

# You, Your Dog, and the Law: Protecting Yourself, And Your Dog!

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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/dog owner if the dog comes into contact with someone who calls bylaw 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. (s. 4.(1.b))
- You need to keep your dog under control at ALL times. This means 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 necessarily a dog lover, and joggers, roller bladers, and small swiftly moving children can easily attract your dog’s attention. (DOLA 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 4.(1.c)(i) and (ii))
- Bylaw officers, like police, will err on the side of caution and write up a ticket, and then the onus is on the dog owner to prove that the charge is false. . (DOLA 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 bylaw officers may seize any dog in public regardless of the breed of 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. If, for reasons of health or safety, an officer believes immediate action must be taken, that officer may enter any premises *without a warrant* (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 bylaw 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 below apply equally to pit bulls and non-pit bulls.

## 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 any credibility you had.
- Your pit bull or "pit bull type" (that is, someone thinks it's a pit bull and calls the authorities) does not have to have a record to be seized.
- If a charge is laid against you/your dog, 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. Bylaw 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 (for example, at the Canadian Kennel Club and American Kennel Club web sites), try to determine what your dog is (eg. Rotweiler, Rhodesian Ridgeback 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.
- Contact Green & Vespry at [info@greenandvespry.com](mailto:info@greenandvespry.com) for our comparison checklist of "pit bull" breed standards.

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!

## Useful Links

### Legislation:

[Dog Owner's Liability Act \(D.O.L.A.\)](#)

[Regulations under DOLA regarding Pit Bull Controls in Ontario](#)

[Animals For Research Act of Ontario \(2005\)](#)

[City of Ottawa, Animal Control Bylaw](#)

[National Capital Commission, Animal Control Regulations](#)

### Breed information and Standards:

[Canadian Kennel Club](#)

[American Kennel Club](#)

[United Kennel Club](#)

[American Dog Breeders Association](#)

### Dog Ownership Information:

[Goodpooch.com](#) -- Excellent information source, with breed specific legislation page:

## People Who Did Their Homework:

[Saving Lily](#)

## Groups to Consult and Support:

[DLCC](#) - Promoting responsible and accountable dog ownership, effective and fair dog legislation, and dog bite safety.

[The Banned Aid Coalition](#) - Challenging the constitutionality of Ontario's breed specific legislation in court and raising funds to support this challenge.

[National Capital Coalition for People and Dogs](#) – Promoting responsible dog ownership and raising awareness about dogs through education.

# 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 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 & Vespry Law Offices

We are a general practise legal firm. Terrance Green primarily focuses on civil litigation with a special interest in pets and firearms law. Anne Vespry primarily focuses on family law, wills and estates. As dog owners, we both believe the D.O.L.A. must be strongly challenged.























