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**Official Report
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(Hansard)**

Monday 24 January 2005

**Journal
des débats
(Hansard)**

Lundi 24 janvier 2005

**Standing committee on
the Legislative Assembly**

Public Safety Related to Dogs
Statute Law Amendment Act,
2005

**Comité permanent de
l'Assemblée législative**

Loi de 2005 modifiant des lois
en ce qui concerne la sécurité
publique relative aux chiens

Chair: Bob Delaney
Clerk: Douglas Arnott

Président : Bob Delaney
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Monday 24 January 2005

Lundi 24 janvier 2005

The committee met at 0905 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Bob Delaney): Good morning, everyone. Anyone who hasn't been wished a happy new year, have a happy and prosperous new year.

I call the meeting of the standing committee on the Legislative Assembly to order. We are here to begin public hearings on Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act.

Our first order of business is the subcommittee report. May I ask that the subcommittee report be read into the record?

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): Mr. Chair, your subcommittee on committee business met on Wednesday, December 22, 2004, and Friday, January 14, 2005, to consider the method of proceeding on Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings from 10 a.m. to 5 p.m. in Toronto on Monday, January 24, 2005; Barrie on Thursday, January 27, 2005; Brantford on Wednesday, February 2, 2005; Toronto on Thursday, February 3, 2005;

(2) That ministry/caucus research staff be allowed to travel with the committee if space permits;

(3) That teleconferencing/video-conferencing technology be used if available;

(4) That the clerk of the committee, with the authority of the Chair, post information regarding the hearings in the Barrie Examiner, the Barrie Advance and the Brantford Expositor for one day each, at least one week prior to the committee travelling to the destination;

(5) That an advertisement also be posted on the Ontario parliamentary channel and on the Internet;

(6) That the deadline for receipt of requests to appear be Wednesday, January 19, 2005, at noon;

(7) That staff of the Ministry of the Attorney General be scheduled to present a technical briefing for 45 minutes at the open session committee meeting at 9 a.m. on Monday, January 24, 2005;

(8) That the minister be invited to appear before the committee as the first witness on Thursday, February 3, 2005, at 10 a.m. for 20 minutes to make a presentation and answer questions from the three parties, followed by a 10-minute statement by each opposition critic.

(9) That the length of presentations for other witnesses be 15 minutes for groups and 10 minutes for individuals.

(10) That the clerk of the committee distribute a list of potential witnesses received at the deadline for requests to each of the three parties by Wednesday, January 19, 2005, at 5 p.m.

(11) That if required, each of the three parties supply the committee clerk with a prioritized list of the names of witnesses they would like to hear from by Thursday, January 20, 2005, at noon. These witnesses must be selected from the original list distributed by the committee clerk.

(12) That if all groups can be scheduled in a given location, the committee clerk, in consultation with the Chair, be authorized to schedule all interested parties and no party lists will be required for that location.

(13) That the research officer provide an interim summary of testimonies by Wednesday, February 2, 2005, and a final summary of testimonies by Tuesday, February 8, 2005.

(14) That the deadline for written submissions be Thursday, February 3, 2005, at 5 p.m.

(15) That the deadline for submitting amendments be Monday, February 7, 2005, at 5 p.m.

(16) That clause-by-clause consideration of the bill be in Toronto on Thursday, February 10, 2005.

(17) That each party be allowed 15 minutes for opening statements at the beginning of clause-by-clause consideration of the bill.

(18) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the adoption of the report of the subcommittee, to commence making any preliminary arrangements to facilitate the committee's proceedings.

Mr. Chairman, this is the report of your subcommittee and I'm pleased to move its adoption.

The Chair: Questions or comments? OK. I'll put the question.

Those in favour of adopting the report of the subcommittee? Opposed? Carried.

0910

PUBLIC SAFETY RELATED TO DOGS
STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE LA SÉCURITÉ
PUBLIQUE RELATIVE AUX CHIENS

Consideration of Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act / Projet de loi 132, Loi modifiant la Loi sur la responsabilité des propriétaires de chiens pour accroître la sécurité publique relativement aux chiens, y compris les pit-bulls, et apportant des modifications connexes à la Loi sur les animaux destinés à la recherche.

MINISTRY OF THE ATTORNEY GENERAL

The Chair: Our next order of business is a presentation on behalf of the Ministry of the Attorney General. May I ask Mr. Twohig and Mr. Lewis to please come forward.

Mr. John Twohig: Good morning, Mr. Chair and members of the committee. My name is John Twohig, with the Ministry of the Attorney General. Appearing with me is Mr. Abi Lewis. You should have before you a set of slides that we've prepared for the committee and a clause-by-clause breakdown of the provisions of the bill. With your permission, Mr. Chair, Mr. Lewis will take you through the slides. We're available for questions at any time.

The Chair: Thank you. The floor is yours.

Mr. Abi Lewis: Bill 132 seeks to amend the Dog Owners' Liability Act as well as the Animals for Research Act. I will talk briefly about the legislative history of the Dog Owners' Liability Act.

The Dog Owners' Liability Act was enacted in 1980. DOLA allows for the prosecution of an owner whose dog has bitten or attacked a person. The court can order the owner to more effectively control the dog or have the dog destroyed. The maximum penalty under the legislation is \$5,000. Victims of dog attacks can file civil suits for damages. Liability of the owner does not depend on knowledge of the propensity of the dog or the owner's fault or negligence.

Although the legislation was enacted more than 20 years ago, the legislation has only been amended once, and that was in 2000. In 2000, eight recommendations from the jury at Courtney Trempe's inquest were dealt with by amending the legislation to do the following:

- (1) To allow the court to order a dog be leashed or muzzled pending a determination of whether the dog is dangerous or pending any appeal of such determination;
- (2) To provide for an automatic restraint order when a dog is ordered destroyed;
- (3) To clarify that the maximum fine of \$5,000 applies to all offences under the legislation; and

Last, to authorize the courts to prohibit a dog owner found liable under the legislation from owning another dog for a specified period.

Bill 132, the bill that this committee is considering, is the second major attempt to amend the legislation. Bill 132, the Public Safety Related to Dogs Statute Law Amendment Act, 2005, seeks to do the following: ban pit bulls in the province; impose more controls on dangerous dogs; and hold irresponsible owners more accountable. In addition, Bill 132 amends the Animals for Research Act to provide pounds with a scheme to handle pit bulls that come into their care or are transferred to them. The overarching goal of the proposed amendments is to ensure public safety by helping to reduce the threat that pit bulls and other dangerous dogs pose to the safety of Ontarians in their communities.

Under the legislation, "pit bull" is a defined term. The proposed definition in the legislation is essentially the same as the definition in Winnipeg's bylaw or that of Windsor and differs from Kitchener's bylaw in one respect, which is by not exempting purebred Staffordshire terriers. The proposed law prohibits the "owning, breeding, transferring, abandoning or importing" of pit bulls. It also prohibits training pit bulls to fight.

There are two main exceptions to the general prohibition. First, owners of pit bulls in existence at the time the proposed law comes into force or of pit bulls born within 90 days of the law coming into force will be permitted to keep them as long as they comply with certain requirements. This category of pit bulls will be known as "restricted pit bulls." Owners will also be able to keep pit bulls, although certain rules will apply to them on how to deal with pit bulls.

I'll now talk about the "restricted pit bulls" category. Bill 132 will allow regulations to be made requiring owners of restricted pit bulls to have them muzzled and on leashes while in public and also to have them sterilized. Municipalities, in accordance with their authority under the Municipal Act to make bylaws on animal control, can impose additional controls. The proposed law permits restricted pit bulls to be transferred by gift or bequest. There are limits on the number of restricted pit bulls that Ontario residents can acquire after the proposed ban comes into force. For example, an individual who does not have a pit bull prior to the ban can only acquire one restricted pit bull once the ban comes into force.

One of the new features of the proposed legislation has to do with the search and seizure provisions. The search and seizure provisions apply to all dogs that are deemed a threat to public safety, including pit bulls. Peace officers, who are defined in Bill 132, will be authorized to obtain a warrant to enter a building to search for and seize a dog in the interest of public safety. The proposed law defines some situations that could give rise to the interest of public safety being at stake. Where exigent circumstances exist, peace officers can enter into a building to search for and seize a dog without a warrant. "Exigent circumstances" are defined in Bill 132 to include prevention of "imminent bodily harm or death

to any person or domestic animal.” The proposed law will authorize peace officers to seize a dog in a public place in certain circumstances, including when a dog has bitten or attacked a person or a domestic animal.

0920

There are three types of proceedings that are contemplated under Bill 132. They are actually the same proceedings that are available under the current legislation. The three types of proceedings are the following: A defendant can commence a civil action for damages. Bill 132 does not propose any changes to this proceeding. The second proceeding has to do with a proceeding under part IX of the Provincial Offences Act for an order. The third type is a proceeding under part III of the POA for the conviction of an offence.

Alleged contraventions of the legislation or regulations can be prosecuted either through part III or part IX of the POA, but results differ. They differ in the sense that under part IX, one is seeking a compliance order, whereas under part III it's a prosecution for the offence provisions of the legislation.

I'll now talk briefly about part IX POA proceedings.

Provincial or municipal prosecutors or an individual can initiate an application at the Ontario Court of Justice for an order.

Bill 132 expands the grounds available to seek a compliance order by adding that a proceeding can be commenced against an owner where his or her dog has behaved in a manner that poses a menace to the safety of persons or domestic animals. Currently, a proceeding can only be commenced where the dog has actually bitten or attacked.

Other grounds for seeking an order include failure by a dog owner to exercise reasonable precautions to prevent his or her dog from biting, attacking or posing a menace to the safety of persons and animals, and of course there is the usual catch-all provision which deals with alleged contraventions of the provisions of the legislation.

As in any regulatory proceeding, a defendant will usually have a defence of due diligence available to him or her.

The current DOLA also lists some of the mitigating factors that a court can take into account in issuing orders.

Compliance orders can be sought from the court to direct a dog owner to take certain steps regarding his or her dog. In other words, compliance orders go to the heart of issues pertaining to the responsibility of a dog owner.

Under the proposed legislation, there are mandatory or discretionary orders that can be issued by the court in respect of proceedings seeking compliance orders. Bill 132 requires the court to issue mandatory orders in certain situations such as the following:

(1) In ordering an owner to take measures for more effective control of his or her dog, the court must also order that the dog be sterilized.

(2) If the dog in a court proceeding is found to be a pit bull that has bitten or attacked or posed a menace to safety, the court must order that the pit bull be destroyed.

(3) If the court finds that a pit bull owner has contravened a provision of the legislation or regulations, the court must also order the pit bull to be destroyed. Of course, the court can also issue discretionary orders. For example, if the court is satisfied that a dog has bitten or attacked a person or domestic animal and is satisfied that an order is necessary for the protection of the public, the court may order a dog destroyed or that the owner take specified measures for more effective control of the dog.

I'll now talk about part III POA offence proceedings.

Under Bill 132, an offence proceeding can be initiated against a dog owner or any individual who contravenes a provision of the act or regulations made under it. Part III POA proceedings are prosecuted by the province, although fine proceeds go to municipalities. The proposed law will double maximum fines to \$10,000 and allow for a jail sentence of up to six months for individuals upon conviction. In addition, Bill 132 proposes a maximum fine of \$60,000 for corporations.

Another new feature of Bill 132 is that it will allow restitution orders to be issued against individuals convicted of offences under the legislation.

Bill 132 also deals with the issue of proof. A dog owner has the onus of proving that his or her dog is not a pit bull if identification of the dog becomes an issue in a court proceeding.

I will now turn to the amendments to the Animals for Research Act.

The main purpose of the Animals for Research Act is to ensure the humane handling, care and housing of animals used for research and product testing. Authority for the operation and inspection of pounds that are empowered by municipal bylaws to impound cats or dogs is also found in the legislation. The proposed amendments to the Animals for Research Act provide a scheme for pounds to handle pit bulls after a ban comes into force. The proposed amendments will establish a process for dog owners to prove to pound operators that seized dogs are not pit bulls. In addition, the proposed amendments will establish a process for dog owners to prove to pound operators that seized pit bulls are restricted pit bulls that are in compliance with legislation.

The goal of the proposed changes to the Animals for Research Act is to ensure that the pit bull ban is not in conflict with the processes already present under the Animals for Research Act. In a nutshell, this is what Bill 132 is all about.

Mr. Chair, if you will permit me, I will now speak briefly about the public consultations that took place in the course of developing Bill 132.

On August 28, 2004, a 25-year-old man was mauled by two pit bulls that he was walking for a friend. The police, who shot the dogs, rescued the man. The victim was admitted to the hospital with serious injuries. Following the incident, the Attorney General announced that the government would review the issue of a ban on

pit bulls and that it welcomed comments from the public and organizations. The minister received several letters and more than 6,000 e-mails on the issue, with the majority in favour of a province-wide ban.

On September 9, 2004, the Attorney General held a round-table discussion involving representatives of the police, municipalities, bylaw enforcement officers, humane societies, the National Companion Animal Coalition, the Canadian Kennel Club, a dog training expert and some members of the public to obtain their views. The coalition's membership includes the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association, the Pet Industry Joint Advisory Council, and Agriculture and Agri-Food Canada.

Prior to the introduction of Bill 132, consultations on a pit bull ban took place in different contexts and were wide-ranging. Input was received through letters, e-mails, meetings, telephone discussions, media reports, commentaries and a review of literature on pit bulls.

The Ministry of the Attorney General also consulted the following ministries: the Ministry of Agriculture and Food, the Ministry of Community Safety and Correctional Services, and the Ministry of Municipal Affairs and Housing. All of these ministries do have a little bit of a sphere of jurisdiction pertaining to animal regulation.

Externally, consultations cut across a broad spectrum of stakeholders, ranging from animal welfare organizations, law enforcement agencies, municipalities, veterinarians, pet owners, victims and those involved in dog training.

Attached to the set of slides that have been distributed to the committee members, we do have a list of some of the organizations that were consulted. To save time, I won't read that into the record. Thank you very much, Mr. Chair and members of the committee.

The Chair: We have approximately 27 minutes for questions. We'll begin our questions and comments with the Conservative caucus.

Mr. Peter Kormos (Niagara Centre): On a point of order, Mr. Chair: How do you propose to distribute that 27 minutes?

The Chair: Nine minutes each, rotating between the caucuses. Mr. Miller.

Mr. Kormos: Thank you kindly.

0930

Mr. Norm Miller (Parry Sound–Muskoka): Thank you for coming before the committee. I do have a couple of questions. Just for clarification, the current Dog Owners' Liability Act imposes a maximum fine of \$5,000?

Mr. Lewis: Correct.

Mr. Miller: Can you give me an idea of how often that has been used in the past? You said it's been in place for 20 years, and then it was modified with eight recommendations in 2000. Have there been people who have been charged and given that fine? What sort of history is there on convictions under this law?

Mr. Lewis: I do not have the statistics with me, but I do know that from time to time, prosecutions have taken

place. Depending on the context in which a proceeding is brought before the court, the fines have actually ranged all over the map, from as little as \$100 or \$200, depending on what the infraction is, to a maximum fine of \$5,000. We can endeavour to find out from our statistics about the fine ranges for you and for the committee.

Mr. Miller: Thank you. In your presentation—it's on page 8 of your slides—you said under "Part IX POA Proceedings" that "Bill 132 expands the grounds available to seek a compliance order by adding that a proceeding can be commenced against an owner where his or her dog has behaved in a manner that poses a menace to safety of persons or domestic animals." Who would determine if someone's dog had posed a menace to safety of persons or domestic animals? How would you determine that?

Mr. Lewis: The determination will take place within a judicial proceeding; in other words, the court will be the ultimate arbiter on whether or not a dog has posed a menace to public safety.

Mr. Miller: OK. Going on to page 9, the current legislation "lists some of the mitigating factors that the court can take into account in issuing orders. Compliance orders can be sought from the court to direct a dog owner to take certain steps regarding his or her dog." You talked about how it lists some of the mitigating factors that the court can take into account in issuing orders. What are the mitigating factors?

Mr. Twohig: They can be found at subsection 4(6), under the heading "Considerations":

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

"(1) The dog's past and present temperament and behaviour.

"(2) The seriousness of the injuries caused by the biting or attack.

"(3) Unusual contributing circumstances tending to justify the dog's action.

"(4) The improbability that a similar attack will be repeated.

"(5) The dog's physical potential for inflicting harm.

"(6) Precautions taken by the owner to preclude similar attacks in the future.

"(7) Any other circumstances that the court considers to be relevant."

Mr. Miller: Thank you. The onus of proof, on page 11: "According to Bill 132, a dog owner has the onus of proving that his or her dog is not a pit bull if identification of the dog becomes an issue in a court proceeding." How will a dog owner who has a dog that under this new bill looks something like a pit bull prove that their dog is not a pit bull?

Mr. Lewis: Currently, pet owners do know whether a dog is a pit bull or not. What the proposed legislation contemplates is that where identification becomes an issue in a legal proceeding, the onus shifts to the dog owner to dispute the initial decision made by the bylaw enforcement officer or peace officer about the character-

istics of the dog, like any kind of proceeding where identification is an issue.

Mr. Miller: The onus is on the owner, but a pit bull is not a breed of dog. I know you've got a definition here. How does someone prove the dog is not a pit bull if it just happens to look a little bit like a pit bull?

Mr. Lewis: A pit bull is not a breed as such, but over the years we have looked at the literature pertaining to pit bulls and there has been a sort of unanimity among dog registries pertaining to the types of dogs that will qualify as pit bulls.

Mr. Miller: So there's no science-based test. You can't take some DNA from the dog and prove that it's not a pit bull if you're the owner of a dog that happens to look like a pit bull.

Mr. Lewis: According to the veterinarians, to my knowledge, there is no DNA test as of now.

Mrs. Julia Munro (York North): I just have a question that deals with the part of the presentation where you talked about the consultation and the concern that was raised with regard to the need to be breed-specific. While I agree with my colleague on the difficulties of identification, for the purposes of my question, I'll leave that aside.

Clearly, in the creation of this proposed legislation, there is the notion that a particular type of dog has been characterized as a potential danger. We've seen the fact that in this part of the bill, its posing a menace is part of the definition. So I wondered, when you include breeds such as a Staffordshire bull terrier or an American Staffordshire terrier, what kind of data would you have used to include them in the same kind of category as however you define a pit bull?

Mr. Twohig: Could I just first of all clarify that the issue of posing a menace to society applies to all dogs, not just the dogs that are proposed to be banned here. So it's an across-the-board test for all dogs. In terms of why this particular set of dogs was banned as opposed to others, I guess one reaction I might have is that you might pose that question to the Attorney General.

In terms of data or experience, you're aware of the city of Winnipeg's experience since 1991 and the city of Kitchener's since 1997. So there are experiences in other jurisdictions where these breeds have been banned or variations of these breeds have been banned.

Mrs. Munro: I guess my question is that I would have comfort if we were looking at specific data regarding these particular breeds in a way that would support the notion that they would fall into the same category as a pit bull. You raise these other jurisdictions, but do they have information that says Staffordshire bull terriers and American Staffordshire bull terriers belong in this category? Have they got information that says X number of hospital visits by people—some kind of trigger that would help us understand the inclusion of these two particular breeds?

Mr. Lewis: Again, I would like to answer that question by saying that the regulatory landscape actually goes through the spectrum. In other words, you have the city

of Winnipeg and the city of Windsor that have almost exactly the kind of definition that we have. And we have the UK legislation, where they simply have a protean pit bull terrier, and then more or less the decision would have to be determined based on their experience with various types of dogs on what constitutes a pit bull.

In terms of hard data—

The Chair: Thank you. Time has expired. Mr. Kormos.

0940

Mr. David Zimmer (Willowdale): Mr. Chair, on a point of order: In the materials that—

Mr. Kormos: Is this going to be a real point of order? I'm not sure.

Mr. Zimmer: Yes. There's just a missing page in the materials on the consultation process. It runs from—page 16 is missing. I have a copy here that was put in as a part of the record.

The Chair: OK, we will have the clerk's office undertake to correct that error. Mr. Kormos.

Mr. Kormos: Thank you, gentlemen, for coming this morning.

Chair, if you could let me know when I've got a minute left, give or take, I'd appreciate it.

Let's talk a little bit about the history. You talk about a particular incident here in Ontario, an attack by a pit bull on a person, prompting the Attorney General to—what?—call upon policy people to develop options?

Mr. Lewis: Well, I said following the incident. Prior to that, there have always been letters written to the minister pertaining to the issue of pit bulls.

Mr. Kormos: This wasn't the first incident involving pit bulls, the one that you referred to. There had been previous incidents involving pit bulls, and other breeds, quite frankly. Surely within the ministry there had been some interest by at least policy people, if not by drafters, given to options that might be put to a minister, should that minister inquire of the policy people about the options that were available.

Mr. Twohig: Certainly, there are options. No question.

Mr. Kormos: All right. So what were the options that the ministry had been preparing? This clearly is one of them. The pit bull ban was one of the options. What were the other options the ministry was working on in terms of controlling or enhancing the control of vicious dogs?

Mr. Twohig: Mr. Kormos, I'm not sure I'm at liberty to put the options.

Mr. Kormos: Fair enough, but there were other options?

Mr. Twohig: Oh, certainly.

Mr. Kormos: Were these options developed before the minister, Mr. Bryant, made his announcement, as I recall it, "Pit bulls banned"? I thought he was talking about George Smitherman, quite frankly. Were these options developed before that press conference?

Mr. Twohig: Press conference?

Mr. Kormos: Yes, the announcement by the minister.

Mr. Twohig: I don't believe the specific options you see before you now were developed, but we had a host of recommendations that had been put to us, chiefly from the Courtney Trempe inquiry and others.

Mr. Kormos: You talk about the consultations, the round table. How did you deal with the clear opposition of so many professional groups—veterinarians, humane societies, inter alia, as lawyers are wont to say? How did you deal with their clear, unequivocal rejection of breed-specific bans, intellectually?

Mr. Twohig: We didn't deal with anything, because we're not making the decisions. Those people put their views, and they put their views forcefully. There's clearly a divide in the opinion: those who favour this type of legislation and those who don't.

Mr. Kormos: Quite right.

Section 19—and reference has been made to it; that's the identification issue; again, Mr. Zimmer could help me on legal terms—doesn't even require prima facie evidence of a particular dog being a pit bull. It's only the allegation. In other words, as soon as an information is sworn, for the purposes of the court, that dog is a pit bull. Is that fair to say, subject to evidence to the contrary?

Mr. Twohig: If it's an information, then it's under part III. If it's under part IX, it's an affidavit.

Mr. Kormos: Sure, but as soon as an allegation is made that the dog is a pit bull, black becomes white and white becomes black. I'm not quarrelling with your drafting of it, but that's the effect of it, isn't it?

Mr. Twohig: Unless there's proof to the contrary.

Mr. Kormos: What's interesting about that is—because you're involved with the legalities of this legislation. Have you folks examined other legislation in the province that is as abrupt and perfunctory in creating a presumption based on mere allegation, as compared to even some evidence? What I recall, just from reading newspapers about legal cases and so on, is that in cases where there's a rebuttable presumption, there has to be some evidence. As a matter of fact—and Mr. Zimmer might help me on this—I recall the Alberta Court of Appeal, and then subsequent courts of appeal, upholding appeals and challenges to Criminal Code provisions that, for instance, dealt with fraud and false pretences charges where—what was it?—the mere returning of a cheque marked NSF was a presumption. The courts said that you can't have those types of presumptions; you need some evidence. So I guess what I'm asking is, surely you had some concerns about section 19 and whether it would withstand legal tests, didn't you?

Mr. Lewis: With respect to section 19, I think it's important to note the context we are talking about here. The context is that animal control is within the jurisdiction of the municipalities. Municipal bylaw enforcement officers are performing their duties now and there is a presumption that they will be reasonable in terms of deciding what constitutes a pit bull. In other words, there is a presumption that they will not go out there really gunning for dogs simply because they look like or they feel they might be a pit bull.

Mr. Kormos: Maybe I'm misreading it, because I read section 19 and it doesn't say anything about being reasonable. It says that as soon as there is an allegation—right?—then it becomes a fact, subject to being rebutted. Is that a fair interpretation? Am I reading that right or am I misreading that?

Mr. Twohig: That's correct.

Mr. Kormos: So where does the reasonableness come into this? You're counting on human nature?

Mr. Lewis: Not human nature, but the way a dog is apprehended. Municipal bylaw enforcement officers largely perform that role, and Bill 132 does not change that role by the municipalities.

Mr. Twohig: If your question is whether this section is unusual, yes, it is. There are a couple of provisions in the Criminal Code dealing with gun registries and it exists in a few other provincial statutes, but it's not common.

Mr. Kormos: And is it tested? Are you aware of it being tested? Is this going to be a horrible Achilles heel for this legislation, where it won't even fly because some clever lawyer, inevitably well paid, well dressed—not like myself, but well dressed. Surely some well-paid lawyer is going to go after that. Have you considered whether or not this section 19 has been tested?

Mr. Twohig: Section 19 hasn't been tested—

Mr. Kormos: The type of presumption, that very perfunctory presumption.

Mr. Twohig: In looking at the sections, and in particular I recall looking at the Criminal Code ones—

The Chair: Mr. Kormos, as requested, you are into your last minute.

Mr. Kormos: Thank you, sir.

Mr. Twohig: As far as I know, they are still in place and haven't been successfully challenged.

Mr. Kormos: Gotcha. I suppose I'll have to wait for other people to talk about whether the sterilization of these animals so that they're still around for 10 more years is designed to prevent the mere breeding of them or is in fact designed to make them more passive.

Mr. Twohig: We hear the latter, particularly from the OSPCA. That was one of their—

Mr. Kormos: Make them more passive?

Mr. Twohig: Make them more passive, yes.

Mr. Kormos: There's no need to ban them, then. Thank you kindly.

Interruption.

The Chair: Thank you very much, Mr. Kormos. I caution those attending that recognitions, by applause or by any other means, are not permitted at committee meetings of the Legislative Assembly.

Mr. Kormos: Mr. Chair, cut me some slack. How often does that happen to me?

Mr. McMeekin: Just a quick question. I too appreciate your coming out and sharing an overview of the legislation. I want to go right to your first point about the definition. You say on page 5 of the slide portion of your presentation that the proposed definition is substantially the same as the definition in Winnipeg's bylaw and

differs from Kitchener's bylaw in one respect: by not exempting purebred Staffordshire terriers.

We received statistics on the breeds of biters from the city of Winnipeg. Have you presented similar statistics from the city of Kitchener? If you have, I don't recall seeing them. Do we have similar statistics from the city of Kitchener?

0950

Mr. Twohig: I don't have them here at my fingertips, but I believe we received them at some point.

Mr. McMeekin: Could the committee, Mr. Chairman, be given those? I think if we're getting Winnipeg's stats and the definition is essentially in line with the Winnipeg bylaw, and similar to Kitchener's except in that one issue—I suspect from what we've heard so far that the definition, particularly around the breed, may be a contentious issue, and the Kitchener stats may help us to get some picture of that, so I'd appreciate seeing those. Thank you.

The Chair: I want to thank you very much for having come in this morning and for your deputation here.

Mr. Miller: Mr. Chair, I have the director of animal and bylaw services for the city of Calgary, Mr. Bill Bruce, who would like to appear before the committee, but because he's employed by the city of Calgary and doesn't want to be seen to be interfering in the affairs of Ontario, he needs to be formally invited by the committee to be able to come before the committee. I would like the committee to invite him to come before it. He has significant experience in animal control. The city of Calgary has seen some significant reductions in animal bites. They've had a 70% reduction in dog bites since they brought in their animal control bylaws, and that has happened while the number of dogs in Calgary has doubled. Mr. Bill Bruce would certainly be a very valuable person to lend his experience to the committee, so I would move that the committee invite him to appear before us.

The Chair: Mr. Miller has moved that Mr. Bill Bruce, the director of animal and bylaw services for the city of Calgary, appear before the committee. Is there any discussion on the motion?

Mr. Zimmer: These matters were taken up by the subcommittee, were they not?

The Chair: They were.

Mr. Zimmer: There was a witness list.

The Chair: There was.

Mr. Zimmer: Presumably this was raised then.

The Chair: It was not.

Mr. Kormos: I don't know the background of how this gentleman was brought to Mr. Miller's attention, at least, but the fact is that here's a director of animal and bylaw services for the city of Calgary. Reference has been made already to the city of Winnipeg. I trust that other municipalities that have advocated—and fairly enough, because they've implemented breed-specific bans—will be called upon.

I don't know what the position is of this gentleman from Calgary, but it seems to me that if the committee is

interested in getting the broadest range of information available to it—gosh, we've got e-mails from people in other British colonies, Australia, Great Britain. People are well aware—this has attracted attention internationally. If there's expertise available, why would we possibly shut the door on it? If these people are prepared to assist the committee, let's go; let her rip. Let's have these people in front of us. Quite frankly, whether they're from Calgary or not doesn't offend me. It's of even greater interest because obviously you've got a different provincial jurisdiction. I encourage people to support Mr. Miller's motion.

Mr. Miller: I would just like to support that by asking why we would not try to learn from the jurisdictions that have had the most success, and Calgary has had significant success. They've reduced dog bites by 70%. Here we have the director of animal and bylaw services willing to come before the committee, but he needs a formal invite to be able to come because he doesn't want to be seen to be interfering with the affairs of Ontario. They've had very significant success with an animal control bylaw that's not breed-specific, and I think we can learn from that.

If the end goal is to have the most successful legislation and to improve this legislation, I believe we should be inviting Mr. Bruce to come before this committee. I would ask for the committee's support in inviting Mr. Bruce to come and lend his expertise to the committee.

The Chair: Shall I now put the question?

Mr. Zimmer: This matter of the witness list should have been—if you wanted to make arrangements to raise this matter, it should have been raised before the subcommittee. This committee has set aside four days for hearings. There is an extensive witness list for each of the four days. Each of the witnesses has been allocated a time frame of approximately 10 minutes. The difficulty now with entertaining last-minute changes to the witness list is, where do we fit them in, and if we say yes to Mr. Miller's request, what should we do with other requests that might come up from any other members on the committee? There has to be some end to the process.

Mr. Kormos: The issue seems to be the reluctance of this municipal official to make a submission to this committee without invitation. Why doesn't the committee invite him to make a written submission? Surely that can't be offensive to anybody. It doesn't occupy any time of the committee, but it—

Mr. Zimmer: I'm going to agree. I think that's a reasonable way to proceed.

