

BY-LAWS AND LEGISLATION

Responsible dog owners know and comply with all laws and regulations, including all municipal, provincial and federal By-laws, regulations and legislations. This includes laws in effect in cities that might be on a travel or vacation itinerary. Ignorance of or disagreement with any law is no excuse. Failure to abide by all laws can be very costly, e.g. stiff fines, a jail term or both. Certain violations can cost a dog its life.

Legislation

Dog Owner's Liability Act (D.O.L.A.) and Regulations

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90d16_e.htm#BK6

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_050157_e.htm

Animals for Research Act of Ontario (2005)

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90a22_e.htm

City of Ottawa, Animal Control Bylaw

<http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/respecting-animal-care-and-control-law-no-2003-77>

National Capital Commission, Animal Control Regulations

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-164/FullText.html>

Breed Information and Standards

Dog owners with breeds such as Staffordshire Bull Terriers, American Staffordshire Terriers, American Pit Bull Terriers, Rottweiler's, Doberman Pinschers, Italian Mastiffs, Presa Canarios, Fila Brasileiros, Argentinian Dogos and dogs resembling these breeds should be particularly alert to breed specific legislation.

Canadian Kennel Club

<http://www.ckc.ca/en/>

American Kennel Club

<http://www.akc.org/>

PROTECT YOURSELF AND YOUR DOG!

YOU,
YOUR DOG,
AND
THE LAW



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General

No dog owner should feel secure in the current environment. You must understand that accusations can be made against a dog or its owner if the dog comes into contact with someone who calls By-law or the police. Under the *Dog Owner's Liability Act* (known as DOLA), anyone can file a complaint that your dog "poses a menace" to either a person or domestic animal. (DOLA s.4.(1.b))

You need to keep your dog under control at ALL times. Keep your dog leashed when outside the home, unless you're in an off-leash park. (If your dog is a pit bull, or would be perceived by others as a pit bull, in addition to a leash, always muzzle your dog and never take the leash or muzzle off in a public place.) If you do take your dog to off-leash parks, keep an eye out for distractions that might prevent your dog from coming to you when you call. Not everyone in the park is a dog lover, and joggers, roller bladers, and small swiftly moving children can easily attract your dog's attention. (DOLA s.2.(1))

Do not let anyone you do not know and trust pat your dog; nor should you let your dog jump up on anyone. Scratch marks can and have been mistaken for bite marks. (DOLA s.4.(1.c)(i) and (ii))

Charges

It can be easier for By-law officers to write up a ticket than to play investigator. Once the ticket is issued, it will be up to you to prove that the charge is false.

(DOLA s.4.(1.3))

Under DOLA, (s. 15) if it is believed that a dog owner is, or has at any time, been in violation of the *Act*, police or By-law officers may seize your dog. You may not be able to get your dog from the pound until after a trial, and you may also be charged for the "boarding" fees for the pound keeping your dog.

If a "peace officer" (police, bylaw or other authorities designated under DOLA s. 12) believes that a dog owner has committed any offence under DOLA, (s. 13) he or she can get a warrant to enter any premises to seize a dog or dogs. DOLA allows them to use as much force as is necessary to accomplish this goal. Dogs do not understand search warrants, and if your dog acts to protect you or the house, an officer can shoot the dog.

If, for reasons of health or safety, an officer believes immediate action must be taken, that officer may enter any premises without a warrant (DOLA s. 13 (3)).

If a ticket is issued/charge is laid against your dog, do not think you can make it go away all by yourself. Get a lawyer familiar with the *Dog Owner's Liability Act, Animals for Research Act*, your municipality's animal control By-law and all other applicable legislation for the area in which you live. In the long run, the money spent will be well worth it.

While looking for a lawyer to help you, start assembling information to support your case ***The suggestions listed under "Help Yourself" apply equally to pit bulls and non-pit bulls.***

Help Yourself . . .

If an incident occurs:

- Get names and contact information for everyone involved and/or who witnessed the incident.
- Write down what happened immediately or as soon thereafter as possible.
- Take photographs with a date stamp of everything: the area where the incident took place, noting sight lines etc (if relevant), wounds etc. Take LOTS of photos since you never know what might be useful. If taking photographs of wounds, try to lay something beside them to use for scale. Obviously, a ruler is best, but a pen or some other everyday object would do. If the incident requires trips to the vet for your dog or the hospital for you, be sure to get copies of all medical records.

Green & Associates Law Offices

We are a general practice legal firm. Terrance Green primarily focuses on civil litigation with a special interest in animal law. As dog owners, we both believe the DOLA must be strongly challenged.



If You Think Your Dog is a Pit Bull . . .

Do not attempt to falsify the dog's parentage. If you're caught, you'll destroy your credibility.

Your pit bull or "pit bull type dog" does not have to have a record to be seized.

If a charge states that your dog is a pit bull under the *Dog Owner's Liability Act*, your defence should focus on proving that your dog is not. Section 4 (10) of the DOLA says that proving the dog's breed is the owner's responsibility. By-law officers are not trained to distinguish dog breeds (and pit bull is not a recognized breed, but a label). Even if you think your dog is a pit bull you may be wrong: adopted animals and mixed breeds can be improperly labelled.

Read all you can about the standards for various Bull Terrier breeds (see the Canadian Kennel Club and American Kennel Club web sites), try to determine what your dog is (e.g. Rottweiler or Labrador Retriever cross) and check standards for those breeds as well.

Find pictures of these breeds (pit bull types and those you think might be related to your dog) and take photographs of your dog in comparable poses. The more pictures the better, because you can't bring the dog into the court room or the Tribunal hearing to dispute what the prosecution is saying, but you can have the judge or Tribunal members view and compare pictures.

Even if you believe that your dog is NOT a pit bull, others may think it is and file a complaint, so do your homework now!