

CANADA / JUDGMENT

Madi v. North Vancouver (District)

2024 BCSC 2539

COURT

Supreme Court of British Columbia

DECIDED

4 December 2024

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2024 BCSC 2539 Madi v. North Vancouver (District)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Madi v. North Vancouver (District),

2024 BCSC 2539

Date: 20241204

Docket: S246027

Registry: Vancouver

Between:

George Madi

Petitioner

And:

District of North Vancouver, Doug Blayney and Carol Walker

Respondents

Corrected Judgment: The text of this judgment was corrected at paragraph 3 on March 13, 2025.

Before: The Honourable Mr Justice Crerar

On judicial review from:

the decisions of a Senior Animal Welfare Officer of the District of North Vancouver, dated June 26, 2024 and of the Chief Bylaw Officer of the District of North Vancouver, dated August 15, 2024 (District File No. CODE2024-01774).

Oral Reasons for Judgment

In Chambers

The Petitioner, appearing in person:

G. Madi

Counsel for the Respondents:

M.R. Voell

Place and Date of Hearing:

Vancouver

December 4, 2024

Place and Date of Judgment:

Vancouver

December 4, 2024

- [1] THE COURT: These are my oral reasons for judgment. I reserve the right to edit and expand them if a transcript is ordered or for any other reason.
- [2] This is a judicial review brought by Mr. Madi against the District of North Vancouver (the "District"), as well as two of its employees who made decisions in the events leading up to this application: Doug Blayney, the Senior Animal Welfare Officer; and Carol Walker, the Chief Bylaw Officer of the District.
- [3] The decisions arise from a dog fight that occurred in Doran Park in North Vancouver on May 29, 2024. One of the participants in the dog fight was the Madi family dog, named "Solo". Solo is a large, beautiful, white, fluffy Kuvasz dog. He is an intact--that is, un-neutered--male dog.
- [4] Solo and the Madi family live in the District. As such, they are subject to the District's Dog Tax and Regulation Bylaw No. 5981, 1988. That bylaw, in its definition section, defines "aggressive dog" as:

Any dog which has, without provocation, attacked, bitten, or harassed or pursued in a hostile fashion a person or domestic animal.

[emphasis added]

- [5] Section 8A of that bylaw sets out the requirements on an owner of an aggressive dog, which reads as follows:

Aggressive Dogs

8A. The owner of an aggressive dog must:

- (i) ensure that such dog is on a leash and muzzled at all times when it is on any public street or in any public place, or any other place that is not owned or controlled by that owner;
- (ii) ensure that such dog has been spayed or neutered and provide proof by means of a certificate from a veterinarian upon request by the Animal Shelter Administrator;
- (iii) ensure that such dog is securely confined on premises owned or controlled by the dog owner, either indoors or in an enclosed pen or other structure capable of preventing the entry of any unauthorized person and adequately constructed so as to prevent the dog from escaping or from biting a domestic animal or person;
- (iv) where the dog is confined to an enclosed pen, post a sign on the pen which indicates in both writing and symbol that there is an aggressive dog on the property;
- (v) not be under the age of nineteen (19) years; and
- (vi) keep and maintain liability insurance in the amount of \$1,000,000 with respect to the dog.

[6] The definition of "owner" reads:

"Owner" includes any person who owns, has in his custody or under his control, or harbours any dog within the District.

[7] Mr. Madi represented himself in this proceeding. As I noted in the course of his submissions, the Court was grateful for his organization and presentation of his evidence and argument. It must be remembered throughout that Mr. Madi is not legally trained, despite his obvious organization, sophistication, and eloquence in this proceeding.

[8] On June 6, 2024, soon after incident, the owner of the other dog wrote to the District:

Hi

I'm writing to you to report a dog attack incident that occurred last week.

On the evening of Wednesday, May 29th, around 8:30 PM, my dog--'Koda', a standard size Whoodle (Wheaten Terrier x Poodle)--was attacked by another dog--'Solo', a Great Pyrenees--in Doran Park, a green belt below Kilmer Rd in Lynn Valley.