Mr. Kormos: In that case, you can interrupt.

Mr. Zimmer: That way, we'll get the relevant evidence before the committee and we'll preserve the integrity of the witness list for the remaining four days.

The Chair: Mr. Kormos has the floor.

Mr. Kormos: But he needs an invitation to make a submission so that he doesn't—

Ms. Monique M. Smith (Nipissing): Written submission.

Mr. Kormos: Well, God bless.

Mr. Zimmer: Yes.

Mr. Kormos: That's what I said already—so that he doesn't appear to be overriding his jurisdiction.

Mr. Zimmer: We're with you on this one, Mr. Kormos.

Mr. Kormos: You're on track now.

The Chair: Mr. Kormos, are you proposing an amendment to the motion?

Mr. Kormos: Mr. Miller may want to. I don't want to cut his grass.

Mr. Miller: I understand you're going to vote against this if we don't amend it. I'm getting that feeling. Is that correct? The thing is, you have more members on that side than we do on this side.

Mr. Zimmer: My argument here is that we've got a very tight witness list. It's been planned, 10 minutes per witness over four days, and it's unfair now to re-jig the witness list.

Mr. Kormos's proposal to accommodate this witness, or accommodate your wish to have him send in a written submission at our invitation, satisfies your purpose and preserves the integrity of the witness list.

Mr. McMeekin: I'll build on that. I suspect your political acumen is probably correct, Mr. Miller. I think the rationale for argument from this side is where do you draw the line? New Brunswick's looked at it. The provincial government in Australia has looked at breed bans. There are a number of cities. To have one isolated person in particular who has indicated a desire to make a presentation—I don't normally speak to amendments before they're made, but I think on the surface, because we opened this up, there are at least a dozen people I'd like to see invited. I think the concept of the written brief, as Mr. Kormos has suggested and my colleague Mr. Zimmer has affirmed—and hopefully you, sir, might look at—is a good way to go.

Mr. Miller: I would certainly like to reiterate that I believe we can learn from Calgary's animal control by-law; I would be prepared to modify my motion to invite Mr. Bill Bruce to make a written submission to this committee so that we may learn from the city of Calgary.

The Chair: Mr. Miller has amended his motion to read that Mr. Bill Bruce of the city of Calgary be invited to submit a written brief to the committee. Is there any further discussion? Shall I put the question?

All those in favour? Opposed?

Carried.

1000

Before we move to our 10 o'clock witness, Ms. Louise Ellis, it is a long-standing policy at the Legislative Assembly of Ontario that pets are not to be brought into the work environment. This includes any animals that may be the subject of proposed legislation before the House or its committees. The policy covers assembly committees sitting at Queen's Park or meeting at other venues in the province.

With the authorization of former Speaker David Warner, the workplace policy was stated by the executive director of assembly services in January 1994 as follows:

"The policy in this work environment is to allow animals into the precinct only if they are needed to assist disabled people. For example, those who are visually impaired may require a Seeing Eye dog.

"Security are instructed not to allow other animals into the Legislative Building or the Whitney Block."

I appreciate that there will be many points of view brought forward to assist committee members in their consideration of Bill 132. In this context, I would observe that, were we not to proceed in accordance with assembly policy, we could find ourselves contributing to a situation that, for some witnesses, would present discomfort or anxiety, or even intimidation. Our intention is the very opposite as a committee: We should hear and welcome as wide a range of opinions and information as possible pertaining to our mandate.

As Chair of the committee, I request the assistance of all those coming before the standing committee in respecting our workplace policies.

I'd like to call at this time Louise Ellis to—

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): One moment, Mr. Chairman. That was discussed at the subcommittee, with your own member there, and we agreed at the subcommittee level that we weren't going to get into what you just spoke about in terms of telling people in the subcommittee that you wouldn't be allowed to bring an animal in, because we were going to deal with whatever happened at the hearings.

So I don't know why you're raising it as Chair, when it was discussed at the subcommittee meeting and was decided, over your suggestion, not to put in the subcommittee minutes. So if you're going to do those things, you should raise it with the subcommittee so we know what you're going to be saying at the hearings, since we've agreed at the subcommittee level not to do that.

The Chair: Thank you, Mr. Tascona. I clarified the matter with—

Mr. Tascona: Run your committee meeting through the subcommittee, please.

The Chair: Thank you.

LOUISE ELLIS

The Chair: I'd like to ask Ms. Louise Ellis to come forward, please. Please have a seat anywhere you wish. You have 10 minutes to make your submission to us. Would you start, please, by identifying yourself for the purposes of Hansard. You may use your 10 minutes in any way you wish. If there's time remaining at the end of your comments, the time will be divided among the parties for questions. Please proceed.

Ms. Louise Ellis: Thank you. Good morning. My name is Louise Ellis, and I am the mother of a child who was attacked by a pit bull 10 years ago, here in Toronto. Thank you for the opportunity to speak.

The handouts I have brought with me today are copies of a package that I sent to Attorney General Bryant when I first heard that he was going to address the issue of pit bulls in our society. I was delighted to hear that someone

actually had the wherewithal to finally do something about the pit bull situation in our communities.

Shortly after the attack on my daughter in 1994, our family and friends approached our city government, mayor and city councillors, with only one real response we received: Mayor June Rowlands wrote that the situation regarding pit bulls would be looked at. Nothing happened at city hall, and no one would take a stance with this controversial, "What do we do about the pit bull issues in our community?"

Shortly after the attack on my daughter, a horrible death took place here in the city of Toronto. A man was killed when he entered a dwelling. He was killed by two pit bulls, Apollo and Rage. I never forgot their names. Since this attack was so close to the attack on my daughter, I did not sleep well for a long, long time. The horror is beyond words. Now, one would think that the death of a human being by pit bulls would raise a flag to address the situation. That did not happen.

Last fall, 10 long years and 10 years of many, many more horrendous pit bull attacks all over the province, I heard the news of Attorney General Bryant, the first person I had ever heard was taking the matter seriously. As painful as this is for me to relive this episode of my life again, I will. I will do this for the sake of the new legislation and for the public safety of all Ontario people.

I have no statistics with me to back up what I will say, nor do I have a degree of any sort. Much of what I have learned, however, is from first-hand life experience: the pit bull attack on my daughter 10 years ago and communications with others over the past years. I have paid attention to the media coverage both for and against the issues regarding Bill 132. I have done some research on the Internet regarding pit bulls.

Adding all of this up together with my feelings allows me to sit here in front of you and share my opinion regarding the proposed new legislation. I will do this for my daughter and I will do this for all other victims. You cannot forget the victims of these pit bull attacks.

It's about public safety. This is what this new legislation is all about. It's not about dog owners compelled to turn in their pets. These owners will be allowed to keep their pets. The people who will give up their pit bull are most likely looking for an excuse to surrender it, perhaps are sorry they acquired it in the first place or are afraid of it themselves.

Pit bulls are bred for their strength and specific temperament. Most are purchased for reputation for strength and violence. Unless you have witnessed an attack by a pit bull, you cannot possibly understand the severity of the attack. These beasts don't just bite or nip and leave a bruise like most other dogs. They sink their teeth into the skin and shake it and pull it and rip away until the victim, be it an animal or a human, succumbs to its attacker.

I witnessed the attack on my daughter, who was five years old at the time. We were walking along the Danforth when the attack occurred. The animal lunged at her and let go only because her knees buckled and she fainted down into my arms. The damage to her face was

horrible. The beast left a gaping hole just under the eye so deep that you could see the little bones in her face. The tear duct was hanging on by a little piece of skin, and it's amazing her eyeball didn't fall out. I thought the pit bull had actually eaten that part of her face. Had she been a couple of inches taller, the animal would have sunk its teeth into her jugular vein. After five of hours of surgery at the Hospital for Sick Children, 300 stitches to the inside and out, the doctors had done their best to repair the damage, a nightmare caused by the pat of an innocent child to an unpredictable pit bull.

The animal was not teased or provoked. The owner said it was friendly and that it was OK to pat it. The dog was ordered to be muzzled because it had attacked another dog previously. That day, the pit bull was not muzzled. After attacking my daughter, it turned on the girlfriend of the owner, ripping a gash in her arm from the elbow to her wrist. The flesh and muscle of her arm were dangling like an explosive had just gone off. It took seconds for this beast to cause her wounds.

What the owners of pit bulls don't offer up is that their dogs are not human, and no one can predict what they will do. No person should be allowed to say that their dog is friendly and won't bite. It is an animal. It has the brain of an animal. As much as some would like to believe their pet is human, it is not human. Pit bulls are unpredictable. I have read that they wag their tails just before an attack to make everything seem and look like all is well. The pit bull that attacked my daughter was wagging his tail and just enjoying himself, getting positioned and ready for his attack.

The animal rights activists will try to tell you that pit bulls don't harm people; pit bull owners harm people. Lord, how I wish the owner had bitten my child instead of his dog. The wound have been far less severe.

I have heard the "It's OK, my dog is friendly" line countless times since that day, and it makes my blood run cold to think that intelligent human beings can predict what their animal will do, or better yet, what they won't do.

When I walk down the street and see a pit bull coming toward me, I automatically cross to the other side. Why should I have to cross the street to walk? Why should I be afraid to take my grandchildren to the park for fear of a pit bull?

Of the many, many people I've spoken with, there are only a few who would like to sit on the fence with regard to the proposed new laws. During these hearings, the victims will not be as loud as the animal rights activists, but our voice must be heard. The wounds are real and the fear is very real. We are not on trial, but our trial is to overcome the tragedy of our attacks, and we stand trial every time we relive our horrific and terrifying ordeals with a pit bull. I support this new legislation because it is about public safety. Please don't forget the victims of pit bull attacks, and let us know that there will be far less, and eventually no more, attacks on innocent human beings by the pit bull.

The Chair: Thank you very much. We would have time for perhaps one brief comment.

Mr. Kormos: Thank you very much, Ms. Ellis. Trust me, I suspect many of us will be making frequent reference to your submission during the course of this debate as we put your comments to other witnesses.

Can I ask you this: Was there litigation? Was there a lawsuit initiated in the instance of your daughter against the owner of this dog?

Ms. Ellis: The owner of the dog was charged with criminal negligence.

Mr. Kormos: Under the Criminal Code? I know he was charged, according to the press report, with Dog Owners' Liability Act charges. What happened with that charge?

Ms. Ellis: The Dog Owners'—sorry. I'll give this to my husband.

Mr. Tom Ellis: It never went through. The dog's owner was never charged under the Dog Owners' Liability Act. I laid charges. I charged him with criminal negligence causing bodily harm and I charged him with being a common nuisance.

Mr. Kormos: What happened to the criminal charge?

The Chair: Sir, for the purposes of Hansard, would you please identify yourself.

Mr. Ellis: My name is Tom Ellis. I'm the husband of Louise.

He pled guilty to being a common nuisance and he received a year in jail.

Mr. Kormos: Was there an application under the Criminal Injuries Compensation Board or a lawsuit against the owner?

Ms. Ellis: We applied to the Criminal Injuries Compensation Board.

Mr. Ellis: But as far as the lawsuit against the owner, he was rather indigent so there wasn't much point in going through that.

The Chair: Thank you so much for your deputation here this morning.

Mr. Kormos: Chair, if we can put to legislative research—because I think this is important. Obviously, if a conviction is obtained under a provincial statute, there is no access, insofar as I understand it, to the Criminal Injuries Compensation Board for compensation for personal injury. If there is a conviction under the Criminal Code, then obviously there is. So if we could some data on the types of charges that have been laid, the types of convictions that have flowed—and obviously one of the concerns that people might have is a Criminal Code charge like the one that was referred to that is resolved by way of plea bargaining to, let's say, a provincial offence. I think it's valuable for the committee because one of the issues that I am concerned about is, when there is liability on the part of a dog owner, how does a victim litigate against an impecunious bad-dog owner—Dog Owners' Liability Act?

The Chair: Legislative research has recorded the request.

Mr. Kormos: I appreciate that. Thank you.

The Chair: I now call upon Ms. Cathie Cino, Cat and Jack K9 Safety, please. Is she in the room? OK. Do we

have present Barry MacKay, Canadian representative, Animal Protection Institute? OK. Is the representative of the city of York present? OK.

With our next scheduled deputant not present, this committee will recess—

Mr. Kormos: Chair, could the clerk make some inquiries, if they can be made by phone, to determine whether there are travel problems or whether these people have just lost interest?

The Chair: Yes. We will recess for five minutes while the clerk does exactly that.

The committee recessed from 1012 to 1020.

The Chair: Ladies and gentlemen, thank you very much for coming to order, and thank you for being seated. Let's try again to see if some of our missing deputants have shown up. Cathie Cino: Cat and Jack K9 Safety? Going once, going twice. Is she here? Is Mr. Barry MacKay here?

Ms. Shelley Hawley-Yan: I will be presenting for Barry. My name is Shelly Hawley-Yan.

PROJECT JESSIE

ANIMAL PROTECTION INSTITUTE

The Chair: As our deputant for 10:10 is checking in, perhaps we can simply reverse the order and hear from the Animal Protection Institute at this time. Would you please come forward? For the purposes of Hansard, kindly introduce yourself. You have 15 minutes. You can use this in any manner you wish. You can speak for the whole time or you can leave some time remaining, in which case the time, if it's appropriate, will be divided equally among the members of the three parties.

Ms. Shelly Hawley-Yan: Thank you. My name is Shelly Hawley-Yan. I'm a director of Project Jessie and I'm speaking on behalf of Mr. Barry MacKay, who is the Canadian representative for the Animal Protection Institute.

Dear Chairman and members of the committee, I'd like to thank you for the opportunity to appear before you on this highly charged and very emotional issue.

It is the opinion of both API and Project Jessie that breed-specific legislation is not an effective means of preventing dog bites or of protecting the general public from dangerous dogs. We are not opposed to a dangerous dog law per se, but Bill 132 will not solve the problem; indeed, it is likely to exacerbate it.

We have examined existing statistics and reviewed expert opinion on the causes of canine aggression and bite prevention. We would like to submit for the committee's consideration and recommendation some viable options for implementing effective dangerous dog laws.

We are in favour of really promoting responsible ownership and passing legislation that would enforce that. Non-specific dangerous dog laws are based on the premise that any dog can bite and that a dog of any breed can be treated in such a way that it would encourage aggression. Non-breed-specific legislation focuses on the

quality of ownership, placing responsibility for the dog's actions squarely on the owner.

Project Jessie is a rescue network, and we've been in existence since 1991. In those 14 years, the program has rescued well over 2,000 dogs from pounds and shelters completely across Ontario. Most of those dogs have been in my own car at some time in the process, either driving from the shelter to a vet or to a foster home, and many of them have been fostered and lived in my own home.

Have I ever been bitten by a Project Jessie dog? Thankfully, I haven't. But I am very good at reading a dog's body language and I have pretty good reflexes. Have I ever been snapped at? Yes. But the conditions under which these dogs have lived in a lot of cases are incredibly appalling and very stressful. Some of them have been abused. Some of them have been neglected. Certainly they've all been strays in some way—they've been dumped or have gotten away and been caught. Living in a pound situation is stressful for the animals. Then, they're picked up by me, a stranger, and taken to a vet, where I hold them while they get needles and those sorts of things. If a dog is likely to bite, they're the perfect conditions; we're pushing them, and then we're likely to see that.

What kinds of dogs have snapped at me? Jack Russells, chihuahuas, beagles, terriers. Any kind of dog is capable of biting, and that's really the point of it. Focusing on a specific breed, whether it's pit bulls today or whatever breed it's decided is going to be discussed tomorrow, is really giving the public a false sense of safety and doing nothing to fix the real problem, which is irresponsible owners behaving badly with whatever breed or mix of breeds that they have chosen to live with.

API and Project Jessie have a number of recommendations that we would like to submit to the committee. The first is, we would recommend that the committee oppose Bill 132 in its current form. The second is, urge the Attorney General to withdraw the bill. The third is, recommend that he work with provincial experts such as the College of Veterinarians of Ontario, the Ontario Veterinary Medical Association, the OSPCA, animal behaviourists and representatives from other jurisdictions to implement effective, enforceable, cost-efficient and humane dangerous-dog legislation, such as was passed by the state of New York last year. I have actually attached that statute as an appendix to the document that I put forward.

I would like to see the committee raise concerns that this legislation is punitive to a poorly defined class of dogs, regardless of their temperament and even where there is no history of biting. For example, the legislation does not allow for situations where animals bite because of physical abuse, neglect, starvation, injury, poisoning, training or the use of drugs. It fails to address the root cause of the issue, which is the inappropriate breeding and selling of these animals through backyard and puppy mill breeders and their training as guard and fighting dogs. It does not ban the practice of tethering dogs 24 hours a day, seven days a week, which is a well-known trigger for biting and aggression.

Our rationale for opposing the bill: First of all, the Attorney General and the provincial government are downloading substantial costs to the municipalities, including costs to implement the legislation, ongoing costs for housing and killing substantial numbers of seized and/or surrendered animals, and the huge costs of housing seized animals for extended periods while the seizures are being challenged in court.

As the American Society for the Prevention of Cruelty to Animals, the ASPCA, points out in its paper, *Laws to Control Dangerous Dogs based on Breed*, "In Prince George's county, Maryland, for example, the animal management division estimates that of the 900 pit bulls seized and killed annually under that county's ... ban, 720 or" at least "80% are not dangerous. In addition to expenditures in excess of a quarter of a million dollars" simply "to enforce the ban, the county is compelled to house the seized dogs until court cases conclude, necessitating euthanasia of many other dogs simply due to space constraints."

This is going to be a huge issue for most municipalities. Pounds across Ontario are almost always full. If municipalities are housing suspected pit bulls awaiting their day in court, they will have to be euthanizing other animals as well—those animals that could have been sitting in those cages being put up for adoption—simply because there's not going to be enough space for them all.

The bill is not just going to kill pit bulls; it's going to kill thousands of other dogs in this province as well.

In most municipalities, animal control programs are already understaffed. The additional workload and costs to implement Bill 132 would add significant stress to an already understaffed and underfunded service.

The Attorney General and the provincial government have downloaded all of the legal liability and responsibility to the municipalities, which are required to implement and enforce an extremely difficult and contentious piece of legislation.

We have been in e-mail contact with the mayors of a great many of the municipalities in Ontario, and without exception, all of them have indicated that they would anticipate having great difficulty implementing the bill as it's written.

1030

What kind of compliance are you likely to achieve if this bill passes? It's going to depend on the finances, the size and the determination of each individual municipality. If this bill is intended to create a uniformity of safety across the province, I believe it will fail in that regard. You will still have areas where the ban is rigorously enforced and every heavy-headed, stocky dog is declared a pit bull type and killed regardless of behaviour, and you'll have other areas that will continue to evaluate dog breeds and dog individuals based on their temperament, and these same sweet dogs will be called boxer crosses or Dane mixes or Lab crosses in those municipalities where they don't have the finances or the willpower or the bodies to enforce it.

This bill will do what other breed-specific legislative initiatives do: It will compromise public safety. Again, as the ASPCA notes, “Perhaps the most unintended yet harmful consequence of breed-specific laws is their tendency to compromise rather than enhance public safety. When limited animal control resources are used to regulate or ban certain breeds of dog, without regard for behaviour, focus is shifted away from routine, effective enforcement of laws that have the best chance of making our communities safer: dog licence laws, animal fighting laws and laws that require dog owners to inoculate and exercise control over their dogs, regardless of the breed.”

Bill 132 will result in the demonizing of municipal animal service officers, who will be forced to seize healthy, friendly animals, including puppies born after the ban is in place, and kill them just because of their appearance. The bill creates a confrontational atmosphere between those who own dogs and the bylaw officers and undermines the effectiveness of animal care and control services. Animal control personnel are not trained or qualified to identify the breed of dog. In fact, even practising veterinarians in this province receive no formal training in breed identification.

The bill will result in higher euthanasia rates for all animals in shelters. More pit bulls will be killed, more animals deemed to look like pit bulls will be killed, and more dogs in the shelter will be killed regardless of breed because of the use of cage space to hold seized animals under this legislation when there is a legal challenge. In my opinion, this is absolutely the most dangerous part of the proposed legislation. As the bill says in clause (e), “A member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d).” What does this really mean? As the minister so amusingly demonstrated on television a few weeks ago, it is very difficult to identify what a pit bull is. We’ve worked with pounds from the very best to the very—

Mr. Kormos: That was a very embarrassing moment.

Ms. Hawley-Yan: I bet it was, but it is very difficult.

We’ve worked with pounds from the very best to the very worst across this province—

The Chair: Just as a reminder, you have about one minute left.

Ms. Hawley-Yan: OK. I’ve been told over the phone that a dog in need of rescue is a pit bull, gotten there and found no evidence whatsoever; I couldn’t see the breed at all in this dog. I’ve also fostered puppies—I had a litter this summer, where I know the mother was a shepherd and the father was a Great Dane. Now that these puppies are bigger, they have a heavy head, they’re largely black and they have brindle legs. If one of them was to stray, could they be determined to be a pit bull? Certainly, if you were of a suspicious mind, and I know there’s no pit bull in them.

The Chair: Thank you very much for your submission.

I’d like now to try again and call Cathie Cino, of Cat and Jack K9 Safety.

Mr. Kormos: Mr. Chair, if I may address a matter to legislative research once again, this is with respect to the most recent submission. On page 4 of her submission, she makes reference to the Centers for Disease Control and its conclusions around, amongst other things, chaining and tethering a dog and that it’s 2.8 times more likely to bite, and also that “70% of all dog-bite-related cases involve male dogs that have not been sterilized.” If we could please have data from the province of Ontario about dog bites: male versus female, sterilized versus non-sterilized, and—I suppose the concept of tethering would be difficult. It should be a part of the data. If there’s history on these dogs that would help.

If we could also get this reference, there’s reference to the report from the Centers for Disease Control in Atlanta. When I was speaking in the Legislature, I know some of the government members were giggling, saying, “Oh, what have they got to do with dog bites?” It appears that they’re something of an authority. If we could get the material from the Centers for Disease Control from Atlanta on dog bites and on the preconditions or the circumstances which give rise to dog bites—

The Chair: Thank you. Legislative research has recorded your request.

Mr. Kormos: Thank you kindly.

CAT AND JACK K9 SAFETY

The Chair: Thank you for coming this morning.

Ms. Cathie Cino: Thank you. My apologies, of course. I’m coming from out of town and didn’t allow for that Toronto traffic well enough.

Mr. Kormos: Where were you coming from?

Ms. Cino: Grimsby.

The Chair: Well, you’re here now. Could you please start by identifying yourself for the purposes of Hansard? You have 15 minutes for your submission this morning.

Ms. Cino: My name is Cathie Cino, and I’m with an organization called Cat and Jack K9 Safety, which is about teaching children dog bite prevention through educational material.

Today you will hear from the experts. From the breeders to the veterinarians and everyone in between, we all stand united against this proposed legislation. Bill 132 wilfully legislates profiling, prejudices and paranoia, which is what it will create.

I would first like to express my sincerest sympathy to anyone who has been the victim of a dog bite. I work each day, including later on this afternoon, with dangerous dogs. I understand the terror, the feeling of helplessness and, of course, the pain that one endures when attacked by a dog. Whether you were a victim as a child or in more recent years, the nightmares can continue, and I have felt the pressure from jaws of Rottweilers and German shepherds, golden retrievers, dachshunds, and many numerous ankle biters. Irrelevant to the severity of a bite, it will most definitely leave a mark. I find it very discouraging that our Attorney General is ignoring the

thousands of victims simply because their attackers are not on his agenda.

An aggressive dog can come from any economical background and any home. The Attorney General has listened to the victims' emotional pleas and responded to that with this proposed ban, but he hasn't quite considered all of the facts. As a director of Cat and Jack, I am here to encourage public awareness, to offer our recommendations and provide a few drawbacks to specific-breed legislation.

Since we've welcomed dogs into our homes, it is our responsibility to understand them. Today, more than ever, dogs have become a very treasured family pet, and the pet industry generates billions in revenue. You could buy just about anything for your pampered pooch. All of this misplaced indulgence is actually creating a negative effect. Don't be fooled into thinking that aggressive behaviour only comes from abuse and neglect. Most of my clientele can afford the hard costs of training and veterinarian expenses. They do provide the stability of a loving, nurturing environment. Therefore, why aggression? It seems so unlikely. Yet in all breeds, shapes and sizes, we have seen some of the worst and most ridiculous behaviours.

It is the lack of understanding of basic dog behaviour that needs to be addressed. The dog training industry is constantly evolving. Techniques improve year after year. Knowledge is gained by all of these professionals, and the dog enthusiasts here today are your solution to creating a safer community.

1040

But when we blame the dog, we continue the cycle. The dog is a symptom; he's not the cause. They are not born vicious, and I'm sure you will hear from more than one person over the next four days that we know they are not born to attack. Nature versus nurture: They learn it, usually from us. Most of the time it's unintentional. Owners don't recognize early signs of dominance or aggression, which simply allows a really bad habit to have developed. Some behaviours were just ignored or possibly shelved away in hopes that they would grow out of it. Then there's just the "love is blind" theory: If you find yourself repeatedly excusing the behaviour of your dog, you are contributing to a delinquent.

A sample plan of action for greater public awareness could include things such as public puppy packs. This could be organized through the Ontario Veterinary Medical Association, as they could be the ones to distribute information regarding those warning signs. Public service announcements are a wonderful way to reach all of Ontario, from the rural areas, of course of Grimsby, to the city of Toronto. We need to teach people how to detect a predator in their community and then offer appropriate solutions. We need improved media coverage, not just of how dogs attack, but why. Bite-proofing for kids: This is what I am most passionate about, what I believe is our sole answer to this problem, but we need one recognized agency so that there is a clarity being given out to all the children.

Biting is a socialization issue, not a breed issue, which means we need to educate and encourage dog owners' proper socialization techniques. There's this very confused thought amongst pet owners today. They're so misunderstood. They just don't understand what they're allowed to do as a pet owner. That ranges from punishment, which we don't want to encourage—but how do you deal with a problem behaviour if you can't punish it? So this is the thing we need to work on most with our pet population.

In 1995, a golden retriever viciously lunged at a child in a schoolyard. In response, that school's parent council requested that Cat and Jack come to their school and help educate their children on preventive issues, safety guidelines and how to recognize the warning signs of a potential attacker. If you read yesterday's paper, there was an article in which Dr. Stanley Coren, who is from the University of British Columbia—he's a psychologist and dog expert. I'm just going to read a quick quote: "Statistics show that simply taking a dog through a basic obedience class reduces the likelihood that it will bite by 90%, while giving one hour of instruction on 'bite-proofing' to children reduces the risk that they will be bitten by more than 80%. Combine both dog obedience and child education, and you can reduce dog bite injuries by 98% without banning any specific breed of dog."

The Chair: As a reminder, you have a little less than three minutes.

Ms. Cino: Thank you. We have an opportunity to be a leader in dog bite prevention. Over the last 10 years, I have been working aggressively at initiating educational programs throughout communities. I am very frustrated that past victims have not prompted our government to action. What is more disheartening is that nothing in this legislation would have saved those victims. From across Canada, a few offenders have been a bull mastiff, a Rottweiler, a German shepherd and a collie.

What I propose to you is to put together a committee with all of these experts who have been here today—pick and choose wisely—who can help you gather up the best legislation to ensure our public safety. With the agreement of all the experts, this can be done. New Brunswick, as you understand, has just decided and agreed that a ban is not the way to go. Responsible dog ownership is the solution.

Thank you very much for your time.

The Chair: Thank you. We'll have time for just one brief question, and it's the turn of the Liberal caucus.

Mr. Zimmer: Just briefly, you raised the nature-nurture argument. As I understand your argument, you adhere to the nurture argument; that is, there are no innate qualities in dogs—they learn them from their owners and so on.

I'd just put this proposition to you. It's common knowledge and everybody knows that Labrador retrievers retrieve things. They retrieve ducks, they retrieve—all that is in their nature. It's in the nature of collies to herd sheep. That's what they were bred for in Scotland: generations and generations of collies herding sheep. It's in the nature of hound dogs, through their sense of smell and

sniff, to track things down: to find lost children, to find escaped prisoners, to find things. In your view, why were pit bulls bred, and what is their innate nature?

Ms. Cino: I have been thinking of that answer for a long time, and I'm uncertain I have a clear answer. If I were to look at the inherent disposition of a pit bull, which we know was of course meant to fight in pits, then we could say, yes, with those particular breeds—no different than the English bulldog, which was outlawed over 100 years ago because of the blood sport they were encouraged to do—then we should say that inherently they are killers. But if you ever watch the commercial for Kibbles 'n Bits and you know what an English bulldog looks like, I don't think many of you here would find yourselves fearful of them.

The Chair: Thank you for your presentation. We'll have to move on now.

Mr. Tascona: Mr. Chairman, do we have something in writing? The clerk could photocopy it for the committee.

Ms. Cino: Sure.

Mr. Tascona: Can we have that done, Mr. Chairman?

The Chair: All right. I'd like to call the city of York—

Mr. Tascona: She's offered to have it photocopied. Can the clerk photocopy it?

The Chair: I said yes.

I'd like to call the city of York, Susan Auld, please. City of York?

OK. Is Cathy Prothro, American Staffordshire Terrier Club of Canada, in the room?

Ms. Cathy Prothro: Yes.

Mr. Kormos: Chair, while this woman is seating herself, can I ask legislative research to please—this nature-nurture and all of the anecdotal comments that have been made about it are interesting, but I suppose what's even more interesting is the position that's going to be put forward that some dogs bite in particular ways as compared to the way other dogs bite. That's been put forward to the committee already. Can we ask legislative research please to give us scientific data, research data, on (1) the existence of inherent qualities in dogs, as Mr. Zimmer made reference to, and (2) the physiology, I suppose, of various breeds which makes a biter in one breed more dangerous than a biter in another breed? I'm not talking about the ankle-biter reference, the little chihuahua; I'm talking about whether—because we've heard all this stuff about dogs whose jaws lock and don't lock. My concern is myth versus fact. So if we can get hard data in that regard from legislative research, I'd appreciate it.

The Chair: Thank you. Legislative research has recorded your request.

