project to all stakeholders
- Meetings with adjacent property owners, when required
- One Public Information Centre
- Information posted on Town's website

### **CONCLUSION:**

It is the recommendation of staff that R.V. Anderson be awarded the contract for the Church Street Bridge Design - Rossland to Hydro Corridor, being the highest scoring Proponent.

### **ATTACHMENTS:**

ATT-1: 2016 Capital Detail Sheet

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Hermie Cheung, P. Eng.  
Capital Projects Engineer

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Gary Muller, MCIP, RPP  
Acting Director of Planning and Development Services

**TOWN OF AJAX**  
**2016 CAPITAL BUDGET / 2017-2020 LONG RANGE CAPITAL FORECAST**  
**DETAIL SHEET**

<b>Department</b>	Planning & Development Services
<b>Section</b>	Engineering Services
<b>Project Name</b>	<b>ChurchStBrDES-Ross./Hydro Corr</b>
<b>Submitted By</b>	Carol Coleman, Manager of Engineering - Capital Projects
<b>Start Year</b>	2016
<b>Project Number</b>	0976611

**PROJECT DESCRIPTION / JUSTIFICATION**

**Scope:** Design of a new 2-lane bridge structure on Church Street at East Duffins Creek and reconstruction of approximately 700 m of Church Street from Rossland Road to the hydro corridor. The project includes urbanization of the road, street lighting, on street bike lanes in each direction, a sidewalk on the west side and a multi-use trail on the east side. The new bridge over East Duffins Creek will be a new 3-span structure, with a bottom opening of 60 m and a total length of 97 m.

**Rationale:** A Schedule C Environmental Assessment for improvements to Church Street from Taunton Road to Rossland Road was completed in 2013. The preferred solution includes urbanizing the road, providing pedestrian and cycling facilities and replacing the structure at East Duffins Creek with a longer span to improve road site lines and safety as well as improving the hydraulics of the creek at the road crossing.

**Reference:** 2013 Class Environmental Assessment Study for Church Street Improvements ; 2013 DC Background Study, Ref. B-34, Items 9 and 10; 2013 Transportation Master Plan Update; and The Ajax Pedestrian and Bicycle Master Plan 2010.

**Schedule:** Design: 2016, Construction: 2018 and 2019.

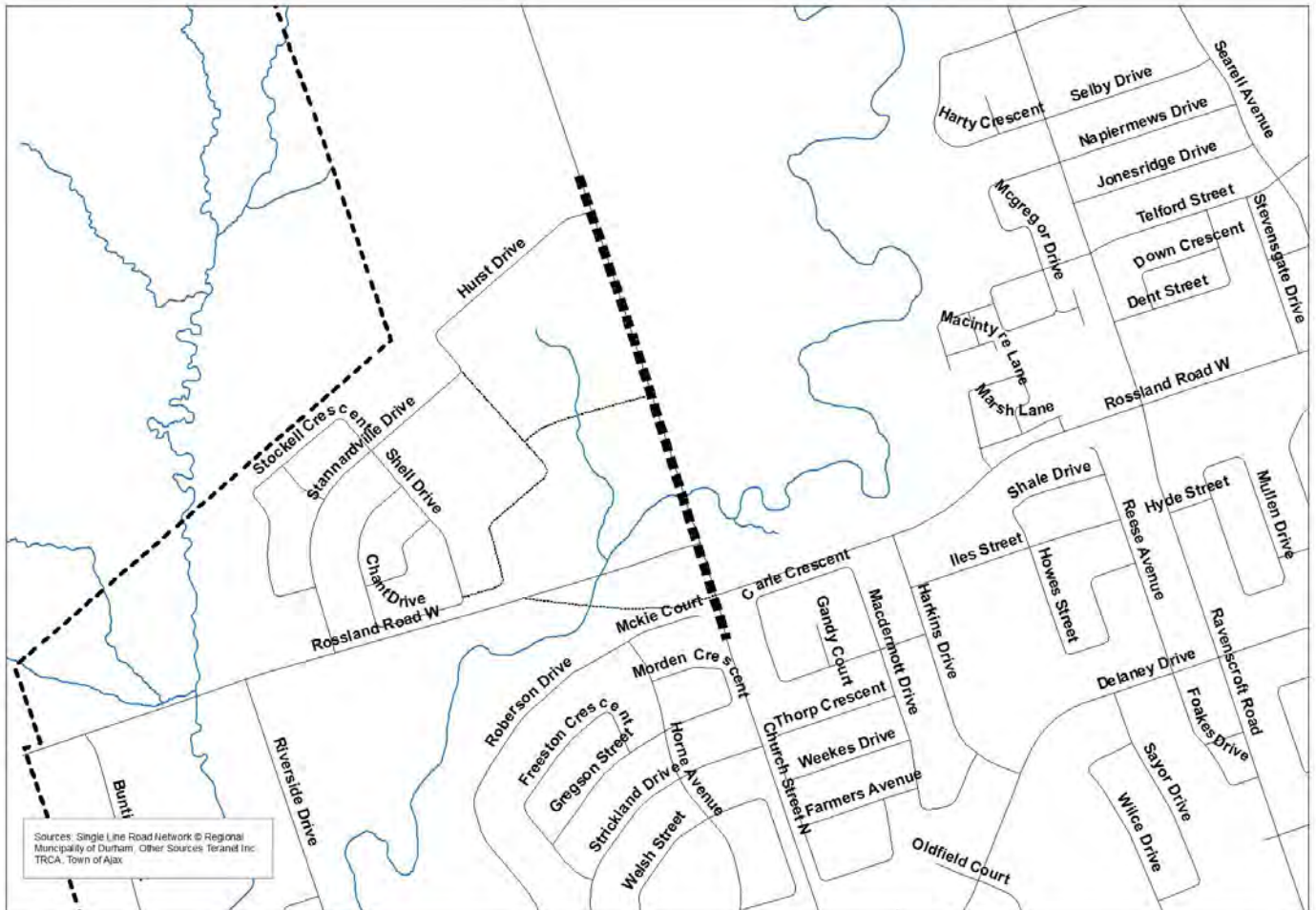
**EXPENDITURES / FUNDING**

	2016	2017	2018	2019	2020	Total
<b>Total Expenditures</b>	<b>450,000</b>					<b>450,000</b>
Development Reserve	45,000					45,000
Development Charges - 2013	405,000					405,000
<b>Total Funding</b>	<b>450,000</b>					<b>450,000</b>
<b>Annual Operating Costs</b>						

**TOWN OF AJAX**  
**2016 CAPITAL BUDGET / 2017-2020 LONG RANGE CAPITAL FORECAST**  
**DETAIL SHEET**

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***Church St Bridge Design - Rossland Rd to Hydro Corridor***



## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Gary Muller  
Acting Director of Planning and Development Services

**PREPARED BY:** Heather Doucette  
Capital Projects Technologist

**SUBJECT:** **Final Expenditure Report – Harwood Cycling Facilities/ Parking Improvements Design**

**WARD(S):** 1 & 2

**DATE OF MEETING:** September 12, 2016

**REFERENCE:** Capital Account No: 964811 - Harwood Cycling Facilities/Parking Improvements – Design  
GGC Report June 25, 2015 - Contract Award – Design Services – Harwood Cycling Facilities and Parking Improvements

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### **RECOMMENDATION:**

1. That the report on the net over-expenditure of \$24,212.57 (net of HST rebate) on the Harwood Cycling Facilities/ Parking Improvements Design project, Capital Account No.964811, previously awarded to Dionne Bacchus & Associates Consulting Engineers Ltd., be received for information.
2. That Council approve the following funding, to be allocated to Capital Account No. 964811:

Development Reserve	\$ 6,252.85
Federal Gas Tax Reserve	<u>\$17,959.85</u>
Total	<u>\$24,212.70</u>

### **BACKGROUND:**

In June 2015, Council awarded the design of the Harwood Avenue cycling facilities and parking improvements to Dionne Bacchus & Associates Consulting Engineers Ltd. During the course of the project additional expenses were incurred that exceeded the contingency that were not anticipated at the time of the contract award.

Under the Capital Expenditure Control Policy, staff are required to report when project expenditures have exceeded the approved spending limit.

## DISCUSSION:

Additional costs were incurred for this project due to:

- Design of speed table at Clover Ridge Drive and Harwood Avenue South intersection to assist in traffic calming within the school zone. The additional work also included a topographic survey and a detailed grading plan to ensure proper drainage at the intersection.
- Design of an asphalt sidewalk /cycle track. The work includes the removal of the existing sidewalk from Lake Driveway to McRae Road and the design of a combined asphalt sidewalk/cycle track.
- Modifications to the centre median islands to accommodate snow plow movement.
- Additional meetings added to meet with the Transportation Advisory Committee (TAC) and Accessibility Advisory Committee (AAC), prior to the Public Information Centre (PIC) meeting.
- Landscaping changes to identify planting options between Lake Driveway and Clover Ridge Drive to be used as a suitable screening for existing deteriorating fencing.
- Additional meetings with Town staff and Council to discuss alternatives to the design.
- Traffic counts at intersections of Harwood Avenue South and McRae Road, Harwood Avenue South and Clover Ridge Drive and Harwood Avenue South and Cumberland Court to determine if dedicated left turn lanes are required.
- Environmental Compliance Approval (ECA) application to the Ministry of Environment & Climate Change (MOECC) for rainwater gardens.
- Geotechnical sampling and testing to determine the presence or absence of asbestos in existing asphalt.

## FINANCIAL IMPLICATIONS:

Vendor	Award Date	Approved Spending Limit	Actual Expenditures	Over Expenditure
Dionne Bacchus & Associates Consulting Engineers Ltd.	June 29, 2015	\$67,472.94	\$91,685.64	(\$24,212.70)

Available Budget - GGC Report June 25, 2015 \$0.00

Over-Expenditures:

Dionne Bacchus & Associates Consulting Engineers Ltd. PO F1715065 \$24,212.70

Over Budget (\$24,212.70)

Additional funding in the amount of \$6,252.85 will be allocated from Development Reserve and \$17,959.85 will be allocated from Federal Gas Tax Reserve.



**COMMUNICATION ISSUES:**

N/A

**CONCLUSION:**

The original approved spending limit for the Harwood Cycling Facilities/Parking Improvements – Design has been exceeded and this report has been prepared in accordance with the Capital Expenditure Control Policy.