The attack came unprovoked when Solo lunged at Koda and bit his neck. I was able to act quickly and wrestled Solo off of Koda and sustained small bite to my wrist in the process. While Solo was on a leash when he made the lunge, he was too strong for his owner, pulling his leash out of her hands. He was about 10 feet from Koda when he lunged for him.

After leaving the scene with Koda, I cleaned my wound and went to Lionsgate Hospital where I received a tetanus shot. Having inspected Koda and not noticed any bleeding at the time, I assumed he was OK.

After arriving home from the hospital in the early hours of Thursday, I noticed Koda pawing at his face--that's when I noticed a puncture wound on his neck; I promptly took him to Mountainside Animal Emergency on Capilano Rd. There, he was treated for his wounds: they discovered two punctures which were sown with sutures. A drain was also placed in his neck to mitigate the build up of fluid and the risk of infection at the site of the wound.

Since then, the drain has been removed and he is due to have his sutures removed on June 13th.

Attached is his patient medical form from the hospital as well as photos of the wounds.

Solo's owner, Daniella, has been gracious and understanding through the process. She has paid for Koda's vet visit and she has mentioned that she has since purchased a muzzle for Solo. We've also agreed to do out [sic] best to avoid walking in the same areas.

She can be contacted at: [phone number redacted]. Her address is [address redacted].

I believe the situation to be resolved but thought it prudent to report so there's a record of the incident should something happen in the future.

Thanks

[emphasis added]

[9] The email complaint notes that Solo's owner, Daniela Madi, had been gracious: she paid for the other dog's vet bills and subsequently purchased a muzzle for the Madi dog.

[10] Following on that complaint, on June 7, 2024, Mr. Blayney sent an email to the Madis:

Dear Mr. and Mrs. Madi: I have attached an interim management report for your dog, 'Solo', for the reported bite to dog in Doran Park while at large resulting in injury on May 29 2024 at about 830 pm. Please read and adhere to the management requirements listed for 'Solo' that are in effect until further notice. You may submit a statement of your recollection of the incident to paws@dnv.org and give me a call with any questions you may have at [phone number redacted]. I will be in the office on Saturday June 8 2024 from 8-5 pm.

[emphasis added]

[11] Mr. Blayney provided his phone number. He advised that he would be available to discuss the matter the next day -- a Saturday -- all day long.

[12] The June 7 email attached the management requirements listed for Solo.

[13] The June 7 email also noted that the communication was prompted by the reported bite to dog in Doran Park while at large, resulting in injury, on May 29, 2024, at about 8:30 pm.

[14] Mr. Blayney sent his email to Mr Madi's confirmed email address. It is not clear why Mr. Madi alleges that he never, in fact, received the June 7 email.

[15] That said, as Mr. Blayney had received no communication from Mr. Madi in response to his email, he telephoned Mr. Madi and discussed the attack with him. His case June 20 summary report records as follows:

0800 hrs No response from the MADI's regarding the reported incident in Doran Park on May 29 2024 at about 830 pm. Called the MADI residence and spoke to Mr. and Mrs. MADI who said that he had not received the email with the attached form for 'Solo'. Email address reconfirmed with Mr. MADI and advised that the email would be resent. Interim management for 'Solo' explained and to call if there were any management questions once the email had been received. When asked, Mr, MADI confirmed that they had paid the vet bills for the other dog and had a muzzle as mentioned by the REQ. Mr. MADI said, when the previous issue with 'Solo' in 2023 was mentioned, that his dog was younger and the one that had been attacked in that instance. Mrs. MADI was asked to reply to the email with a statement as to what she remembered from Doran Park

[emphasis added]

[16] Again, Mr. Blayney provided an explanation and an invitation to hear the Madi side of the story.

[17] As promised, Mr. Blayney, immediately after the June 20 telephone call, re-sent to Mr. Madi the June 7, 2024 email, along with the attached management order for Solo that required the muzzling, effective leashing, and proper confinement at home until further notice.

[18] The June 20 email attaching the June 7 email once again expressly invites Mrs. Madi to provide what she can recall from the reported incident at Doran Park. For a third time, Mr. Blayney provides details to Mr. Madi of the specific event in question.

