

Highlights of the *Dog Owners' Liability Act*

On August 29, 2005, The Province of Ontario amended the *Dog Owners' Liability Act* to increase public safety in relation to dogs, including pit bulls. Full restrictions regarding pit bulls came into effect on October 28, 2005.

The *Dog Owners' Liability Act* has been amended to include the following:

1. Authorize the commencement of a proceeding against a dog owner where the dog poses a menace to the safety of person or domestic animals, or against a person who contravenes the Act, the regulations made under the Act or a court order made under the Act. Adds to the orders that may or shall be made in those proceedings.
2. Except as permitted by the Act or regulations, No person shall own, breed, transfer, abandon, import or train a Pit Bull to fight.
3. Provide an exception to the prohibition for "restricted pit bulls". These are pit bulls owned by an Ontario resident when the Bill comes into force. The legislation defines a pit bull to include the following:
 - (a) Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier or an American Pit Bull Terrier;
 - (b) a dog that has an appearance and physical characteristics that are substantially similar to dogs referred to in (a).
4. Restricted Pit Bull" is defined under the Act as:
 - (a) a "pit bull" owned by a resident of Ontario on August 29th, 2005, or,
 - (b) a "pit bull" born in Ontario before November 26th, 2005.
5. Owners of restricted pit bulls must ensure compliance with the provisions of the Act and regulations relating to restricted pit bulls. These regulations include:
 - Leashing (<1.8 metres in length, of sufficient strength) and muzzling (humanely and sufficiently strong and well-fitted to prevent biting) of restricted pit bulls,
 - Spaying or neutering of restricted pit bulls,
 - When kept within enclosed property, the property is enclosed in a way that can be relied on to prevent the pit bull from breaking out of the property,
 - Authorizing that a Municipality can pass and enforce by-laws governing pit bulls.
6. Provide for search and seizure of dogs under a warrant, in exigent circumstances or, in specified circumstances in a public place.

7. Provide for offences and increased penalties (up to \$10,000 or six months of imprisonment) for contravention of the Act, regulations or orders.
8. Provide that, in a court proceeding in which it is alleged that a dog is a pit bull, the onus is on the owner of the dog to prove otherwise.
9. Provide that where the owner of a pit bull is found to be in contravention of the Act, that pit bull must be ordered euthanized.
10. Authorize the making of regulations respecting the control of pit bulls.

Further Information on the Dog Owners' Liability Act and Public Safety Related to Dogs Statute Law Amendment can be found on the following websites.

Dog Owners Liability Act: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90d16_e.htm

Ontario Legislation 157.05: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_050157_e.htm

General information: <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/dola-pubsfty/dola-pubsfty.asp>