**ATTACHMENTS:**

N/A

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Heather Doucette, CTech  
Capital Projects Technologist

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Gary Muller, MCIP, RPP  
Acting Director of Planning and Development Services

## **TOWN OF AJAX REPORT**



**REPORT TO:** GGC

**SUBMITTED BY:** Dave Meredith  
Director of Operations and Environmental Services

**PREPARED BY:** Julian Perez  
Operations Supervisor

Dana Smith  
Manager of Operations and Fleet Services

**SUBJECT:** **Contract Award – Storm Sewer Infrastructure Maintenance**

**WARD(S):** All

**DATE OF MEETING:** September 12th, 2016

**REFERENCE:** RFT No. T16023

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### **RECOMMENDATION:**

1. That the report on the contract award to Superior Catchbasin Services Ltd., in the amount of \$99,074.33 (inclusive of all taxes) for Storm Sewer Infrastructure Maintenance – Section 1 - Catchbasin Cleaning, be received for information.
2. That Staff be authorized to renew the contract for an additional two one year periods, pending an analysis and satisfactory performance review at the anniversary date of the contract, in the estimated amount of \$213,257.50 (inclusive of all taxes).
3. That the report on the contract award to Multi-Vac Services Ltd. in the amount of \$33,018.60 (inclusive of all taxes) for Storm Sewer Infrastructure Maintenance – Section 2 – Storm Sewer Flushing and Section 4 – Hydro Excavation be received for information.
4. That Staff be authorized to renew the contract for an additional two one year periods, pending an analysis and satisfactory performance review at the anniversary date of the contract, in the estimated amount of \$68,031.52 (inclusive of all taxes).

5. **That the report on the contract award to Dambro Environmental Inc. in the amount of \$1,695.00 (inclusive of all taxes) for Storm Sewer Infrastructure Maintenance – Section 3 - Closed Circuit TV (CCTV) Inspection, be received for information.**
6. **That Staff be authorized to renew the contract for an additional two one year periods, pending an analysis and satisfactory performance review at the anniversary date of the contract, in the estimated amount of \$3,518.19 (inclusive of all taxes).**

#### **BACKGROUND:**

As provided for under the Purchasing By-Law, this contract was awarded by the CAO and Director of Finance/Treasurer (or their designates) during Council's Recess Period.

#### **Catchbasin Cleaning**

This annual maintenance process removes any construction debris, silt, sand or any other material or objects that have entered the storm water sewer system within the catchbasin. This maintenance program reduces the risk of storm sewer blockages that could potentially restrict the flow of water from the catchbasin to the mainline sewer thereby resulting in on-street flooding. All cost associated with this function, including the disposal of the collected materials are included in this program.

#### **Storm Sewer Flushing**

On an annual basis the Town contracts the power flushing of storm sewer leads and mainlines to clear them of debris, silt and other materials. This maintenance process further reduces the risk of restrictions in the storm sewer pipes that would reduce flow characteristics potentially causing storm water build-up and flooding. All costs associated with this function, including the supply of all materials needed to perform the work including the disposal of the collected materials.

#### **CCTV (Closed Circuit Television Inspection)**

On an as needed basis, the Town of Ajax hires contractors to provide Closed Circuit Television Inspection services (CCTV) for storm sewers. CCTV work is completed by sending a small remote controlled, self propelled, camera through the storm sewer pipes to document deficiencies or record conditions. This information is necessary to verify maintenance issues without causing any disruptions to the road surface that would normally be created by a much more costly conventional excavation.

#### **Hydro Excavation**

Hydro Excavation is becoming a best practice that is now being used throughout the construction

industry. Hydro Excavation utilizes a powerful truck mounted vacuum together with high pressure water to excavate earth like materials. This process can be used to complete a variety of tasks related to our specific work including but not limited to sign installations, underground utility investigations and soil sampling. The Town of Ajax Operations Department maintains and installs numerous roadway and other types of signs each year. In order to complete this work staff typically hand dig or utilize our mechanical excavating equipment. Hydro Excavation offers many advantages to improve our scope of work such as reducing the risk of damaging underground utilities, creating less disruption to grassed boulevard areas and improving staff efficiencies as well as improving health and safety of our staff when completing multiple sign and post installations.

### **Summary**

Catch Basin Cleaning, Storm Sewer Flushing and Hydro Excavation services are all completed by contractors that use a similar piece of equipment. Closed Circuit Camera Television work is carried out with other specialized equipment, however, the same contractors typically provide these maintenance services. As a result, all of the required services have been formalized into a single multi-year tender in order to streamline the accounting and competitive bidding process. All potential vendors were provided with the option of bidding on one or more sections of the tender document.

### **DISCUSSION:**

Request for Tender (RFT) documents were issued to nine prospective bidders with bids being received back from four of these, prior to the closing on May 17, 2016. Upon review of the four bids received, some arithmetical errors were discovered, resulting in a Corrected Total Tender Amount. Listed below is a summary of the bids received:

<b>NAME OF BIDDER</b>	<b>TOTAL TENDER AMOUNT</b>	<b>CORRECTED TOTAL TENDER AMOUNT</b>
Superior Catchbasin Services Ltd	\$312,357.83	\$312,331.83 (partial)
Multi-Vac Services Ltd.	\$441,618.77	\$441,618.77
Dambro Environmental Inc.	\$726,269.70	\$726,269.70
Badger Daylighting Ltd.	\$2,172,935.76	\$2,172,935.76

### **FINANCIAL IMPLICATIONS:**

Funds for Storm Sewer Infrastructure Maintenance are included in the Operations and Environmental Services Department operating budget.

### **COMMUNICATION ISSUES:**

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Not Applicable

**CONCLUSION:**

Staff awarded the Contract for Storm Sewer Infrastructure Maintenance to; Section 1 - Catchbasin Cleaning to Superior Catchbasin Services Ltd; Section 2 – Storm Sewer Flushing, and Section 4 – Hydro Excavation to Multi - Vac Services Ltd; Section 3 – Closed Circuit TV (CCTV) Inspection to Dambro Environmental Inc., during Council's recess period, all in accordance with the Town's Purchasing By-Law.

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Dana Smith  
Manager of Operations and Fleet Services

---

Dave Meredith  
Director of Operations and Environmental Services

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Sheila Strain, CPA, CGA  
Director of Finance/Treasurer

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Rob Ford, CPA, CMA, AMCT  
Chief Administrative Officer

## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Martin de Rond, Director of Legislative and Information Services/Town Clerk

**PREPARED BY:** Brenda Kriz, Records and FOI Co-ordinator

**SUBJECT:** Amendment to Mandate of the Ajax Archives

**WARD(S):** N/A

**DATE OF MEETING:** September 12, 2016

**REFERENCE:** By-law 18-2010

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### **RECOMMENDATION:**

**That By-law 18-2010, being a by-law to establish the Ajax Archives, be repealed in its entirety and the attached revised by-law be recommended to Council.**

### **BACKGROUND:**

While the Town of Ajax is a relatively young municipality, it has an unusual and unique history. It is fortunate that so many have taken steps to preserve and document the evolution of this farming area into the thriving Town that it has become. Few municipalities have the opportunity to record and document the growth of their respective communities; however, with Ajax being so young and still having access to several of the “founding fathers”, the Town has been presented with a truly exceptional situation.

Town Council established the Ajax Archives in 2010 to manage and preserve the unique and extensive history of the municipality. The collection includes hundreds of artifacts, including original shells made in the Defence Industries Limited (DIL) plant, models of the H.M.S. Ajax, and items made from the teak of the 7<sup>th</sup> H.M.S. Ajax.

There are over 3,000 photos, which date back to the mid 1800's, documenting the growth and development of the Town. Documents in the collection include the entire collection of the DIL publication “The Commando”, as well as all original minutes and by-laws of Council for the Village of Pickering, the Improvement District of Ajax and the Town of Ajax. The oldest original document in the archives is the Declaration of Incorporation of the Pickering Fire Company, dated October 31, 1891.

**DISCUSSION:**

The Archives Advisor of the Archives Association of Ontario (AAO) visited the Ajax Archives in 2007 and 2011 for the purpose of assessing the condition of the collection and the storage area. Several recommendations with respect to best practices relating to moving forward with an archive project have been implemented.

The first recommendation was to create a mandate and collection policy for the archives (as established in By-law 18-2010). The mandate of the Ajax Archives is to ensure that only items which relate to the history, development and growth of the Town are accepted and preserved.

The mandate, as outlined in By-law 18-2010, did not specifically address the acquisition of items as they may relate to the HMS Ajax, HMS Exeter or HMS Achilles, or the crew of those ships.

A close relationship has been maintained with the HMS Ajax and Veterans Association, and with several milestone events over the past decade, there has been several opportunities to receive visitors from abroad associated with the ships, either the veterans themselves or family of the veterans. Many of the visitors have donated, or offered to donate, items to the Ajax Archives.

With finite space in the Ajax Archives, it is important that only items that fall within the mandate be accepted or acquired. Therefore, it was determined that the mandate of the archives be amended to clarify the collection of items as they pertain to HMS Ajax during WWII, HMS Exeter and HMS Achilles in relation to the Battle of the River Plate and the 8<sup>th</sup> HMS Ajax in respect to its visit of 1976.

**FINANCIAL IMPLICATIONS:**

There are no financial implications arising as a result of the proposed changes to the mandate of the archives. The Ajax Archives is not intended to serve as a revenue generating service; however, a fee schedule is included in order to provide compensation to the Town for search requests and reproduction of archival documents to requesters.

**COMMUNICATION ISSUES:**

Information programs are developed and carried out to increase public awareness and appreciation of the history of the Town of Ajax. Progress has been made on this endeavor with the display cases in Town Hall which allow for the prominent display of historic information and artifacts. All information about the archives mandate posted on the Town's website and elsewhere will be updated to reflect the proposed changes. Staff continue to work with Communications staff to develop and publish appropriate messaging about the archives.

**CONCLUSION:**

The history of the community that has become the Town of Ajax is as unique as it is diverse. The photos, artifacts and records which document the inception, growth and development of the municipality are a legacy to future generations.

The acquisition by the Ajax Archives of items as they may pertain to HMS Ajax, HMS Exeter and HMS Achilles, the Battle of the River Plate and the historic visit of the 8<sup>th</sup> HMS Ajax in 1976 are important in preserving the unique history of the naming of the Town and the significance these

ships, and the men who served on them, had on our history.

**ATTACHMENTS:**

ATT-1: Revised Town of Ajax Archives By-law

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Brenda Kriz, Records Manager/FOI Co-ordinator

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Martin de Rond, Director of Legislative and Information Services/Town Clerk



## **THE CORPORATION OF THE TOWN OF AJAX**

### **BY-LAW NUMBER \*\*-2016**

A By-law to authorize and establish the policies and procedures of the Ajax Archives.