1050

AMERICAN STAFFORDSHIRE TERRIER CLUB OF CANADA

The Chair: OK, Ms. Prothro, would you please sit down and join us. Welcome to the committee hearing this

morning. Would you please start by stating your name for Hansard. You have 15 minutes, which you can use in any way you wish. If you leave any time at the end of your submission, it will be divided equally among the parties for questions to you.

Ms. Cathy Prothro: Okey-dokey. Well, I'll start. My name is Cathy Prothro and I'm from Dartmouth, Nova Scotia. I am the founding president of the American Staffordshire Terrier Club of Canada. I am also the secretary-treasurer of the Dog Legislation Council of Canada. I am the AmStaff club representative for the Banned Aid Coalition. I have owned AmStaffs since 1978 and bred under the Barberycoast prefix.

Mr. Kormos: Are these the nanny dogs?

Ms. Prothro: No, we're not nanny dogs. We're sort of nanny dogs, but it doesn't say it in our standard.

I am an international specialist for the American Staffordshire terrier and have judged them at national shows in Germany, Russia, Yugoslavia, Romania, Sweden, Holland, Spain, Poland and the USA.

I would like to start my presentation by thanking the MPPs for the opportunity to present here today in regard to Bill 132, and I would like to thank the Honourable Michael Bryant for bringing the problem of irresponsible dog ownership to the forefront. I am here today not only in defence of the American Staffordshire terrier but also in defence of all dogs and responsible owners who would be unjustly penalized if Bill 132 were to be effected as it is currently written.

Included in my package is a synopsis of the American Staffordshire terrier, including breed history, the American Kennel Club/Canadian Kennel Club standard for AmStaffs, and the code of ethics from the American Staffordshire Terrier Club of Canada. Also enclosed is a paper by the American Canine Foundation entitled Breed-Specific Legislation: Does It Work? Dangerous Dogs or Dangerous Owners? Finally, included is a study from a university professor, Dr. Irene Sommerfeld-Stur, Institute of Animal Breeding and Genetics, University of Veterinary Medicine, Vienna. These two studies are on a CD and they've been given to the clerk for copies to go to the MPPs.

I ask that you read this information in its entirety to ensure your grasp of the breed differences you are dealing with, as well as to understand the depth of work that has been done internationally in studying BSL and in concluding pretty much universally that it does not effectively address the problem of dog bites.

In 2002, five litters of AmStaffs were registered with the CKC, totalling 35 individual dogs. AmStaff breeders were exceptionally busy in 2002, because in 2003, three litters were born, 24 individual dogs; in 2004, two litters, 16 individual dogs. This is nationally. This is not just Ontario; these are national statistics. I, for one, had a litter in each one of those years, with two pups being sold to Ontario. The majority of my pups went overseas and to other parts of Canada and the United States.

AmStaffs have been bred since 1936 as companion dogs and stock dogs. They are shown in conformation and compete in obedience and agility trials. They are fly-

ball dogs, St John therapy dogs, search-and-rescue dogs, hearing ear dogs, and in Europe are used as Seeing Eye dogs. How then did AmStaffs get on the Attorney General's hit list of proscribed breeds? Why the Staffordshire bull terrier or the American pit bull terrier, for that matter, both registered breeds with the same track record?

It is evident that Bill 132 has included anything similar in type to what it considers to be a pit bull. This word does not denote a breed but is rather a generic term used to describe any short-coated, muscular dog, a term that could be equated to retrievers, to pointers, to beagles, to boxers, and to most mongrels, in fact, which encompasses so many breeds and crossbreeds that they are too numerous to mention here. How then is it possible to ban something with no legal description or definition?

There have been no recorded bites, attacks or fatalities on a human by a CKC-registered American Staffordshire terrier in Canada—none, never, not ever.

So are we dealing with guilt by association? Are the proscribed breeds named in Bill 132 targeted because they look like the dogs you might find on the street corner? Is it because you can't tell the difference among the dogs, so you have to suggest banning them all? Because they share similar ancestry? These are not good enough reasons for the targeted extermination of a type of dog. For this type of racial profiling, it amounts to nothing more than canine ethnic cleansing. This is why I am here today. Please rest assured that even if AmStaffs were not proscribed, I would still be here, as breed-specific legislation is an ineffective, costly, knee-jerk reaction to the problem of irresponsible dog ownership.

I would now like to debunk two of the most famous theories: first, the locking jaw theory or 2,000 PSI jaw pressure. There has been extensive research in this area. Dr. I. Lehr Brisbin, Ph.D., professor of ecology at the University of Georgia and a scientist for the US Department of Energy, Savannah River Ecology Laboratory in the field of animal behaviour, states—and this is from the ACF paper *Breed-Specific Legislation: Does it Work? Dangerous Dogs or Dangerous Owners?*

"I have conducted extensive research on the two basic issues raised by the controversy surrounding the anti-pit bull legislation; to wit: Is there any credible evidence that the bite of the pit bull is either stronger or more damaging than that of the various other heavy breeds of dogs? And is there any credible evidence that pit bulls are more likely to attack and/or bite in a dangerous way than any other breed of dog?"

"The studies have been conducted on the structure of the skulls, mandibles and teeth of pit bulls showing that, in proportion to their size, their jaw structure, and thus its inferred functional morphology, is no different from any other breed of dog in comparable size and build.

"Further, there is no evidence of the existence of any kind of 'locking mechanism' unique to the structure of the jaws and/or teeth of" American pit bull terriers.

"Films and eyewitness reports of the biting behaviour of APBTs indicates that these dogs tend to hold the bite for longer periods of time than any other breeds, which

tends to slash, tear, then release. This holding-type bite is less likely to cause death from exsanguination, which has been documented as being one of the leading causes of death following severe dog bites. In their role as 'catch dogs' used on livestock and big game, APBTs have proven their ability to use this holding type to immobilize their quarry without causing serious injury or tissue damage, as compared to what would be expected of the slashing-type bite of other breeds. It is for these reasons that APBTs have long been specifically selected for use in the kind of work where it is important that the dog's quarry should not be seriously injured. There are cases, for example, where APBTs have proven to be invaluable research tools in both university- and government-sponsored research programs aimed at studies of the ecology and behaviour of big game animals."

On "ticking time bombs" and "inherently vicious": In her study *Regarding the Question of Particular Aggressiveness of Dogs Based on Affiliation with Certain Breeds*, Professor Dr. Irene Sommerfeld-Stur conclude in her 24-page study, "There exists no valid scientific proved evidence that some special breeds are more dangerous than others. Therefore, it is not acceptable from the scientific point of view to classify a single dog as dangerous only due to the breed it belongs to."

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Dr. Mary Lee Nitschke, Ph.D.: "Variability in behaviour has a wider range within a breed than between breeds. Within the discipline of psychobiology and animal behaviour there is no data from empirically supported studies, published in refereed scientific literature, to support the idea that one breed of dog is 'vicious.' The adult behaviour of a domestic dog is determined overwhelmingly by its experiential history, environmental management and training."

There is no scientific proof that genetics cause a breed of dog to be aggressive, vicious or dangerous. Irresponsible owners are to blame for the behaviour of dogs that are aggressive, vicious or dangerous. Breed-specific legislation is an injustice—canine genocide.

From attorney S. Zendorf: "On August 30, 2002 the Alabama Supreme Court affirmed a circuit court decision that four American pit bull terriers born at Huntsville Animal Control Shelter 'did not lack any useful purpose' as required by the local ordinance." *Huntsville v. Four Pit Bull Puppies*, unreported. "The court determined that the puppies were not trained to fight and were not vicious. In addition, it held that three women who wanted to adopt them had the right to intervene." I've also included the Alabama decision in my presentation.

The Chair: I remind you that you've got about two minutes remaining.

Ms. Prothro: "The city of Huntsville claimed the pit bull puppies were genetically dangerous, used expert witness testimony, and appealed to the Alabama Supreme Court after the lower court rejected its arguments and evidence.

"The Alabama Supreme Court granted the Washington Animal Foundation's petition to participate in the proceedings as *amicus curiae* because the foundation is an

expert on canine genetics. The foundation provided expert testimony to prove that pit bulls and other breeds were not inherently genetically dangerous and must be trained to fight.”

Please rest assured that breed bans do nothing to stop dog attacks. They do nothing to stop illegal activity. They do nothing to protect the public from irresponsible dog owners. But they do punish responsible dog owners, causing court litigation, wasted tax dollars, and impoundment of innocent dogs while criminalizing Canadian citizens.

Non-breed-specific laws are for the protection of the public welfare and safety with the degree of precision that characterizes effective legislation.

I would ask the committee to take the BSL aspects out of Bill 132 and amend it to target irresponsible owners and to hold people accountable for their canine charges. The city of Calgary developed and implemented the premier dog laws in North America. I would urge the committee to look very seriously at Calgary. It is effective and pays for itself. Let’s work together for Ontario to be the first province in Canada to have a premier law and set a precedent for the rest of the country. Thank you.

The Chair: Thank you very much. Unfortunately, you’ve used up all of your time and there won’t be an opportunity for questions to you.

Mr. Zimmer: Could I just ask the witness for the citation from Alabama?

The Chair: If the deputant is willing to provide it to you privately, that would be fine.

Ms. Prothro: It’s in your package.

The Chair: It’s in the package? OK. Our time for this deputation has passed. Thank you.

Is the National Capital Coalition for People and Dogs represented here this morning: Candice O’Connell and Martha Russell? OK.

Mr. Zimmer: Mr. Chair, I just want to note for the record that the Alabama court decision, as I make it, is Alabama, August 8—oh, I’ve got it here. Sorry.

Mr. Kormos: Chair, before we move on, to legislative research: The last submitter made reference to the papers by Dr. Brisbin, by Dr. Sommerfeld-Stur and by Dr. Nitschke. I’m hoping that legislative research can give us those full publications, plus any subsequent publications, studies, analyses or reports which relied upon them, referred to them, or refuted them. I’d appreciate that. That would be valuable for all of us.

The Chair: Thank you. Your request has been recorded.

Mr. Zimmer: Mr. Chair, what happened to the city of York witness?

The Chair: If we can find the representatives of the city of York, we’ll attempt to call them after the next one here.

NATIONAL CAPITAL COALITION
FOR PEOPLE AND DOGS

The Chair: Could you please identify yourself for the purposes of Hansard.

Ms. Candice O’Connell: Yes. My name is Candice O’Connell.

The Chair: Candice, welcome to the committee. You have 15 minutes to make your deputation here this morning. You can use all of it if you wish. If any remains, it will be divided equally among the parties for questions. Please proceed.

Ms. O’Connell: Good morning, Mr. Chair and members of the standing committee on the Legislative Assembly. My name is Candice O’Connell, and on behalf of the National Capital Coalition for People and Dogs, I would like to thank you for the opportunity to submit our presentation on Bill 132.

Today, I am accompanied by Martha Russell, who, in addition to being an NCCPD member, is also the founder and president of A Chance Animal Rescue Inc. Ms. Russell has years of experience in rescuing and re-homing bully breeds, and she can provide this committee with a great deal of factual information and, hopefully, a better understanding of these dogs. Therefore, without further delay, it gives me great pleasure to introduce Martha Russell.

Ms. Martha Russell: Mr. Chair, members of the committee, I operate a registered animal rescue in the province of Ontario. Although we do not refuse any breed of dog, we are known for our experience with American Staffordshire terriers, Staffordshire bull terriers, and the American pit bull terrier, and any of those aforementioned mixes. I will speak globally about these breeds—we’ll refer to them as bull dogs throughout my presentation—and will introduce them to you as a rugged, determined dog who was originally bred as a working dog, not specifically for fighting, as media reports would have the public believe. Sadly, human beings who have the propensity for blood sports and gambling have used these dogs in terrible ways.

I was raised in a family who kept these breeds, and today, my 82-year-old mother shares her home with two bull dogs. Our rescue has operated quietly for over 12 years to date, and in that time we have placed over 40 of these dogs in responsible and loving homes. Our dogs are spayed or neutered, have current vaccinations, and have successfully completed eight weeks of obedience classes before they are offered for adoption. We make home visits, visit two neighbours, and speak directly with the potential adopter’s veterinarian. We have never had any of the bull breeds returned to our rescue or seen evidence of their acting out. We have never had a people-aggressive bull dog come into rescue.

Our dogs come to us via the Ontario Provincial Police, sympathetic animal control shelters, the Ontario Society for the Prevention of Cruelty to Animals, citizens who have found dogs discarded by the sides of roads and in garbage dumpsters, and citizens who have taken dogs from despicable living conditions. Most, if not all, of our rescues are physically abused, not well socialized, distrustful of humans, and yet, the people-friendly trait of the bull breed has always brought them around to be a loving, trusting and loyal animal companion. It is with a

sense of well-being that we see our rescues go on to attain their good citizen awards, work as therapy dogs, as rescue dogs, and as bomb-sniffing dogs with the police services.

We have placed dogs with families with very young children, with older couples who have always had the breed, with professional people, medical personnel and, yes, even lawyers. These are the people you never hear about, as most of us keep a very low profile. You see, these breeds are highly stolen breeds for purposes of illegal dog-fighting and for the short-term purpose of breeding puppies for cash. In each case, they die a long and painful death, and in this province, the cruelty of dog-fighting is only addressed by a small, limited number of police personnel with limited funds being allocated to them and who have limited powers under the Criminal Code of Canada.

I would refer you to the rather graphic photographs attached. They will be upsetting, but you must see what this breed is subjected to, as no other breed is, in the name of sport, and yet has still maintained his want to please and be a companion to humans. But I digress.

The proposed Bill 132 gives police services the power of warrantless searches, entering your home without a search warrant, whether you are home or not, on the complaint of a purported dangerous or menacing dog being inside. That is more power than our police services have under the Controlled Drugs and Substances Act and the gun legislation contained in the Criminal Code of Canada. That should be of concern to each and every one of you. When the dog is seized, it is considered guilty before proven innocent, not what our Charter of Rights and Freedoms allows us as human beings in our courts of law.

1110

We are not blind to the tragedies that have happened to both adults and children by purported pit bulls. All dogs can bite, all dogs can inflict fatal injuries, but I would suggest three things to this committee. Firstly, in all the media reports—and that is what the present Attorney General is basing his comments on—we have not been made privy in each incident to the photographs of the dogs involved nor their actual breed. We have not all been made privy to the circumstances surrounding the incident as we were not present as onlookers, and we have not been made privy to other dog incidents, such as bites and attacks, by any other breed or breed mixes. As an aside, it has been my observation that in most cases, when hearing the irresponsible owner speak to the press, I'm assured of their inability to own a gerbil. Any square-jawed dog with offset eyes and a mean temperament is noted as a pit bull and makes good press.

Allow me to introduce you to one of our rescues who has survived. Cody is a male American pit bull terrier, approximately eight years old. He was seized at the site of a violent domestic dispute by a rather kind Ontario Provincial Police officer. Cody came between the husband physically assaulting his wife only when the physical aspect was then directed at a seven-year-old child

who tried to intervene. For Cody's attempted intervention, he was beaten about the head with a baseball bat, as introduced in evidence at trial, and Cody was left blind and deaf on the right side of his head, along with massive swelling from the blows. The question, I would suggest to you members is, if Cody is "inherently dangerous," as the present Attorney General has suggested all of the breed is, why does he still like to meet and greet humans? In the alternative, if Cody is so inherently dangerous, how was the husband able to beat him with that bat without being attacked for his efforts? Cody still interacts well with humans, other dogs and loves children. The convicted owner received six months in jail, a fine and presently owns another dog.

My second example of the resiliency of the breed is Puff Daddy. Puff was left at the side of a country road with the left side of his face destroyed by a blunt object, as put by the veterinarian. Puff had numerous pieces of flesh missing from his hind end and legs, has had broken bones in both his front ankles from past injuries and was 30 pounds underweight for his frame, has stubs for teeth, an old injury to his jaw and is blind in one eye. Puff is up to his proper weight, his wounds have healed, leaving large hairless areas, he can walk on his front legs with a strange gait and has become the Wal-Mart greeter in my home as he thinks everyone is there to see him. This is an "inherently dangerous dog" who, according to the present Attorney General in his comments on the proposed legislation, cannot be trusted and is a "ticking time-bomb." This dog has every right to dislike humans and still does not.

When legislation was drafted with stiffer penalties for impaired driving, incidents of impaired driving diminished, as evidenced by reports from RIDE programs and our other police services. Photographs and people involved in collisions speaking publicly have had a huge impact on the way we view drinking and driving today. Legislation must be drafted with stiffer penalties, including jail time and fines, to address the issue of irresponsible owners of dangerous dogs, whatever the breed, banning those owners from owning another dog for life, thus making those owners responsible for the actions of their pets. Eradicating a breed or breeds will only encourage those irresponsible folks who wish to own a dog, for whatever nefarious purpose, to turn to breeds without the history of the American Staffordshire terrier, the Staffordshire bull terrier and the American pit bull terrier, and will open up our province to bigger and more powerful-jawed dogs living among Ontarians with no need for human companionship and thus no wish to please or obey.

Those owners of truly dangerous dogs of any breed will escape punishment because their breed is not targeted by this legislation and therefore is believed safe. What message is given to abusive and irresponsible individuals when only the dogs pay the price for their actions?

This proposed Bill 132 has already created a moral frenzy. People are being accosted for simply walking

these breeds, yet not one of the dogs with their owners has become aggressive or protective; puppies are being thrown in dumpsters in plastic bags; people are dropping off pets at shelters as they cannot comply with restrictions; insurance companies are refusing to insure owners of these breeds, and rescues groups that have dogs with those square jaws and big heads will be unable to prove their dogs are not “pit bulls” as defined by the proposed bill and will not be able to offer those dogs for adoption. It will impact on the family who has no registration papers for their beloved family dog, yet who are responsible owners.

I would also bring to your attention that since Bill 132 was introduced, many media reports of supposed pit bull attacks have made front page news and television coverage, and yet days later, when the culprit is found not to be a pit bull or any mix thereof, there appears to be no media coverage on that issue.

I would urge you to draft legislation that addresses the irresponsible owner of dangerous dogs of any breed or breed mix. Remember, any dog can be dangerous. Do not condemn a magnificent breed of dog whose sole purpose in life is to try very hard to please his master, because most times his master is good, but sometimes his master is bad.

The Chair: Thank you very much. We have about two minutes, and that would allow perhaps one question from the PC caucus.

Mrs. Munro: Thank you very much for being here today to give us your perspective on this. I can assume that you would obviously support some form of dangerous dog legislation that’s not breed-specific. Is that a fair assumption?

Ms. Russell: Most definitely.

Mrs. Munro: I ask you that because I have introduced a private member’s bill which would define severe physical injury. Obviously it has nothing to do with what the dog looks like; it has everything to do with what the dog does unprovoked. By the way, the conviction is, of course, on the owner and allows the court to consider a ban on ownership, because over and over again we’ve heard that the same individual can turn around and find another dog.

On page 5, where you talk about the danger that you see this piece of legislation opening up the province to bigger and more powerfully jawed dogs, I wonder if you could give us a sense of just how serious a possibility—a reality, I would argue—this kind of comment represents. What do we have around the corner, in terms of bigger, meaner breeds or the kinds of experiences in other jurisdictions where breed-specific legislation has clearly not worked?

Ms. Russell: You’re certainly not asking me to name a breed so that I show a bias there, are you?

Mrs. Munro: No, but perhaps you could give us a sense that there’s a reality of that opportunity for people.

Ms. Russell: Of course there is. I think people who have these breeds that this bill is supposedly addressing, the people who have them who aren’t responsible—and

whatever the breed and its dangers—are simply going to discard that breed. It’s of no consequence to them to get rid of it and pick or choose another breed from another country that doesn’t have the history of the bull breeds, doesn’t have that want of being with people—and I know you’re a Staffordshire bull owner. There are dogs out there with jaws that are unforgiving and more powerful than we know, and those particular dogs were not bred for any human companionship. I think it’s a very real possibility, and it frightens me because you and I won’t recognize them while walking down the street; and if the same type of person owns them that now owns a dangerous dog and is not in control of the dangerous dog, how in control of that new dog is he going to be?

The Chair: Thank you very much for your submission, and Mrs. Munro, for your question. That concludes your time.

Asking one more time, is a representative of the city of York here? Seeing none, I ask Mr. Peter Orphanos to come forward.

Mr. Kormos: Chair, to legislative research: Part of the material that was presented to us by the last submitter included a pamphlet which has a quote from canine researcher James Serpell, University of Pennsylvania, and canine researcher Cornelia Wagner, University of Wisconsin–Madison. I’d appreciate those documents that the quotes are from. As well, there’s a reference to the BBC, presumably British Broadcasting, reporting a 25% increase in the number of hospitalizations due to dog bites since a ban on pit bulls was implemented in England. If we could perhaps track that down, because I noticed the quote very carefully uses “hospitalizations.” So let’s find out the difference between the rate of hospitalization versus the rate of de facto dog bites since the ban on pit bulls implemented in England. Several US states have passed laws making it illegal for any municipality to pass breed-specific legislation. Perhaps a run-down of those states and, if we could, something of a précis of the arguments that supported the passage of that legislation.

The Chair: Legislative research has recorded your request.

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PETER ORPHANOS

The Chair: Welcome to the committee. For the purposes of Hansard, please state your name. You have 10 minutes, which you can use in whole or in part. If any part remains, that will be divided among the parties for questions.

Mr. Peter Orphanos: Thank you. My name is Peter Orphanos and I come here as a victim of a pit bull attack. I thank you first of all for giving us the opportunity to address you.

Certainly, it seems that I am in the minority this morning in terms of addressees. One specific reason for that problem is that the lobby group for pit bull owners and canine units and so forth is organized. We are not organ-

ized. I don't see a victims' association here of any sort that we can organize. So if you see a lot of people back here, it's because they're organized and we're not.

However, the amount of attacks that I've seen in the newspapers, and even yesterday in the Sun about a four-year-old, leads me to believe that there have been too many of these attacks. Something has to happen. I do believe that government is being responsible in responding to too many attacks lately. To leave that unaddressed is irresponsible and open to litigation.

In my particular experience, a couple of years ago, I was walking my lab down the street and there was a pit bull terrier across the street. I know it was a pit bull terrier because it was confirmed later on, after the bite. The owner was holding it by the collar and the thing was squirming uncontrollably. I told my wife, "There's something wrong with that dog. Let's walk by more quickly here."

We walked by and then, about a block later, I see this pit bull coming behind us, running full tilt. I said, "Uh-oh. We've got a problem here." It stepped right up to my dog, took a couple of sniffs and grabbed it right by the jugular and proceeded to kill my dog.

That dog knew what it was doing. Anybody here who says that dogs instinctively don't know how to kill should have seen that dog that day. I hear a lot of research pro and con. These pit bulls do have a predisposition to attacking and going for the jugular, locking in and killing. If you need any proof in research, I've experienced it.

The pit bull owner came afterwards, about a minute and a half later, having lost control of the dog and the dog having come up to me, and he couldn't get the dog off. Luckily, I once read that if you hit a pit bull on the edge of the nose with a fist, after 12 times, it gets disoriented a bit. It let go and my dog was freed. Otherwise it would have been killed. That was done at the last moment as my dog was starting to lose consciousness. I don't give this to you as schmaltz. This is reality.

Then the delay in getting help; as a victim, I went through the city, the police and so forth. I know the next presenter is the city of Mississauga. I dealt with Mr. Du Rose and I asked that the dog be muzzled. Nothing happened. Two weeks later, I saw the same dog with its owner walking by, smiling away, about a couple blocks from my house. It doesn't work. The present system does not work. I discussed the system with Mr. Rose and he said, "Well, you know what? Education and awareness really help, and that's what our theory and our approach is in Mississauga." It does not work.

I went through a lot of things, including signing forms for court, which never came about. After about six months of me being involved as a victim, doing far more than the perpetrator, I was told that it would not go to court. Then I never heard from them after that.

I have his paper over here—by the way, you check into most animal shelters and you'll see a lot of pit bulls. I was at the animal shelter in Mississauga, and a lot of them, if not most, were pit bulls. Why? Because these

dogs become, with their dispositions, to the point where owners do not want them any more.

In a perfect world, if you can have a perfect world, you can have non-breed-specific legislation and it will work. Dr. Coren stated that with training and so forth, and afterwards with socializing, yes, that would work, in a perfect world. This is not a perfect world. We go by results; we go by what has happened. We have to do something to respond to that.

A lot of people have stated that in other parts of the world, such as in England, legislation has really not worked and so forth. From the Internet, I have seven pages of other municipalities throughout the world that have banned pit bulls. If all of them have not worked, why are they still in effect?

Something has to be done over here. I was a vice-principal at a public school before I retired a year and a half ago, and when it comes to safe playground equipment, and one piece of the equipment is causing a lot of accidents, we try to take a look at what the cause is. But if it keeps on repeating, I could be held liable and that piece of equipment has to be removed. Education for the kids is not enough sometimes; the piece of equipment has to be removed.

I did hear some people saying that there won't be compliance. Let me tell you, as a citizen looking after my own safety, I will be the first person to tell on the pit bull owner to the authorities in my neighbourhood. If everyone does neighbourhood watch on this, the enforcement is going to be a lot easier because the public at large supports you, let me tell you that.

The Chair: As a reminder, Mr. Orphanos, you have a little less than two minutes.

Mr. Orphanos: Two minutes left? Time goes quickly. The last thing I want to say is this: The victims are in the minority today, but when I saw the dog and its breed and how it reacted to my dog and to me that day, no one can tell me that this dog is not any different than any other dog. It is different. You might fine-tune the legislation that you have to be more specific about what types of dogs, so there's less confusion, but it's time to act on this specific breed. The results, in spite of the research that I've heard, are too many bites.

It would be irresponsible of the government not to react with a ban of this sort. It is reasonable. It grandfathers everything. No one's going to lose a dog. But presently, because of too many pit bulls in animal shelters, other dogs are being euthanized because there's no room. It's the reverse of the theory that the lady said previously.

As a victim, I want to say, face reality and forget the theories that we've heard here.

The Chair: Thank you very much, Mr. Orphanos. That concludes your time almost to the second.

CITY OF MISSISSAUGA

The Chair: I'd like to call the city of Mississauga's Elaine Buckstein. Please have a seat just about anywhere.

Welcome to the committee this morning. For the purposes of Hansard, please state your name. You have 15 minutes for your deputation. You can use it in whole or in part. If you leave any time remaining, it'll be divided equally among the parties for questions. The floor is yours.

Ms. Elaine Buckstein: Thank you very much. Good morning, everyone. My name is Elaine Buckstein. I'm the director of bylaw enforcement for the city of Mississauga. Part of that responsibility includes animal services.

The background to the development of Bill 132 spans far earlier than the vicious dog bite attack in Toronto of last August. The child fatality inquest into the tragic death of eight-year-old Courtney Trempe provided a compelling model for all levels of government and animal service agencies. The coroner's jury in the 1999 case made several recommendations to enhance and increase the number of education strategies targeting younger children to prevent vicious dog attacks and dog bites, rather than placing an outright ban on a particular breed of dangerous dogs. Indeed, time and time again, it has been noted by municipalities, animal welfare professionals and experts that improved public education exercises are successful in reducing dog bite attacks.

1130

On December 14, 2004, the city of Mississauga council passed a resolution that it is the city's position that breed-specific bans are not an effective measure to prevent dog bites or, indeed, to protect the public from vicious dogs. There are particular difficulties in attempting to legislate a breed which is difficult to define. The city is in favour of promoting responsible ownership and passing legislation that targets those people who have proven to be irresponsible breeders or owners by introducing tougher legislation against them, but not specifically against a breed. In our experience, dog bites are not the sole domain of one breed, and pit bull charges are not the city's only offender.

In this regard, the city of Mississauga has implemented measures to educate the public on dog bite issues and target those dogs and their owners who have acted irresponsibly. The issue of breed-specific legislation or dangerous dogs has come before the city of Mississauga's council on at least three previous occasions and has never been supported. Each time, staff has researched and recommended against the introduction of a breed-specific bylaw, and council has adopted those recommendations. It is the city's position that all dogs are potentially dangerous and that this behaviour is not limited to one or a few breeds. To this end, the animal services section has sought and achieved enforcement capabilities for the Dog Owners' Liability Act since 1999, and we've amended our animal services bylaw to allow the manager to issue muzzle orders where applicable for biting dogs. These steps, in combination with continuous publication, have met with satisfaction.

I would like to interrupt my prepared comments to respond to Mr. Orphanos's issue, and indicate that in the particular case that he raised, in fact it does represent a muzzle order. That was issued by our manager of animal

services. It also represents a case where, when the owner of that dog was found in contravention of the muzzle order, a set fine of \$305 was laid for not adhering to the muzzle order. Further, since our authority was granted to issue DOLA charges and we amended our bylaw to include muzzle orders at the same time, we've issued 19 such muzzle orders. Four were for pit bulls or pit bull crosses, four for Rottweilers and two for German shepherd dogs. Others were issued but not in numbers relative to this hearing.

In October of this year, the province introduced Bill 132. If Bill 132 is enacted as proposed, it will have a huge financial impact and resource impact on animal services in our municipality. We have reviewed the proposed legislation in detail with Mississauga council and would like to identify the potential issues staff could experience in its practical enforcement. There are two main issues at stake with the introduction of this bill, including liability issues arising from municipalities in enforcing the proposed revision to DOLA and limited staff and monetary resources to implement the legislation without provincial support. I would note that Mayor McCallion's comments were that it was another example of provincial download.

Under the proposed legislation, the onus to enforce the revised act remains primarily on municipal animal shelters services staff. The proposed legislation extends beyond the realm of current financial resources and staff time. It is far-reaching; for example, the identification of pit bulls. The legislation provides for an amendment to the Animals for Research Act, where it provides that the pound-keeper becomes the individual determining whether the pit bull is indeed a pit bull or a restricted pit bull.

Confusion is caused with the public being unfamiliar with dog breeds. This will continue to exhaust the daily operations of animal services when dealing with a deluge of inquiries. There will be a rise in abandoned pit bull dogs, and we expect that a potentially large number will be abandoned, creating sustained and continued overflow in the municipal shelter to the detriment of other dogs that are found as strays.

As well, our staff have identified that euthanasia of otherwise healthy dogs will cause them additional emotional stress. There will also be a high influx of dogs left at animal services shelters while awaiting trial unless the legislation is clarified. We expect additional difficulties in collecting impound fees from owners, specifically where charges may be dismissed. The clarity of the municipalities' ability to collect those fines is unclear.