[19] On June 20, right away, Mr. Madi did in fact reply to Mr. Blayney:

Dear Mr. Blayney,

It is really unfair and completely unjustified to call Solo an aggressive dog. Solo is very friendly and loves people and other animals. He is three years old and has been in two altercations in all that time.

The first time was when another dog came at him. The other dog was tied to a bike on a very long leash [sic]. The dog and bike were rolling very quickly downhill and when they rounded the corner the other dog and the bike ran into Solo and my wife. My wife screamed and jumped into the bushes. From Solo's perspective they were being attacked because a dog almost collided right into them. Solo was merely responding to being attacked.

The second time, and the subject of this complaint, Solo was playing with a female dog. An unneutered male came and butted in and that's when the fight started. It was not an unprovoked attack.

Solo is not an aggressive dog. We live right across Upper Lynn school and every day kids line up to pet him and rub his belly. He is very gentle and never aggressive. He is obedient and perfectly trained.

This is a one-off situation, and we will make sure it never happens again. My wife was so shocked by this encounter that she bought a muzzle for him, but truly it is not needed because is not an aggressive dog. Attached is a picture of kids petting Solo.

[emphasis added]

- [20] Although this is, no doubt, not as detailed a response as Mr. Madi, with the benefit of hindsight, would have preferred to have made, I note that it directly addresses the factual and legal issues that he faced, as had been explained to him on three occasions by Mr. Blayney. Specifically, Mr. Madi says that it was not an unprovoked attack. He asserts that the other dog--that is the Whoodle--started the attack.
- [21] The initial complaint raises the central issue of the definition of an "aggressive dog" in the bylaws: that is, whether the attack was unprovoked. Mr. Madi also addresses that central issue in his version of events, claiming that it "was not an unprovoked attack."
- [22] The exercise of a judicial review is generally limited to the record before the decision maker.
- [23] The record before the decision maker, Mr. Blayney, consisted of both sides of the story: the complainant's version of events at Doran Park and Mr. Madi's explanation of what happened at Doran Park. One said that it was an unprovoked attack, and the other said it was a provoked attack.
- [24] The decision maker had before him a much more detailed explanation of what had happened from the complainant. Further, the complainant provided the additional information that the Madis had, in effect, acknowledged fault, supporting the position of the complainant, by: a) purchasing a muzzle; and b) paying for the vet bills of the other dog.
- [25] Accordingly, on June 26, 2024, the District, under the signature of Mr. Blayney, sent a two-and-a-half-page letter to Mrs. Madi. That letter quotes s. 8A as well as the definition of "aggressive dog" from the bylaws in their entirety. It also quotes section 8 with respect to the offences bylaw. It reminds Mrs. Madi of the requirement that all dogs are required to be kept leashed under effective control when off the property of the owner.
- [26] The June 26 letter also included the bylaw notice PDA03719 for the offence of failing to ensure that a dog does not bite a domestic animal, as well as bylaw notice PDA03720 for the offence of dog at large.
- [27] In the introductory paragraph of the June 26 letter, the District stated that based on Solo's actions on that day, "'Solo' meets the definition of an **'Aggressive Dog'**" (bolded in original). Here, the June 26 letter is, in effect, the decision that is now presently the subject of the judicial review.