WHEREAS the origin and history of the area now known as the Town of Ajax is a unique and treasured asset; and

WHEREAS much effort has been made to collect and preserve the history of Ajax to recognize the effort to build this community and for the benefit of future generations; and

WHEREAS the past efforts of the now defunct Ajax Historical Board and Ajax Local Architectural Conservancy Advisory Committee have been assumed by a co-operative management of the Town of Ajax and its Heritage Advisory Committee; and

WHEREAS the formal creation, recognition and mandate of an Ajax Archives is required;

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

That the Ajax Archives will:

1. Collect and preserve archival materials which illustrate or document the growth and development of the Town of Ajax, both before and after incorporation, or which pertain in whole or in part to activities or development within the geographic boundaries of the Town of Ajax;
2. Documents or records having a bearing upon the political or social history of the Town of Ajax and upon its agricultural, industrial, commercial or financial development;
3. Archival materials pertaining to the heritage of the Town of Ajax, which would include early settlers, architectural history and designated properties;
4. Archival materials pertaining to the HMS Ajax, members of the crew who served during WWII and its association with the Town of Ajax;
5. Documents and materials pertaining to the crew of HMS Ajax who served during 1976 and marched on the Town of Ajax;
6. Documents and materials relating to the members of the crew who served on HMS Exeter and HMS Achilles during the Battle of the River Plate (1939);
7. Arrange and describe these materials according to archival principles and make them accessible to the general public on a regular basis, unless access is restricted by legal requirements or written agreements with the donor;
8. Provide adequate and appropriate conditions for the storage, protection, and preservation of archival material;
9. Provide regular reference services to individuals, organizations, the municipal government or other groups interested in the activities and holdings of the Archives;
10. Provide educational and outreach programs whenever possible to increase public awareness and appreciations of Ajax's history and development.
11. Ensure that material acquired by the Ajax Archives become the permanent property of the Archives and, therefore, the municipality, until such time as it is deemed to be no longer relevant to the Archives, in which case the material may be deaccessioned. Deaccessioning will not take place without written approval of the Records and FOI Co-ordinator and the Heritage Advisory Committee. All information pertaining to the deaccessioning and disposition of material will be retained in the Archives' records.
12. Retain the right to reproduce materials by mechanical, electronic, or photographic means for security, conservation or research purposes.

Appendix A - Amendment of Mandate of the Ajax Archives By-law 2016

13. Will accept historical material of any medium, including: textual records, photographs and other visual records; maps, plans, and architectural records; and sound recordings and oral history tapes. The Archives will only accept books, printed materials, artifacts and electronically stored data at the discretion of the Records and FOI Co-ordinator.
14. Retains the right to charge for any reproduction or other research service. A schedule of fees will be made available to the general public on a regular basis.
15. Only accept material on a permanent basis, except when borrowing material for short-term loans to reproduce or to include in displays or exhibits.
16. Loan materials from the Archives to other institutions or organizations only under the following circumstances:
  - i) Written authorization is obtained from the Heritage Advisory Committee and/or responsible Department;
  - ii) The Records and FOI Co-ordinator provides written permission for the loan;
  - iii) The borrower ensures adequate care and handling of the material on loan.
  - iv) If at any time it is determined that the material on loan is not being cared for adequately, the Records and FOI Co-ordinator may cancel the loan and request the immediate return of the material.
17. Ensure no person is prevented from using archival material unless it is determined that the materials will be physically abused in a libelous or illegal manner.
18. That By-law 18-2010 is hereby repealed.

READ a first and second time this  
Nineteenth day of September, 2016.

READ a third time and finally passed  
this Nineteenth day of September,  
2016.

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Mayor

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D-Clerk

## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Martin de Rond  
Director of Legislative & Information Services/Town Clerk

**PREPARED BY:** Lorraine Billings  
Legislative Services Associate

**SUBJECT:** **2017 Meeting Schedule and Committee Chair and Vice-Chair Appointments**

**WARD(S):** All

**DATE OF MEETING:** September 12, 2016

**REFERENCE:** Procedure By-law

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### **RECOMMENDATION:**

**That the 2017 Meeting Schedule and Committee Chair and Vice-Chair appointments be approved.**

### **BACKGROUND:**

Attached is a proposed 2017 Meeting Schedule outlining dates and starting times for all regular meetings of Council, Community Affairs and Planning Committee and General Government Committee meetings.

### **DISCUSSION:**

This schedule is based on a continuation of the practice introduced at the September 24, 2015 General Government Committee whereby Ajax moved from a schedule of six meetings per month to three. Community Affairs and Planning Committee (CAP), General Government Committee (GGC), and Council each meet only once per month, usually on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Mondays of the month respectively. Where Monday is a holiday, the meeting will be held on Tuesday or the next day that is not a holiday. Open GGC Meetings are now scheduled to begin at 1:30 p.m. (a fixed and unchanging start time), with the In-Camera meeting to follow.

Some variances from the normal routine are proposed to accommodate the Christmas and summer recesses in 2017. January GGC and CAP meetings have been reversed in order and scheduled two weeks later to allow sufficient time for distribution of notice after the holiday. Two CAP meetings are proposed for June to facilitate any required statutory public meetings before the summer recess, and no meetings are proposed for July.

The proposed schedule only reflects meetings to be held in 2017. Meeting schedules are established on an annual basis, with the possibility of scheduling July meetings in future years. Changes to the schedule (to reschedule meetings, add special meetings, or cancel a meeting) may be made throughout the year as the need arises.

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**FINANCIAL IMPLICATIONS:**

N/A

**COMMUNICATION ISSUES:**

Pending Council approval, the 2017 meeting schedule will be communicated to town staff, the public, and local media.

Dates, locations and start times of Council, CAP and GGC meetings are published in the Weekly Community Page of the Ajax News Advertiser and on the Town website.

**CONCLUSION:**

Approval of the 2017 Meeting Schedule will allow staff to proceed with some necessary preparations for 2017 (room bookings, forecasting agenda items, etc.), and will also allow Council members to begin forecasting their 2017 calendars.

**ATTACHMENTS:**

Att 1 - Town of Ajax 2017 Meeting Schedule  
Att 2 – 2017 Meeting Schedule at a Glance

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Lorraine Billings, Legislative Services Associate

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Alexander Harras, Manager of Legislative Services/Deputy Clerk for  
Martin de Rond, Director of Legislative & Information Services/Town Clerk

# TOWN OF AJAX

## 2017 MEETING SCHEDULE



**NOTE:**

All “regular” 2017 Council and Community Affairs & Planning meetings will be held in the Council Chambers, Town Hall, 65 Harwood Avenue S.

Council meetings that immediately follow regular GGC meetings will be held in the River Plate Room, 65 Harwood Ave.

All General Government Committee Meetings will be held in the River Plate Room, 65 Harwood Ave., except for Budget Meetings which are held in the Council Chambers

Date		Time	Meeting	Chair / Vice Chair
January	Monday 16	1:30 p.m.	General Government Committee	P. Brown / J. Dies
	Monday 23	7 p.m.	Community Affairs & Planning	C. Jordan
	Monday 30	7 p.m.	Council	Mayor Parish
February	Monday 6	7 p.m.	Operating Budget	P. Brown
	Monday 13	1:30 p.m.	General Government Committee	M. Crawford / R. Ashby
		7 p.m.	Community Affairs & Planning	S. Collier
	Tuesday 21	7 p.m.	Council	Mayor Parish
March	Monday 6	7 p.m.	Community Affairs & Planning	C. Jordan
No Meetings March Break 13-17				
	Monday 20	1:30 p.m.	General Government Committee	J. Dies / P. Brown
		7 p.m.	Council	Mayor Parish
April	Monday 3	7 p.m.	Community Affairs & Planning	S. Collier
	Monday 10	1:30 p.m.	General Government Committee	R. Ashby / M. Crawford
	Tuesday 18	7 p.m.	Council	Mayor Parish
May	Monday 1	7 p.m.	Community Affairs & Planning	C. Jordan
	Monday 8	1:30 p.m.	General Government Committee	P. Brown / J. Dies
	Monday 15	7 p.m.	Council	Mayor Parish
June	Monday 5	7 p.m.	Community Affairs & Planning	S. Collier
	Monday 12	1:30 p.m.	General Government Committee	M. Crawford / R. Ashby
	Monday 19	7 p.m.	Community Affairs & Planning	S. Collier
	Monday 26	7 p.m.	Council	Mayor Parish
No Meetings July & August – Summer Recess				
September	Tuesday 5	7 p.m.	Community Affairs & Planning	C. Jordan
	Monday 11	1:30 p.m.	General Government Committee	J. Dies / P. Brown
	Monday 18	7 p.m.	Council	Mayor Parish
October	Monday 2	7 p.m.	Community Affairs & Planning	S. Collier
	Tuesday 10	1:30 p.m.	General Government Committee	R. Ashby / M. Crawford
	Monday 16	7 p.m.	Council	Mayor Parish
November	Monday 6	7 p.m.	Community Affairs & Planning	C. Jordan
	Monday 13	1:30 p.m.	General Government Committee	P. Brown / J. Dies
	Monday 20	7 p.m.	Council	Mayor Parish
December	Monday 4	7 p.m.	Community Affairs & Planning	S. Collier
	Monday 11	7 p.m.	2018 Capital Budget & Long Range Capital Forecast	R. Ashby
		Followed by	Council	Mayor Parish

## JANUARY

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## FEBRUARY

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19	20	21	22	23	24	25
26	27	28				

## MARCH

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26	27	28	29	30	31	

## APRIL

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## MAY

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28	29	30	31			

## JUNE

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## JULY

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23	24	25	26	27	28	29
30	31					

## AUGUST

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27	28	29	30	31		

## SEPTEMBER

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17	18	19	20	21	22	23
24	25	26	27	28	29	30

## OCTOBER

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
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29	30	31				

## NOVEMBER

S	M	T	W	T	F	S
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19	20	21	22	23	24	25
26	27	28	29	30		

## DECEMBER

S	M	T	W	T	F	S
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## **TOWN OF AJAX REPORT**



**REPORT TO:** General Government Committee

**SUBMITTED BY:** Martin de Rond  
Director of Legislative & Information Services / Town Clerk

**PREPARED BY:** Derek Hannan  
Manager of By-law Services

**SUBJECT:** **Appeal of the Town's Property Standards / Animal Services Appeal Committee (PSASAC) Decision – Appellant L. Bannerman - Order to Restrain #16-101825**

**WARD(S):** All

**DATE OF MEETING:** September 12, 2016

**REFERENCE:** **PSASAC Agenda Dated June 9, 2016 (Attached), PSASAC Minutes Dated June 9, 2016 (Attached)**

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### **RECOMMENDATION:**

**That the Committee uphold the decision of the Town's Property Standards / Animal Services Appeal Committee with regard to Order to Restrain #16-101825 dated June 9<sup>th</sup>, 2016.**

### **BACKGROUND:**

On March 18, 2016 the Town of Ajax received a complaint regarding a dog on dog bite incident that occurred on March 14, 2016, at approximately 6:30-6:45pm, in the area of Card Street and Harkins Street.