Animal shelter officers and patrol officers are front-line workers responding to residents' concerns. The provincial government has not indicated whether any additional resources or finances will be allocated to municipal shelters or pounds to effectively enforce the proposed legislation.

We currently maintain nine kennels designated for strays. It is our expectation that a large number of pit bulls may be surrendered to animal services, as owners may not wish to comply with the regulations. In the event this occurs, appropriate surrender fees would be imposed

and staff would notify owners that the dogs would be euthanized. It will be time-consuming when staff members try to place a pit bull dog in a location outside of Ontario, since that is allowed in the legislation. I doubt very much that we'll have much success in doing that and, of course, we'll have no cost recovery in doing so.

Under proposed legislation, fees could accumulate if the wait time for a case in court lengthens. The cumulative effect of abandoned dogs, dogs awaiting trial and dogs being seized in a crowded municipal pound results in dogs becoming kennel crazy and unmanageable. Staff would not be able to exercise all the dogs and, in effect, this would result in an inhumane method of keeping an animal.

The bill provides increased penalties for irresponsible owners. In our experience, court proceedings usually result in far less than the maximum fine being imposed, so program revenues cannot rely on fines imposed or fines collected. To this end, the city suggests that the province amend the bill to have a minimum fine and a maximum fine. The city believes the minimum fine should be \$2,000 for those owners whose dogs are not licensed and an additional \$1,000 if the dog is not licensed at the time of the incident, thereby helping to support municipal licensing efforts. Speaking of licensing, we note the bill is silent as to municipal licensing systems, which it could seek to complement in strengthening this legislation.

The province divests great responsibility to municipalities to implement Bill 132 and govern the ban and restriction of a particular breed. Should the province continue to support this legislation, the city believes that funding should be provided to municipalities over a three-year period to implement the revised legislation in transition.

The bill provides for a 90-day time frame where owners of pit bulls must comply with regulations. It will be difficult, if not impossible, for staff to determine whether a pit bull was actually born between that time frame and when ownership really commenced. In this 90-day period, many owners will need to ensure that they have valid licences, if only to assist in providing evidence of ownership prior to proclamation. I would note too that in licensing in our municipality, and in most, the breed is self-described. So I expect that we will see no recognition of "pit bull" on any future licensing claims, at least, I guess, if people are smart enough to realize that if they say "pit bull" they've just signed a death warrant.

1140

The legislation also provides for an amendment to the Animals for Research Act where it specifies that the pound keeper becomes the individual making the determination. There is reverse onus on the owner to prove it's not a pit bull if it's alleged in court that the dog is not. It's unlikely that an owner will be able to afford DNA tests to determine their dog's breed. In any event, the pound keeper will determine the dog is illegal and destroy it. Liability issues arise here due to potential challenges by way of judicial review for the pound-

keeper's decision. Owners could take the municipality to court for destroying their dog that they later claim is not a pit bull or that their dog was killed prematurely. On examination, it is not clear in the bill whether the dog must be retained at the shelter while awaiting a trial or whether municipal shelters must go ahead and perform the destruction with the pound keeper being given the authority to identify the dog.

If this legislation proceeds, the city recommends that the province provide clarity on the status of a dog awaiting trial, that municipalities are given authority to impound and retain the dog while awaiting trial, and that the court's decision to destroy a dog is final and binding. Any appeal may be filed on the fine itself but not on the disposition of the dog, in order to exempt the municipality from any liability.

If the province determines to continue with breed-ban legislation, knowing the difficulties it will create in attempting to legislate a breed that is difficult to define, municipalities must do their best to determine when a dog is born. The city recommends further that microchipping of all restricted pit bulls would strengthen the proposed legislation by providing a less subjective means of identifying the breed. With the passage of the legislation, automatic microchipping should commence; otherwise, the animal may be found by the pound keeper to be a pit bull breed and destroyed. Further, the city recommends that the province provide municipalities with clear guidelines on their authority to microchip restricted owned pit bull dogs.

The Chair: As a reminder to you, you have a little less than two minutes.

Ms. Buckstein: With the passage of Bill 132, the city's animal services section will be faced with a significant increase in workload, which impacts staff response times and the ability to provide regular services. The section will face pressures on finances, research, resources, the treatment of accused dogs, administration, emotional strain and increased enforcement responsibilities.

The province believes that with the introduction of this legislation, the public will be protected from vicious dogs. The legislation places a significant amount of responsibility on municipalities to enforce the ban and restriction on pit bulls. The city believes that, as the province wishes to divest so much responsibility on municipalities to govern the ban and restriction on this breed, then equally the province should support existing municipal programs and provide municipalities with the resources for such proactive measures, the financial assistance with which the municipality can realistically enforce the proposed changes, require microchips for all restricted pit bulls, and exempt municipalities from potential liability arising from owner claims.

I would also note that the current Municipal Act does allow municipalities to respond to situations within its own boundary regarding dangerous dogs.

The Chair: Could you please sum up? Your time has pretty much expired now.

Ms. Buckstein: Yes. This legislation does remove that option, and it is of concern to us. Instead, we would suggest that the committee review and act upon the 33 recommendations of the jury into the death of Courtney Trempe.

The Chair: Thank you very much. Unfortunately, we don't have time—

Mr. Zimmer: I have a question.

The Chair: Unfortunately, we don't have time for questions on this deputation. If we did, Mr. Zimmer, the rotation would begin with Mr. Kormos. I'm sorry.

Mr. McMeekin: Mr. Chairman, with respect, can we get a copy of the presentation from the presenter?

Ms. Buckstein: Yes, Mr. Chairman. I do have copies of the presentation and the report that was put before Mississauga city council.

The Chair: Thank you. The clerk's office will circulate that.

ASSOCIATION OF ANIMAL SHELTER ADMINISTRATORS OF ONTARIO

The Chair: Our final presentation for this morning is the Association of Animal Shelter Administrators of Ontario, Christine Hartig. Is Christine in the room? I understand you need a moment to set up the projector.

Ms. Christine Hartig: We're going to forgo that.

The Chair: OK.

Mr. Kormos: Chair, while these people are seating themselves, may I ask legislative research: Once again we heard reference to the DNA-ing of dogs, the concern from the city of Mississauga. Other reference earlier was made to the fact that a dog's breed cannot be scientifically proven through DNA. Again, I don't know. Can we get research to give us some authoritative, scientific information on whether or not there are tests which can indicate the breed of the dog, whether it's DNA or what?

Similarly, are there factors like—you're too young, Chair, but others will recall the double-Y chromosome as a factor in humans, for males, for high levels of aggressiveness. Are there similar biological phenomena in animals which can predispose an animal to higher levels of aggressiveness, regardless of its breed? I make specific reference to the double-Y chromosome in male humans. Are there similar indicia in dogs?

The Chair: Legislative research has recorded the request. Mr. Kormos understands that flattery will get him everywhere.

Would you please, for the purposes of Hansard, begin by stating your names? You have approximately 12 minutes for this deputation. Proceed when you're ready.

Ms. Hartig: I have 12 minutes?

The Chair: Yes. That'll take you till noon.

Ms. Hartig: I'm Christine Hartig, president of the Association of Animal Shelter Administrators—

Mr. Kormos: I'm seeking unanimous consent for this group to have 15 minutes. I am prepared to stay till 12:03.

The Chair: Is there unanimous consent?

You have 15 minutes for your presentation. Please proceed.

Ms. Hartig: Thank you. I'll state my name again. It's Christine Hartig, president of the Association of Animal Shelter Administrators. To my left is Fiona Venedam, on the board of directors. To my far left is Carl Badow, treasurer, and on my right is Don Mitton, past president.

Good morning Mr. Chair, committee members, staff and fellow speakers. Thank you for the opportunity to address the committee with respect to Bill 132, a matter of mutual interest which will impact hundreds of thousands of Ontarians: dog owners, breeders, law enforcers, animal shelter administrators and many others. I am before you today primarily as the president of the Association of Animal Shelter Administrators of Ontario. That's quite a mouthful. I'll refer to it as the AASAO after now.

In order to establish some context as to our approach on the proposed legislation, I'll start by providing some background information about our organization. Established in 1981, the AASAO is dedicated to the promotion of a professional approach to the management of private and governmental animal care and control agencies, and exists to serve and assist such organizations. The AASAO has representation from organizations across Ontario, including the largest municipalities in the province. That would include the last speaker from the city of Mississauga. Our membership represents hundreds of years of combined experience and expertise in the business of animal care and control, including the development of associated regulations as well as the administration and enforcement thereof. We're a lot older than we look.

We maintain working relationships with numerous other organizations in Ontario and beyond which have an animal-related mandate, including but not limited to the Ontario Society for the Prevention of Cruelty to Animals, the Ontario Veterinary Medical Association and the Canadian Kennel Club. Interestingly, our very existence was precipitated by a provincial initiative in the 1980s related to the Dog Owners' Liability Act. By the way, our members work for organizations that are responsible for the enforcement of that act.

We have since that time also worked closely with other provincial ministries, such as the Ontario Ministry of Agriculture and Food, on a number of initiatives affecting our industry as well as the general public. Over the years, we have enjoyed many co-operative training initiatives and a special working relationship with OMAF, which looks upon the AASAO and its members as the experts in the field of animal care and control. In fact, we were recently asked by OMAF to review and provide input on its proposed Animals for Research Act Compliance Manual for Animal Control Agencies and to participate on its euthanasia and Animals for Research Act advisory committee.

I wish to assure you that the AASAO shares the concerns of the province with respect to addressing dog bites and attacks and the problems associated with

dangerous dogs, which the proposed bill endeavours to do. There are, however, a number of issues related to certain aspects of the proposed legislation which will make it very difficult, if not almost impossible, to achieve that objective, hence reducing the legislation's efficacy. The following summarizes a few of those issues and provides some alternative solutions. Given the time constraints, we would be happy to provide more detail at a later date.

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On the topic of breed-specificity, the reality is—and you've heard this from other speakers earlier—any dog, purebred or mixed, of any type can bite. Singling out a particular breed through a ban such as that proposed is both over-inclusive and under-inclusive; that is, many well-behaved dogs among the banned breeds are included and many poorly behaved dogs from other breeds are excluded. Any legislation should be based on behaviour of the animal, not the breed, and the essential element in this is owner responsibility.

A breed ban is difficult to enforce, especially with the so-called "pit bull," as it is very difficult to determine if the dog belongs to a certain breed, particularly for a crossbreed. Defining a pit bull has proved to be a formidable legal hurdle in court cases because the pit bull is not a specific breed; rather, it is a kind of dog, a generic catch-all like "hound" or "retriever." The breeds most commonly referred to as pit bulls are the American Staffordshire terrier and the American pit bull terrier. However, since some owners refer to them as "bulldogs," this often leads the public to confuse them with the pug-faced, bowlegged English bulldog, a distant relative, or the bull terrier, another relation whose bloodline was softened long ago by crossbreeding with the English terrier. Pit bulls come in almost any colour. Their ears may be cropped or not, their noses either red or black. Their height and weight are proportionate, with the weight parameters ranging from less than 10 kilograms upwards to 50 kilograms.

Based on the foregoing, there are many dogs that have, quoting from Section 1(2)(e) of the bill, "an appearance and physical characteristics that are substantially similar to" the breeds identified by the bill. Those dogs may be of entirely different breeds not at all related to the pit bull, and may wrongfully become subject to prohibitions and other controls outlined by legislation. The bill also places the burden of proof on the dog owner who, in most cases, will not have the ability to prove otherwise. By extrapolation, a significant and undue burden is also placed on animal care and control personnel tasked to administer and enforce this aspect of the legislation.

In addition to the foregoing, there are a number of concerns with respect to certain terminology used in the bill; e.g., the word "menacing." It is essential that the province consider conferring with animal care and control service providers, such as those we represent, when creating definitions under the new act.

Other impacts on agencies providing animal care and control services: We would request that consideration be given to the significant impact on resources that would be required to enforce the proposed legislation and provide sheltering of pit bulls impounded under such legislation.

The previous speaker covered a number of the concerns that we share. I'll just give you a few statistics here. Although a census has never been conducted to determine the number of pets in Ontario, data published in the AASAO journal estimated that approximately 30% of Ontario's households own a dog. Pets in Ontario, published by the OVMA, estimated that 50% of households own a dog and/or a cat. Stats Canada reports that there were 4.49 million households in Ontario in 1999. It can therefore be extrapolated that 1.35 million households own at least one dog. A survey of animal care and control and humane society professionals estimates that, conservatively, 1% to 2% of the dog population would be comprised of the breeds identified in the proposed legislation, resulting in approximately 15,000 to 20,000 restricted animals.

Funding for animal care and control service providers has historically been significantly below that required to meet the current day-to-day demands. Other than in unorganized territories, funding for animal care and control services is largely the responsibility of municipalities, which are limited in their abilities to generate revenues. Although the proposed legislation speaks to increased fines, the maximum fines in the current Dog Owners' Liability Act are very rarely levied and, in most cases, those funds are not received by the agency providing the enforcement. Increasing fines will have little or no impact on the cost of resources for enforcement delivery.

In addition to the aforementioned breed-specificity aspect of the proposed legislation, several other aspects will seriously impact on its enforcement and efficacy. The breed-specific aspect of the legislation will also result in inconsistent enforcement province-wide, given varying levels of expertise for breed identification and of the ability to respond. Areas of the province where the ability to respond and enforce the legislation is less than others will likely be the subject of an influx of restricted dogs.

Animal care and control service providers generally provide kennelling for dogs, while action under the DOLA is proceeding through the courts. Due to the lengthy process for hearings under the act and appeal processes, dogs are often housed for periods in excess of one year. As there is no aspect of the legislation which speaks to the streamlining of this process, it is anticipated that many animal shelters will fill with pit bulls, resulting in significant cost increases and possible shelter expansion requirements, as well as potential conflict with cruelty legislation as it relates to housing animals for long periods of time without socialization etc. Animal shelters will also be impacted by an increase in dogs being surrendered by their owners and seized under the legislation.

The legislation provides for an amendment to the Animals for Research Act, in which it specifies that the

pound keeper becomes the individual determining whether or not a dog is indeed a pit bull or a restricted pit bull. In addition, the legislation places reverse onus on the owner to provide proof that his or her dog is not a pit bull if it is alleged that the dog is in fact one. An owner may not be able to afford the DNA tests to determine his or her dog's breed. In this event, the pound keeper will deem the dog as illegal and destroy it. The previous speaker addressed the liability issues associated with that.

Provincial animal care and control service providers are under-resourced. Field services barely meet the minimal acceptable response times, and proactive programs, such as patrolling parks and educational initiatives, are limited or non-existent. Animal-related issues are a low priority for police services unless there is an immediate threat to public safety, and then they require assistance from the local agency providing animal control services.

The provincial court system and the prosecutor's office have historically been unable to process hearings, whether performed by the crown or municipal legal departments, in a timely fashion. Increases in those resources will be required to process the increased caseload resulting from the implementation of the legislation.

Due to the lack of enforcement resources, the licensing and identification of dogs in the province has had limited effectiveness to date. Estimates of the percentage of dogs registered rarely exceed 25% of the population. Differential fee structures, in part intended to increase revenues to offset enforcement costs, do not meet that objective.

Now what you wanted to hear most: a summary of our recommended alternatives.

Placing greater emphasis on responsible dog ownership is considered a more effective approach to addressing dog bites and attacks and the problems associated with dangerous dogs. We recommend the following as alternatives for consideration, which can be taken in combination as part of an overall prevention and action program.

Rather than prohibiting certain breeds of dogs altogether, introduce legislation to regulate dangerous dogs and potentially dangerous dogs, which are defined as dogs that have bitten or attacked a person or domestic animal and dogs which by their training or purpose have a greater potential to bite or attack, respectively. Higher licence fees and mandatory liability insurance requirements for dogs that bite or attack should be considered.

Require that any dog owner who permits or encourages his or her dog to attack or bite a person or domestic animal without provocation be subject to substantial fines and/or criminal charges as appropriate.

Require that any dog which has been proven to have bitten a human or domestic animal be subject to muzzling and effective control when off the property of the owner and to effective control when on its own property and that the owner be subject to prosecution under the appropriate municipal or provincial legislation.

Encourage and fund animal care and control service providers to deliver an aggressive program of public outreach, ideally in co-operation with breed organizations and animal welfare groups, that provides information on appropriate breed selection, dog behaviour and dog handling.

Encourage animal care and control service providers to provide licensing incentives that would encourage dog owners to participate in programs such as obedience training and good canine citizen testing to help integrate their dogs into the community.

Provide schools with resources to teach youngsters how to behave around dogs generally and specifically, how to behave when they're confronted by an aggressive dog.

Establish and maintain a province-wide database whereby information about dogs known to have bitten or shown aggressive behaviour may be tracked. Data collection could be coordinated with human health care professionals in order to assess the severity of bites, attacks, locations, victim types etc. so that appropriate prevention mechanisms can be developed;

Streamline the process under DOLA through which may be obtained a destruction order for a dog that has bitten or attacked, to provide for a more timely resolution.

If the proposed legislation is approved to include pit bulls in the manner that it does currently, amend it to ensure that any regulations regarding the final disposition of pit bulls be applied equally to municipalities, humane societies and contracted services.

Amend the legislation to provide for 100% provincial funding for animal care and control service provider implementation costs related to proposed amendments to DOLA for a three-year transitional period.

In addition, we support all of the recommendations made by the previous speaker.

In the spirit of, among other things, the memorandum of understanding between the province and the municipalities of Ontario to consult on matters of mutual interest, the AASAO and, I'm sure, other organizations such as the OSPCA and the Canadian Kennel Club, with which we have liaised, would be pleased to discuss in greater detail our concerns and proposals and to work with the province to establish effective controls on dangerous dogs through appropriate legislation as well as education and awareness programs.

Thank you for your consideration.

The Chair: We have three minutes remaining for at least one question. Mr. Kormos, you have the lead.

Mr. Kormos: I suppose my concern—because I come from down in Niagara, where municipalities, of course, cope with animal control. So it's not so much to you folks, but you're part and parcel of that community. But to research: Could we please have a cross-section of Ontario? Give us a picture of who does animal control in any number of communities.

For instance, down where I live, in Welland, you're hard-pressed to get an animal control officer out there on

a weekend or in the middle of the night, because of the budgeting. Our local humane society is constantly at odds, doing bake sales and raffles, raising money. Again, we live in a semi-rural area, so we've got a big concern with any number of animals, vicious animals as well as rabid animals—skunks, raccoons—and the impact they have on the municipalities. I wonder if research could get us that.

As well, could research get us the Hansard of the New Brunswick committee hearings, where they rejected breed-specific bans? As I understand it, the Liberals opposed breed-specific bans in New Brunswick. I'd be interested in what they had to say there.

Finally, Chair—and I appreciate that you folks might have an interest in this too—could research acquire for us and catalogue, with synopses, the prevalent academic and scientific research on breed-specific bans in the English language and point us to any that support breed-specific bans? I think every member of the committee would like to see academic or scientific research that supports breed-specific bans.

Finally, I want to tell you folks that down where I come from we've got a real shortage of justices of the peace, and when the spokesperson from Mississauga was here—we've got a crisis in the courts, in JP courts, provincial offences courts, Mr. Zimmer. Huge backlogs. These people are not whistling Dixie when they talk about the logistical problems of storing animals for months and months. You know that. There's a crisis, not just down where I am in Niagara, in the availability of JPs. We haven't had appointments. We haven't got the court space for them. I would appreciate some sense from legislative research, because submissions have been made to the government by senior justices of the peace, by the head JPs—what do you call those people, Mr. Zimmer, the head JPs? You know who I'm talking about.

Mr. Zimmer: This is the longest question I've ever heard.

Mr. Kormos: No, no. Stick around a few more years.

Give us a report on the status of JPs and the requests that have been made of the government in terms of JP shortages here in the province—

The Chair: Thank you very much, Mr. Kormos.

Mr. Kormos: Thank you, Chair. Thank you, folks.

The Chair: That concludes the time we have for our deputation. This committee stands in recess until 1 o'clock sharp.

The committee recessed from 1201 to 1305.

CAROL SELJAK

The Chair: Ladies and gentlemen, welcome back. This is the afternoon session of the standing committee on the Legislative Assembly to consider Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act.

This afternoon, our first deputation comes from Carol Seljak. Is Carol in the room?

Ms. Carol Seljak: Yes.

The Chair: OK, come on up, Carol. Welcome. Make yourself comfortable. Just as a recap, you've got 10 minutes for your deputation. You can use all of it if you wish. If you leave any time remaining, it'll be divided equally among the parties to ask you questions. The floor is yours.

Ms. Seljak: My name is Carol Seljak. I'm speaking on behalf of the Bloor-Dufferin Residents Committee, a group of 200 residents in the Bloor-Dufferin area. The group has worked together on numerous projects over a period of nine years.

I phoned a sample of 40 people to survey their responses to the topic of the pit bull ban. The people I spoke to are opposed to vicious dogs in general. They felt frightened and even terrified by pit bulls. They avoided pit bulls if they were with their pets for fear of an altercation. Their fear about this particular breed was its well-known unpredictability and its ability to lock its jaw on its victim, doing serious damage. Some people were not sure a ban would be sufficient, since there were other dangerous breeds. They felt enforcement would be problematic. Others felt they wanted to get to the bottom of the problem, so resources would be required to deal with the broader issue. People were aware of the argument that the owner was a person who should bear serious responsibility and sanction should the dog attack another dog or person, but these sanctions are meaningless if it is your child who suffers an attack.

As an aunt and a teacher, I cannot imagine a situation where I could not free a child from the grip of a dog until help would arrive 10 to 15 minutes later. I was horrified when I read about the man who was taking two pit bulls for a walk and they turned on him. Nothing neighbours could do would allow the pit bulls to release the man. Officers shot the dog with 14 rounds of ammunition, which finally resulted in the man's release.

I'd like to summarize some of the comments from people after the phone calls I made. Penny C., a dog walker, said that a pit bull attacked her neighbour's dog, resulting in 80 stitches to the dog. She said that the muzzle-and-leash approach would help, but there's no enforcement to ensure adherence to the law. She's in favour of the ban because it sends a clear message rather than an unenforceable one.

Paul T. is a dog breeder, and he said that only certain people should have access to aggressive breeds. He thinks there should be licensing requirements when obtaining certain breeds. He saw a documentary which mentioned the chow as another dangerous breed, but that same documentary had the pit bull on the top of its biggest bite list. The title was earned because of the pit bull's unpredictable and aggressive behaviour. Paul said that he encountered a pit bull owner who froze up when he was approached by Paul and his dog. Another breeder he knows was raising three pit bulls until they turned on him. On one occasion, he encountered an animal control worker who was looking for a pit bull that was involved in an attack. He is in favour of huge fines and criminal charges.

Mike W. acknowledged that he heard a radio program which identified the existence of an underground market for pit bulls and that the owners have dogs wear weights around their collars to build muscle and prepare them for fights. The program further identified 16- to 29-year-old male owners who use the pit bull as a status symbol due to its reputation as a vicious animal. He was in favour of the ban.

Cathy B. said that she was fearful of taking her children to the park because of an experience she had with two young men who had their pit bulls climbing trees. She asked them to move away from the children's play area, and they threatened to command the dogs to attack her. She felt the pit bulls were like a loaded gun in the hands of these owners.

Paula B. is a policy analyst and supports the idea that dogs known to be dangerous should not be off-leash. She said that there will be problems writing the policy, however, due to the identification of pit bulls.

Rick K., a dog breeder, said that the American bull is even more vicious than the pit bull. He said that identifying the breed was problematic and that he was in favour of designated off-leash areas and making the owner responsible. The enforcement would have to be consistent and prevalent, and severe penalties in the form of fines and criminal action would be the consequence.

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Carl H. said that he is torn: He leans toward the law because he's terrified when he sees a pit bull, but he doesn't want to encourage simple banning as a solution.

Alice H. says that she doesn't like pit bulls or any vicious dogs, although she is aware that people are the ones who are irresponsible when there is an attack. She is afraid for the safety of small children, but she's in favour of meaningful process, consequences and resources aimed at resolving the problem.

Gerry H. encountered a pit bull named Dragon, who jumped over a fence that was one metre high and attacked Gerry's dog, Chaucer. The owner apologized and offered to pay the damages, but Gerry was too afraid to approach the house later in the week after Chaucer was sewn up at the vet's. He decided to go through official channels and phoned animal control, but the person wasn't much help so he has just put it off. He provided me with a copy of a letter and his bill. He asked me if our group could sort this out for him. I said I would try, but honestly, I'm hesitant to knock on that door in case Dragon is on the loose.

I phoned Rob M. and he told me his dog used to play with Dragon until Dragon attacked Rob's dog. He said the owner was very apologetic and paid for the damages. Rob witnessed another attack when a pit bull turned on its owner and bit someone else after that, yet he is not in favour of the ban because he does not think banning breeds solves a complicated problem. Many neighbours have complained about Dragon walking his master, yet after at least two attacks Dragon has faced no consequences, while the owners simply keep paying vet bills.

Leanne K. said the owners are being set up against each other because there is this hostility toward all pit bull owners. She witnessed an altercation between two dog owners where one owner was shouting at the other because he had a pit bull, and he accused him of his dog starting the altercation. Intellectually, she can understand the arguments put forward by dog owners, but practically speaking, she and her family fear and stay clear of pit bulls, so she's in favour of the ban.

Tom R. said that there were two pit bulls that were attacking people and dogs outside his home. He ran out to the park and started hitting the dogs with a shovel. He was issued a subpoena. He had to go to court on four separate occasions to deal with this. The dogs were put down and the owner was charged with assault with a deadly weapon. In total, four criminal charges were laid. You can be sure Tom is in favour of the ban.

William E. said he witnessed the incident and the owner waited around for the police to take them away. He was horrified at the random attacks made by the bulls and the total lack of control demonstrated by the owner.

The people I surveyed did not complain to me about encounters with other vicious breeds.

In addition, I lived on Summerhill Avenue beside David Balfour Park for 19 years while growing up. My parents and brother own property there and I've taken my nephew and nieces out to the park twice a week for the last five years. I'd like to speak about my experiences at this park, including Rosehill reservoir, an area avoided by neighbourhood children because of its reputation as a leash-free running area for dogs.

I've talked to Annie S. on Summerhill Avenue, who said that the lower park is better than the Rosehill reservoir, which routinely has 30 dogs or more running off-leash. The problem is that dog owners pass through the lower park with their dogs off-leash. Annie has reported that dog walkers with up to seven dogs on leashes do not clean up after their dogs, and she wonders at the control they might have with so many dogs on several leashes. As a result, almost every walk to the park results in her children stepping in dog excrement.

Jennifer S. on Summerhill Avenue complained that her two children have been charged by dogs on three separate occasions. Each time owners exclaim, "This is the first time my dog has ever done anything like that."

Tony M., a grandfather, was terrified due to an incident that happened when he was walking his six-year-old grandson. The boy, frightened by a large, fast-approaching dog, turned to run because he was afraid. As a result, the dog knocked him down forcefully. Tony M. felt helpless in attempting to protect the shaken boy. An apology after the fact did not make one bit of difference. Now when Tony takes his grandson to the park, he makes sure the boy does not run, does not play with a ball, and freezes when a dog goes by, just in the interest of safety.

The Chair: Carol, you have just a little under two minutes left.

Ms. Seljak: Great.

The problem with the Rosehill reservoir is that it's well known as a running area for dogs. I talked to

Rachel Z.'s daughter, who is seven years old, and she said that she loved dogs. I asked her if she had ever been to the Rosehill reservoir, a large green space nearby, and she said she had not. Her mother said that it was not safe because this was an off-leash dog area.

I believe the Summerhill situation relates to the pit bull ban because the emphasis on enforcement and penalties promoted by organizations like the Canadian Kennel Club avoids the issue. A pit bull ban will result in fewer serious attacks made by these dogs. Pit bulls have been identified as a problem in many cities and provinces. It isn't a breed that's been pulled out of a hat. The people I spoke to from Summerhill and Dufferin Grove Park are just tired of having to watch their children so closely in case an off-leash dog charges. At least let's eliminate the possibility that the charging dog is a pit bull that is practically impossible to fight off.

I respectfully request that this committee consider other remedies to this problem and to begin this process by issuing a ban on pit bulls, to ensure greater care among dog owners to alleviate the fears of people who would like to use the parks and to reduce and prevent any more serious accidents.

In addition, I have the report from Dr. David McKeown to the board of health, the subject being the preventing of vicious dog attacks in Toronto. It's a Toronto staff report written January 5—

The Chair: I have to stop you there. Your time has expired. You're welcome to table the report with the committee clerk if you wish to have it circulated.

Ms. Seljak: Sure. Thank you very much for your time.

The Chair: You're welcome. Unfortunately, there won't be the opportunity to ask questions.

Is Cheryl Smith in the room?

Ms. Cheryl Smith: Yes.

Mr. Kormos: Chair, while this woman is sitting down, may I ask legislative research if he would please give us an outline of some significant jurisdictions, if any, that have muzzle laws that require a dog—any dog, I presume—to be muzzled when it's in public. I'm not sure whether it's a cultural thing or a statutory thing, but I know in some places in Europe you tend to see dogs with muzzles in a way that you don't here. And if he can give us any data that they have pre-muzzling/post-muzzling in terms of the incidence of attacks. I'm loath, as you know, Chair, to submit to muzzling here at Queen's Park. I've fought it for 16 years.

The Chair: Perish the thought that we should ever have muzzling at Queen's Park, Mr. Kormos.

Mr. Kormos: It's obviously being contemplated by some for dogs.

Mr. McMeekin: Just quickly, Mr. Kormos also made a request earlier, and I'm loath to be counting and reporting back skunks per municipality. I think he asked the research team to do that.

The Chair: The issue of skunks in the current hearing is very much out of order. Thank you.

CHERYL SMITH

The Chair: Ms. Smith, you have 10 minutes for your deputation. You can use all of it or part of it, as you wish. Please go ahead.

Ms. Cheryl Smith: Thank you very much, honourable members. I thank you for the opportunity to speak to you with respect to Bill 132. As a Canadian and a lifelong resident of this province, I value those principles of peace, order and good government. Good government requires the good formulation of good public policy: policy that is developed as a result of sober and objective analysis; policy that is not driven by sensationalist media; policy that is not generated by myth and emotion; policy that is not driven by a climate of fear.

