

In 2005, the Ontario Liberal government amended the Dog Owners' Liability Act despite overwhelming opposition from experts in Canada, the US and the UK.

The CKC, OVMA, OSPCA, Toronto Humane Society, AVMA, RSPCA, Canada Safety Council and many others all voiced their opposition to the Liberals' plan to ban three very rare purebred dogs in Ontario - and any dogs who look like them.

How rare? In Ontario there are fewer than 500 purebred dogs that fit the Ontario legislation - in a dog population estimated at 3 million.

There is no breed of dog named 'pit bull', which is a slang, street term used to describe any medium-sized, short-haired dog with a square muzzle. The term is used in the legislation, but since most of the so-called 'pit bulls' we've seen are just garden-variety mutts, we call them lookalikes.

Almost any randomly bred dog can fit the 'pit bull' description, as owners of unrelated dogs who have been harassed under the law have discovered.

Here are the key points which every dog owner needs to know:

- The law does not target dogs because of their breeding, other than the rare purebreds. It does not target behaviour. It targets mongrel dogs which are 'substantially similar' in physical appearance to any of the three breeds. This is an important distinction: It isn't what breed a dog is, or how it behaves, it's what breed the dog resembles to a non-expert that counts. Saying your dog is a Lab-Boxer mix is useless and will not save you from prosecution.

- Any dog of any type which exhibits 'menacing' behaviour (undefined) may be seized and the owner prosecuted under DOLA.

- If an officer believes that a dog of any type is threatening a person or domestic animal, even inside a residence, the officer may enter the premises without a warrant and seize the dog using whatever force is deemed necessary - whether the owner is present or not.

- For most violations, the owner has to prove that the dog is not similar to one of the banned breeds, rather than the prosecution being required to prove their case. In other words, the moment that 'pit bull' is uttered by an officer, the dog is considered to be substantially similar to one, unless the owner can prove otherwise - which is impossible.

- Any lookalike dog born in Ontario after November 26, 2005 or brought into Ontario after August 29, 2005 is illegal. No exceptions. Puppies are to be confiscated and killed or sold for research purposes.

- Any lookalike dog visiting Ontario except for government-authorized dog shows and competitions is illegal and can be confiscated and destroyed. There are no exceptions. Tourists are not exempt. Similarly, if your dog leaves Ontario for more than three months, it is not allowed back into the province. No exceptions, not even for military personnel on assignment.

- If you owned a lookalike dog on August 29, 2005, you may never have more at once than you had on that date. If you didn't own one then, you may have one, but it must be a legal dog based on the above criteria.

- Every lookalike dog, except for certain show dogs, must be sterilized, muzzled and leashed when not inside an authorized enclosed property, except at government-authorized dog shows and competitions.

- If an officer believes that there has been any violation, the dog can be confiscated and destroyed. Dogs can be confiscated not only when in public, but also from inside a home, using whatever force is deemed necessary.

- Any lookalike dog confiscated due to violations will NOT be returned to its owner and can be killed or sold for research. Penalties for violations can be up to six months in jail and up to \$10,000 in fines.

- The local poundkeeper, animal control officer, or police officer is the person who determines if a dog is a lookalike, and, in many cases, there is no opportunity for an appeal of that decision.

- The only reason that a municipality would identify a dog as a lookalike 'pit bull' is to kill the dog. DOLA already dealt with dangerous or potentially dangerous dogs of any breed. Identifying a dog as a lookalike 'pit bull' virtually guarantees the death of the dog and eliminates all of DOLA's other possible remedies to manage or rehabilitate problem dogs.

A lawsuit was filed on the date of enactment of the DOLA amendments, August 29, 2005.

At the Superior Court of Justice, parts of the law were found to be unconstitutional.

'Pit bull terrier' was struck from the definitions section as being unconstitutionally vague. 'Includes' was changed to 'means'.

Section 19, which allowed a certificate purported to be signed by a veterinarian (with no verification of the vet's credentials and with no requirement for the vet to testify) to be used as proof that a dog is a 'pit bull' was struck in its entirety as violating the right to trial fairness.

The matter then went to the Ontario Court of Appeal where the gains we made in the lower court were reversed and the law was upheld.

We filed to have the case heard by the Supreme Court of Canada but they declined to hear it without reasons.

We continue to help dog owners across Ontario who are being victimized by this law as well as to lobby for the removal of breed-specific sections of Ontario's Dog Owners' Liability Act.

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ONTARIO'S DOG OWNERS' LIABILITY ACT

WHAT EVERY DOG OWNER NEEDS TO KNOW



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