Officer Lang, an Animal Services Officer, conducted an investigation of the incident through regular investigation techniques which includes but not limited to meeting and interviewing the victim, witnesses, the appellant, collecting statements, collecting pictures, etc.

At the conclusion of the investigation Officer Lang determined that a dog on dog attack did in fact take place. As a result of that attack Officer Lang issued an Order to Restrain 16-101825 should be issued to a Ms. Bannerman, of 41 Iles Street, Ajax, Regional Municipality of Durham, being the owner of a female, white and brown coloured, mixed breed type dog named "Maple".

The Order to Restrain consisted of several items including;

1. Ensuring that the dog is licensed with the Town of Ajax.

2. Keeping the dog restrained on a chain of sufficient strength to prevent any further attack or bite while the dog is on the property of its owner, keeping the dog back a minimum distance of three (3) meters from any property line, and the dog must be muzzled using a humane muzzling device to prevent biting.

OR

In the alternative the dog can be kept in a secured and fenced yard, which fence shall be of sufficient height and strength to adequately prevent the dog from escaping.

3. When the dog is off the property of its owner, keep the dog on a leash no longer than 1.8 meters in length and have the dog muzzled using a humane muzzling device to prevent the dog from biting.
4. Keep the dog under the full control of a person of at least sixteen years of age while the dog is away from the owner's property.
5. Notify the Town of Ajax, Animal Services, in the event the dog is sold, ownership otherwise transferred or the dog is relocated to any other address besides the address referred to in the Order.

Pursuant to the Town's Dog and Cat By-law Ms. Bannerman opted to initiate her right to appeal the Order to Restrain. Pursuant to the By-law Ms. Bannerman appeared before the Town's PSASAC on June 9<sup>th</sup>, 2016 at 7:00pm, in Council Chamber.

At the conclusion of Ms. Bannerman's agenda item, the PSASAC decided to uphold Order to Restrain 16-101825 with a vote of 3 -2 ,that the order be confirmed as written.

On July 15, 2016, the Town's Director of Legislative & Information Services Town Clerk was served with a notice to appeal of Order to Restrain 16-101825 to the Town's General Government Committee. Pursuant to the By-law Ms. Banner paid the appropriate fees at the time of submitting her appeal.

Attached to this report is the excerpts from the June 9<sup>th</sup>, 2016 meeting, item 3.1.1 of the PSASAC Agenda, the excerpts of the Minutes of the PSASAC meeting from June the 9<sup>th</sup>, 2016, and the additional package of documents submitted by the Appellant at the time of submitting her appeal to G.G.C.

## **DISCUSSION:**

It is staff's position that the Officer appropriately investigated the incident and issued an Order to Restrain as a result of the investigation.

Furthermore, staff believe that the PSASAC were well prepared, engaged, and thoughtfully heard the Appeal of the Order to Restrain and made a decision to uphold the Order as written.



**FINANCIAL IMPLICATIONS:**

N/A

**COMMUNICATION ISSUES:**

N/A

**CONCLUSION:**

Staff believe that Order to Restrain 16-101825 issued to Ms. Bannerman should be upheld as written.

**ATTACHMENTS:**

ATT-1: Excerpts from PSASAC Agenda Package, June 9<sup>th</sup>, 2016

ATT-2: Excerpts from PSASAC Minutes, June 9<sup>th</sup>, 2016

ATT-3: Appellant's Additional Handouts to GGC, July 15<sup>th</sup>, 2016

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Derek Hannan – Manager, By-law Services

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A. Harras, Manager of Legislative Services / Deputy Clerk for  
M. de Rond – Director of Legislative & Information Services / Town Clerk

**Direct Excerpts  
from the  
PROPERTY STANDARDS  
/ ANIMAL SERVICES  
APPEAL COMMITTEE  
AGENDA**

**Dated June 9, 2016**



## AGENDA ANIMAL SERVICES/PROPERTY SERVICES APPEAL MEETING

June 9, 2016 at 7:00 p.m.  
Council Chambers, Town Hall

**Online Agenda:** Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To maneuver back to the agenda page use the **Ctrl + Home** keys simultaneously **OR** use the “Bookmark” icon on the navigation panel to the left of your screen.



**Alternative formats available upon request by contacting:**

[sarah.moore@ajax.ca](mailto:sarah.moore@ajax.ca) or 905-619-2529 ext. 3347

1. Call to Order
2. Approval of Minutes
  - 2.1 [April 14, 2016 Minutes.....Page 2](#)
3. Public Meeting Appeals
  - 3.1 Animal Services Appeal Committee
    - 3.1.1 [Bannerman Appeal – 49 Iles Street.....Page 13](#)
  - 3.2 Property Standards Appeal Committee
    - 3.2.1 [McNee Appeal – 16 Garnett Drive.....Page 31](#)
    - 3.2.2 [Speed Appeal – 25 Meekings Drive.....Page 65](#)
4. Verbal Update
  - 4.1 Animal Services Committee
    - 4.1.1 Curran Appeal – 2914 Beachview Street
  - 4.2 Property Standards Committee
    - 4.2.1 Rashid Appeal – 61 Wilce Drive
5. Adjournment



# MEMO

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**TO:** Animal Services Committee  
**FROM:** Joe Lang, Municipal Law Enforcement Officer  
**DEPARTMENT:** Legislative and Information Services; By-law Services  
**SUBJECT:** Appeal of Order to Restrain # 16-101825  
**DATE:** Thursday June 9<sup>th</sup>, 2016  
**TIME:** 7:00pm  
**LOCATION:** 65 Harwood Avenue South, Ajax, in Council Chambers

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## Synopsis of Evidence

Mar. 18, 2016 Received complaint regarding a dog on dog bite incident that occurred on Mar. 14, 2016 at approximately 6:30-6:45pm in the area of Card Street and Harkins Street.

Mar. 21, 2016 Called and spoke to the complainant, Mangla SHARMA. I asked for a statement, pictures and any vet records that she had. It was explained to me over the phone that the she was walking her small breed dog, "Kiev", on Card Street towards Harkins Street when she saw the appellant with two dogs on leashes and another female accompanying her. She told me the appellants dog, described as mostly white with black patches started barking and pulled the appellant and her other dog towards her dog. The appellant's dog bit onto Kiev near his face and a struggle ensued to separate the two dogs from each other. Two male residents from 1 Card Street came to assist and were successful in separating the dogs from each other.

Received 2 pictures of Kiev's injuries via email from the complainant's daughter Neena. The first picture shows the injury before stitches and the second picture shows the injury after stitches. The puncture wound is located very close to Kiev's left eye on the side of his face. Pictures are attached to this package.

Mar 22, 2016 Received witness statement and vet records from Mangla SHARMA via email. Both documents attached to this package.

Attended 49 Iles Street, homeowners not home, left card with young female who had answered the door. Asked that her parents call me.

Mar. 23, 2016	<p>I attended 1 Card Street to speak with the witnesses to the incident, Carlos ARAUJO and his adult son David. The information they provided to me coincided with the statement I had received from the complainant. They advised me that they were outside on their front porch and watched the entire incident unfold on the sidewalk in front of their house. They described the appellant and her white coloured dog who they told me started barking and pulling the appellant towards the complainant and her dog. They told me the white coloured dog bit onto the complainant's dog while the appellants other dog took no part in the altercation.</p> <p>Carlos told me that he and his son ran to help separate the dogs from each other. Carlos told me that his son David tried pulling the appellants dog from its rear legs while Carlos struck the dog in the head using a closed fist. He recalls striking the dog 3-4 times before it let go of the complainant's dog. During the commotion, David received a minor laceration to his hand but isn't sure if it was from a dog bite or something else.</p>
Mar. 26, 2016	<p>Attended 49 Iles Street and spoke to the appellant's adult daughter, Courtney. Courtney advised me that the 2 dogs living at the house were Maple and Bailee. Maple was described as a female, white and brown coloured Chow/Hound X who is approximately 3years old. Bailee was described as a female, black coloured Rottweiler/Shepherd X who is approximately 11years old. I gave Courtney my business card and asked that she tell her parents I was there to speak to them about the dog incident.</p>
Mar. 30, 2016	<p>Contacted the appellant, Linda BANNERMAN, via email after attempts to speak over the phone were unsuccessful due to her not being home or myself not being in the office. Emails were exchanged and she was provided with a PDF copy of the Order to Restrain that was to be sent on March 31<sup>st</sup>, 2016.</p>
Mar. 31, 2016	<p>Sent Order to Restrain via registered mail. Order attached to this package.</p>
Apr. 01, 2016	<p>Order was delivered by Canada Post.</p>
Apr. 11, 2016	<p>Received request for appeal of the Order from the appellant.</p>
Apr. 12, 2016	<p>Notice of appeal date was sent to the appellant by registered mail.</p>

Day of incident - March, 14 2016

Time - approximately between 6:30 pm to 6:45pm.

Place Card and Harkins Street

Kiev and I were walking towards Harkins Street.

As Kiev and I walked towards Harkins street, I heard someone with dogs coming towards me. I noted two ladies with two dogs, as they approached the stop sign. I had already stopped well away from the stop sign for the two dogs and their owners to pass by. One dog was either dark brown or black in color. Second dog had white fur with black patches.

Upon seeing Kiev the white/black fur dog started to bark and ran towards me pulling the owner and the other dog. White and black fur dog grabbed Kiev between his teeth. I was screaming and shouting at the owner to pull their dog away from Kiev.

On hearing the commotion residents (Carlos Araujo and his son David) from 1 Card Street, Ajax, came to our aid and managed to pull the dogs apart. Kiev was badly traumatized. One of the individuals who had helped to release the dogs was also hurt on his finger and commented that Kiev was hurt. I noted some bleeding. All the lady had to say was go home and clean it with hydrogen peroxide.

When the dogs were pulled apart, I said to the owner "your dog had bitten my dog" (Kiev). All she said was its saliva take him home and he will be fine and clean it up with hydrogen peroxide.