Bill 132, in its current state, is an example of legislation that I feel is not good public policy. I refer specifically to the clauses pertaining to the banning of pit bulls and other dogs in that category. Please use this bill to place the onus for public safety on the owner, not the dog.

Since my area of expertise deals with dog behaviour, I will try to address my remarks primarily in that order. I would also note that when I give a seminar in other locations, I'm usually given two days to speak, so I'll try and make this 10 minutes.

Mr. Kormos: You too?

Ms. Cheryl Smith: Yes.

I have included a copy of my qualifications in the folder so that you may review it at your leisure. In addition to over 20 years of experience as a school teacher and human resources manager, for the past 13 years I have been involved in dog behaviour and dog training on a full-time basis. The majority of my time is spent working with dog owners whose dogs are displaying inappropriate behaviour, primarily what we like to describe as aggressive. On the average, I deal with approximately six to 10 dogs on a private basis per week. Over 13 years, that's approximately 4,500 to 6,000 dogs, primarily exhibiting behaviour problems. This does not include dogs that I interact with in group classes, including behaviour modification classes dealing with inter-dog or dog-human aggressive behaviour.

In my experience, there is no breed with a monopoly on inappropriate, aggressive behaviour. There is, however, a lot of misinformation and ignorance about dog behaviour that permeates the public perception. It is human nature to judge events either with rose-coloured glasses or a jaundiced eye, depending upon whether or not we like the participants. We do the same thing when observing dogs interacting with the public. Bites from breeds you like or deem friendly become nips, while the same bites from breeds you don't like or fear become vicious attacks.

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We have few, if any, objective standards with which to measure the severity of the behaviour. While the current law defines a bite as a puncture or tearing of the skin, I would like to offer a more comprehensive

definition of the nature of a bite as developed by Dr. Ian Dunbar, and I'm including an attachment in your folder here. At the very least, I would ask that the following bite levels be a part of any education program to better prepare dog owners for true understanding of their dog's jaws' capability. I also include a comparison of comparable human behaviour to provide a perspective for risk assessment. Many owners are unaware of the onset of inappropriate behaviour because they do not understand the warning signs. Dogs have tremendous ability to control the pressure of their mouths. They actually have six levels of bites, which I will briefly review.

A level 1 bite is actually a snap with no contact. That is an intentional miss, because a dog's jaws are five times faster than the human hand. You cannot pull back from an unrestrained dog to miss a bite. This is equivalent to verbal harassment from a human: a human shouting, "Leave me alone," slamming the door in your face or continuing.

A level 2 bite is a single bite with enough pressure to cause bruising or a scrape when pulled away. It is an intentional contact, but the dog is still exhibiting bite inhibition. The human equivalent behaviour would be a human shouting, "Leave me alone," and pushing and shoving; you might fall down, so there are certainly various degrees of pushing and shoving.

Level 3 is a single bite with one to four punctures that may be up to half the depth of the canine tooth. There could be tears when the dog pulls away. This is intentional contact with severe pressure. This, to me, is equivalent of a human shouting in your face and punching you, so there may be minor or more severe injury.

A level 4 bite is one to four punctures deeper than the length of the canine tooth, which means that the dog holds on, exerts pressure, and there would be possibly a shake in both directions from the direction of the puncture. This, to me, becomes aggravated assault. This is using a weapon for causing serious injury.

Level 5 is a multiple bite with deep punctures causing mutilation, intentional contact with excessive pressure: a human shouting, using a weapon, causing serious to life-threatening injury.

Level 6 is a dog that has killed a victim, either animal or human and/or consumed the flesh. Many humans also exhibit level 6.

I would also like to say to members of the committee and those observing in the room, if you have siblings, I could safely assume that you're probably at least a level 2 biter. Many of us, including myself as a child, are a level 3, but I have been successfully retrained and rehabilitated.

There are frequent statements about pounds of pressure per square inch attributed to various breeds and a pit bull's locking jaw. These are as erroneous as the so-called alpha hierarchy that we cling to so tenaciously. I am very respectful of the capacity of a dog's jaws to inflict serious damage, and certainly the larger the jaw, the more potential to deliver more damage. There is perhaps a corollary to that maxim that might bear consider-

ation. If you are assigning a higher element of risk to certain breeds according to their capability of inflicting damage, then perhaps you might give more credit for not inflicting damage.

There is also the perception that dogs that bite or fight with other dogs represent a higher danger to humans, especially children. That is also erroneous. Inter-dog aggression is not an indicator of dog/human interaction or vice versa. Many dogs that bite humans never bite another dog. The converse is also true: Many dogs that fight with other dogs never bite a human.

Pit bulls are, by breed definition, designed to be very gregarious and easy to socialize with humans. You should bear this in mind. Should you restrict them, the irresponsible owners you target are simply going to attach themselves to a different breed that is infinitely harder to socialize to humans.

The Chair: Cheryl, you have about two and a half minutes remaining.

Ms. Cheryl Smith: All right.

The higher arousal level with other dogs is something that needs to be addressed. I do not want you to think that I am in favour of allowing dogs to bite without consequence; I am not. I am as appalled as the next person when I read of the incidents that are essentially tragedies. The worst part of these tragedies is that they are, for the most part, the result of human error and entirely preventable. Education and other measures that encourage and reward responsible ownership are far better ways to protect the public.

If you need an example of the ability of an educated public effecting good social change, look no further than the area of alcohol-related driving fatalities. We now have greater social awareness of the tragic consequences, and drinking while driving is no longer considered a rite of passage. It is a good thing. In Ontario, between 1988 and 2001, alcohol-related fatalities dropped from 439 to 204. That's the power of changing social consciousness.

I would also ask you this: Since 87.5%—of almost nine out of 10—drivers in alcohol-related fatalities are men, should we not ban all men from drinking? We recognize the absurdity of this notion. Instead, we rightly address our attention to the appropriate offender: the drinking driver. So let Bill 132 address its attention to the appropriate offender: the irresponsible owner who does not properly socialize or train his dog.

The Chair: Cheryl, thank you. You've used up your 10 minutes. Unfortunately, there isn't the opportunity to ask you any questions, but thank you very much for your deputation today.

Ms. Cheryl Smith: That's fine. The remainder is included in my brief.

Mr. Kormos: Chair, if I may, while these people are seating themselves, Ms. Smith presented this hierarchy of dog bites, these six categories. I don't know whether that's her own analysis or whether that's a universally accepted one, but I'm wondering if legislative research can get us more information on these six categories of dog bites and, more importantly, what they reflect or

represent; in other words, what the dog is doing when the dog is engaging in a level 1 versus a level 6 bite. For instance, this morning, the attack we heard of was certainly a level 4 or 5, with that seizing and shaking. So if there is broad-based, accessible information with that type of analysis, I think it would be helpful for us to have that, and Ms. Smith may be of assistance to research.

The Chair: Thank you. Legislative research has recorded the request.

ONTARIO VETERINARY MEDICAL ASSOCIATION

The Chair: Our next deputation is from the Ontario Veterinary Medical Association, Dr. Tim Zaharchuk and Doug Raven. Are they here?

Gentlemen, welcome this afternoon.

Dr. Tim Zaharchuk: Good afternoon, ladies and gentlemen. Thank you very much for allowing us the opportunity to speak to you today.

The Chair: Before you start, please state your names for the purposes of Hansard.

Dr. Zaharchuk: That was what I was going to do next. I am Dr. Tim Zaharchuk, the current president of the Ontario Veterinary Medical Association, and also a private practitioner in the city of Brampton. To my left is Mr. Doug Raven, who is the executive director of the Ontario Veterinary Medical Association.

On behalf of the Ontario Veterinary Medical Association, I'd like to thank the committee for the opportunity to present the association's views on this important issue. OVMA is a voluntary, non-profit organization representing Ontario's 3,000 licensed veterinarians. Our members are experts in animal physiology and behaviour. This expertise has been acquired through completion of a rigorous university curriculum and years of hands-on experience.

Veterinarians are trained to take a science-based approach to any issue, including aggressive behaviour by dogs toward humans or other animals. As such, OVMA has conducted a thorough review of the available research on dog bites and the use of breed-based bans to curb dog attacks. Based on that review, we are here today with three simple messages.

First, breed-based dog bans are not an effective way to reduce the frequency of dog attacks.

Second, a breed ban would have a number of serious negative consequences for affected animals, their owners and the general public.

Finally, it would be possible through the appropriate use of licensing, deterrents and education to significantly reduce the number of dog bites by all breeds in Ontario.

Let me now address those three points in turn.

Why are breed-based bans ineffective? It is because they are based on two simple but incorrect assumptions: (1) that only certain breeds of dogs are dangerous, and (2) that all dogs that belong to those breeds are dangerous. Available data do not support either of these two assumptions.

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A 1996 study by James Bandow, general manager of the animal control services for the city of Toronto at the time, found that dog bites in the city were reported for more than 20 breeds and crossbreeds. Pit bull terriers accounted for only 4% of reported bites and ranked ninth on the list of identified breeds in terms of bites.

At the time that Kitchener banned pit-bull-type dogs in 1997, they ranked eighth in terms of the breeds for which dog attacks had been reported for the preceding year. In Essex county, where Windsor recently banned pit-bull-type dogs, statistics indicate that the five worst offenders in terms of dog bites were German shepherds, Labrador retrievers, huskies, cocker spaniels and Jack Russell terriers.

In Winnipeg, there have been bites by 87 identified breeds and 94 crossbreeds since 1989. Since pit bulls were banned in 1990, there have been over 3,000 dog bites in that city. Clearly, banning pit bulls would not prevent the vast majority of dog attacks.

An argument is sometimes made that, while all dogs bite, only a few breeds cause serious injury when they attack. Again, this hypothesis does not withstand scrutiny. A study by the Canadian hospitals injury reporting and prevention program examined the dog breeds involved in attacks that were serious enough that the victim sought medical attention at one of eight reporting hospitals. The study revealed that 50 different types of purebreds and 33 types of crossbreeds had been involved in the attacks, the most common breeds being German shepherds, cocker spaniels, Rottweilers and golden retrievers.

What about the most serious of attacks, those resulting in the death of a person attacked? Since 1983, there have been 23 reported human fatalities in Canada due to dog attacks. A total of 55 dogs were involved in these attacks, and only one of these dogs, an American Staffordshire terrier, would be banned under the proposed legislation.

What about the second assumption, that all pit bulls are dangerous? Trying to determine what percentage of pit bulls are involved in attacks is difficult, if not impossible. As it is generally acknowledged that a large percentage of dogs are never licensed, it is impossible to know how many dogs there are of each breed in a municipality.

However, in the city of Toronto study referred to earlier, the pit bulls involved in biting incidents accounted for only 1% of the pit bulls licensed in the city at the time. For comparison purposes, 5% of Labs and 6% of German shepherds licensed within the city had been involved in biting incidents over the same period. Even if we assume that every pit bull in Toronto was licensed at the time, 99% of Toronto's pit bulls did not harm anyone. Clearly, the assumption that all pit bulls are dangerous is not based in fact.

To summarize, there is no scientific data on which to base the conclusion that a breed-based ban is the answer to dealing effectively with the dangerous dog issue. Although such bans might comfort individuals who have

had unpleasant experiences with particular breeds or who have heard of attacks by specific dog breeds in the media, the bans do not act to effectively regulate the behaviour of any breed or of dogs and their owners collectively.

One could take the view that, while a breed ban might not be effective, it won't do any harm either. However, such a view ignores that many serious problems will result from the passage of this legislation. OVMA has identified five such problems that need to be considered.

First, difficulties associated with breed identification will make a breed-based ban very difficult, if not impossible, to enforce. There are many breeds and cross-breeds that resemble the potential banned breeds, and municipal law enforcement officers do not generally have sufficient training to determine if a dog is in fact a banned breed. Even if they have that training, they will lack the scientific means for determining a dog's breed that can withstand the rigours of a legal challenge. I think Mr. Bryant has proved that conclusively.

Second, under the legislation, all pit bulls born prior to or within 90 days of the passage of the legislation would be classified as restricted pit bulls, meaning that they would continue to be owned by Ontario residents. As no province-wide registry of restricted dogs exists, how will municipalities determine whether or not a dog is restricted once the legislation is passed?

Third, enforcing the breed ban could potentially cost taxpayers millions of dollars. Municipalities would bear the cost of enforcing the ban and of housing, euthanizing and disposing of banned dogs. Provincial taxpayers would foot the bill for the court costs associated with the ban.

In Great Britain, one of the few jurisdictions where a breed ban has been tried over a large area, the government spent millions of pounds trying to prove that dogs belonged to one of the banned breeds. Yet, more than 50% of all dog owners charged under Britain's Dangerous Dogs Act in 1997 were acquitted. The ban was lifted shortly thereafter.

Fourth, because a province-wide ban will make it impossible to adopt out banned dogs, these dogs will have to be euthanized or turned over to a research facility. The city of Denver, which banned pit bull types of dogs in 1989, euthanized approximately 500 banned dogs in 2003. If Ontario's experience is similar to Denver's, we might see 4,300 euthanasias a year in Toronto alone. Ontario municipalities will be forced to put to death thousands of otherwise healthy, happy dogs each year, dogs that had never harmed and would never harm anyone. The senseless slaughter of animals in this fashion should be repugnant to anyone who cares about animal welfare.

Finally, the breed ban would simply not solve the problem because it would not address the root cause: breeders and trainers who produce dangerous dogs and dog owners who do not take appropriate precautions to ensure that their dogs do not pose a danger to others.

What are the alternatives? If the province does not introduce a breed-based ban, what could it do to address

the dangerous dog issue? There are several measures that the province could undertake, some of which are included in Bill 132.

First, the province could regulate breeders to ensure that those who breed dogs are appropriately qualified to do so and prevent those who have a history of rearing dangerous dogs from doing so in the future.

Second, the province could work with veterinarians, breeders and other interested parties to educate the public about pet selection and responsible pet ownership. By educating dog owners about how to choose a dog that's right for them, train the dog appropriately and recognize aggressive behaviour early on, most potential attacks can be prevented.

Third, the province could introduce measures to identify dangerous dogs, regardless of breed. The legislation, as proposed, would enable the courts to identify a dog that has behaved in a manner that poses a menace to the safety of a person or domestic animal and to order that certain precautions be taken to protect the public from that dog. The veterinary profession supports this proposal and the OVMA has offered to work with the province to establish how to determine if a dog's behaviour has been menacing and to assist in the identification of dangerous dogs before they attack.

Fourth, the province could increase the potential penalties available to the courts when a dog owner fails to act appropriately to safeguard the public from his or her dog. Bill 132 includes such a provision.

Finally, dangerous dogs could be required to be muzzled and leashed when off the owner's property, strictly confined when on the owner's property, and spayed or neutered. Where necessary, dogs that pose a danger to the public could also be required to be euthanized. Bill 132 includes legislative amendments to implement these measures, and the OVMA supports those proposed amendments.

In conclusion, the OVMA reiterates its opposition to those portions of Bill 132 that are breed-specific. As noted earlier, breed-based legislation has not worked elsewhere and will not be effective in Ontario. For that reason, there is not a single respected organization with expertise in this issue that supports a breed-based ban. Faced with all this evidence, the OVMA urges the province to reject breed-based legislation as a means of addressing the dangerous dog issue and to sit down with animal experts to craft legislation that will truly safeguard the public from dangerous dogs. Thank you.

The Chair: Thank you very much for your presentation. We have time for one—

Applause.

The Chair: Ladies and gentleman, I caution you again that applause or any form of recognition isn't permitted in standing committees.

We have time for one brief question from the government side.

Mr. Zimmer: Do you have any idea how many pit bulls are typically dropped off at the humane society or come into vets' offices?

Dr. Zaharchuk: Dropped off, as in abandoned, or—

Mr. Zimmer: Yes, given up.

Dr. Zaharchuk: No, I don't have that number off the top of my head.

Mr. Zimmer: Is that number available?

Dr. Zaharchuk: You'd probably have to talk with the humane societies themselves. I'm sure they keep records of that.

Mr. Zimmer: In your opinion, how easy or how hard is it to adopt pit bulls out—that is, when people give them up and are looking for homes? How successful are they?

Dr. Zaharchuk: In general, they're not now because there's such a stigma attached to them. The media has played it up to the point where—

Mr. Zimmer: But before the legislation, before the bill was presented. In year's past, how hard was it to adopt a pit bull out?

Dr. Zaharchuk: Again, I could not actually specifically answer the question, but I suspect it's probably just about as difficult as any other mature dog that somebody has abandoned. I don't think there's any—

Mr. Zimmer: In your view, is it any harder to adopt a pit bull out than, say, a spaniel?

Dr. Zaharchuk: My guess would be that in fact it would be.

Mr. Zimmer: And why is that?

Dr. Zaharchuk: That's because, again, people think there's a problem there. They've heard so much and they're scared.

The Chair: Thank you very much for your deputation and for your time in coming here today.

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STAFFORDSHIRE BULL TERRIER CLUB OF CANADA

The Chair: Is Mr. Clive Wilkinson, president, Staffordshire Bull Terrier Club of Canada, in the room? Yes?

Please come up.

Mr. Kormos: Chair, while Mr. Wilkinson is seating himself, this last submission from the Ontario Veterinary Medical Association talks about the repeal of the UK ban. There has been a whole lot of talk about that legislation.

Legislative research, could we please have the history of breed-specific banning in Great Britain/United Kingdom, its impact and its current status? We've gotten all sorts of mixed messages about whether it's still in effect, whether it's being repealed or has been repealed. We'd appreciate that from legislative research. Thank you kindly.

The Chair: Legislative research has recorded the request.

Mr. Wilkinson, welcome this afternoon. You have 15 minutes for your presentation. Please begin by stating your name for the purposes of Hansard. You can use all of it if you wish, or if any time remains, it will be divided

equally among the parties for questions, or given to one party if insufficient time remains.

Mr. Zimmer: On a point of order, Mr. Chair: Mr. Wilkinson, late Friday afternoon, requested the AG's office to provide him with certain materials about the media reports that the AG had access to. We've worked that up over the weekend and I'm happy to provide that today to Mr. Wilkinson. There are about 200 media reports.

Mr. Clive Wilkinson: Thank you very much. I'll take that with me later.

The Chair: Mr. Wilkinson, the floor is yours.

Mr. Wilkinson: My name is Clive Wilkinson. I'm the president of the Staffordshire Bull Terrier Club of Canada and I've been an owner of a Staffordshire bull terrier for the past 60 years. The club wishes to thank the committee for allowing us time to make the presentation. We also want to go on record that we support the introduction of legislation to reduce the number of dog bites in Ontario, thereby protecting our fellow citizens.

We are here today to ask each committee member to support the removal of the breed-specific-legislation component of Bill 132. We believe there is a much better solution for everyone in this province and would like to see Bill 132 altered to be win-win legislation for the general public, responsible dog owners and this government.

The breed-specific component of Bill 132 is based on the conclusion that pit bulls are a breed apart and, as such, must be banned to protect the public, with Winnipeg held up as a successful model. This line of inquiry did not look at critical ownership factors and has resulted in the proposal of a breed ban in Ontario. When you compare Calgary's generic approach, where all dogs are treated equally, to the Winnipeg approach, which used breed bans to try to reduce dog bites, it is clear that breed bans are not the ideal way to deal with dog bites. As others will speak to this, we will not go into the details of the statistics that demonstrate this. I would like, however, to share one startling fact: Calgary reduced its dog bites by 70%. Winnipeg, using a breed-ban approach, would have to ban 58% of all of its dogs to reduce its dog bites by a similar percentage. Therefore, we propose that Ontario's legislation be modelled on Calgary's and not on Winnipeg's. Ontario deserves to have the best, and nothing less.

In the absence of strictly enforced generic dog laws similar to those in Calgary, responsible breeding and registration of dogs becomes a significant factor in producing safe family pets, and this applies equally to breeds and to breed registries.

The Staffordshire Bull Terrier Club of Canada is a CKC-recognized breed club. We have a constitution and a code of ethics that all members and breeders must adhere to. For breeders, restrictions include not advertising in newspapers, spaying and neutering companion animals, researching prospective buyers as to their ability to be competent and responsible dog owners, and not selling puppies to pet stores. When someone buys a dog

from a responsible breeder, they are carefully screened and are also provided with information that will help them be a responsible owner. For example, breeders require that new owners attend obedience training classes with their dogs, as all new dog owners should.

We came here today to speak for all dogs. However, since we represent the Staffordshire Bull Terrier Club of Canada, we would like to explain why it would be a tragedy to ban our breed from Ontario.

The Staffordshire bull terrier is a small dog, standing 14 to 16 inches tall and weighing between 28 and 38 pounds. It has been a Canadian Kennel Club registered purebred breed since 1965. It is relatively uncommon in Canada, with just over 60 to 65 being registered in Ontario each year.

Where the Staffordshire bull terrier really shines is in its temperament. For the last 100 years, breeders around the world have worked to develop a dog that is completely stable around people, and in particular with children. They have succeeded. Scientists at the University of Southampton's Anthrozoology Institute were asked to investigate what were the breeds best suited for children based on temperament, trainability and the ability to tolerate the unpredictable nature of children. Their research identified the Staffordshire bull terrier as one of the 10 best breeds for children out of 162 breeds studied. Researchers describe the breed as happy, outgoing and with a wicked sense of humour. Also, Staffies can really represent a bomb-proof dog with kids, and Staffies are usually tolerant to the point of martyrdom with children.

The United Kingdom's biggest animal rescue centre, Battersea Dogs Home, was recently quoted as saying that your biggest risk with a Staffie is getting licked to death. They get called the "nanny dog" because they are so good with children. The home went on to state that the most common reason for abandonment is that they'd been owned by young, macho men who became disappointed by the Staffie's total lack of aggression toward humans. It should not surprise you, then, to learn that there is not one recorded case of a purebred, CKC-registered Staffordshire bull terrier making an unprovoked attack on a human being in this country.

I'd like to digress from my speech for a moment. This morning, a member here asked, "Why did Winnipeg put the Staffordshire bull terrier on the list?" The answer was, "They must have done something." When Winnipeg introduced its law, there was one Staffordshire bull terrier living in Winnipeg at that particular moment. In Windsor, where a similar law has also been applied, there is one Staffordshire bull terrier registered to the CKC living in Windsor.

Because of our lack of action in Winnipeg in 1990, I went to New Brunswick, where the Staffordshire bull terrier was named as the number one aggressive dog. Taking the figures from the Canadian Kennel Club that four Staffordshire bull terriers were living in New Brunswick, and two of them were known to have left to live in Ontario, this leads us to believe that very little, if

any, research has been done in this particular department. If research was done, it would clearly show that the Staffordshire bull terrier should not be on this list.

Why, then, you may be asking, do some of the bite statistics indicate that Staffordshire bull terriers have bitten? This gets us to the heart of the problem: breed misidentification. The sad truth is that the media, citizens and even animal control officers regularly misidentify the purebred breeds as pit bulls identified in Bill 132. Our club has a rescue service. Humane societies and animal rescue services are constantly informed of this. During the past 10 years, we have been contacted over 220 times to rescue a Staffordshire bull terrier from a dog pound. Of these 220-plus calls for rescue, only five turned out to be Staffordshire bull terriers: four from the Ottawa area and one from Oshawa. In other words, almost 99% of the calls were for misidentified dogs. Furthermore, these breed misidentifications were made by people who work with dogs on a daily basis.

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Our club also investigates dog bites that are published in the written and electronic media, where the name "Staffordshire" is involved. In all these cases, the investigations proved that the bites did not involve any Staffordshire bull terrier; 100% of the breed identifications were incorrect.

If the dogs were not Staffordshire bull terriers, what were they? In the vast majority of cases, the dogs weighed more than 60 pounds, stood more than 20 inches tall and were of mixed breeds. This calls into question the validity of breed statistics. What portion of reported pit bull attacks were misidentifications? Our experience shows that it is very large.

This experience shows that Bill 132, if passed in its current form, will be unenforceable and will saddle municipalities and the provincial government with extensive costs in their attempt to enforce and defend the breed bans. These costs are inevitable.

In the United Kingdom, huge amounts of taxpayers' money has been spent defending the Dangerous Dogs Act from legal challenges by owners. At round-table discussions where all major stakeholders were represented, including the Metropolitan Police Service, the kennel club and the Royal Society for the Prevention of Cruelty to Animals, all parties agreed that the Dangerous Dogs Act, in its current form, was unworkable because breed-specific legislation is not the solution.

Worldwide experience has shown that breed bans do not work. They punish responsible owners with good dogs, while the backyard breeders and irresponsible owners switch breeds. Dog bites are a people problem, not a breed problem.

Bill 132 can be changed so it will effectively protect the people of Ontario from all dangerous dogs while also protecting the rights of responsible owners and breeders. To do this, Ontario must remove the breed-specific legislation from Bill 132 and introduce elements of the Calgary model in the law.

Regardless of how the final law reads, the purebred Staffordshire bull terrier must be exempt from Bill 132.

Exemptions must also be made for all purebred breeds registered with recognized breed clubs like the Canadian Kennel Club, the AKC and the UKC.

We'd now like to answer any questions.

The Chair: We have roughly one minute remaining in your time. Mr. Miller.

Mr. Miller: He hasn't left me a lot of time. Mr. Wilkinson, thank you very much for coming today. I just want to be clear: You said there's never been a bite by a Canadian Kennel Club Staffordshire bull terrier.

Mr. Wilkinson: I said an unprovoked bite.

Mr. Miller: And you've owned the dog for—

Mr. Wilkinson: For 60 years. I believe there's one person in Canada who has owned the dog longer than I have. So I've been around them. They are a delightful animal. I have three granddaughters, each with their own. My granddaughters are all five years of age and younger and they are the light of my life. I would not put anything in the way of harming my grandchildren or my children, when they grew up, so I have no doubt whatsoever.

The Chair: Mr. Wilkinson, thank you very much for your time in coming here today and for your deputation.

BANNED AID COALITION

The Chair: I now call upon Dawne Deeley from Banned Aid.

Mr. Kormos: Mr. Chair, while Ms. Deeley is seating herself, can I ask legislative research—in Mr. Wilkinson's submission, he made reference to a report by the University of Southampton's Anthrozoology Institute about the best breeds suited for children etc. He has some brief comments from that report. Could we get a copy of that report? I'm cognizant of the fact that this report seems to indicate that there are qualities or defects that dogs have that make them more or less suited for particular things. So I suppose the report is a double-edged sword, depending on one's perspective, but I'd appreciate reading the report.

Mr. Miller: In Mr. Wilkinson's presentation, he talked about the breed ban in the UK, and I would be interested in having research find out if the Staffordshire bull terrier was included in the breed ban in the UK or if it was omitted from that.

The Chair: Thank you very much. Legislative research has recorded both requests.

Ms. Deeley, you have 15 minutes for your deputation. You can use all or part of it. If any time remains, it'll be divided among the parties to ask you some questions. Please start by clearly stating your name for Hansard. The floor is yours.

Ms. Dawne Deeley: Good day, ladies and gentlemen. My name is Dawne Deeley, and I am a resident of Sidney, British Columbia. My background in dogs includes 15 years' involvement with the Canadian Kennel Club; life membership with the Finnish Kennel Club; an exhibitor and breeder of Karelian bear dogs under the tsarshadow prefix; professional journalism status with both the World Dog Press Association of Belgium and

Dog Writers Association of America; and the position of western Canadian chair, British Columbia representative for the Dog Legislation Council of Canada. In addition, I have owned American pit bull terriers for 28 of my 47 years.

Before I begin, I would like to thank the MPPs for considering the distance involved in my travelling here and thus allowing me to offer suggestions geared to amending sections of Bill 132. Furthermore, I acknowledge the Honourable Michael Bryant for addressing concerns raised due to canine mismanagement and irresponsible dog ownership. I am confident that no one here today or over the next three days of public hearings makes light of or intends any disrespect toward bite victims and their families.

Today, I make my presentation as a representative of the Banned Aid Coalition, a national group of concerned clubs, fanciers and dog lovers comprising the following: Dog Legislation Council of Canada, Staffordshire Bull Terrier Club of Canada, American Staffordshire Terrier Club of Canada, Golden Horseshoe APBT Club and Advocates for the Underdog. The Banned Aid Coalition brings together a broad demographic of dog lovers, all of whom are bound by a handful of commonalities: love and respect for the canine race, the preservation of positive working partnerships between human and dog, and the assurance of harmonious domestic relationships between man and his historical best friend.

At no time should lives be at risk or individuals placed in harm's way simply over the right to own an animal. Yet by the same token, no animal should ever be deliberately sacrificed on the altar of human indiscretion or intentional shortcoming. In other words, the stewardship of any species should be a privilege, not a right, and that privilege must be earned.

The three breeds this government wishes to target have long served as dogs of honour, from gracing recruitment posters and raiding World War I machine gun nests to rescuing flooded livestock, guarding home and hearth and even serving with distinction as police and SAR dogs. These animals have, in the hands of people who cared, proven their societal worth.

The situation in Ontario is not a unique one, nor was the province's response. Many countries have rushed to push through breed culls, but several eventually realized the futility of implementing and interpreting such broad generalizations. Others, such as Italy, gave up on breed-specific legislation while holding their stand on questionable ownership issues. Although no dog is banned outright in that country, ownership of 92 breeds, ranging from little, tiny Welsh corgis to Doberman pinschers, bull mastiffs, German shepherds, Newfoundlands and the like, is prohibited to children, delinquents and criminal offenders who have proven to cause harm to either people or animals. Those within that group who are found to harbour a dog from the list of affected breeds face having their animal seized and re-homed. Law-abiding individuals must still obey strict leash and government laws.

Of further interest may be statistics gathered by the Finnish Kennel Club. From a national population of approximately six million, there are over 300 registered breeds. Individual membership tops over 100,000, with associate club affiliate memberships close to half a million. Over 37,000 puppies are registered annually. Roughly one in five Finnish households owns one or more dogs, making the estimated total of canines in that country well over 600,000.

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This relatively small organization rules the registry and governance of dogs in that country with a tough-love approach. Tracking a dog—any dog—is relatively simple. Well over 70% of the Finnish canine population are registered, recorded purebreds. Most of the remaining plus or minus 25% are also purebred dogs but, due to strict regulations within their parent breed organizations, have, for whatever reason, been deemed inappropriate for breeding and are thus removed from the gene pool.