- [28] Mr. Madi advances several complaints, not only about the reasonableness of the decision, but also about the procedural fairness of the process. I will not address all of the complaints advanced in his 18-page argument, but I will touch upon the key points, as follows.
- [29] With respect to the unreasonableness of the action, Mr. Madi complains that the actions of Solo did not fit the definition of "aggressive dog." That is, specifically a dog which has "without provocation, [has] attacked, bitten, or harassed or pursued in a hostile fashion a person or domestic animal" (emphasis added). He emphasizes the consideration by Mr. Blayney, as well as later on Ms. Walker, of the fact that injuries resulted from the attack. Mr. Madi notes that nowhere does the definition of "aggressive dog" mention injuries.
- [30] Mr. Madi complains that nowhere in Mr. Blayney's decision is there a discussion of the events that led to the fight, or an analysis of whether there was provocation or not. As I explained to Mr. Madi in the course of submissions, not all decision makers entrusted with administrative roles are expected to issue reasons for judgment akin to those of a court. Indeed, in the municipal context, many decisions are made with no reasons whatsoever, or with only brief reasons.
- [31] This is such a decision. That said, I would note that the two-and-a-half-page letter provides the Madis with more information than would ordinarily be provided in the context.
- [32] In such a context where a decision maker is not expected or required to provide complex analytical reasons for the decision, Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 at para. 137, and related case law encourage the court to not only consider what the decision maker said, but also consider the documentation and information that the decision maker had before him or her in making that decision.
- [33] I have already set out that the decision maker had in hand the original complaint, which provided greater information about the circumstances of the dog fight, than that provided by the Madis, as well as the additional information that the Madis seemingly acknowledged liability through their payment of vet bills, and the purchase of a muzzle.
- [34] Under Vavilov, I must take a deferential approach to the decisions of administrative decision makers. Apart from this deference, in the context of this particular decision maker, Mr. Blayney possessed more than ample evidence to reasonably reach the conclusion that he did. He provided an opportunity to both sides to provide their side of the story, to put their best foot forward, and to provide their input into that decision. The evidence before the decision maker adequately and coherently justifies the conclusion summarized in the June 26 letter to Mrs. Madi that the dog fit the definition of an "aggressive dog." The fact that there is not an extensive analysis of whether the dog was provoked or unprovoked, there was certainly a sufficient evidentiary body in the materials in front of the decision maker to rationally reach the decision that he did.
- [35] I turn to the issue of procedural fairness. Once again, I have largely addressed Mr. Madi's complaints in my description of the sequence of events.

- [36] The principles guiding judicial review of procedural fairness are uncontroversial, and are well established in the jurisprudence. The concept and requirements of procedural fairness are variable, and its content is to be decided in the specific context of each case: *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817.
- [37] The present context of enforcement of bylaws that do not lead to incarceration or serious fines informs the content and requirements of procedural fairness. In the present circumstances, I am satisfied that contextual procedural fairness was afforded to Mr. Madi.
- [38] Mr. Madi argues that neither he nor his wife are particularly sophisticated. They are not legally trained. They now regret that they did not provide a more full statement to Mr. Blayney at the time he invited that statement in the emails and the telephone call. Instead, they assumed that there would be an investigation, and that in the course of or perhaps at the end of that investigation, they would be able to present their side of the story.
- [39] As the sequence of emails and telephone conversation sets out, there were express invitations to the Madis to provide their side of the story, about the Doran Park incident. Further, as Mr. Madi's June 20 response indicates, he did, in fact, to some extent provide his view of the incident, as well as his position on the legal test and analysis under the definition of "aggressive dog." Again, Mr Madi argued in his June 20 email that it was not an unprovoked attack.
- [40] Accordingly, I am not persuaded by Mr Madi's argument that he was not afforded a chance to provide input into the decision-making process, or that he was somehow unable to. He is incorrect on both counts.
- [41] I turn to the decision of Ms. Walker: the Chief Bylaw Officer of the District.
- [42] Following the June 26 letter, Mr. Madi had various communications with the District, and asked for a reconsideration of Mr. Blayney's decision. As is not unusual, the District does not have a formal process, either through its own mechanisms or through the Community Charter, SBC 2003, c.26, of reconsidering or appealing the day-to-day decisions of bylaw enforcement officers. Nonetheless, Ms. Walker agreed that she would review the file and consider the circumstances of Mr. Blayney's decision.
- [43] Mr. Madi complains that Ms. Walker was unreasonable to confirm in her August 15, 2024 email that she would not interfere with Mr. Blayney's decision. Mr. Madi also complains about the procedural fairness of the reconsideration process with Ms. Walker.
- [44] I will start by quoting Ms. Walker's August 15 email in its entirety:

Hello Daniela and George,

Thank you for your patience as I considered the events regarding your dog, Solo. I have reviewed the follow up actions of the District's Animal Services Officers while investigating the reports concerning your dog not only for the bite resulting in serious injuries to a dog in Doran Park on May 29, 2024, but previous and post concerns brought forward by the public regarding you not following the regulations, including:

- numerous complaints of your dog being walked off leash or being at large in the neighbourhood
- your dog while at large, aggressively chasing after a leashed dog with a bike rider riding on the street
- continuing to be walked off leash and unmuzzled after notification of interim aggressive dog management after the bite with injury to a dog in Doran Park

Opportunity to provide statement:

It does not appear true that a decision was made without you being able to provide your version of events. You were given opportunities to provide your own account of what happened on May 29, 2024. Following that report, the officer sent you an email on June 7, asking for a statement (and included interim management information), and not hearing back from you, the officer called you on June 20 for a statement. You said you had not received the email, so after confirming the email address used was correct, the email was re-sent to the same email address, [email address redacted]. That same day, you provided a statement of events that day in your words. You also included photos of your dog in other situations (with children on school grounds of Upper Lynn Elementary School). Officers do not direct what is said in a person's statement, as those words should be your own. The statement including recounting of the events of that day which staff took into consideration, including that you have paid the dog owner's veterinarian bills for suturing and installing a drain in the bite wounds. You have provided other correspondence regarding the investigations which were also taken into account.

Informed of Aggressive determination and consequences:

You were previously informed in September 2023 where your dog was at large and charged a bike rider and their leashed dog while riding on McNair Dr. You were provided with information on the bylaw and warned of your duty to prevent harm to the public, and the consequences of not effectively managing your dog and adhering to the Dog Tax and Regulation Bylaw. The officer emphasized the seriousness of the situation and provided a document that contained detailed information on the bylaw, and your legal responsibility. The email containing that information was sent to you September 15, 2023. I conclude that staff have repeatedly warned you of the requirements and consequences of the bylaw. Following the bite, per the bylaw, you were required to keep 'Solo' leashed and muzzled as per the Interim Management Order provided to you by the Senior Animal Welfare Officer; however, District Animal Services continued to receive reports and evidence that 'Solo' was being walked unleashed and unmuzzled. This is a serious concern that you are not taking the appropriate steps in managing and keeping effective control

of 'Solo' and by not doing so, putting your dog in situations that create public risk.

Opportunity to Dispute Bylaw Notices:

I confirm you were given an opportunity to provide a notice of dispute for your bylaw notices. Our records indicate that you have done so within the required time as indicated for each bylaw notice.

In conclusion, your dog 'Solo' was determined to fit the definition of an "Aggressive Dog" in the District of North Vancouver due to its actions, after careful consideration of all evidence and application of the bylaw. I confirm that you must adhere to the Dog Tax and Regulation Bylaw, including the Aggressive Dog requirements. The bylaw can be found here: Dog Tax and Regulation Bylaw (dnv.org)

Best Regards,

Carol Walker

[emphasis added]

[45] Ms. Walker summarizes an earlier complaint and direction from the District to Mr. Madi occurring in September 2023. She provides a hyperlink to the bylaw.

[46] With respect to the reasoning of Ms. Walker's decision as set out in her August 15 email, Mr. Madi raises several complaints. The first, paralleling his complaint about the Blayney letter, is that there is no express analysis of the definition of "aggressive dog" in the bylaw: that is, whether the attack was unprovoked.

[47] As a first observation, Ms. Walker again has before her the original Blayney decision as well as the materials that were in front of Mr. Blayney. The issue of whether the attack was provoked or not was thrashed out at length in those materials, including, again, in many of Mr. Madi's own email communications. The fact that Ms. Walker does not undertake an express analysis with respect to whether the attack was provoked or unprovoked in her August 15 email is not determinative.

[48] Mr. Madi also complains about the other Solo-related incidents that Ms. Walker refers to in her email. I will not get into details of the evidence with respect to those earlier incidents, which are largely contained in the case summary reports for each of those complaints. Mr. Madi complains that, on their face, some of the reports concede that the telephone numbers or information about the complainants is inaccurate, such that the District was unable to conduct a proper investigation to ascertain whether the complaints were true or not. With respect to another incident--one that actually occurred after the May 2024 Doran Park complaint--he argues that it was based upon hearsay, rather than direct knowledge of the complainant.