At no point the owner called her dog by name to stop. I was very upset and shaken and felt the dog owner did not offer a sincere apology.

This was an unprovoked attack. If it wasn't for the residence of 1 Card Street the end result would have been very different. I took Kiev for an emergency treatment at Pickering Animal Hospital, 1450 Kingston Rd, Pickering, where he was attended by Dr Melissa Cogswell.

Next day I went to see the owners of the dog, to discuss this incident. I showed her the picture of the wound and the invoice. I requested compensation. I was compensated next day.

During my previous walks with Kiev, I have seen the dog in question often barking, in the back yard of 49 Isle Street, which backs on to the AGB School on Harkins Street.

Mangla Sharma















# The Corporation of the Town of Ajax

## ORDER TO RESTRAIN

(Issued pursuant to the Town of Ajax Dog and Cat By-law, as amended)

ISSUED TO: LINDA BANNERMAN  
WAYNE BANNERMAN  
49 ILES ST  
AJAX ON L1T 3V1

AS AN OWNER OF A DOG DESCRIBED AS: "Maple", a female, white and brown coloured, mixed breed type dog

FILE NUMBER: 16 101825

An investigation of an incident involving your dog has been conducted by the Ajax Animal Services Section and it has been determined that your dog bit another dog on March 14<sup>th</sup>, 2016.

In accordance with the Town of Ajax Dog and Cat By-law, as amended, you are hereby served with notice that you, as owner of the dog, are hereby ordered to comply with the requirements as set out as follows:

You shall:

1. Ensure that the dog is licensed with the Town of Ajax pursuant to the current Town of Ajax Dog and Cat By-law, as amended.
2. Keep the dog restrained on a chain of sufficient strength to prevent any further attack or bite while the dog is on the property of its owner. The dog must be kept back a minimum distance of three (3) meters from any property line, and the dog must be muzzled using a humane muzzling device to prevent biting.

**OR**

In the alternative the dog shall be kept in a secured and fenced yard, which fence shall be of sufficient height and strength to adequately prevent the dog from escaping. In addition, where a gate forms a part of the fence, the gate shall have a self-closing and self-latching device, both of which shall be kept in good working order. All fences on private property must comply with the Town's Zoning By-law and the Town's Fence By-law.

3. When the dog is off the property of its owner, the dog shall be on a leash of no more than 1.8 meters in length and of sufficient strength to prevent an attack. The dog shall also be muzzled using a humane muzzling device to prevent the dog from biting.

4. Keep the dog under the full control of a person of at least sixteen years of age while the dog is away from the owner's property.
5. Notify the Town of Ajax, Animal Services, in the event the dog is sold or ownership of the dog is otherwise transferred to any other person, or the dog is relocated to any other address besides the address referred to in this Order, of the new owner's name and address within 5 days.

An Office Consolidated copy of the Town of Ajax Dog and Cat By-law, as amended, forms part of this Order and is attached hereto. To obtain Certified copies of By-law #127-2009, #145-2010, and #28-2015 please visit the Legislative & Information Services section located at Ajax Town Hall at the address below.


**YOU MAY APPEAL THE ITEMS OR CONDITIONS OF THIS ORDER BY SENDING A NOTICE OF APPEAL, BY REGISTERED MAIL, OUTLINING WHICH ITEMS OR CONDITIONS ARE BEING APPEALED, WITHIN 10 DAYS AFTER SERVICE OF THE ORDER, TO:**

Secretary, Animal Services Committee  
65 Harwood Avenue South  
Ajax, ON  
L1S 2H9

Upon receipt of notification of an appeal, the Committee shall, as soon as practical, conduct a hearing, it being understood that during the time between the date of the Order to Restrain and the date of the hearing of the appeal by the Committee, the owner shall comply with all the requirements as outlined in this Order to Restrain.

As a result of the issuance of this Order, you are herewith responsible for ensuring compliance with the provisions of the Town of Ajax Dog and Cat By-law, as amended. Failure to do so will result in a prosecution under the *Provincial Offences Act, R.S.O. 1990, Chap. P.33*, as may be amended from time to time.

Dated at Ajax, Thursday March 31<sup>st</sup>, 2016

  
Joe Lang  
Municipal Law Enforcement / Animal Service Officer  
Town of Ajax  
(905) 619-2529 ext. 3315

April 8, 2016

Animal Services Committee

File Number: 16 101825

RECEIVED  
TOWN OF AJAX  
APR 11 2016  
LEGISLATIVE AND  
INFORMATION SERVICES

As the owner of Maple, who was involved in the incident that took place on March 14, 2016, I would like to appeal the Order to Restrain.

In my research to understand dog behavior in this kind of situation, I consulted Kathy Asling. Kathy Asling is the founder of Animal Guardian Society who is the longest running dog rescue in Durham region. Kathy has 30 years' experience in training dogs. Upon the examination of the pictures of the wound, Kathy suggested that it could be the result of a tooth puncture and not a bite. A dog's canine tooth is very sharp and with both dogs having their mouths open, a tooth could have very easily become positioned under another dog's lip. With both owners pulling on the leashes or collars to separate the two animals, a small tear or puncture could be the result. The picture of the wound supports this theory. The wound is small and only needed a few stitches. This is not the result of aggressive behavior. If a dog was truly aggressive or vicious, the wound would tend to be larger and be on the back of the neck or the throat.

Once the dogs were separated and both owners were able to have a closer look at our animals, I discovered that the other dog's leash was broken. If the leash actually broke before the dogs made contact, this could possibly be seen as confrontational to my dog. If the other dog was perceived as aggressive to my dog, then Maple was simply defending herself.

Maple is a young dog, approximately, 2.5 years old. The order to restrain states that Maple would need to wear a muzzle whenever she is off my property, for the rest of her life. In her case, that could mean 12 years or more. This seems to be a very harsh sentence for a dog so young without any previous history of dog attacks.

I wish to appeal the order to restrain that has been placed on Maple. The picture of the wound does not support the label of an aggressive dog. The wound was small and not placed on the neck or throat as it would be in case of a vicious attack. Maple is a young dog with no prior history of dog attacks.

Sincerely,



Linda Bannerman

49 Iles Street

Ajax, Ontario



**Legislative &  
Information Services**

Tel. 905-683-4550  
Fax. 905-683-1061

**TOWN OF AJAX**

65 Harwood Avenue South  
Ajax ON L1S 2H9  
[www.ajax.ca](http://www.ajax.ca)

Tuesday, April 12, 2016

Linda Bannerman  
49 ILES ST  
AJAX ON  
L1T 3V1

RE: Order To Restrain Appeal Date

FILE NUMBER: 16 101825

Please be advised that The Animal Services Appeal Committee is in receipt of your letter requesting an appeal to Order to Restrain Number 16 101825.

The Animal Services Appeal Committee will hear the appeal on **THURSDAY, JUNE 9, 2016**. The location of the appeal will be at Ajax Town Hall, located at 65 Harwood Ave. S., Ajax, ON. The meeting will be held in the Council Chambers, and is scheduled to begin at 7:00 p.m. Please be advised that the Committee will be hearing several matters that night, in addition to your own and you may have to wait for your Agenda item to be called.

Please be advised that this is a Committee of Council, and as such, is required pursuant to the Municipal Act 2001, to hold your appeal in the public domain. Thus, your appeal will be fully accessible and open to the public. Any member of the public may attend and view the proceedings. In addition, the agenda for the meeting and the subsequent minutes of the meeting will be posted on the Town's website.

**If you wish to have any hardcopy material included in the agenda package for the Committee's review, you must supply the Town with a copy of it on the Wednesday, one week before your appeal date.** The material can be brought into Ajax Town Hall and left for my attention at the Information Desk between 8:30 a.m. to 4:30 p.m., Monday to Friday. **Any documents you wish the Committee to review after this date must be done by a vote of the Committee on the day of the Appeal.**

Should you have any questions or concerns, please contact me directly at the number below.

Sincerely,

Karen Little  
Secretary, Animal Services Appeal Committee  
(905) 619-2529 ext. 3341  
[karen.little@ajax.ca](mailto:karen.little@ajax.ca)

# **Appellant's Submission**

May 30, 2016

File Number 16 101825

Date of incident: Monday March 14, 2016

RECEIVED  
TOWN OF AJAX  
MAY 31 2016  
LEGISLATIVE AND  
INFORMATION SERVICES

Animal Services Appeal Committee:

I am asking on behalf of my dog, Maple, that you revoke the Order of Restraining. I truly believe that this was an isolated event and is not indicative of the behavior of Maple. I have included several letters of recommendation from people who know me and my dogs. As you can see she has no prior history behavior similar to this at all.

Since the day of the incident, Maple will not walk in our neighborhood in daylight hours. I believe the beating that she received by the unknown male by-stander has made her fearful that she will meet up with him again.

In the documents that I obtained through the Freedom of Information act, I see that the other owner first contacted the Town of Ajax on March 21, 2016. This is the week after the incident. I feel that she wanted to receive reimbursement for the vet bill before she called the township.

Once again, I am asking that the Order of Restraining be removed from Maple. She is a young dog with no prior history of dog attacks at all. My friends and neighbors that have known Maple all of her life know that this incident was an isolated event and does not represent Maple's personality.

Sincerely,



Linda Bannerman

May 30, 2016

File Number 16 101825

Incident date: Monday March 14, 2016

My daughter and I were walking with our 2 dogs on March 14, 2016.

As we approached the corner of Harkins and Card, we saw the other owner with her dog

The dogs saw each other and ran towards each other

The dogs began to fight. I was focused on pulling my dog's leashes and calling their names to distract them

Two men were standing outside very close to where we were. They came over.

I was shocked to see one of the men, who I didn't know and who didn't know my dogs, proceed to straddle Maple and repeatedly deliver "karate chop style" blows to the bridge of Maple's nose.

How was Maple going to have a chance to escape this? She was lucky to get away when she did.

I believe that this man contributed greatly to the extent of the injury to the other dog.

I did not see any blood on any of the dogs. The other owner's dog had a wet cheek.

The following evening, the other owner came by with her daughter to show me a picture of the wound and the vet bill, which I briefly looked at. I was offered a copy of the bill but never received one.

I paid the bill, as I felt that, if the situation was reversed, I would expect the same. I was not arguing the fact that my dog's tooth caused a wound to the other dog. This was an accidental event. It does not represent Maple's personality.



April 8, 2016

Animal Services Committee

File Number: 16 101825

As the owner of Maple, who was involved in the incident that took place on March 14, 2016, I would like to appeal the Order to Restrain.