General breeding is also strictly monitored: “The Finnish Kennel Club supports dog breeding and breeders in all aspects. Careful attention is paid to the temperament, breed characteristics and appearance of breeding stock. The FKC also supports various studies on health, temperament and behaviour. All dog breeders are FKC members [and follow] the generally accepted code of conduct in their breeding programs.”

In addition, the Finnish Kennel Club commissioned the University of Tampere to do a study on the social standing of the dog in their society. The study was called *Dogs in Our Community* and proved conclusively that the dog is an integral part of any community. Following this study, Project Citizen Canine was carried out, opening dialogue between local governments, experts in various fields, dog owners and dog-related businesses. Further to this will also be a long-standing study, for example, on dogs in youth.

Neighbouring Sweden implements similar guidelines, strictly enforcing leash laws and public control, maintaining the sanctity of its purebred population by overseeing fair and consistent breeder legislation and encouraging its civic population to make animals part of their daily routine.

The result is nations with no current breed restrictions or bans—incidentally, Finland has never even considered the possibility—and there are no future considerations of either, plus there are healthy populations of American pit bull terriers, American Staffordshire terriers, Staffordshire bull terriers and related bull-type breeds.

How or what, you may ask, does any of this have to do with your situation at hand here in Ontario? If one looks at comparative information worldwide, it becomes clear that a parallel thread runs through much of the responsible dog ownership cloth. Certainly before these hearings are over, you will have been presented with numerous civic, provincial and international bylaws regulating successful canine ownership.

Of most recent note would be the May 28, 2004, reading of New Brunswick’s Bill 55, the Restricted Dogs

Act. Originally struck as a counterpoint to the tragic 2003 death of James Waddell, the bill, in its original form, called for the immediate application of various curtailments aimed specifically at the Staffordshire bull terrier, the American Staffordshire terrier, the Rottweiler, the Akita and owners thereof. If implemented, they would have done little to address the problems at hand—unattended and abused dogs, incorrectly labelled breeds, or dogs who had slipped through the licensing noose, among others—but retribution toward responsible breeders and caring owners would have been swift.

After careful consideration and two days of public hearings over November 16 and 17, 2004, the Honourable Kelly Lamrock, Liberal MLA and original presenter of the bill, reappraised the act as it was written, to be replaced with suggestions for the Dog Owner Responsibility Act. Among the changes brought to bear:

—To keep or strengthen: the application in all cases to be province-wide; stiff penalties for negligent owners; revision of the “one bite free” rule and the distinction between a bite and an attack; removal of dogs from negligent owners; repeat convictions would result in permanent loss of the right to own dogs.

—To change: the law is across the board, i.e., all dogs, all owners, no BSL component; mandatory licensing, not insurance; leash and/or muzzle requirements to be consistent with veterinary standards and applications.

—To add: tougher licensing and codes for breeders, such as breeder bonds and registration, enforcement of housing and kennelling standards and individual dog registrations; education and enforcement to become a priority at the grassroots level in schools and through public safety programs.

Other suggestions tabled included a requirement to chip or tattoo and register within each municipality each dog bred and/or sold, and incentives to breeders who could provide proof of such activities as obedience classes or canine good neighbour tests, or who actively encouraged spaying/neutering of all companion animals and who completed or had repeated clean kennel and ground inspection records.

These proposals were enthusiastically embraced by the attendant presenters, for now, culpability would be levied in the right direction: toward those who disrespect the ownership privilege.

The Chair: Ms. Deeley, just to remind you, you have about three minutes remaining.

Ms. Deeley: All right.

There are many who feel a certain degree of responsibility lies not only with the owner of a problem dog but with the breeder. There is more to the purchase than simply choosing the flavour of the week, more to the selection than grabbing the high-profile crossbred designed special. At-risk dogs can often be nothing more than animals placed in inappropriate homes: large working breeds languishing in small apartments, undisciplined garden varieties left to their own devices.

The term “backyard breeder” takes an entirely new outlook with every garage-born litter, every unanticipated

“accident,” and once that no-name puppy has been given away or sold for a pittance, backyard breeder interest in the animal dies. Newspaper classifieds are laden with cheap advertisements for these unfortunates, and rarely do any guarantees accompany them.

By contrast, the annual Canadian Kennel Club publication, *Dogs Annual*, provides a detailed and comprehensive guide not only on who to contact but what questions to ask and what pitfalls to avoid. The patient, enlightened purchaser is far more liable to make an informed decision and the novelty is far less likely to wear off.

You will have the opportunity in my handout to review not only a selection of contracts but also copies of codes of ethics and examples of health documentation and kennel club registration.

Responsible breeders are willing to stick their necks out. Should a situation arise, a responsible breeder is there to provide a safety net for both dog and owner, whether it be suggestions for a training class, education on ownership or simply where to find a decent vet.

This is not just a breeder problem. It's an ownership problem. It's an enforcement and identification problem. It's a media and reporting problem. It's everybody's problem. We have situations that have fomented for a long time and it will take time to reverse these trends, but you can. Encourage local spay/neuter clinics, implement mandatory registration by microchip or tattoo, and encourage this process by reducing fees on licences. Track breeders and introduce strict guidelines for those who consider this a hobby by introducing kennel housing bylaws—

The Chair: You have about 30 seconds.

Ms. Deeley: OK.

Perhaps most importantly, bring dog/human interaction and education into schools and focus on safety for all.

We Canadians believe we live in a country with a liberal outlook, but breed-specific legislation is not the product of a liberal thought pattern.

In closing, I would like to echo a sentiment I'm sure you've already heard: Punish the deed and blame the hand on the lead, but please, do not ban the breeds.

Thank you again for your time and consideration.

The Chair: Thank you very much for your submission today.

CANADIAN DOG JUDGES ASSOCIATION

The Chair: I would now like to ask Dr. Richard Meen of the Canadian Dog Judges Association to please come up.

As I've stated before, you have 15 minutes for your submission. You can use all of it if you wish or a portion of it and leave some time for questions. Please begin by stating your name very clearly for Hansard. The floor is yours.

Dr. Richard Meen: My name is Richard Meen—m-e-n; the other way is my personality.

To have the opportunity to speak to you this afternoon is a privilege that I do not take lightly. To be able to present to this committee issues of significant import concerning Bill 132 and the role of canines in our society and our culture is not a frivolous exercise. Canada and Ontario are internationally envied because of the responsible, democratic and equitable approach taken to resolve very complex issues. Thank you for permitting me to appear.

I am here today speaking on behalf of the Canadian Dog Judges Association. The Canadian Dog Judges Association is an independent organization representing individuals approved to judge purebred dogs. It has members residing in all of our provinces and territories across the Dominion. On a weekly basis, members of this organization are demonstrating Canadian expertise regarding canines, both here in Canada as well as internationally.

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I personally am a past president of the Canadian Kennel Club, as well as past chairperson of the board of directors of that organization. I have been an active member of the Canadian Kennel Club since 1969. I'm a breeder, exhibitor and judge of purebred dogs. I have participated in educational activities regarding canines across Canada, the United States of America, Australia, the United Kingdom and Sweden. Recently, I presented a keynote address at the University of Guelph, Ontario Veterinary College, when they were hosting an international symposium on canine aggression.

It also happens that I am a practising psychiatrist who specializes in aggressive behaviour in children, adolescents and young adults. I am the clinical director of a maximum security facility for dangerous adolescents here in Ontario. The Canadian Dog Judges Association believes that I can speak with some authority regarding the issues that are being addressed here today.

Professor Konrad Lorenz, the internationally acclaimed Swiss ethnologist, reminded us in his book *Man Meets Dog* that if it were not for canines we would all probably still be huddled in the back of our caves fearful of stepping out. *Homo sapiens* and *Canis familiaris* developed a bond in the prehistoric era that has not only never been broken but continues to evolve. The quality of our lives has been significantly altered because of the role that dogs have played in it. We have been guarded; we have hunted more effectively; we have slept better and therefore been more rested and able to problem-solve more productively; we have been allowed more leisure time. We live longer. All of this because of the contribution made by our dogs. The canine-human bond is like no other. No other bond, not even the human-human bond, is as reliable and loyal to its purpose: a mutually supportive dependent relationship.

Canines allowed themselves to be manipulated by their partners—us—like no other species on this planet, thus permitting the selfish goals of each to be realized. Canines did not mind being the passive partner. To this end, different breeds—900-plus to date—evolved, all

with very specific characteristics and qualities that would enable the human partners to achieve their goals. No part of any purebred dog is accidental: the shape of its head, the colour of its eyes, the length and quality of its coat, the shape of its back, the style of its gait as well as the nature of its personality. Down through the centuries these individual breed characteristics have been passionately preserved by dedicated enthusiasts in every corner of the world. No peoples have developed without their canines, whether they be African pygmies, Mexican Aztecs, Russian aristocrats, Australian sheep herders, or coal miners in Yorkshire. When the first Canadians walked here across the northern tundra over the isthmus and headed south, they were accompanied by their faithful four-legged companions. Man evolved; dogs evolved. Canines are the living history of our journey on this planet. Each breed represents a specific step along the way—ours, not theirs.

Canada's indigenous breeds represent a significant aspect of our history: the Tahltan bear dog, the Eskimo dog, the Labrador retriever, the Nova Scotia duck tolling retriever and, of course, the Newfoundland, all symbols of who we were and now are.

Perhaps we no longer need a little black and white dog to rout our bears or a huge black hairy guy to pull fishing boats out of the Atlantic or even a frisky little red dog to seduce our ducks, but they are necessary to remind us who we are and where we came from. In other words, they remind us of something so easy to forget: our humanity.

Aggression is normal and necessary. Aggression is a complex force consisting of many components: genetic, biochemical, psychological and social. When aggression is managed properly, it is powerful, positive and productive. When it is not managed, it is still very powerful but negative and destructive. The natural, normal aggression of canines is ours to manage.

May I remind you that there is no breed either past, present or in the process of becoming that has in its description of expectations, otherwise known as the standard, any statement that says it is acceptable for aggression not to be effectively and safely manageable by the human companions on whom they are dependent. We should be so lucky to have that expectation in our own families, but that is another topic for another committee.

Let's face some facts. Aggression in our society at this point in time is big bucks. Aggression feeds our fantasies and our mythology. Healthy, productive, necessary aggression is taking a back seat in our culture and is being replaced by destructive, murderous revenge and annihilation. Vicarious violence is ever present. Newspapers, television, radio, film, literature and, if I may say, even politics seem to thrive on it. It is a bad-news day if you cannot get the lead item to pump up a lot of adrenalin. It is not accidental that the Terminator became the governor.

Canines have never stopped serving us well, no matter the label or name we place on them. There are more

canines in our communities than at any other time in our history. The pet food industry is a growth industry. The canine population is not going to decrease. Today more than ever, it is known that a family with a dog is happier and healthier than one without. It is an established fact that senior citizens with canines as a part of their daily routine are physically, psychologically and socially better off than their friends without such companionship. The dog will always pay attention and wag its tail, even when the conversation makes no sense. Heart attack victims who return to their home with a pet in it do much better than those with just a geranium.

It is unfortunate that some breeds bring with them histories and myths that often feed our own pathologies. Our dogs, not wanting to disappoint us, therefore go along with this indulgence. How many people with a Pekingese see themselves in the imperial court of ancient China? How many with Russian wolfhounds have delusions involving czarist Russia? How many with pit bulls dream of the Roman forum, one may ask. Some fantasies and dreams are merely entertainment. Some, when acted out, are dangerous.

Unfortunately, when we project and displace our responsibilities, innocents frequently suffer. Canines of any breed are easy and willing victims of such irresponsible ownership. They are eager to please their masters—their parents—just like any child. As you all know, responsible breeding, supported by responsible ownership, provides good citizenship in all species.

I would like to suggest that breed-specific legislation of any kind will serve no useful purpose whatsoever in regard to aggressive behaviours in canines. It will only serve, however, to continue to contribute to avoiding the real issues concerning violence and aggression in our society: that is, avoiding our responsibility as individual citizens for the behaviour not only of ourselves, but also the behaviour of those who are dependent on us.

The Canadian Dog Judges Association has adopted the following policy: The Canadian Dog Judges Association supports the Canadian Kennel Club's policy on dangerous dogs and also the implementation of very significant financial penalties for those owners or breeders who do not follow the appropriate leash laws. We also indicate our resistance to breed-specific legislation as a solution to eliminating dangerous dogs and support the concept of penalties against individual owners for not taking due responsibility for their pets.

Thank you for your time.

The Chair: Thank you very much. We may actually have time for a full round of questions, beginning with Mr. Hampton. We have about a minute and a half per side.

Mr. Howard Hampton (Kenora–Rainy River): I take it from your brief—and please tell me if I'm wrong—that you don't see anything to recommend a breed-specific ban. Is that a fair assessment?

Dr. Meen: That is correct.

Mr. Hampton: So in your view, if a breed-specific ban, which this legislation anticipates, were implemented, what do you think the repercussions would be?

Dr. Meen: The repercussions of a breed-specific ban would be on the dogs themselves, not on the issue of bites. The evidence I heard earlier on indicates that bites have nothing to do with the breed; they have to do with the ownership and the way in which the dogs are cared for.

I didn't check the statistics, but I heard the statistics about Winnipeg and Calgary. They're pretty impressive. Other statistics around the world, which I can't quote, also say the same thing. Your bites won't change.

Mr. Hampton: So your recommendation is to go back to the drawing board?

Dr. Meen: No. I think the act has some very important pieces. I think that to hold our citizens responsible for our behaviour and what we do with our dogs is what I'm saying. The act should not go back to the drawing board. But breed-specific bans will not help.

Mr. Hampton: So you would take that out?

Dr. Meen: I would take that out.

Mr. Hampton: Do you have any other recommendations?

Dr. Meen: I think the issue is that, once again, an act like this is only a little bit of the icing on the cake in terms of what aggression and violence is all about in our society.

The Chair: Do we have a question on the government side?

Mr. McMeekin: Just a comment. I really appreciate your words, Doctor, and the connections you made. I don't know whether you know this or not, but you've articulated in a somewhat oblique way many of the kinds of things we've heard today, but you did it in a way that I found easy to understand and quite entertaining. I really appreciate some of the connections you made to violence and how many of the things that we engage in, in politics and other aspects of life, are really just a reflection of the society we live in, and that we've got to stop and pause and look at that as well. I appreciate that.

Dr. Meen: Thank you for hearing my point.

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Mr. Miller: Thank you for your presentation. I gather you're against breed bans. What other specific kinds of things do you think would make sense in terms of dealing with dangerous dogs? For example, do you think increased licensing makes sense, or leash laws?

Dr. Meen: One of the key issues around making changes is collaboration, consensus and communication, out of the youth justice act. The same thing applies for addressing communities' needs around aggressive dogs and dog attacks. So I think you'd go to the communities. I heard recommendations when I was standing at the back of the room that make a lot of sense in terms of looking at how people are being responsible.

Mr. Miller: Secondly, a large part of this bill is the ban on pit bulls. You've had a lot of experience with various breeds. Is the pit bull a breed?

Dr. Meen: I forget exactly how many breeds the Canadian Kennel Club recognizes; it changes every year. But they still only recognize about half of the kinds of

breeds available in the world. So "pit bull" one day will be defined specifically as the Staffordshire bull terrier, the American terrier, the borzois. The standards will be very clear. Dogs are evolving, and they will continue to evolve.

Mr. Miller: But it's not one thing specifically right now?

Dr. Meen: I'm sure you'll be hearing from people who would describe very specifically that breed. In the general public, there are mythologies and they have an image as to what they think a pit bull is.

The Chair: Dr. Richard Meen, thank you very much for your time today.

ENGLISH NANNIES FOR DOGS INC.

The Chair: I'd like to call on Diana Fischer, English Nannies for Dogs Inc., please. Diana, welcome to the committee this afternoon.

Ms. Diana Fischer: Thank you very much for asking me.

The Chair: Do you understand the ground rules?

Ms. Fischer: I understand and I'd actually like to leave time for questions.

The Chair: Please start by stating your name very clearly for Hansard. Your time is running.

Ms. Fischer: My name is Diana Fischer and I am a dog trainer. I have been a dog trainer for 20 years. I have been involved with animals for about 47 years, since my upbringing in West Africa.

I'd like to first point out, having listened to the president of the Staffordshire terrier club, that I do agree with him that the Staffordshire bull terrier is not an aggressive dog to humans. It is a very friendly, lovable dog to humans, and I don't think that it should be included in the ban. However, it's probably not great with other pets, but I think the people who own Staffords realize that and they're very responsible.

However, I do feel that the American pit bull or dogs that are part pit bull or the backyard-bred pit bulls are slightly different. It would be wonderful to have good breeders of all dogs but, as a dog trainer, I see many dogs that are badly bred and sold for high prices to my clients. I don't think there is any control that really works at the present time for many of the companion dogs that I see. They sell them shy dogs. They sell them dogs that will become aggressive later. They sell them dogs that are physically defective for, again, high prices. This is not just pet stores. These are the actual breeders I've come across in my 10 years here in Toronto.

Having spoken with various of the victims when this law first was presented to the Legislature, there's something that I worry about, and that is, these people are bitten severely. What happens if they are the main breadwinner of the household? Let's say the postal worker who had both her wrists broken and her ear removed had another job. Let's say she was a physician and she actually was bitten on the weekend and not injured on the job. Where would the compensation be for

this person, who has now had her hands broken and possibly can never work as a surgeon again? I don't see anything in this particular law that really addresses that at the moment, and that is very significant. To actually fine the person \$10,000 after the bite is simply not enough, and if you fine a person \$10,000 who has no job, who has no assets, you're not going to get the money out of that person. I think, as legislators, you really have to look into how you are going to protect the public against this type of injury.

To say that all pit bulls are dangerous is untrue as well. Many people will say, "My pit bull, my American Staffordshire pit bull, is a wonderful dog. It is the sweetest dog." And it probably is, because within every group of dogs there are different breed traits. For instance, a border collie is a herding dog. What makes it a great working dog makes it a very unacceptable pet. A good working dog would be racing around the house, destroying everything in the house, nipping at the children. It would be horrible, but it doesn't make it a danger to society. A Jack Russell terrier is bred to kill vermin; therefore, anything that moves and so forth, it's after. The damage that it can cause is limited by its size.

But when you're dealing with animals with very powerful jaws—let's say you've got 100 pit bulls. Probably 70 of those dogs are actually pretty nice dogs. But what about just five of them? Just take five pit bulls out of 100 that are incredibly aggressive, that can remove your face, that can remove a limb. One man lost both his hands trying to save his dog. How are you going to stop those dogs? What are you going to do about those people? Are you going to expect your police force to help the person who is under attack? When I was attacked, the police did not come for 15 minutes, even though the police station was actually three minutes away. Why didn't they come? Because they're not equipped to remove a pit bull once it has started that type of attack. You can't just draw your pistol and shoot it; you'll probably shoot the victim. If you put your hands on it, what if it turned on you? Why would you want the police officer to lose his hand? So we are dealing with a slightly different animal.

To say that we are going to educate people, well, I've been training dogs for 20 years, and that means that I've been training people. People have their own lives. They have their own jobs. To learn about dogs, you have to live with them, like I do. I live with 10 or 12 dogs every day. I deal with hundreds of dogs, and I've trained thousands of dogs and have been in thousands of people's houses. They're normal people. I don't know if any of you own dogs, but you've got other lives. You're not going to read up in books about dog language and body movements and so forth. It just isn't credible. You're going to teach your dog to sit, to stay, possibly to lie down and do a few things. That's about all any working person is going to do. Private training is very expensive, and if you have a backyard pit bull, you're not going to take it off to obedience class, because that's just not what you're interested in.

So how do you control these dogs? I think you can only have zero tolerance to this type of attack. Because you are legislators, you cannot allow one such attack as this. I'm not going to talk about Rottweilers and this and that, because that's not on the table today, but I do believe we are dealing with a dog that, once it reaches the stage that some of these dogs are at, you cannot get that dog off. You can shoot it 12 times, 10 times, beat it: You cannot get that dog off.

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That is not the way with other dogs. Dogs bite very carefully when they are well socialized. Who is going to let their puppy play with a pit bull? Very few. So the only dogs they usually get to play with are other pit bulls that are equally matched. Even when I walked pit bulls in groups—nice dogs; I would kiss them on the lips, I would love them, great dogs—once they started to play with the other dogs, 70 pounds of muscle, whack, right into the side of a 20-pound poodle, which can actually dislocate its shoulder. You can't allow this to happen.

Anyway, that is what I'm trying to present today, and I would like to see perhaps some other things added to the law. But certainly we need to have a large amount of insurance on people who own dangerous dogs. Should their dogs injure somebody so severely that they are unable to continue their working life, I think we need something.

Educating children, educating schools—I'm sorry. I've been in this business many, many years. It's not going to happen, and it's not going to happen today or tomorrow. What's going to happen over the next 10 years? It's not going to happen. You can't have everybody trained, and nobody's that interested.

I'd be happy to answer any questions.

The Chair: Thank you, Ms. Fischer. We should have about one minute per party, beginning with the government.

Mr. McMeekin: Thanks very much. I appreciate your presentation. You raise and train German shepherds?

Ms. Fischer: I used to. I now have border collies.

Mr. McMeekin: I'm intrigued, because a number of presenters have suggested that we ought to be looking at dangerous dogs rather than one particular breed. Many have spoken to that.

The Winnipeg statistics that we've received, which I've just reviewed, seem to indicate that in every year since 1989, right through to 2003, the dog which, just in terms of quantity of bites, is most prolific by far, far and away—in some cases, six or seven times to one over the pit bull—is the German shepherd.

Ms. Fischer: I wouldn't dispute that. I think there should be a law that covers the dogs that are physically able to take your thigh muscle off, such as a German shepherd. Yes, they should be—

Mr. McMeekin: You talked about the size of the dog being important.

The Chair: Thank you. That's about the limit of your—

Ms. Fischer: Yes, it's very important: the size, the damage.

Mr. McMeekin: Should we be looking at German shepherds as well?

The Chair: Mr. McMeekin, your time for questions has passed. Thank you. Mr. Miller?

Mr. Miller: Thank you for presenting. I just want to make sure I have something clear. Part of the problem with this legislation is the definition of "pit bull." I believe you said at the beginning of your presentation that you felt—in the description, it says a pit bull is a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier and any dog that basically looks like it. Am I clear that you said you felt a Staffordshire bull terrier—

Ms. Fischer: I do not feel the Staffordshire bull terrier is in any way a danger to human beings. First of all, it's a very small dog. It may be a powerful dog; it's just not the same. And it is a very expensive dog. People value paying for an expensive dog.

Mr. Miller: So a Staffordshire bull terrier should not be on this list; that's what you're saying.

Ms. Fischer: I don't think it should be, no.

The Chair: Thank you very much. Mr. Kormos, any questions?

Mr. Kormos: No, thank you, Chair.

The Chair: OK. Thank you very much, Ms. Fischer, for your presentation.

DONNA TREMPE

The Chair: I'd like now to call Donna Trempe. Thank you very much for coming this afternoon. Welcome to the committee. You have 10 minutes for your presentation. You can choose to use all of it or part of it. If you don't use the whole 10 minutes, then the remaining time will be divided among the parties for questions. Please begin by stating your name for Hansard.

Ms. Donna Trempe: Donna Trempe. Thank you, ladies and gentlemen of the Legislative Assembly, for inviting me to make a contribution to the debate on Bill 132 and the issue of dangerous dogs. My husband, my son and I are among the people most intimately involved in this issue and most grateful that the Attorney General is actively looking at the whole issue of dangerous dogs in Ontario. My family and I think it is not before time, as we have been waiting six years now for decisive action to be taken.

I applaud certain sections of the bill: doubling fines to dangerous dog owners up to a maximum of \$10,000, jail sentences, the requirement for dog owners to pay restitution to victims, and giving police and municipal bylaw officers the authority to search for dangerous dogs. What I don't agree with is banning specific breeds.

On April 29, 1998, I dropped my beautiful eight-year-old daughter, Courtney, off at a friend's house after picking her up from school. That was the last time I saw my daughter alive. She and her friend went next door, where the owner let out her dog, a non-neutered, 150-

pound bull mastiff. The dog immediately ran to Courtney and lunged at her throat. My 68-pound daughter did not stand a chance against this beast. Courtney had never been to this house before and certainly was not familiar with the dog. She was given no opportunity to familiarize herself with the animal while it was under the owner's control.

Courtney died in the ambulance on the way to the hospital of massive blood loss and asphyxiation. In April 1999, there was a coroner's inquest into Courtney's death. The inquest ruled that Courtney's death was an accident. No. Courtney's death was a homicide. Homicide is when a person, directly or indirectly, by any means, causes the death of a human being.

You see, this bull mastiff had attacked before. We have 16 former neighbours willing to testify that the dog was known to be aggressive before the attack on my daughter. The fact that the dog had shown aggressive behaviour is a reasonable basis upon which to believe that criminal negligence charges were warranted, or at least should have been considered. Todd Reybroek, a Toronto lawyer and the owner of this dog, in allowing his dog to be out in his yard, committed a homicide.

Police in York region, we were told, were too busy to investigate. We fought for years in the Ontario justice system and spent \$64,000 of our own money in legal fees. The owner, a lawyer, you will remember, was not charged, not fined so much as one cent.

Our experience with the police investigation and the coroner's inquest process proves that these organizations are not carrying out their public responsibilities effectively and that the government places a very low priority on keeping our children safe. I hope, with work, that Bill 132 will ensure that we never have to hear again those terrible words, "A child was killed by a dog."

The coroner's inquest into Courtney's death made 36 recommendations. The last time I checked, nine had been implemented, 10 had alternative measures adopted, seven were rejected, six did not apply to the agencies they were directed at and one did not get a response of any kind.

In my opinion, Bill 132 has its good points and its bad points. A bull mastiff, not a pit bull, killed my daughter. Rottweilers killed a three-year-old boy in Vancouver. Presa canarios killed a woman in San Francisco. Even small dogs such as west highland white terriers and cocker spaniels have been recorded as killer dogs.

Am I against dogs? Not in any way. I love dogs and own a German shepherd. What I am against is irresponsible dog owners. I agree with the Humane Society of Canada that banning only pit bulls will not solve the dog-biting problem. German shepherds, cocker spaniels, Rottweilers and golden retrievers are actually the most common biters. Personally, I would like to see a ban on bull mastiffs. I wish they were extinct.

What we need are stiffer penalties and heavier fines for the owners of dogs that attack. Heavier fines and jail sentences for drunk drivers, along with increased public condemnation, have reduced the number of drunk-driving fatalities. When irresponsible dog owners learn that they

will be sent to jail or fined \$10,000 if their dog attacks, more people will muzzle their dogs or decide to own a breed less likely to be dangerous.

Currently, the owner of a dog that rips his kid's face apart might face a muzzle order or fine. If a human being did that, he'd get 10 years in jail. We need owners of these dogs to know that they are going to have to pay. Why not adopt a law that will be implemented, a law that has a set fine or a jail term for the owner of a dog that bites or kills a person?

I have a letter from the Honourable Irwin Cotler, the Minister of Justice and Attorney General of Canada, stating that the Criminal Code of Canada already includes a law whereby charges can be laid against the owners of dogs that attack for criminal negligence causing bodily harm, a serious offence that carries a penalty of 10 years in prison, and for fatal attacks, where the dog kills a person, criminal negligence causing death, with a potential penalty of life in prison. Why are we not charging the owners? Why are these charges not being laid? Mr. Cotler has been able to cite only two cases in which jail sentences were given, in spite of the fact that an estimated half a million dog bites occur in Canada every year.

Please, let's not look at banning specific breeds of dogs. Let's look at banning the irresponsible, dangerous owners who either train their dogs to attack or don't train them in good behaviour. Put them in jail. Fine them as you would a drunk driver. Make our society aware that if their dog attacks, there will be serious consequences, not months and years of lawyers battling in the legal system. That's what happened to us and that's just not right.

Why don't we adopt a law, Courtney's Law, that has a set fine or jail term for the owner of a dog that bites or kills a person? You can't know the endless heartbreak and frustration of being a mother, having your daughter killed by a dog that was known to be dangerous and not one arrest was made and not one fine, not one cent. Make them pay.

The owner of the bull mastiff that killed Courtney should be in jail. If this kind of penalty had been enforced a decade ago, maybe my daughter would be in high school right now. Maybe Courtney would still be alive. Thank you.

Applause.

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The Chair: Thank you very much for your presentation. Again, regardless of your sympathy for the deputant—on whose behalf, for the committee and the Legislative Assembly, I also extend our deepest sympathies on the loss of your daughter—a show or display is not permitted.

The first question should go to the PC party.

Mrs. Munro: I think all of us understand and appreciate the kind of courage that it takes for you to come here today to tell us your story. As we think back on the experience that you had and the tragedy, obviously I think the comments you make to us today have that much more validity for all of us here.

I'm particularly conscious of the fact that you made a comment about the way in which society deals with drunk drivers, and I totally agree. I think you can take it one step further: We aren't talking about banning cars, yet in this piece of legislation, we're talking about banning a particular dog. We're talking about taking an animal that looks, by its appearance, like something that should be eliminated, not by what it has done.

I know that you know I introduced a private member's bill that tries to deal with the issue by defining an animal that then has done severe physical damage, because, like you, I believe it is a question of ownership. I want to thank you so much for having the courage to come here today to make the presentation that you have. I think all of us, as parents, as legislators, as owners of dogs, whatever has brought us here, appreciate your being here today. Thank you.

The Chair: Mr. Kormos, it would have to be a brief question.

Mr. Kormos: Yes, sir. Ms. Trempe, I want to thank you for an incredibly potent submission to this committee. Again, I repeat what has just been said, and that is that every member of this committee, every member of this audience, is committed, I believe, to protecting children and other members of the public from attacks by vicious dogs. The debate is about whether you achieve that with a breed-specific ban or with the incorporation of the jury recommendations of the coroner's inquest into Courtney's tragic death. Not a single one of those recommendations was to the effect that a breed-specific ban will stop that type of tragedy.

If there was evidence that a breed-specific ban would eliminate, stop, halt the tragedy of people being attacked by vicious dogs, I would be supporting it enthusiastically. But I say to you that it's not a matter of a paucity of evidence in that regard. There has been no evidence in that regard to date. I tell you, your contribution is a valuable one.

