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Bill 147

An Act to amend the Animals for Research Act and the Dog Owners' Liability Act

Mr. R. Nicholls

Private Member's Bill

1st Reading November 20, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill repeals provisions in the *Animals for Research Act* relating to the disposition of pit bulls under that Act.

The Bill also repeals provisions in the *Dog Owners' Liability Act* that prohibit restricted pit bulls and provide for controls on pit bulls. The Act is also amended to provide that if a court finds that a dog, in an unprovoked attack, has inflicted a severe physical injury on a person or has killed a person, the court shall declare that the dog is a vicious dog, may order that the dog be destroyed and shall order that the owner be prohibited from owning another dog for a period of at least 10 years. An attack is not considered unprovoked if the person attacked was wilfully trespassing or committing another wilful tort on the premises occupied by the dog's owner, was committing or attempting to commit a crime or was teasing, tormenting, abusing or assaulting the dog or if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

An Act to amend the Animals for Research Act and the Dog Owners' Liability Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

ANIMALS FOR RESEARCH ACT

1 (1) Subsection 1 (2) of the *Animals for Research Act* is repealed.

(2) Subsection 20 (5) of the Act is amended by striking out “subject to subsections (7) to (7.4)” and substituting “subject to subsection (7)”.

(3) Subsection 20 (6) of the Act is amended by striking out “subject to subsections (7) to (7.4)” in the portion before clause (a) and substituting “subject to subsection (7)”.

(4) Subsections 20 (7.1) to (7.4) of the Act are repealed.

DOG OWNERS' LIABILITY ACT

2 (1) The definition of “pit bull” in subsection 1 (1) of the *Dog Owners' Liability Act* is repealed.

(2) Subsection 1 (1) of the Act is amended by adding the following definition:

“severe physical injury” means a physical injury to a person that results in muscle tears or disfiguring lacerations or that requires multiple sutures or corrective or cosmetic surgery. (“préjudice physique grave”)

(3) Subsection 1 (2) of the Act is repealed.

(4) Subsection 4 (6) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Considerations

(6) In exercising its powers to make an order under subsection (3), the court shall take into consideration the following circumstances:

(5) Subsections 4 (8), (9) and (10) of the Act are repealed.

(6) The Act is amended by adding the following section:

Order for destruction of vicious dogs

4.1 (1) If, in a proceeding under section 4, the court finds that the dog, in an unprovoked attack, has inflicted a severe physical injury on a person or has killed a person, the court shall declare that the dog is a vicious dog and may make an order under clause 4 (3) (a).

Meaning of provocation

(2) An attack by a dog that inflicts a severe physical injury on a person or that kills a person is not unprovoked if, at the time of the attack,

- (a) the person was wilfully trespassing or committing another wilful tort on the premises occupied by the dog's owner;
- (b) the person was committing or attempting to commit an offence against the *Criminal Code* (Canada);
- (c) the person was teasing, tormenting, abusing or assaulting the dog; or
- (d) the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(7) Section 5 of the Act is amended by adding the following subsection:

Mandatory order for vicious dogs

(2) If, in accordance with subsection 4.1 (1), the court has declared that the dog is a vicious dog, the court shall make an order prohibiting the dog's owner from owning another dog until at least the tenth anniversary of the making of the declaration has occurred or for whatever longer period of time is specified in the order.

(8) Sections 6 to 11 of the Act are repealed.

(9) Subsection 13 (3) of the Act is amended by adding “or” at the end of clause (c) and by striking out clauses (d) and (e).

(10) Subsection 15 (1) of the Act is amended by adding “or” at the end of clause (c) and by striking out clauses (d) and (e).

(11) Section 18 of the Act is amended by adding the following subsection:

Same, vicious dog

(1.1) An owner of a dog who contravenes an order required to be made under subsection 4.1 (1) is guilty of an offence and, despite anything in this Act, is liable on conviction to a fine of not more than \$60,000 or to imprisonment for a term of not more than two years, or to both.

(12) Sections 19 and 20 of the Act are repealed and the following substituted:

REGULATIONS

Regulations

19 The Lieutenant Governor in Council may make regulations,

- (a) authorizing persons or other bodies specified in the regulations to pass and enforce by-laws governing dogs for the purposes of unorganized territory or specified parts of unorganized territory in the same ways that a municipality can pass and enforce by-laws governing pit bulls for the purposes of its geographic jurisdiction;
- (b) designating bodies referred to as designated in this Act;
- (c) designating public officers as peace officers for the purposes of this Act.

Revocation

3 Ontario Regulation 157/05 (Pit Bull Controls) made under the Act is revoked.

COMMENCEMENT AND SHORT TITLE

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Public Safety Related to Dogs Statute Law Amendment Act, 2019*.