In my research to understand dog behavior in this kind of situation, I consulted Kathy Asling. Kathy Asling is the founder of Animal Guardian Society who is the longest running dog rescue in Durham region. Kathy has 30 years' experience in training dogs. Upon the examination of the pictures of the wound, Kathy suggested that it could be the result of a tooth puncture and not a bite. A dog's canine tooth is very sharp and with both dogs having their mouths open, a tooth could have very easily become positioned under another dog's lip. With both owners pulling on the leashes or collars to separate the two animals, a small tear or puncture could be the result. The picture of the wound supports this theory. The wound is small and only needed a few stitches. This is not the result of aggressive behavior. If a dog was truly aggressive or vicious, the wound would tend to be larger and be on the back of the neck or the throat.

Once the dogs were separated and both owners were able to have a closer look at our animals, I discovered that the other dog's leash was broken. If the leash actually broke before the dogs made contact, this could possibly be seen as confrontational to my dog. If the other dog was perceived as aggressive to my dog, then Maple was simply defending herself.

Maple is a young dog, approximately, 2.5 years old. The order to restrain states that Maple would need to wear a muzzle whenever she is off my property, for the rest of her life. In her case, that could mean 12 years or more. This seems to be a very harsh sentence for a dog so young without any previous history of dog attacks.

I wish to appeal the order to restrain that has been placed on Maple. The picture of the wound does not support the label of an aggressive dog. The wound was small and not placed on the neck or throat as it would be in case of a vicious attack. Maple is a young dog with no prior history of dog attacks.

Sincerely,

Linda Bannerman

49 Iles Street

Ajax, Ontario

# THE ANIMAL GUARDIAN SOCIETY

1970 Conc. Rd. 9, RR2 Blackstock, Ontario, Canada, L0B1B0

Phone: 905-263-TAGS (8247)

Fax: 905-263-8311

info@animalguardian.org

www.animalguardian.org

Registered Charity BN 86783 2180 RR0001

I am writing on behalf of Maple Bannerman who was recently requested to wear a muzzle when not on her own property.

I would like to provide some background on Maple. She came to our rescue in 2013 and immediately went to foster care. During her time in foster care, she never exhibited any aggressive tendencies. We did observe some herding behavior however.

After her adoption as stated in our agreements, Maple with her family attended our 8 weeks of behavior training. Maple was never a problem with the other dogs, she did well and both her and her family completed the 8 weeks of training successfully.

Over the years I have seen many cases of dogs on leash becoming over aroused and over stimulated. Some may label that behavior aggression, I do not. Often when dogs are in this state with mouths open they can by accident catch a tooth on the other dog, most owners will quickly pull the dog off which results in the tear to the other dog and injury.

Maple is a young dog with no history of aggression; she has always been a very social dog with both people and animals.

We are strong advocates for the human animal bond, and we also understand that even with the best of intentions accidents can and do happen.

We hope that you will give consideration to removing the muzzle order from Maple

Should you wish to reach me please feel free to contact me at any time.

Sincerely

Kathy Asling

Lisa Ferries  
213 Valley Gate  
Pickering, Ontario L1V 4M8  
May 16, 2016

Town Of Ajax

I have known Linda and Wayne Bannerman for more than 25 years. In all the time I have known them, visited their home, and walked with them, I have never had any cause for concern about their excellent and responsible pet ownership.

Linda goes well and above beyond typical pet ownership having many times provided a loving and caring home for rescue dogs. She has a calm, confident and firm manner when dealing with animals. She attends pet training and ensures that her dogs are well socialized and respect boundaries.

As a guest at the Bannerman home I have never witnessed any poor pet behavior. The dogs are calm and well mannered, listen well and obey commands.

Maple is a warm and loving dog. I do understand there was an incident, I was very surprised and I am quite sure it was an isolated incident that would not be repeated.

Please give Maple that opportunity to resume outdoor walks without a muzzle.

Very Sincerely Yours,

Lisa Ferries

May 5, 2016

Animal Services Committee,

My wife and I have known the Bannerman family for approximately 10 years. They live just around the corner from us. Their daughters have provided excellent care for our dogs for the last 6 years because we both work shift work and need someone to come in to feed and let our dogs out. We have regular contact with both of their dogs, Bailee and Maple. Both dogs are very loving. Maple especially has a very sweet and gentle nature. Maple has had contact with our dogs with no problem what so ever, therefore we were shocked to hear of the incident that occurred in March in our neighborhood. We do not feel that Maple has any aggressive tendencies at all. We are very confident in saying that this incident must have been an isolated occurrence and does not represent Maple's true nature.

Please remove the Order of Restrain on Maple and allow her to walk without a muzzle.

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature, on the left, is 'Dan Huck' written in a cursive style. The second signature, on the right, is 'Deb' followed by a long horizontal line, also in a cursive style.

Deb and Dan Huck

Ajax, ON

To whom it may concern

I just heard about the implications that have come upon Linda and her dog Maple. We have known the Bannerman's for many years. They have another dog, Bailey and have fostered many other dogs hence how Maple came into their home. Maple has a lovely nature and I believe would not hurt anyone or any other animals unless it was to protect herself.

This dog should not be penalized because the incident at hand and should be given just a warning and another chance.

Claudia Livingstone  
Oshawa, ON

**Direct Excerpts  
from the  
PROPERTY STANDARDS  
/ ANIMAL SERVICES  
APPEAL COMMITTEE  
MINUTES  
Dated June 9, 2016**

**MINUTES OF THE  
ANIMAL SERVICES/PROPERTY STANDARDS APPEAL COMMITTEE  
MEETING HELD IN THE COUNCIL CHAMBERS, AJAX TOWN HALL  
At 7:00 p.m. on Thursday, June 9, 2016**

Present:     Members

- K. Barrett
- A. Bridgeman
- S. DeSouza
- D. Jean
- O. Lambert

              Staff

- K. Little, Secretary
- D. Hannan, Staff Resource
- J. Lang, MLEO
- T. Abott, MLEO
- S. Neal, MLEO

**1. Call to Order**

Chair Barrett called the meeting to order at 7:03 p.m., She then explained the process of the meeting, the order of evidence being given and that the Committee will make a decision at the end of the proceedings. She explained that the appellants could either appeal the decision to the General Government Committee, including the appropriate fee and/or to the Superior Court of Ontario, if they do not agree with tonight's outcome. She asked that everyone turn their cell phones off.

**2. Adoption of Minutes**

Moved by: Member Lambert

That the Minutes of the Animal Services/Property Standards Appeal Committee held on April 14, 2016, with the necessary change being made, be adopted.

Carried.

**3. Public Meeting Appeals**

**3.1     Animal Services Appeal Committee**

Bannerman Appeal – 49 Iles Street

Chair Barrett asked if Mrs. Bannerman was in attendance and she replied that she was. Chair Barrett then asked Officer Lang, Mrs. Bannerman and the complainant, Mrs. Sharma, to come up to the front.

Chair Barrett then asked Officer Lang to give his testimony.

Officer Lang explained that he had received a report of a dog bite incident involving two dogs in the area of Card Street and Harkins Street that occurred on March 14, 2016 at approximately 6:30-6:45 p.m. On March 21, 2016 he contacted the complainant, Mangla Sharma, asking for a statement, pictures and any vet records. She explained that she was walking her small breed dog, "Kiev" on Card Street walking towards Harkins when she saw the appellant, Mrs. Bannerman with 2 dogs on leashes and another female with her. Mrs. Sharma told Officer Lang that the appellant's dog started barking and pulled the appellant and her other dog towards Kiev. The appellant's dog bit onto Kiev near his face and 2 male residents from 1 Card Street came to assist and were successful in separating the dogs from each other. He explained that there were 2 pictures of the wound in the agenda package, the first one showed the open wound and the second picture showed the wound with 3 stitches in it. On March 23, 2016, Officer Lang attended 1 Card Street to speak with Carlos Araujo and his adult son, David, who were the witnesses to the incident. They were not available to attend tonight's meeting. On March 22, 2016, Officer Lang attended 49 Iles Street and attempted to speak with the appellant, however she was not home. After several more attempts to speak with the appellant, due to the appellant not being home or Officer Lang not being in the office, she was provided with a pdf copy of the Order to Restrain.

Officer Lang went through the Order to Restrain with the Committee members item by item, explaining to the Committee that the dog is licensed with the Town and they have a secured and fenced backyard.

Member Lambert asked Officer Lang if he had seen "Maple", the dog involved in the attack at the Bannerman's home. He replied that he had visited and met both the Bannerman's dogs. Maple seemed friendly towards him.

Member DeSouza asked Officer Lang if he had received confirmation from a Medical Officer or anyone else that the injury sustained by Kiev was from a dog bite or from being pulled away from Maple. He replied that he would not receive this information.

Member Jean mentioned the 10m distance starting from the dogs barking to a bite occurring. Were the dog owners dragged 10m and then the bite ensued.

Officer Lang explained that to his knowledge, the 2 dogs went towards Harkins Street. He doesn't know what provoked it. He agreed that the appellant may have been pulled.

Member Jean asked if Kiev was barking back? Officer Lang replied that he did not know.



Member DeSouza asked who was walking Maple at the time of the incident. Mrs. Bannerman replied that she was and her daughter was present.

Chair Barrett asked Mrs. Mangla Sharma to read her statement. She explained that the 2 dogs started barking and dragging towards Kiev when they saw her dog. She stated that during the attack she was shouting and screaming. She confirmed that the residents of 1 Card Street came outside during the attack. She did not hear Linda Bannerman apologize and her dog is now scared to walk outside. They have also stopped walking on Card and Harkins. Mrs. Sharma's vet said Kiev could have lost his eye. She also told the Committee that Linda Bannerman offered compensation for the vet bill and that she paid it.

Member DeSouza asked Ms. Sharma how her dog is doing today. She explained that she is still scared and traumatized. The wound has healed and the fur has grown back.

Member Jean confirmed from Mrs. Bannerman's statement that Kiev's leash was broken during the attack. Mrs. Sharma said that the leash broke during the event.

Chair Barrett asked Mrs. Sharma if she could describe how the leash broke. Did it get torn? She explained that the hook part got broken, not the leash.

Chair Barrett asked Mrs. Bannerman if she had any questions and she said she did not.