The Chair: Mr. Zimmer, any comments?

Interjection.

The Chair: OK. Thank you very much for coming in today.

TORONTO HUMANE SOCIETY

The Chair: Do we have a representative present from the Toronto Humane Society? Thank you very much for coming in today. You'll have 15 minutes for your presentation. Please begin by introducing yourselves for the purposes of Hansard. If you choose to use your entire time, then there won't be the opportunity for questions; if you leave some time, the questions will be divided according to the parties. Please go ahead.

Mr. Tim Trow: Thank you. My name is Tim Trow. I'm the voluntary president of the Toronto Humane Society. Beside me is Linda Elmy, who's the manager of humane education at the Toronto Humane Society and has done considerable research into these issues. Beside her is Inspector Connor. Inspector Connor is appointed

an inspector under the OSPCA act, and he is the managing director of the Toronto Humane Society.

Beside him is Pell Capone. Pell is a lawyer in Toronto and a past chair of the Toronto Humane Society.

Inspector Connor is going to give our presentation.

Mr. Mike Connor: Mr. Chair, honourable members, ladies and gentlemen, the Toronto Humane Society has been in the business of protecting animals and serving the needs of the citizens of the city of Toronto for the last 118 years. Along with others, we have grown increasingly concerned about the frequency and seriousness of attacks by dogs against citizens and other animals, and we feel that there are real community safety concerns with dangerous dogs.

In 2004, the Toronto Humane Society admitted 2,311 dogs to its shelter. Of that number, 884 were lost or stray dogs. This number is indicative of a real problem in the city of Toronto in that, at our shelter alone, almost 1,000 dogs came through the doors as a result of irresponsible or negligent owners.

The strengthening of the Dog Owners' Liability Act is long overdue and is very much supported by us. We do not, however, agree that part of the legislation include a ban of any specific breed of dog, including what is considered pit bull.

It may be politically advantageous to deal with this issue in this manner. It does not work in the long run or even address the root of the problem. Other jurisdictions which have enacted similar breed-specific legislation have even taken the significant step of repealing it, because it just doesn't work. People who have a desire to own or possess vicious dogs will find dogs of other breeds to take their place.

Some of the other specific sections of Bill 132 that we have concerns about are: firstly, the definition of what constitutes a pit bull. This definition is far too vague and includes any dog that has an appearance and physical characteristics that are substantially similar to a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier or an American pit bull terrier. This could conceivably include a lot of dogs currently in our communities and shelters that are not related in any way to any of these breeds. For example, currently the Toronto Humane Society is sheltering a British bulldog, which is a Canadian Kennel Club and an American Kennel Club registered breed, but which could, under Bill 132, be construed as one of the types of vicious dogs described in the legislation. Bill 132 would put a reverse onus on the owner of such a dog to prove that it is not a pit bull. Sheltered or rescued dogs do not arrive with papers detailing their lineage. It would be difficult for the owner of an adopted dog to prove its breed type without the expense of a lawyer and tying up the courts.

Secondly, the definition of what constitutes an aggressive dog is also far too vague. It includes any dog behaving in a manner that poses a menace to the safety of persons or domestic animals. This could potentially include any action by a dog that can be interpreted by a person as being aggressive, such as simply barking at people from inside a fenced yard.

If these two definitions are allowed to remain unchanged, law enforcement personnel are going to have difficulty in dealing with complaints at the community level. There are numerous neighbour complaints involving domestic animals which eventually become acrimonious and confrontational, and accusations of viciousness of an animal could unfairly become an issue. The police and other enforcement officers should not have to make subjective decisions based on obscure definitions. This is even more important because search and seizure powers are also included in the draft legislation. Dog owners could be put at an unnecessary disadvantage in certain situations and be potentially subject to overzealous enforcement. This could lead to even further bogging down of our justice system.

Thirdly, the act specifically allows for the transfer of pit bulls to research facilities. The Toronto Humane Society objects to this and asks that you consider deletion of this section from the bill. It is one thing for the breed not to have a future in the province, but another for it to be used for experimentation. In fact, some municipalities, including Toronto, already have bylaws in place to prohibit the transfer or sale of pound animals to research facilities.

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Fourthly, the act specifies that if a pit bull, which would be considered a restricted animal, is seized by a peace officer, it must be taken to a municipal pound. The Toronto Humane Society objects to this part of the legislation and sees no reason that an accredited humane society cannot accept these animals unless action is going to be taken against the owner under the Dog Owners' Liability Act.

We have the facilities, such as protected shelters and veterinary care facilities, to look after these dogs as well as any municipal pound. The Toronto Humane Society has been providing this service for years. Also, our inspectors and agents routinely remove animals that are in a state of distress from various places, and these animals would normally be held at the humane society's shelter until the issue is resolved. Under this proposed legislation, pit bulls would have to be housed at the municipal pound. This is only going to add unnecessary confusion to the process.

It is the position of the Toronto Humane Society that this legislation was written in haste. There was little or no consultation with anyone, including those organizations with proven expertise in this field, such as the Ontario Veterinary Medical Association, the Canadian Kennel Club and humane societies, to name a few.

We agree the public has a right to be concerned about this issue. We, who deal with this issue every day, are equally concerned. However, the reality is that this legislation only deals with a small part of the overall problem. What is needed is a much more encompassing strategy to deal with all the issues involving domestic animals in our community. This should be a process which includes all of the stakeholders. We need to address issues such as licensing all dogs and dog breeders, mandatory

spay/neuter programs, microchipping and mandatory training, especially for large breed dogs and their owners.

Standards of care for all domestic animals: We have long proposed an Ontario code of animal care and believe now is the time to legislate a higher level of protection for animals in our community. The Ontario Society for the Prevention of Cruelty to Animals Act must be revamped to deal with a much more common problem than dog attacks; that is, the neglect and mistreatment of animals by irresponsible owners. The current OSPCA act is antiquated, weak and ineffective. For example, the current act does not allow for inspectors or agents to retain animals after they are removed from a neglectful owner, no matter how bad the neglect, as long as the owner pays the cost of the original removal and they have not been charged with a criminal offence.

In conclusion, I would like to thank the committee for allowing us to address you today. I would like to assure you that the Toronto Humane Society is supportive of any initiative that helps make our community safer for both people and animals, and we are more than willing to participate in any process that will work toward that end. Thank you very much.

The Chair: We have about a minute and a half for each party to ask a question, beginning with Mr. Kormos.

Mr. Kormos: Your recommendation about mandatory neutering/spaying programs is interesting because earlier today when staff bureaucrats from the Ministry of the Attorney General were here, I asked them about the grandparenting of de facto existing pit bulls, which means they'll be around for at least 10 more years even if this bill passes, and then the imposed sterilization of them. I asked specifically whether the primary goal of the sterilization was to pacify the dog, make it more passive, or to prevent it from breeding, and the response, as I recall it, was that the impact of sterilization was to make the dog more passive. Further to that, are you suggesting that if we're going to regulate breeders and license them, the logical next step is that people like myself who own a dog, unless I'm a licensed breeder, should have to have that dog neutered or spayed?

Mr. Connor: Yes, I think they should. If there are legitimate reasons to allow exemptions, of course, to allow the animals to remain not spayed or neutered—and I'm sure there are many things that can be exemptions—that's fine. But I think as a humane society movement, we would very much like to see that all animals, especially animals that have come in as surrenders and adopted animals, do not leave without being—

Mr. Kormos: I can only assume what the effect of neutering me would be in terms of my demeanour. Is there an impact on male dogs that's different from female dogs, for instance?

Mr. Connor: Yes, it does make them more compliant, more passive. It takes away the testosterone, the issues, and does usually have a tendency to make them much less aggressive.

The Chair: On that highly speculative note, we'll move to the government caucus.

Mr. Kormos: That's what I assumed.

Mr. Zimmer: In the year 2004, you took in 2,311 dogs. How many of those were pit bulls?

Mr. Trow: About a quarter.

Mr. Zimmer: Of the 824 you took in and classified as lost or stray, about how many pit bulls?

Mr. Trow: Could I just change my answer? At any given time, about a quarter of the dogs in the shelter are pit bulls. In fact, of the total, they're a much smaller number. It's simply that other dogs get adopted much easier. I'm sorry.

Mr. Zimmer: All right. I'll come to that. So at any given time, a quarter of those 2,300 dogs are pit bulls.

Mr. Trow: No, a quarter that are in the shelter at any given time. So of about 100 in the shelter at any time, about a quarter would be, but of the grand total, it would be much less.

Mr. Zimmer: You said you have difficulty getting those adopted.

Mr. Trow: More difficulty.

Mr. Zimmer: Why is that?

Mr. Trow: We have more difficulty adopting all the bigger-breed dogs. Small-breed dogs we can adopt within 24 hours of their arrival, but all large dogs of any kind—because we're in a city environment.

Mr. Zimmer: But pit bulls tend to be on the smaller side.

Mr. Trow: They can be quite heavy and quite large.

Mr. Zimmer: Any other reason why you might have trouble finding adoptive homes for pit bulls?

Mr. Trow: One reason is that we are extremely careful how we match homes with dogs. We are much more reluctant to adopt large-breed dogs into, say, an apartment building or a home that has children or other pets—cats. We impose a much more restrictive policy.

The Chair: That exhausts the time available. Mr. Miller, Ms. Munro, do you have a question?

Mr. Miller: Yes. If I could ask a question, one of your suggestions is for more licensing and microchipping. Could you expand on that a little bit, please?

Mr. Connor: Well, certainly at the community level, one of the things that is really not pursued in Ontario to the extent it probably could be is licensing of dogs.

Mr. Miller: What sort of percentage of dogs are licensed?

Mr. Connor: I would say that in some communities it's probably close to zero, because there is very little enforcement. Secondly, even in some of the more aggressive places, you're probably not going to get—and I'm taking this off the top of my head—any more than 25% or 30%. That allows a number of dogs to be around. They end up in shelters. Nobody has an idea where they came from, what their background is. That's where we would very much want to see a program front-loaded possibly into the legislation at the community level, where we make a more aggressive stand to see animals that either are licensed or microchipped.

Mr. Miller: Is microchipping an expensive process?

Mr. Connor: No, it isn't. It's relatively inexpensive—\$10 to \$15.

The Chair: Thank you very much for your time today.

Mr. Pell Capone: Mr. Chairman, one final comment, if I may: Section 17 of this bill, as presently written, would be in direct contravention of the OSPCA act in that an inspector under this legislation is authorized to obtain a warrant to seize an animal. This act would require him to turn the animal over to a pound, which would be in complete contravention of the OSPCA act. The OSPCA act has a complete procedure in place which directs an animal seized under the act, dealing with appeals for the dog owner etc. The way this bill is presently written, an animal seized under section 17 by an inspector of the OSPCA or its affiliates would have to be turned over to a pound. That would be in complete contradiction not only of the appeal procedure in the OSPCA act but also the intent of the act.

The Chair: Thank you very much for the observation and thank you again for your presentation here today.

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KARL VAARTJES

The Chair: I call upon Karl and Melanie Vaartjes. Are they in the room? Please come forward. The clerk will collect those and distribute them.

You have 10 minutes to make your presentation here today. You can use all or part of it as you wish. If any time remains, it will be divided among the parties for questions. Please begin by stating your name for Hansard, and thank you again for coming.

Mr. Karl Vaartjes: My name is Karl Vaartjes. Thank you for this opportunity to speak here. Let me first say that I feel this is a non-partisan issue, because it is a public safety issue. I'll tell you my story of what happened first.

I was sitting in my office, and I saw a dog come up to the front window of my house. I went outside just to shoo him off my property. As soon as I got outside, I realized there were two instead of one, and they were coming at me vigorously. I finally got back into my house. I was yelling, trying to shoo them off, because they were coming at me. I barely got back into my house, which was only about a metre back. My door was only about a metre away from where I was. I just barely got back in my house.

As soon as I got inside, I realized there was something definitely wrong with this situation. So I went back outside just to see what was going on. I walked to the end of my driveway, when I saw something happening. I was about almost a football field away, so I couldn't really tell what was going on, but because I just saw the dogs, I knew there was something not right.

Finally, I did hear the woman call out, "Why won't anybody help me?" So then I knew that's what was going on. I ran down to the end of the street. I went there. When I got to about 10 feet away from what was going on, before I even saw the dog move, it was on my arm. I

shook him off my arm. I grabbed a hold of it from behind. I actually ended up picking this dog up from the back, by the scruff of his neck, up into the air. At that point, he got loose, and within a blink of an eye, he was back on top of this child, which I later found to be a four-year-old boy. The mother was beside him, trying to protect her child.

The first thing I thought of was to protect this child. I picked the boy up and got him out of reach of the dog. As soon as that happened, the dog bit on to my leg. I have those sheets. They're black and white. I'm sorry I didn't get them done in colour. He bit on to my leg. The woman, the mother, pulled this dog back off my leg. At the same time, there was that other dog this whole time floating around, going back and forth. All I saw was a dog barking, foaming at the mouth. He never did attack. The Rhodesian ridgeback did not attack, although it was circling the area.

I got the boy inside and got 911 on the line. The mother went back in her house. I was left outside with these two dogs. After a while, I thought to myself, I didn't know how long I could wait. So I crossed the line. I figured I had to kill this dog. Before that, I was just trying to hold off until help came, and everything would be fine. I thought, I better kill this dog. I don't know how long I can hold on.

So I was squeezing—there was a chain around his neck. I was holding it from behind. As soon as I let a little pressure off this chain and I looked to see where that other dog was, this pit bull that I was holding on to was vigorously fighting back and forth. I could feel the breath on my arms, although at that point he never did bite me again. So then, when I squeezed as hard as I physically could—I'm 6'1" and in half-decent shape—he did cough up a little bit of blood, and that was it. He had full strength. Whenever I let off again, he was attacking again. The only time I let off the pressure is when I was trying to find the other dog.

Through this ordeal—eventually, the police came. Just to give you an idea of how I felt, when the police came, what was going on in my mind was, "At least if the cop has to shoot this dog, it will just be a bullet through the hand." Later on, when I thought about that, I realized how foolish that thought was, but at the time, it made sense.

I ended up getting six stitches in my leg and some puncture wounds in my forearm. The mother of the four-year-old received many puncture wounds on her forearms and hands. She had a through-and-through bite in each hand. Luckily, the four-year-old boy received only severe scratches on his back. The physical injuries are bad enough; we suffered real, serious emotional trauma, as all victims do.

I am firmly of the view that this legislation ought to become law in the form that it was introduced in the Legislature by the Attorney General. The way it is written still allows people with these dogs to keep them until they have passed on, with certain regulations that will make us a bit safer: muzzling and leashing these dogs when they are in public. The ban will give us real pro-

tection for the future. We should feel safer as a society—I know I will.

The more I hear about these stories, the more I find new stories popping up in the news. Every time a new pit bull story is reported, I relive the whole ordeal myself. For me, this was traumatic, and I know it was even more traumatic for the woman and child that I helped. It's been extremely difficult for her, and she's having a difficult time dealing with this, as is her four-year-old son. I have a new appreciation for what the term "pain and suffering" means. Maybe I didn't understand it before, but I do now. Every time one of these pit bull attacks is recorded in the news, I relive it for several nights after that. I can't tell you the number of sleepless nights I've had over this situation. The violent behaviour that this one pit bull showed me in approximately five minutes has taught me to fear dogs.

I think putting a ban on at least pit bulls and putting in other penalties related to all dangerous dogs is important as a means of protecting all of us, especially our children and vulnerable people. When this was happening, my wife sent my son outside to find me. I can't imagine what would have happened if that dog had gotten loose from me and found my 11-year-old son. That's one of the things I think about as I'm not sleeping.

I don't claim to be an expert on pit bulls, but I've learned a few things since I've been involved in this attack. I've learned that pit bulls are less predictable than almost all other dogs and they can, all of a sudden, snap. The pit bull that attacked me was in a family with a single mother and four children, ranging from 18 years old down to seven or eight—I'm not sure of the youngest one's age. In a letter, she wrote me that this was a family dog. The police told me that the dog got loose from the backyard while she was not there, when all this happened. Later I learned from the police that the woman simply got a fine, ranging from around \$50 to \$100—I can't remember the exact amount—and the dog was destroyed.

The Chair: If I can issue you a reminder, you have a little more than one minute.

Mr. Vaartjes: Thank you. In several letters, the woman almost blamed me for this attack, saying that I knew what I was doing when I went down the street. I find this extremely annoying. I wonder sometimes if I should have stayed away. Maybe a death would have occurred. Is that what it's going to take before something is done about this?

Basically, in a nutshell, I just feel this should be a ban about public safety. This is more about public safety than about politics.

The Chair: Unfortunately, there isn't time available for the parties to question you, but thank you very much for coming in today to talk about what I'm sure was a very disturbing and emotional moment in your life.

CANADIAN KENNEL CLUB

The Chair: Are the representatives from the Canadian Kennel Club in the room?

Mr. Kormos: Chair, while these people are being seated, the last submission raised the spectre, the image that we've read about from time to time in the paper of a dog turning on its owner. There was a recent report, as I recall, in the Toronto paper about a kid whose dog appeared to attack him. He lost a piece of his ear, if I recall the report correctly.

I think we know what it means for a dog to be dog-dog aggressive, the territorialism and all that stuff. Can legislative research get us some sort of opinion as to what the phenomenon is when, for no reason whatsoever—no provocation, if in fact there is such a thing—a dog appears, all of a sudden, out of the blue, to turn on somebody, especially its owner or somebody in the family? I think that's an exceptional circumstance. I'm sure there's been study and research done on it, and I think the committee should understand what the phenomenon is.

The Chair: Thank you. Legislative research has recorded the request.

You have 15 minutes today to make your submission. You can use all or part of it, as you see fit. If time remains, the time will be divided among the parties to ask you some questions. Please begin by stating your name for Hansard.

1510

Mr. Sonny Allinson: Thank you very much. My name is Sonny Allinson. I'm manager of communications with the Canadian Kennel Club. With me, making our presentation today, is Lee Steeves, who is a member of the national board of directors, representing Nova Scotia and Newfoundland, and who is also the chair of the Canadian Kennel Club task force on breed-specific legislation.

Ms. Lee Steeves: Good afternoon. We'd like to begin our presentation by thanking you today for offering the kennel club standing to speak on the subject of your draft Bill 132.

The Canadian Kennel Club supports well-crafted legislation, legislation that's written to protect the community and its citizens from dangerous dogs. We recognize public safety concerns. Please be assured that our 25,000 members join you in condemning vicious dog attacks, whenever and wherever they occur. Dog owners must be accountable, and they must be held accountable for the privilege of dog ownership. We commend the Ontario government for making this accountability the subject of provincial legislation.

However, the Canadian Kennel Club does not support the breed-specific area of Bill 132. As you've heard from many speakers today, under the wrong circumstances, any dog can bite. Targeting a breed or a family of breeds will not keep our citizens safe. It will not provide a strong legislative framework for law enforcement, nor will it support your municipalities that will, in the end, have to implement and enforce this legislation.

Many countries throughout the world have attempted to enact breed bans in an attempt to manage dog control issues. You're not alone. You'll hear over the four days of hearings how and why these initiatives have failed. As

written, Bill 132 will significantly increase costs to municipalities' dog control budgets without providing offset revenues. Costs will also rise in sheltering animals that will be given up as a result of the breed identification ban. Costs will increase in law enforcement as dog control officers attempt to implement the legislation as it is now written. Costs will increase in litigation as concerned citizens protect their pets. With all of these increases, your citizens will be neither safer nor more secure.

Furthermore, there will be a decrease in safety because this legislation will offer the public the incorrect impression that the dog safety issue has been addressed, thus providing a comfort level that is not justifiable. There will be a sense among those Ontarians who are not dog savvy that those dogs that are not banned will not show aggression, thus reducing citizens' caution in dealing with dogs in general.

No one breed of dog has ever been proven to be inherently aggressive. This has been proven in countless studies, many of which have been referenced today. As dog experts at the Canadian Kennel Club, we recognize that any dog can show aggressive tendencies in the wrong set of circumstances.

The Canadian Kennel Club currently recognizes and is the registry for 164 distinct breeds of purebred dogs. There are more than 350 dog breeds recognized throughout the world. There are many breeds larger and more powerful than those currently targeted by Bill 132. Bill 132 will not protect your citizens by removing the most powerful breeds available to those who want to use dogs for menace or for malicious intent. These individuals will simply be able to move on to larger alternatives.

We ask the question, who will legally assist you in supporting breed identification? Agriculture Canada, under the Animal Pedigree Act, is the Canadian authority for the identification and registration of all purebred animals. In the case of our 164 purebred dogs, this authority has been delegated to the Canadian Kennel Club.

Under Bill 132, if veterinarians are asked to declare that an animal is of a breed, presumably they would have to issue a document as an attestation. This puts them in violation of the Animal Pedigree Act, subsection 63(1). To quote: "Except as authorized by this act, where an association is authorized ... to register or identify animals of a distinct breed or evolving breed, no person shall ... issue any document purporting to evidence that a particular animal is of that distinct breed or evolving breed..." This accountability rests with the Canadian Kennel Club. So if you are looking to veterinarians, to humane societies or to animal shelters to identify purebred dogs, legally they cannot do it. Only the Canadian Kennel Club can identify those dogs.

No country recognizes a pit bull. This appellation does not denote a breed of dog; it is not definable. Those breeds included in Bill 132 are not, and never have been, a pit bull. In addition, there is no dog able to be classified and identified as a mixed breed. DNA will not prove evidence of breeds included in any dog that is not a

purebred. All we have for DNA evidence of dogs to date is whether or not puppies' parentage is the dogs that have been registered with a particular dog registry. If, for example, a person purchases a puppy, that puppy is registered with one of the dog registries, including the Canadian Kennel Club, and the person questions whether or not they actually have the purebred puppy they have purchased, we are able to have DNA testing performed to confirm whether or not that puppy is of the parents it has been registered to be the puppy of. That's the only capability at the present time we have for dog identification using DNA.

Again, no person, whether in a humane society, veterinary practice or even the CKC, could provide categorical proof that any dog is a mix of any breeds, and this is what you ask when you ask to define a pit bull. Simply looking at a dog and imparting to it characteristics that support its origins is not only unscientific but completely unfounded. Again, the only expert able to identify the dogs identified in Bill 132 in Canada under the APA is the CKC. Even we can't identify a pit bull. There simply is no such animal.

What differentiates a purebred dog from a mutt? The current draft singles out three purebred dogs: the Staffordshire bull terrier, the American Staffordshire terrier and the American pit bull terrier. These three breeds are purebred dogs, bred by breeders who are supported and controlled by registries that support ethical breeding practices. These are knowledgeable breeders. They conform to industry norms in supporting their puppy buyers. They advocate spay/neuter contracts. They educate puppy purchasers in puppy development and behaviour modification. They advocate puppy socialization and dog obedience training. They are required to uniquely identify every puppy they produce. Every purebred dog in Canada registered with the Canadian Kennel Club must be uniquely identified. Every one of those dogs can be proven to be the breed that it is purported to be on its registration papers, and those are the only purebred dogs in the country, except for those that might have been registered by other registries and brought into Canada.

Canadian Kennel Club breeders are bound by a code of ethics and a code of practice. Should breeders not conform to these standards, they are sanctioned by the registries under which they operate as well as by their breed clubs and also by their peers.

Purebred dogs are a controlled and highly managed addition to a home. Breeders carefully screen prospective purchasers. They turn away more buyers than they accept as appropriate homes able to meet stringent requirements for puppy ownership. We recognize that not every person should have a dog. We counsel callers appropriately.

Breeding of dogs is our passion. It's born of years of care, commitment, study, analysis, research and education. As with all things in life, we recognize that not all breeders are created equal. Commercial facilities breed many breeds strictly for profit. They sell to pet stores that are unable to provide breed information support. They

aren't able to provide mentorship or detailed advice about the puppies that are being sold, nor do they do any screening of potential purchasers. There are also un-knowledgeable, often well-intentioned folk who have purchased an unsprayed female and have decided to let her have a litter to let their children have the opportunity to see the miracle of birth. The latter two groups have different motivations from those breeders described earlier. They are less knowledgeable, either because of the volume of puppies they're producing or because of the lack of volume that they're producing, and as a result they are less able to support those who are going to be the recipients of their puppies. Often this is where problems will occur and where increased controls of animal production would have a positive effect in reducing unwanted dogs.

1520

Dogs are not born dangerous. Illness may on occasion render a young dog a threat. This will be noticeable both to the owners and to the veterinarians who are caring for the dogs, and proper counselling will support the decisions that need to be taken. Dangerous dogs are created by owners. This may be intentional, in the case of dogs that are trained to fight or that are supported in aggressive behaviours by owners with malicious intentions. Dogs are dangerous if they have bitten, if they have attacked or pursued without provocation a person or a domestic animal, or if they are owned for the purpose of fighting. Municipalities must be in a position to impose appropriate penalties on irresponsible owners of dangerous dogs.

The CKC supports harsh penalties for those who are irresponsible in the ownership of dangerous dogs. We support mandatory licensing and strong enforcement of leash laws. We support public education and education in schools focused on dog awareness. We support spay/neuter requirements for all dogs not considered breeding stock. We support increased regulation of the selling and transfer of dogs. We support universal identification of dogs by either tattoo or microchip. We support maintenance of all dogs in a controlled environment; no dog should be allowed to run at large. We support harsher penalties for violations of all of the foregoing.

We would like to work with you to enhance the role of dogs in our society. We would like to work with you to create legislation that reflects worldwide experience, to offer Ontarians legislation that will improve their safety. At the same time, well-crafted legislation will be a bellwether for other jurisdictions—municipal, among our provinces, and international. Our country is seen by the world to be a country of progress, of fairness and of balance. Bill 132 has for many reasons garnered a great deal of negative international attention. Let's get it right. Let's use our Canadian sensibilities, coupled with Ontario's strong traditions of national leadership, to show our citizens and others who are watching that we are able to increase community awareness and safety without sacrificing innocent breeds that you now have on this list.

We can work together to design a bill that is reasonable, enforceable, affordable and non-discriminatory. Currently, there is a definition problem. You are poised and positioned to address this problem in this committee in a fashion that is workable and for the good of all. The Canadian Kennel Club would be proud to work with you to make that happen.

The Chair: Thank you very much. We have time for one quick question. Mr. Zimmer, it's your turn in the rotation.

Mr. Zimmer: You made reference a couple of times through your submission to the difficulties that the municipalities of Ontario were going to have with this legislation. You talked about the cost to them and other burdens placed on them.

I'd just like to draw your attention to a statement made by Roger Anderson, president of the Association of Municipalities of Ontario:

"AMO appreciated an opportunity to advise the minister on how to implement the province's pit bull ban in a manner that is practical, effective and affordable for Ontario municipalities and we know that the minister will continue to work with us as the legislation proceeds."

Then, and I won't quote, there are substantive quotes from a large-city mayor, Mayor Miller, from the mayor of a mid-sized city, the city of Kitchener, Carl Zehr, and from a small-town Ontario mayor, the mayor of Wawa, commending the McGuinty government for bringing forward this legislation and recognizing its utility.

What do you have to say about the support of AMO and large-city, mid-sized city and small-town municipal support for this legislation?

Ms. Steeves: I'm pleased to see that you do have support, because there are some very good aspects to this legislation. There are parts of it that are extremely well written and there are parts of it that will assist municipalities in dog control. Harsher penalties that are included in this legislation are excellent. You have a very good foundation, a very good starting point. You just have some of it wrong.

The Chair: That's all the time we're going to have today. Thank you very much for coming in with your deputations.

DOG LEGISLATION COUNCIL OF CANADA

The Chair: Can I ask if there's anyone here from the Dog Legislation Council of Canada? Would you please come forward. Welcome to the hearings today. If you've been around all day, and I believe you have, you'll know the ground rules. You've got 15 minutes. You can use all or part of it, and what remains will be divided for questions. Please begin by identifying yourself for Hansard, and the time is yours.

Mr. Nelson Ross: Excellent. Thank you so much. Hello. My name is Nelson Ross, and I'm here as a proud member of the Dog Legislation Council of Canada. I stand together with the rest of Canadian dog organ-

izations and continue to work toward better legislation and not breed-specific legislation.

As we have just recently seen, New Brunswick turned down their proposed breed-specific legislation, and the very Liberal MPP Kelly Lamrock, who proposed it, after public hearings publicly denounced breed-specific legislation. BSL is a failure, and we have already seen this here in Canada and throughout the world. Germany just repealed their country-wide ban after reviewing its failure.

Please listen carefully to the experts here today and those you will hear from in the upcoming days. High-profile media reports do not report in-depth findings and are not conducted by experts. Many of them do not even contain proper information, such as the correct breed information. We here in a progressive society should never base any legislation strictly on media reports, which is what we have found so far with Michael Bryant's "information" and statistical information.

All of our experts who work with the dogs, whether it be in the laboratories or in the training schools, agree: Dogs haven't changed; we have.

BSL doesn't work, and this bill is such a mess that it's impossible to support. Dog bite incidents are a serious problem and a complex issue. BSL is not. It simply doesn't work. These dogs never asked for our failure. With the rate of dog abuse, it's surprising that there aren't more bite incidents every day. But they don't, because they can still choose to love us as their owners and masters.

Fourteen US states have currently made it illegal to ban certain breeds of dogs. The inherent danger has clearly been refuted for over 50 years, and it's absurd that we're even discussing this as an idea or even have to defend dogs from this idea.

It's really quite simple: A dog is a dog is a dog. Court-certified dog psychoanalyst C.W. Meisterfeld, dog behaviour consultant Cheryl Smith, from right here—and even in the Ottawa court case *Couch v. Deopersaud* an Ottawa judge clearly ruled here in Ontario that no dog is inherently dangerous, for if one dog is dangerous, then all dogs would have to be stated as dangerous, and that sets a very dangerous precedent. There is not one single unprovoked human fatality from a pit bull type dog in Canada—to correct someone's earlier information. An individual made a statement that was incorrect.

It must be understood that humans are aggressive creatures and always have been. We enjoy contact sports, underground fighting circles which are viewed on TV as pay-per-view specials. We still continue to fight dogs in the most cruel and inhumane fashion. Wrestling is one of the most profitable sports, and boxing is an Olympic sport, with the final objective being to knock out your opponent, render them unconscious.