- [49] Suffice to say, in proceedings leading to administrative decisions, those decision makers generally have a significantly relaxed evidentiary threshold compared to that of a courtroom. In most cases, including this context, a decision maker may consider hearsay evidence.
- [50] The purpose of Ms. Walker's recitation of these other incidents alleged to have occurred before and after the May 2024 Doran Park incident is in support of a decision not to interfere with the original Blayney decision. While in theory, she might have exercised her discretion, or interfered with the original Blayney decision on some other basis, she was entitled to be satisfied that a review of the file indicated that there were ongoing concerns about altercations between Solo and other dogs, for whatever reason, such that that in itself did not provide grounds for interfering with the Blayney decision.
- [51] Mr. Madi raises various factual complaints about the record before Ms. Walker with respect to the second cited incident. That September 2023 complaint alleged that Solo had chased after a dog that was tethered to its owner's bicycle, leading to the cyclist falling off the bicycle. Like the Doran Park incident, it involved an altercation between Solo and another dog, and resulted in injury to a human being.
- [52] Suffice to say, this hearing is not a trial of that earlier event, let alone an appeal of the decisions of Mr. Blayney and Ms. Walker. I am satisfied that Ms. Walker was entitled to consider the record before her with respect to the September 2023 incident. The fact that she did not reopen that investigation, and invite Mr. Madi to make further submissions with respect to September 2023 incident, was within her prerogative.
- [53] Turning to the issue of procedural unfairness. Mr. Madi made several complaints about Ms. Walker's reconsideration process.
- [54] I repeat my first observation is that this is not a formal reconsideration process. Rather, it was a somewhat extraordinary offer made by Ms. Walker to review the file at the request of the Madi family. There was no statutory or other obligation on her to do so.
- [55] The passage that Mr. Madi quotes from the affidavit Ms. Walker provided in this proceeding must be read in that context. Specifically, at para. 5, Ms. Walker states:

While the Animal Control Bylaw does not contain a mechanism for the reconsideration of an Animal Welfare Officer's determination of an "aggressive dog", out of a good-faith desire to address concerns about procedural fairness raised by Mr. Madi in his request, I reviewed the District's files and history relating to "Solo" and reconsidered Officer Blayney's decision to define Solo as an "aggressive dog" under the bylaw.

- [56] Mr. Madi cites that passage for the proposition that Ms. Walker was somehow promising a fresh hearing of Mr. Madi's evidence and arguments with respect to the designation by Officer Blayney of Solo as an "aggressive dog". As indicated from the quotation from the affidavit, Ms. Walker promised no such thing. It would be extraordinary if a person in Ms. Walker's position was somehow offering to reopen the entire file and provide to the Madis a full panoply of procedural entitlements, as well as an opportunity to fully reargue the case.
- [57] We have no sworn evidence from Mr. Madi as to his expectation for the process. Only in oral argument did Mr. Madi assert that he understood Ms. Walker to be offering such a procedure to him, such that he had a reasonable expectation of procedural fairness, of which he says he was deprived, through her August 15 email conclusion, without further opportunity for him to make submissions.
- [58] That all said, in the introductory communication leading to the reconsideration, Mr. Madi did set out a broad-ranging description of the events leading to the designation of Solo as aggressive:

We were recently informed that our dog was designated as aggressive. However, we believe that the whole process of designating our dog as aggressive has been very unfair and skewed against us.

Mr. Doug Blayney made the decision to designate our dog as "aggressive" without actually hearing our version of events. The decision was based solely on the complainant's side of the story.

This occurred because we did not fully understand the process as it was not explained to us at all. We were simply told to give a statement without telling us what should be included in the statement or what the statement was for. We were not told that we should recap the events leading up to the fight, so our statement simply stated that our dog is not aggressive and that he is very well trained and gentle around children. We were not aware that our statement would be used in making the decision. We were also not aware that a hearing was being held regarding this matter, nor were we ever informed of the criteria used for the Aggressive designation.