Mrs. Bannerman stated that she was asking for revocation of the Order. She said Maple is a young dog and this was not a reflection of her behavior. She stated that during the attack all the dogs ran together, all the dogs were biting, there was confusion, noise, etc. and she did call the dog's name. She explained that the two men came over at this time, trying to help, while one straddled Maple and delivered karate chop blows to her nose. She believes that if the men had not been there, the incident would have stopped sooner. She said that this closed her dog's jaws onto the other dog's cheek and believes that the dogs were just play fighting. Mrs. Bannerman told the Committee that Kathy Asling, founder of the Animal Guardian Society, thinks it was just a random tooth puncture. She believes it to be an isolated incident, and that the two men made it worse. There is no history of this ever happening before and that the letters in the agenda package are character references for Linda and her dog, Maple. She told the Committee that Maple is wearing her muzzle and she brought it tonight to show the committee. She believes that this incident does not describe her true behavior.

Member Lambert asked if any of the dogs were barking. Mrs. Bannerman said that probably all the dogs were barking and that the dogs misunderstood their body language. Member Lambert asked where the other dog was. Mrs. Bannerman said that she was right there. Her focus was on Maple and Bailee was

right there. Member Lambert asked has anything like this happened before and she said it has not.

Member DeSouza asked if anything has happened to Maple and Mrs. Bannerman said that she is scared to walk by men. She also told the Committee that Mrs. Sharma still does walk by her house with Kiev.

Member Lambert asked how Mrs. Bannerman knows Kathy Asling. Does she know Maple? She explained to the Committee that she attended an 8 week training program with Ms. Asling as she got Maple from her. She has known Ms. Asling for about 10 years. Maple and Bailee stay at Kathy's house when they go away. She also buys her dog food there.

Member DeSouza asked Mrs. Bannerman when she got Maple and she said she was 7 months old when she got her. The Animal Guardian Society had knowledge that Maple came from a rescue in the US. Mrs. Bannerman first fostered and then adopted Maple.

Chair Barrett asked how old was Maple when Mrs. Bannerman got her and she replied that she was 7 months old. Chair Barrett asked were all the dogs barking from 10 feet away? She explained that the other dog on the side was barking as well. Chair Barrett asked how old was her daughter. She said that she is 18. Is Kathy Asling an expert? Mrs. Bannerman replied that yes she is and has been for more than 30 years. Chair Barrett said that Ms. Asling mentioned in her letter that Maple exhibited herding behavior. What does this mean? Mrs. Bannerman explained that herding is when a dog tries to get all the dogs together. Chair Barrett asked if there was any nipping and Mrs. Bannerman replied there wasn't.

Member DeSouza asked what kind of leash was Maple wearing? She replied that it was a 6' heavy type leash.

Member Bridgeman asked Mrs. Bannerman if it was common to meet other dogs when they were walking. She replied that she wouldn't go up to them unless she knows them. Member Bridgeman asked her if her dogs were pulling her? She replied that she was caught unaware.

Chair Barrett confirmed that Mrs. Bannerman has a muzzle, a leash and a chain. She also has a proper fence and a licence. She asked Mrs. Bannerman which section of the Order she was appealing. She replied all of it, essentially the muzzle part.

Member DeSouza asked if Mrs. Bannerman's dog had shown any other tendencies? She replied that it hasn't. Do your dogs sit when you come into contact with other dogs? Yes they do.

Chair Barrett asked if Mrs. Bannerman noticed any blood at the time of the event and she said that Kiev's cheek was wet, but that there was no blood on her dogs.

Member DeSouza confirmed that Mrs. Bannerman noticed saliva. What did you do then? She told the Committee that her daughter took the dogs home and she could not see any wound. When she was checking, Kiev gave her a little nip, knowing he was under stress.

Member Jean asked if the dogs really were 10m apart. Mrs. Bannerman replied that it was 10 feet for sure, a long distance. There was some degree of playfulness and a misunderstanding in the dogs body language. Maple just wanted to play. Member Jean wanted to confirm that Maple was not running to attack? Mrs. Bannerman said she wasn't.

Member DeSouza asked if Mrs. Bannerman uses a choke chain or collar? She uses a gentle leader, as she believes it is a better way to control the dog. Member DeSouza asked how much does Maple weigh? She replied about 50 lbs. Officer Lang was asked if he had any questions for Mrs. Bannerman. He asked her if she knew the circumstances of where Maple came from. She explained that she came from part of a hoarding raid in the US. The farmer was charged and the dogs were sent to different foster cares.

The daughter of Mrs. Bannerman spoke to the Committee, saying that the dogs were not that far apart when they came upon Kiev and it definitely wasn't 10m away.

Chair Barrett asked Officer Lang to summarize. He explained to the Committee that he used the Town's software system to get the 10m distance. It is the Town's position that this was a biting incident. From the witnesses, a bite occurred. Mrs. Bannerman did not have complete control of her dog. The Order should be upheld.

Mrs. Bannerman told the Committee that the Order should be revoked. She asked the Committee to look at the letters of reference in the agenda. She said it was an isolated incident and that Maple does not need a muzzle.

The Committee then went into deliberations.

Member Bridgeman says that she feels for Mrs. Bannerman's situation and she doesn't envy the muzzle use. The intervention by the two men may have exacerbated the situation. She agrees with the Town, even though it might be an isolated incident. It may be a person next time.

Member DeSouza asked that the dog be muzzled for 1-2 years and then Mrs. Bannerman to come back before the Committee.

Member Bridgeman asked what will happen in the intervening years, as she hasn't heard about training.

Member DeSouza said that Mrs. Bannerman has complied with everything else in the Order, and wants the muzzle use to be for a restricted time period.

Member Lambert asked what could happen next. Even though it may have been an isolated incident, nothing was done to provoke it. She wants the Order to be upheld. If Mrs. Bannerman were to come back before the Committee in a few years time, the Committee will still be in charge of deciding what will happen next time.

Member DeSouza asked if there had been any similar cases where the time for wearing a muzzle was changed from lifetime to a specific time period.

Officer Lang said that in the 5 years he has been with the Town, it has happened once. The Committee put a 1 year time frame on the muzzle requirement, and 3 months later the dog bit again.

Member DeSouza asked if it was a similar breed. He replied that it was not.

Chair Barrett asked Ms. Sharma if she observed Maple clamping down on Kiev. She said she did. When the two residents hit Maple on the head, was there any reaction? She did not notice, as she was too stressed out.

She asked Mrs. Bannerman where was she when the guy hit Maple over the nose. She said that she just stood still. Her dog weighs about 50 pounds.

Member DeSouza asked where was Kiev during the altercation with Maple still holding on, the only way he got out was when the man pounded on him.

Member Jean said that due to the dog being struck in the head, he couldn't let go of Kiev.

Chair Barrett stated that this was an unfortunate incident and confirmed that Kiev was being held in Maple's mouth. Although it may have been an isolated incident, it could have been much more serious. Maple was not in the care of the Animal Guardian Society very long and attended 8 weeks of behavior training. Maple is known to have herding behavior, can involve some nipping. The Bannerman's have gates, leash, etc. and have complied with the majority of the Order. It should be upheld.

Member Jean watches dogs in the dog park play with each other. He is still hung up on the distance. It may have been a bite, but may have also been a little less than that.

Member Bridgeman confirmed that Member Jean rides through the dog park on his bike and sees the dogs in there playing.

Member DeSouza asked Mrs. Bannerman what was your impression of the situation? She replied that Maple likes to meet other dogs, along with 4 leggeds. Maple initially ran up out of friendship and it was misinterpreted, which lead to a bite.

Member Lambert asked was is the weight of Kiev and Ms. Sharma replied about 28-29 pounds. About half of the other dog's weight.

Chair Barrett said that the residents approached after the incident. There was barking and pulling towards the dog. Does this constitute aggressive behaviour?

Member Lambert said that one dog bit the other one and that the bite was at eye level. The owner saw some saliva, not blood. The end result was a bite/attack that was not provoked. The Order stands.

Member DeSouza agrees with the Order, other than the muzzle requirement. She believes that Mrs. Bannerman should have the right to come back before the Committee in 2 years.

Member Lambert said that this was on the Committee and nothing is being presented in terms of training, etc. She doesn't want it to happen a second time. The Order stands as is.

Member DeSouza asked Mrs. Bannerman what measures will you take to ensure that this doesn't happen again. She explained that this has never happened before. She is willing to take another training course. She believes that if barking is a sign of aggression, then all dogs in Ajax should be locked up. She has taken all measures to adhere to the Order and believes there was no aggression.

Chair Barrett asked Mrs. Bannerman what type of muzzle does she have for Maple? She replied that it is a cage-type muzzle, where she can still breathe, drink water, eat small items.

Officer Lang told the Committee that this is a humane muzzling device.

Member DeSouza asked if there were any problems putting it on Maple and she replied it's not her favourite thing, but she still can breathe, drink, etc. She can't open her mouth fully to pant when it is hot outside.

Member Bridgeman moved that the Order be upheld as written.

Chair Barrett also agrees that the Committee should uphold the Order in its entirety.

Member DeSouza told the Committee that the Order should be amended for the length of time for the muzzle requirement, up to 2 years, and then can come back before the Committee.

Member Jean said if asked before this incident, Mrs. Bannerman would have said her dog doesn't bite and then it bit. The dogs were barking and pulling 10m or 10 ft. What would you say in 1-2 years ? He believes the Order should be upheld or have it changed.

Member DeSouza said that there was 1 previous time where the Committee put a time limit on the muzzle.

Member Bridgeman asked if she could speak on her own Motion and D. Hannan, Staff Resource, told her she could not.

Member Lambert asked Member DeSouza to discuss Member Bridgeman's Motion.

Chair Barrett asked Member DeSouza if she would like to amend Member Bridgeman's Order.

Member DeSouza said yes. She moved a Motion to amend the Order to Restrain by changing Item #3 to put a time limit on using the humane muzzling device. Wants it to be for up to 2 years.

Chair Barrett verified that she wants to amend Item #3.

Member Bridgeman said that in the previous Order where there was a time limit put on the muzzle, the Committee had strong evidence from the dog owner to change his dog's behavior.

Member Lambert said she is not in agreement with the time extension and wants the Order to be kept as is.

Chair Barrett checked that Member DeSouza wants to amend Item #3 with a two year cap on the muzzling device, at which time the Owner can come back before the Committee.

All in favour.

Motion Lost.

Member Bridgeman moves to uphold the Order as is.

2 members in opposition, 2 in favour, the Chair broke the tie.

You shall:

1. Ensure that the dog is licensed with the Town of Ajax pursuant to the current Town of Ajax Dog and Cat By-law, as amended.
2. Keep the dog restrained on a chain of sufficient strength to prevent any further attack or bite while the dog is on the property of its owner. The dog must be kept back a minimum distance of three (3) meters from any property line, and the dog must be muzzled using a humane muzzling device to prevent biting.

OR

In the alternative the dog shall be kept in a secured and fenced yard, which fence shall be of sufficient height and strength to adequately prevent the dog from escaping. In addition, where a gate forms a part of the fence, the gate shall have a self-closing and self-latching device, both of which shall be kept in good working order. All fences on private property must comply with the Town's Zoning By-law and the Town's Fence By-law.

3. When the dog is off the property of its owner, the dog shall be on a leash of no more than 1.8 meters in length and of sufficient strength to prevent an attack. The dog shall also be muzzled using a humane muzzling device to prevent the dog from biting.
4. Keep the dog under the full control of a person of at least sixteen years of age while the dog is away from the owner's property.
5. Notify the Town of Ajax, Animal Services, in the event the dog is sold or ownership of the dog is otherwise transferred to any other person, or the dog is relocated to any other address besides the address referred to in this Order, of the new owner's name and address within 5 days.

Motion carried at 8:17 p.m.

Chair Barrett asked for a 3 minute recess.

### 3.2 Property Standards Appeal Committee

McNee Appeal – 16 Garnett Drive

Chair Barrett asked Officer Abott to give her synopsis of the complaint she received at 16 Garnett Drive, Ajax. She explained that 16 Garnett is a 2 storey home, with a hot tub and Jacuzzi in the backyard. The Owner of the property is in attendance tonight. The property is not in character with the surrounding neighbourhood. An Order was issued on April 19, 2016, with the due date for the work to be done by May 19, 2016.

# **Appellant's Additional Submission dated July 15, 2016**



July 15, 2016  
Town Clerk/Director of Legislative and Information Services  
Martin de Rond  
65 Harwood Avenue South  
Ajax, Ontario

**RECEIVED**  
**TOWN OF AJAX**  
**JUL 15 2016**  
**LEGISLATIVE AND**  
**INFORMATION SERVICES**

File Number 16 101825

As the owner of Maple, I want to appeal the decision of the Animal Services Appeals Committee to maintain the Order of Restraining. The magnitude of the order does not coincide with the events of March 14, 2016.

During the first hearing, the committee was not unanimous in their decision to uphold the Order of Restraining for Maple. It was, in fact, a 3/2 split, with the hearing lasting 90 minutes. The decision was not made easily. Obviously there were several doubts as to the intent of Maple to injure the other dog, Kiev. Maple is very social and truly enjoys the company of other dogs. In fact, she has lived with dogs her entire life. We were also regular attendees at the off leash park where Maple would play chase and interact with other dogs, all without incident. I have included a short video that demonstrates how Maple likes to interact with other dogs. Our house backs onto Harkins Park, where many people take their dogs walking. On numerous occasions I have talked to people about what happened with Maple. They felt, as we did, that this order was excessive and does not warrant a lifetime Order of Restraining. They were all very willing to supply letters of recommendation to support Maple.

On the day of the incident, Maple saw Kiev approaching and recognized him as a dog from the neighborhood. She was pulling on the leash and barking excitedly. This is common behavior for a dog that is excited to meet another dog, just as Maple would do in the off leash park. There was no snapping or snarling, demonstrating an aggressive behavior. If you know that your dog does not like to meet other dogs on leash, the common practice is to either move from the path of intersection, change directions or call out, "Is your dog friendly". If the other dog and owner do not move, it is a signal that it is okay to approach. The other owner and Kiev stayed in the middle of the sidewalk. They did not call out and say anything to us. Kiev became reactive causing Maple to feel that she had to defend herself. Maple ran to greet Kiev, not to injure him. It was not a deliberate bite. At no time did I suspect that Kiev may not have the desire to interact with other dogs. He could have been startled by this or became scared and therefore lashed out at Maple. If Maple was snapped at, she would defend herself. This is not the sign of a vicious dog, just one trying to defend themselves.

The wound to Kiev would likely not have happened if the 2 unknown male bystanders had not come over. I was in complete shock as I watched one of the unknown men straddle Maple and hold her in place while delivering "karate chop" type blows to the bridge of her nose. The downward force was more than enough to create the puncture in Kiev's cheek. Maple could have

turned around and bite this man who was hitting her, but she did not. This clearly shows that Maple had no intention to hurt anyone, which was the main reason that Member Bridgeman made the decision to uphold the Order of Restrain in the first hearing. Maple was in shock and held in that position while the man pounded on her nose. All Maple could do was wait for a chance to break free.

An aggressive dog does not bite another dog in the cheek. They bite in the neck or throat or the back thigh. The bite would be large and require many stitches, such as in file # 16-100290 that was heard on February 11, 2016. An aggressive dog may also shake the animal or push them to the ground, snapping and snarling as well. None of these types of bites or behaviors were evident in this case, especially in comparison to file # 16-100290. How can two drastically different wounds warrant the same Order of Restrain? The wound to Kiev was small and, in fact, when the dogs were separated, I saw no blood, only saliva on Kiev's cheek. This does not support the argument that it was a deliberate bite.

I have included several letters of recommendation for Maple for your review. Please note that all of these people have dogs and have either watched Maple interact with dogs or have had their dog interact with Maple. All without incident or injury. Please feel free to call any of these dog owners if you have any questions.

Maple is a young dog with no prior incidents of aggressive behavior. The incident of March 14 was an isolated incident that was magnified by the 2 unknown male by-standers. Maple did not retaliate against a man who was repeatedly hitting her, as a more aggressive dog would do. The previous hearing was not a unanimous vote. With the small margin, along with the questionable events, the Order of Restrain is not justified. Maple is very social and enjoys the company and interaction with other dogs. Being with other dogs is an integral part of her life but the Order of Restrain takes that away entirely. Please do not let this one isolated incident be a defining moment in her life. For these reasons, I request that you remove the Order of Restrain on Maple.

Sincerely,



Linda Bannerman



Maple – just before she joined our family



A current picture of Maple



July 14, 2016

Dear Sir/Madam:

I have lived in Durham for over 20 years. It has come to my attention the matter regarding Maple a beautiful retriever mix female dog.

I am an elderly woman with a disability and have a wonderful Doberman male service dog named Zeus. For the past four years we can be seen on our daily walk starting at Rossland Rd north then we cross at Harkins Drive and head to our park (Harkins Park)

As you are aware Maple lives at 49 Iles Street and their backyard linked fence faces Harkins Park. My service dog has been walking this route every day for over 4 years. Zeus and Maple met three years ago, and have become very good friends. Maple is a very sweet, gentle and friendly girl who immediately wags her tail the second she sees Zeus. Sweet Maple runs around in such a delightful play and begins to run in circles in order to impress him. She is very well mannered, friendly and above all a wonderful girl. Maple showers Zeus with kisses and SHOWS AN ABUNDANCE OF AFFECTION TOWARDS HIM NEVER ANY AGGRESSION.

It is a pleasure to have meet Maple and her family who adore her. Please do not hesitate to contact me at (905) 409-1667.

Sincerely,



May 5, 2016

Animal Services Committee,

My wife and I have known the Bannerman family for approximately 10 years. They live just around the corner from us. Their daughters have provided excellent care for our dogs for the last 6 years because we both work shift work and need someone to come in to feed and let our dogs out. We have regular contact with both of their dogs, Bailee and Maple. Both dogs are very loving. Maple especially has a very sweet and gentle nature. Maple has had contact with our dogs with no problem what so ever, therefore we were shocked to hear of the incident that occurred in March in our neighborhood. We do not feel that Maple has any aggressive tendencies at all. We are very confident in saying that this incident must have been an isolated occurrence and does not represent Maple's true nature.

Please remove the Order of Restrain on Maple and allow her to walk without a muzzle.

Sincerely,

The block contains two handwritten signatures in dark ink. The signature on the left is 'Dan Huck' written in a cursive, flowing style. The signature on the right is 'Deb Huck' written in a similar cursive style, followed by a long horizontal line extending to the right.

Deb and Dan Huck

Ajax, ON

Lisa Ferries  
213 Valley Gate  
Pickering, Ontario L1V 4M8  
May 16, 2016

Town Of Ajax

I have known Linda and Wayne Bannerman for more than 25 years. In all the time I have known them, visited their home, and walked with them, I have never had any cause for concern about their excellent and responsible pet ownership.

Linda goes well and above beyond typical pet ownership having many times provided a loving and caring home for rescue dogs. She has a calm, confident and firm manner when dealing with animals. She attends pet training and ensures that her dogs are well socialized and respect boundaries.

As a guest at the Bannerman home I have never witnessed any poor pet behavior. The dogs are calm and well mannered, listen well and obey commands.

Maple is a warm and loving dog. I do understand there was an incident, I was very surprised and I am quite sure it was an isolated incident that would not be repeated.

Please give Maple that opportunity to resume outdoor walks without a muzzle.

Very Sincerely Yours,

Lisa Ferries

To whom it may concern

I just heard about the implications that have come upon Linda and her dog Maple. We have known the Bannerman's for many years. They have another dog, Bailey and have fostered many other dogs hence how Maple came into their home. Maple has a lovely nature and I believe would not hurt anyone or any other animals unless it was to protect herself.

This dog should not be penalized because the incident at hand and should be given just a warning and another chance.

Claudia Livingstone  
Oshawa, ON



# THE ANIMAL GUARDIAN SOCIETY

1970 Conc. Rd. 9, RR2 Blackstock, Ontario, Canada, L0B1B0

Phone: 905-263-TAGS (8247)

Fax: 905-263-8311

info@animalguardian.org

www.animalguardian.org

Registered Charity BN 86783 2180 RR0001

I am writing on behalf of Maple Bannerman who was recently requested to wear a muzzle when not on her own property.

I would like to provide some background on Maple. She came to our rescue in 2013 and immediately went to foster care. During her time in foster care, she never exhibited any aggressive tendencies. We did observe some herding behavior however.

After her adoption as stated in our agreements, Maple with her family attended our 8 weeks of behavior training. Maple was never a problem with the other dogs, she did well and both her and her family completed the 8 weeks of training successfully.

Over the years I have seen many cases of dogs on leash becoming over aroused and over stimulated. Some may label that behavior aggression, I do not. Often when dogs are in this state with mouths open they can by accident catch a tooth on the other dog, most owners will quickly pull the dog off which results in the tear to the other dog and injury.

Maple is a young dog with no history of aggression; she has always been a very social dog with both people and animals.

We are strong advocates for the human animal bond, and we also understand that even with the best of intentions accidents can and do happen.

We hope that you will give consideration to removing the muzzle order from Maple

Should you wish to reach me please feel free to contact me at any time.

Sincerely

Kathy Asling