Mr. Blayney could have asked us to further explain in detail what happened that led up to the dogfight. He could have explained the process to us. He could have informed us of the seriousness of the matter and that such a designation is permanent and cannot be appealed. He could have helped us understand what was happening, but instead he proceeded with the aggressive designation mainly based on the complainant's version of events.

As a result, we did not actually have the opportunity to properly defend our dog's actions that day. We are therefore requesting that the designation of Aggressive be set aside and a new hearing be held with district employees other than those involved in the original decision and who are unfamiliar with the matter. All we are asking for is a chance to present our side of the story and a fair and unbiased assessment of the events that led to the dog fight.

In a follow-up phone conversation, Mr. Blayney finally told us what should have been included in our statement, and he also informed us that the decision had already been made and that there is no appeal process through the district and a reconsideration of the designation is not possible. He said we can submit another statement but that would do nothing to change the decision; our statement would simply be put in the file.

Also, last week, June 29, we received a letter from Mr. Blayney which included two tickets dated May 2024, the date of the incident. We would like to appeal those tickets, but the date on the ticket makes it impossible as it is well past the 15-day limit of the date on the ticket.

Mr. Blayney also informed that the other dog did not receive those tickets. We are wondering why this was so because obviously, it takes two dogs to fight. Why was our dog singled out for the tickets? Clearly, the complainant did not relate the complete facts when making his complaint.

[59] In short, again, even though Mr Madi would have had no entitlement generally under law or based upon any receivable evidence about what Ms. Walker said to him in the communications leading to her August 15, 2024 decision, Mr. Madi did have the opportunity to set out his side of the story, and did provide his side of the story, at that reconsideration stage as well.

[60] Mr. Madi argues that Ms. Walker was not an impartial decision maker. He points to the fact that she referenced reports and evidence that had been received after the May 2024 Doran Park incident as an indication of bias. He points to the District call records to observe that there was indeed only one report; he argues that the evidence was, again, inadmissible as hearsay. I have already addressed the hearsay point above.

[61] I do not find the addition of an "s" to the end of the word "report", and her reference to other complaints about Solo, to be evidence of bias. In an administrative context, an allegation of bias must be supported by particularly compelling evidence: *R. v. S. (R.D.)*, [1997] 3 SCR 484 at paras. 111-114; *C.S. v. British Columbia (Human Rights Tribunal)*, 2017 BCSC 1268, aff'd 2018 BCCA 264 at paras. 153-155. There is a presumption that administrative decision makers, without such evidence, are unbiased. I am not persuaded by that fact to make a finding that Ms. Walker was not an impartial decision maker.

[62] I make one final observation. Vavilov emphasizes that a judge conducting a judicial review is not to reweigh the evidence:

[125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. The reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker": CHRC, at para. 55; see also Khosa, at para. 64; Dr. Q, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see

Housen, at paras. 15-18; Dr. Q, at para. 38; Dunsmuir, at para. 53.

[63] Many of the complaints that are advanced by Mr. Madi in the present petition hearing are in the nature of inviting the Court to second-guess the evidence before the decision makers on which they based their decisions. This is generally an impermissible exercise. The weight that the decision makers would put on different aspects of complaints both before and after the Doran Park incident is largely left up to those decision makers. I am sure that Mr. Madi has a completely different view of what happened during those various incidents. I am sure that he is aggrieved that he was not afforded a process akin to a trial to argue those points and develop the evidence. That is not the role of the present hearing, however. I am not going to reweigh that evidence.

[64] In summary, I have the greatest sympathy for Mr. Madi. Solo is obviously a much-loved family dog, who will now have some restrictions on his ability to roam without a leash and without a muzzle. I take solace in the fact that this is not a capital punishment case for a dog. I also take solace in the fact that, as indicated by the initial Madi response to the Doran Park bite incident, they do have the capability of being proactive and responsible dog owners and will not have difficulty in complying with these modest restrictions on the activities of their big and beloved dog.

[SUBMISSIONS ON COSTS]

[65] THE COURT: By consent, then, a \$2,000 lump-sum costs payment. I would encourage that there would be consideration of whether that could be paid in installments.

"Crerar J"

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