We view dog behaviour differently from 50 years ago, but have the animals changed? Have animal genetics changed? Has the blood born into animals changed? Or have we changed our expectations of dogs, especially in an urban environment?

I stand here today fighting for the lives of thousands who will be killed without a chance. If this bill passes, we as a society will have failed to address the issue of dog bite prevention, and those of us who read all the dog reports will be forced to continue to hear about children and adults being bitten and killed by dogs.

I myself, as a member of this organization, am forced to read and view all these dog bite incidents across Canada that happen on a regular basis. We saw a border collie kill a child in BC a few weeks ago, and I have to read this time and time again. I saw a golden retriever in the Niagara region almost remove the head of a child. This happens on a regular basis, and the claim that it is one breed is based strictly on ignorance. German shepherds and black and red Labrador retrievers top the list across Canada, and this isn't because they're bad dogs; it's because people say there are no warning signals to be had and they don't view them as dangerous, so they leave their children unattended. So what do we have? Dog-bite incidents because of a lack of education and awareness.

The life of Donna Trempe's daughter, Courtney, will not be saved. James Waddell will not come back to life. We have two major inquests involving dogs here in Canada, and neither called for breed bans. However, both called for the implementation of education programs in schools and communities to create awareness; both called for spay and neuter programs; they asked for better media coverage of the incidents, including small information tips from a recognized agency, to prevent further incidents from occurring. They recommended mandatory licensing and registration. This isn't happening here. We've neglected to follow the outlines given to us.

1530

We would like to be able to restrict people from owning dogs if they have been proven to abuse them in any way. Abuse breeds more abuse, just as we have seen in our human examples. Violence is something a dog learns; it is not a genetic trait. We do not have to continue to argue this point, as it has been stated for 50 years. Violence is something a dog learns and, simply, violence of any kind needs to be addressed, including human violence toward animals. This is not happening.

We have a bill to make stiffer animal abuse laws that has been sitting in the House of Commons for six years. That would help prevent animal attacks from occurring, and we could start today. This continues to be struck down and left. Humane societies have been fighting for this for years.

Look at the current situation. If someone kills a dog in the middle of the street, surrounded by witnesses, that person will receive a maximum of six months in prison, and most likely will just receive a fine. If a dog bites someone after they've been continually abused by him, the dog will most likely be put down and lose its life. Can we not see the hypocrisy in this situation?

With modern-day technology, we have seen a rise in animal abuse. We have seen a trend toward animal popularity coinciding with pop culture. "When Disney

promoted dogs such as the Dalmation as the new family dog, we saw a massive upsurge in Dalmation breeding across North America,” stated the American Kennel Club. However, after only the first few years of the breed’s new-found popularity, we began to see a trend in Dalmation abandonment. Dog bites involving Dalmations were also on the rise with its new-found popularity.

As we saw just last year in San Francisco, after a widely publicized dog-bite incident involving a presa canario, “There was an upsurge in all sorts, predominantly men, asking about buying this dog,” said one presa canario breeder in the Bay area, Tracy Hennings.

I’m a young, responsible dog owner. I am the proud owner of a five-year-old American pit bull terrier. When I went to adopt her from the Ottawa Humane Society, steps had to be followed that were appropriate and necessary. First off, you can’t see the dog, only pictures, in Ottawa, until you have passed the interview process. They screen potential owners for all the dogs. This should be a practise across the country and everywhere. Then you have to show proof of enrolment in basic obedience training, which is another progressive step for responsible dog ownership. Dogs are spayed or neutered at the time of adoption. They are also microchipped for proper return in case of being lost. They even do a property check to fulfill their responsibilities and duties.

When it comes to safety in our communities, this bill is a complete insult to all that we have worked for and to the hard-working people who have spent 20 or 30 years in dog-bite prevention programs who are looking for progressive steps. This looks to destroy all the work we have done and will continue to do in the future.

Pit bulls account for only about 5% of dog bites. Eliminating 5% of instances does not make communities safer. As well, this bill does not address private property, as most dog bite incidents involving humans occur in the home and not wildly in the streets. They occur with friends and family, with the family dog and, usually, children while unsupervised—another aspect of human failure which has refused to go noted. We refuse to evaluate our symptoms and what we do with our dogs, with our children, with our friends and with our families.

We are here defending community safety. I myself have been severely bitten by dogs twice in my life, once by a Labrador retriever, known as the chocolate lab and beloved by many, and also by a golden retriever. These were not bad dogs. My scars won’t go away, and I have the deepest sympathies for all those who have been bitten by any dog, myself being bitten by a dog so severely that I was pulled to the ground. But this legislation does not support community safety. When I’m walking down the street, I’m not concerned about dogs chasing after me and trying to bite me. I don’t know how many of you walk down the street every day and see dogs chasing you everywhere, but I do not see this happening in Ottawa and Toronto. The myth that dogs are running loose in the streets everywhere, biting people, is absurd. If someone came from another planet or some other culture, they

would think that there are dogs everywhere chasing us and biting as from the way the media reports those stories on the front page of every paper.

I’m not afraid of dogs, but of people. I’m afraid of being shot, stabbed, beaten, mugged. We have people every day—children being shot on buses, teens being stabbed in my own city of Ottawa. I’m not afraid of dogs chasing me.

At the end of the day, these are dogs under our care and we should pay attention to our failures. We have clear examples in Canada of these failures. In Winnipeg, one of the only major cities to ban dogs, the year after the pit bull ban was put in place in 1991, dog bites went up; in 1992, dog bites went up; in 1993 and 1994—what more examples do you need?—dog bites went up. There were around 200; by 1994, they were at 300. Only at that point in time did they negotiate more effective controls—leash laws—to try to reduce numbers. To this day in Winnipeg, dog bites continue to go up. So the myth that Winnipeg is a good example has to be debunked, because it’s not a good example.

Calgary is a good example. Dog bites in Calgary have diminished by paltry examples, compared to Ottawa and Toronto.

How many examples do we need? How many people need to be bitten in Canada for us to really address the issue?

Removing good dogs to eliminate 5% of attacks does not make communities safer. In fact, in communities that have put forth pit bull bans and where they have assured everyone that they are now safe, we see a lack of education, awareness and dog training, and dog bites continue to rise.

Pit-bull-type dogs, as they have been deemed, are not the problem; Bill 132 and other legislation that doesn’t support community safety is. So many communities have had to watch these failures and have repealed their bans for better legislation, and this example continues around the world. This has happened in the United States. This has happened here in Canada. We just saw it in New Brunswick. We saw cities in New Brunswick, like Plaster Rock, recently overturn it because their dog bites continued to rise.

Here’s what the Canada Safety Council has to say about this: “Breed bans should not be used as a quick fix. The solution lies in a combination of effective animal control measures, reputable breeders, responsible owners, public education, backed up with enforcement and based on reliable data.”

Even the Canada Safety Council is opposed to this bill. For any of you who are not familiar with it, the Canada Safety Council is a very conservative group, and with all respect, it should be. If a water gun hurts a child, they remove it from the market. They openly oppose this ban.

We have seen other Ontario communities, as Mr. Zimmer quoted before. We have seen Timmins, Thunder Bay, North Bay, Owen Sound, Cambridge—even the mayor of Mississauga openly opposed this ban. We are seeing this everywhere—city councillors, mayors.

The Chair: Just to advise you, you have about two minutes remaining.

Mr. Ross: Thank you kindly.

When it comes down to the real aspects of danger, we begin with removing dogs from repeat offenders and negligent owners. What needs to be recognized is that even after neglect, confinement and abuse, almost all of our dogs continue to show us love and compassion. People are the ones who have burned them, poured acid on them, cut them, removed their limbs, abandoned them, starved them and tortured them. I've had to see these images of all dogs. It is not just one type of dog.

Behaviour conditioning and dog training are both products of humans. Therefore, behaviour, good or bad, displayed by a dog is usually a testament to their owners. In any dog training course, one can see dogs trying to follow examples put forth by their handlers. We spend more time in training sessions training ourselves, as opposed to training dogs. It's a learning process for both parties involved.

Remember what, as humans, we have done to these dogs of the world, and yet they still come back to show us love and respect after all this abuse.

Breed-specific legislation is a proven failure and only victimizes responsible owners and good dogs.

We are discussing the fate of living, breathing creatures which have already suffered at the hands of humans for hundreds of years. We need to look in the mirror and address the issue at hand. We have to learn to take responsibility for our actions, as all dogs in Canada are required to be under someone's care and control. That is what we are asking for: to make people responsible for their dogs. Don't punish dogs for our failure. They never asked for this.

Ninety-nine per cent of all dogs in any given breed are never involved in attacks, so we cannot punish an overwhelming majority of responsible owners and good, loving, compassionate dogs.

The Chair: Thank you very much for your very well-thought-through and eloquently delivered brief. Unfortunately, we don't have time for questions, as you've used up virtually every second of your time. Thank you again for coming in and certainly for waiting patiently all day long.

I'm advised by the clerk's office that while our next deputant was one with whom we were going to try to teleconference, we are having difficulty reaching her. So is there someone here from the Humane Society of Canada?

Mr. Kormos: Mr. Chair, while these people are seating themselves, can I address two queries to legislative research?

I stand to be corrected, but during the course of listening to the last submission, I believe that I heard the submitter make reference to two inquests, in Canada, I presume. Of course, we know the Trempe inquest, which I think most of us are familiar with, if not all of us. I don't know what the other inquest is, and I'm wondering if other people may know. I'm wondering if legislative

research could get that inquest jury's recommendations and the facts situation.

I believe the other comment that was made was that an Ontario court—if I'm wrong, tell me now—has ruled that no dog is inherently dangerous. We're familiar with the Alabama ruling, and now we have copy of it, thanks to this morning. But I'm interested in the Ontario court ruling, if in fact I heard that correctly.

The Chair: Both requests have been recorded by legislative research.

1540

HUMANE SOCIETY OF CANADA

The Chair: I'd like to welcome you here today. You've got 15 minutes to deliver your presentation to us. Should you use less than that, the time remaining will be divided among the parties. Would you please begin by stating your name for the purposes of Hansard. The time is yours.

Mr. Michael O'Sullivan: My name is Michael O'Sullivan. I'm the executive director of the Humane Society of Canada. I've given a copy of our presentation to all of the MPPs over the last couple of months, so, for the sake of brevity, I'm not going to go through each and every point.

Our experience is based on practical as well as theoretical knowledge of animals. Over the last 35 years, our staff have worked not only here in Canada but also in other parts of the world handling dogs in dangerous circumstances as well as regular circumstances.

I have dogs myself and have two children, and I believe that you can care about people and animals. There's been a lot of acrimony and debate over the current legislation. I don't think there's a great deal we can do about what's gone on in the past, but we can move forward from here and try to put together a plan that saves the lives of people as well as dogs.

I gave expert evidence in the coroner's inquest into Courtney Trempe. It was probably one of the hardest things I've ever had to do. The coroner's inquest you were asking about, I believe, took place in Québec in 1988, and we can try to get some information for you on that. I was also involved, in the 1980s, in establishing the Dog Owners' Liability Act, which replaced the vicious dog act.

It's been my experience that, from a practical standpoint, every dog has the potential to bite. The good news is that most of the two million dogs living in Ontario don't bite anyone. By the end of today, if someone's walked their dog twice—and that's just one person—that means there have been four million interactions between dogs and people in communities all across Ontario today. Most of those are positive. However, when a single child is hurt or killed, an adult is hurt or killed, or a dog is killed, we believe that's one too many.

As far back as 1999, we tried to interest all levels of government in a dog-bite prevention plan, and we've declared May 22 to 27 as Dog Bite Prevention Week.

You may be surprised to learn that even when we offered to come up with challenge funding of \$1 million and asked provinces and territories to match it so we could begin a program in schools, we got virtually no interest from any level of government at all.

I believe in Ontario we have a unique opportunity with the safe schools program that was recently discussed and initiated late last year, and this would be a natural home for education for children. Children are the ones most often harmed by dog bites, because of their small stature. They're more likely to be bitten in the chest, neck and throat area. In the same way we streetproof our children about talking to strangers, traffic safety, drugs and alcohol and smoking, I believe this would be the logical home to try and prevent as many of these tragedies from taking place as possible.

I echo the remarks of deputants before me who talked about spaying and neutering. Right now, the problem in Ontario is that you can adopt or buy any size or shape of dog, anywhere in the province. If one person won't give it to you, someone else will sell it to you, and that's a problem.

The second problem is that a survey showed that about 81% of people admitted they did little or no training of any description with their dog. A dog is going to be a member of a smaller family unit and a part of a community, and could live as long as 14 years. Eight to 12 weeks of age is a critical period in a dog's life when they need to be socialized and understand that they're part of a family unit. Dogs are very single-minded, and the main thing that most people forget is, dogs don't view us as people, they view us as other dogs, so they react to us in the way they would to another dog.

That type of information is critical. Up on our Web site, www.humanesociety.com, we have practical tips for children, for parents and for dog owners on how to prevent dog bites. We think this type of information needs more widespread distribution. TAXI, which is a local advertising agency, has been incredibly helpful in donating a lot of their services in an ad campaign to prevent dog bites, but again, we need it in a more sustained way. It needs to become part of our culture.

Right now, anyone can hold themselves out to be a dog breeder. You can buy them from backyard breeders, from regular breeders. You can get them over the Internet. You can hold yourself out to be an animal trainer. That's a very dangerous thing, because people want guard dogs. You don't need any special licence if you want to have guard dogs on the premises. All of these things need to be addressed.

Spaying and neutering could be addressed right away, which we believe municipalities would embrace, because they'd see lower animal control and sheltering costs right away. If a dog was spayed or neutered, there should be no charge for a licence fee, but if your dog is not spayed or neutered, the licence fee ought to be \$300. That's an incentive that's within municipalities' power to pass now that would encourage spaying and neutering.

The police have a role to play. Regrettably, there is a real crisis of confidence that's long-standing in our

justice system. Many police officers recommend to people who have been the targets of spousal abuse or a break-in that they ought to get a dog for protection. So we're helping to perpetuate some of the problems you're hearing about today.

In all of my years, I have never had to kill a dog. I've been bitten many times. I've handled, thankfully, many more animals than that. I've never had to kill a dog or use lethal force to subdue a dog. We need better training for police officers and animal control officers and better access to tranquilizer guns and equipment that results in the non-lethal apprehension of dogs. In some cases, the biting incident takes place because of those very specific circumstances and the dog has no history of problems at all.

I think we need to move forward and stop taking out our angst, our frustrations and, frankly, our anger, on one or two breeds of dogs. I can tell you from the calls we've received that there's considerable concern on the part of other dog owners: "What if my dog breed is next?" This diverts all of our attention and resources away from the serious problem, and that primarily is, how do we prevent as many of these tragedies from happening as is humanly possible?

We've outlined in our letters to all of the MPPs an action plan which I think addresses some of those concerns. I think we can look at it in a way that it could be revenue-neutral. You would see lower hospital care costs from dog bites. You would see lower animal control costs because of spaying and neutering. You would see higher licence fees collected, encouraging people to spay and neuter their dogs, but also higher licensing fees and liability insurance requirements for dog breeders and animal trainers, as well as people who commercially sell out of pet shops. One survey, for example, found that only two out of 10 people get their dog from an animal shelter, a pound, a humane society or a rescue group. Most of these agencies already require spaying and neutering or do an adoption screening process.

I've had friends who were not working during the daytime adopt a puppy and keep him in a crate and think that's a sufficient way of training a dog. You wind up with a puppy at eight to 12 weeks of age, when the puppy needs to be socialized most, and at a year old, there's a beautiful bouncing dog, completely uncontrollable, and you have to undo all the damage that's been done. Many people just simply turn them in to a shelter or turn them over to a rescue group. Maybe four or five years later they have a much rosier view of what happened and decide to go out and get another dog, and repeat the problem all over again.

Some of the things we're talking about strike at the very fundamental aspects of human nature, and I'm not sure if we're ever going to resolve some of those problems.

Again, I believe there has been considerable acrimony over this legislation. I don't think revisiting it or casting stones is going to be particularly helpful. We need to move forward. We're delighted that the Legislature is

interested in the issue of preventing dog bites. It's something we've tried to get interest in for a long time. But with respect, in our judgment the current legislation doesn't address a lot of the issues we've raised. It's a very complex social problem and we need to move forward in a sustained way, as opposed to a one-off, to make this happen.

I can answer any questions.

The Chair: Thank you very much. We've got time for about a minute per party.

Mrs. Munro: Thank you very much for your thoughtful presentation. I wanted to ask you if, in your experience, you have had the opportunity to look at other jurisdictions. Much has been made out of the failure of those jurisdictions that have gone down the path that this government is currently considering; that is, breed-specific. But I was going to ask you a question with regard to trying to look at those jurisdictions that have perhaps developed a two-step category, because I think that while our goal at the end of the day is to have community safety with regard to dogs, clearly there is a difference between those that may nip or do something that frankly is socially inappropriate but doesn't deserve what I consider to be the kind of action that should be taken for those that do severe physical injury.

1550

Mr. O'Sullivan: Our experience is not just here in Canada but in many countries around the world. In brief, I can tell you personally that the types of dogs I've been bitten by the most have tended to be smaller dogs. They're very fast, they're very tenacious, and they don't let go. I've handled virtually every type of dog, and this applies to other animals I've handled as well, from wildlife to farm animals and so forth: You can't categorically say that this type of farm animal or this type of wild animal or this type of dog or this type of cat is going to be more aggressive.

I can certainly tell you that, under the laws of Ontario and under the laws of Canada, enforcing and even administering this legislation will be a nightmare. That doesn't mean you should shy away from difficult situations. In our judgment, there's a way to do it in a fashion that has compliance and acceptance on the part of the public. A lot of people who have called us or written to us have said, "I've been bitten by dogs," or "I don't own a dog, but I'm glad you're talking for both of us." I don't think this is the way to go. I don't think penalizing one—for example, in a car accident, we don't blame the car.

The Chair: Thank you. Mr. Kormos.

Mr. Kormos: Thank you, sir. It's interesting, your comment that dogs don't view us as people; they view us as other dogs.

Mr. O'Sullivan: Exactly.

Mr. Kormos: But isn't the corollary of that as much a problem, and that is the sort of Disney-nurtured anthropomorphism, the fact that people don't view dogs as dogs; they view them as other people?

Mr. O'Sullivan: There's no question. One of the dogs I have is a Siberian husky from a rescue, and I can tell

you that they are highly intelligent animals, they're very affectionate, but on any given day they couldn't care less what you'd like them to do. When they produced the Snow Dogs movie—like the Dalmatian one—everybody went out and got Siberian huskies. This is not a type of dog that—

Mr. Kormos: So that dog's not really kissing me; it's just ecstatic about the remnants of food that it can smell after I've had lunch.

Mr. O'Sullivan: As a matter of fact, a mother wolf goes out on a hunt, she comes back, and when the wolf cubs lick the side of her mouth, it's a trigger to have her regurgitate the food so they can eat it.

Mr. Kormos: It's even worse than I thought. We'll have none of that, if that's the reason.

The Chair: On that appetizing note, Mr. Zimmer.

Mr. Zimmer: You've been in the animal care business for many, many years—the humane society world and so on. The consequences of a pit bull attack on a victim are, for the most part, qualitatively different or qualitatively more severe than—you used the example—the bite that you got from your dog. Would you agree with that?

Mr. O'Sullivan: No. As a matter of fact, a chihuahua is just as dangerous to a baby who's crawling along the floor as a pit bull is.

Mr. Zimmer: On the street, are you saying that an attack by a chihuahua is not qualitatively different from an attack by a pit bull?

Mr. O'Sullivan: That's correct.

Mr. Zimmer: Thank you.

The Chair: I'd like to thank you very much for coming in today and certainly for your very well thought through and very well expressed brief today.

MICHELLE JOHNSTON

The Chair: Our next deputant, Michelle Johnston, is available now on teleconference.

Ms. Johnston, can you hear us?

Dr. Michelle Johnston: Yes, I can.

The Chair: OK. Ms. Johnston, first of all, welcome to the committee hearings on Bill 132. You're now speaking to all of the committee members present. You have 10 minutes. You can use your 10 minutes in any way you wish. You can speak for the whole 10 or you can speak for part of that. If you leave time, then the parties have an opportunity to ask you questions. Please start by stating your name clearly for Hansard.

Dr. Johnston: Thank you. My name is Michelle Johnston. I'm a scientist with the National Research Council. I'm not an expert on dogs, but do have some experiences that I'd like to share with you. Really, I just want to share with you the three incidents I've had with dogs within the last three or four years. I'm going to recount them to you, and you can make of it what you want.

In 2001, I was walking in a rural area when two 70-pound dogs left their yard to circle and attack my leashed

dog. My screaming brought the female owner right out of her house. She was calling her dogs back, but they didn't respond. She basically had to come out and pull her dogs off mine and away from me. We went to court on that. The judge ordered that the vet bills that I had be paid; they never were. He ordered that their underground electric fence be fixed, which is something that they had. Was it functional? I have no idea, because now I avoid that area. That's one area where I just don't go.

Last winter, I was walking my dog. I crossed to the other side of the street. I got on the sidewalk, but I wanted to avoid the owner and what I thought was a pit bull. As I walked to the opposite side of the street, his dog saw us and jumped a two-foot-high snowbank on a retractable leash and ran out into traffic, barking and lunging at my dog and myself. The traffic had to swerve to avoid that dog. The owner tried to jerk it back with the retractable leash—fortunately, he was on a leash. That's my second one.

The third one is certainly the worst. In September 2003 I was standing on a street corner with my leashed dog waiting to cross the street. A woman was passing behind me. She had a leashed pit bull in one hand and a coffee in the other. The dog broke free. It lunged at my dog, snapping and growling. It wrapped me up in its leash and dragged me into traffic. I was awfully hurt in the traffic. When I struggled to get up from the ground, the pit bull's snapping face was right there. I won't repeat the foul language the owner used against me, but two unrelated witnesses saw the incident from across the street. One was eating her lunch; the other was pumping gas. He called the police. They came. I noticed another one, a man who was pumping gas. He told me later—he actually lives in the building where I live—that he followed this lady from his home and tried to find out where she lived. But when she realized that she was being followed, she ducked in somewhere.

One year later I found out where the woman lives, and her dog, but the 90-day statute of limitations for dog-related attacks had expired, of course, with the bylaw, so there's no ability—nothing to be done or that can be done. So that's an area that I am now going to avoid too. I do not go there.

In the time since 2003, I've noticed there are about 10 different pit bulls living in a two-block radius of my house. One in particular really, really frightens me. She had two unneutered male pit bulls on one leash. So she had those leashes with their collars and the colourful catch, but there was actually only one leash. So if one broke free, the other would be right behind it.

It's getting worse, is what I'm thinking. I'll just recite one more incident, and that's one that I was not involved with, but there was somebody here at work who was. It certainly is the worst. Basically, he's a colleague here. His 16-year-old son was out walking with their small dog in the neighbourhood when a Rottweiler bolted from a hole in his fenced yard to attack his son and his little dog. Before the Rottweiler's jaws clamped around that small dog, his son intervened. When the small dog ran home

alone, his father realized that something was wrong, so his father ran out to find his son. He found him, all right. He was down on the sidewalk. He was wrestling with this dog, with bleeding hands and a bleeding face. His son now has facial scarring, not to mention the trauma that he's got over Rottweilers and large dogs.

What happened to that case? The judge penalized the dog owner \$250. He ordered that the guy fix the hole in his fence. He ordered the dog to be muzzled and leashed at all times. Was it enforced? I asked my colleague this morning. He said, "I don't know, because I avoid that area." So the circles that we as responsible people are travelling in are really being restricted. I feel like a hostage when I go to walk in my own neighbourhood. I carry pepper spray every time I go for a walk, and I'm always trying to be alert and ready for getting these dog attacks. I feel like a victim in my own neighbourhood.

What are the solutions? Well, I don't think they are existing laws. Even if they were enforced, they wouldn't correct the problem. Muzzling potentially dangerous dogs: I don't really think that's quite the answer either. The owner of the pit bull that attacked me: I know her neighbour, and he told me that she would not obey that law if it were passed. I asked a veterinarian if he recommended muzzling dogs when they walk in. He said, "I don't recommend it, because when dogs are muzzled, that interferes with their ability to pant," so he didn't recommend exercising dogs with muzzles.

Then I have to wonder, well, are people going to exercise these dogs anyway, if they have muzzles on them? I walk many times in Gatineau Park—it's a nice place to walk and hike for hours—and I've not yet ever seen a pit bull on one of these hikes or otherwise in winter. When I'm out walking day or night in the neighbourhood, I don't see pit bulls. I don't see people out there walking their dogs, yet I see them a lot in summer. So are these dogs ever exercised? Is that why they're so aggressive?

I guess I would say it would be nice if we could rely on educating dog owners to fix the problem, but I don't think we can. I was seriously injured in a head-on collision with a drunk driver. He had multiple convictions. My experience has shown me that, I'm sorry, teaching does not work. Education doesn't really work in this case. Prosecuting people after they or their dogs commit heinous acts isn't satisfactory either. The laws need to be stronger, and they've got to be enforced.

I'll say that I realize that all dogs are inherently unpredictable; I see it in my own dog. But the power and tenacity of pit bulls and dogs like them make them deadly. The pepper spray that I carry with me seems farcical when I consider what I'm up against. For that reason, I feel that we should ban pit bulls. It's been shown that it's worked and been effective in Winnipeg, Kitchener and Waterloo.

If there are any questions, I'd be happy to answer.

1600

The Chair: Thank you very much for the time you've taken and for your deputation today. We have about a minute per party. We'll begin with Mr. Kormos.

Mr. Kormos: No, thanks, Chair.

The Chair: Mr. Zimmer?

Mr. Zimmer: No, thank you.

The Chair: Ms. Munro?

Mrs. Munro: Thank you for bringing your personal experiences to the attention of the committee. I guess my reaction to this is that I'm aghast, I think is a fair way to say it, at the experiences you've had, and I can certainly appreciate your frustration at the limitations of dog owners' liability.

As a member of the opposition, I introduced a private member's bill with the intention of looking at how we deal with dangerous dogs and the potential for the courts to make a decision to ban ownership. But I think your experiences, personally and otherwise, demonstrate to all of us here on the committee how important it is that we look at this kind of problem and provide a legislative framework that's going to work for everybody.

Dr. Johnston: I agree.

The Chair: Ms. Johnston, I want to thank you very much for taking the time to contact us today, and certainly for your deputation this afternoon.

ROTTWEILER CLUB OF CANADA

The Chair: Do we have a representative in the room from the Rottweiler Club of Canada? OK, please come forward.

Welcome to our hearings this afternoon. If you've been here for a little while, and I think you have, you have the general ground rules. You've got 15 minutes. You can use all of it or part of it. If you don't use all your time, it will leave some for the different parties to ask questions of you. Please begin by stating your name for Hansard.

Ms. Tricia Barrett: My name is Tricia Barrett, and I am the Ontario director for the Rottweiler Club of Canada. I'm also the chairperson of their breed-specific legislation, or BSL, committee.

First of all, I'd like to thank the committee for the opportunity to present before you today. Our national breed club felt the need to have our club's voices heard from across the country at this meeting today. We are opposed to Bill 132. It is misguided and ill-conceived.

In the report I have provided to you today, you will find the inquest recommendations in the death of Courtney Trempe. There were 36 recommendations, and as we approach the seven-year anniversary of Courtney's death, I am saddened that none of the recommendations has been implemented. Even in the proposed Bill 132, none of the recommendations has been met in the spirit of the inquest. May I ask why?

There is a massive amount of information available on effective legislation. Why was it not utilized when this bill was drafted? Surely, if the public had access to these documents, the government did as well.

The Canadian study on the feasibility and implications of a breed-specific animal services bylaw condemns BSL as a viable option. You will find this report in your packages as well.

There have been several misleading and inaccurate claims during this campaign. The distinction must be made between consultation and endorsement. "Consultation" is defined as a conference at which advice is given or views are exchanged. "Endorsement" is defined as official approval, sanction or support. Several times since August 30, Michael Bryant, our Attorney General, has been quoted as saying he consulted with the experts. Consultation is only a discussion. At no point does it imply endorsement or approval, as he suggests. In fact, I would even question the word "consultation," as it seems there was no exchange on the Attorney General's part.

The fact is, there is not one single expert organization that endorses this bill. As you have already heard today and will continue to hear again and again throughout these hearings, responsible ownership is the single most influential component of any canine safety initiative. I will spare you the listing of each and every organization that is adamantly against this bill; all that needs to be done is to read the list of presenters at these hearings. Each and every expert group and organization will tell you the same thing: No to Bill 132.

I must also reference the mysterious 5,000 e-mails that Mr. Bryant received in support of this ban; I also know that he received many e-mails against this bill, and would question those numbers. Why have they not been assessed by an independent audit?

Apart from that, I would ask that the committee listen to the professional opinions of the experts presenting to you today and throughout these hearings. These people have come before you, many from great distances, to give you their educated opinions, rather than being based on impressions or perceptions. There are no expert studies that support Mr. Bryant's claims of increased safety. In fact, areas that have implemented breed-specific legislation have found that their bite numbers went up after implementation, therefore decreasing public safety. The Winnipeg story is an example of this.

Many areas are now rescinding their BSL laws in favour of responsible ownership legislation that requires a high standard of ownership by all dog owners, regardless of breed. In fact, there are many states in the US that have now outlawed BSL altogether. Most recently, New Brunswick defeated a proposal for breed-specific legislation at the provincial level:

"A committee of MLAs has agreed that dangerous dogs should not be regulated by breed and owners should take the blame if their dog attacks someone. Committee member Jody Carr says it's more important to educate owners on the potential liability of dogs and preventing accidents.

"Carr says the committee concluded it would be a mistake to concentrate on particular breeds and will recommend that owners of any kind of dog will be penalized if their dog bites someone."

In England, they had implemented BSL. It was found to be expensive, time-consuming and impossible to enforce. They have since dropped all breed-specific legislation in favour of more deed-specific.

Here we have both national and provincial examples that have been defeated as plausible solutions to canine-related injuries. This must be acknowledged and considered in how Ontario should proceed.

During a meeting I had with the Honourable Gerard Kennedy, he made a very interesting statement: "We cannot legislate social behaviour." This was in response to my statements regarding responsible ownership of dogs. Responsibly owned, no dog would be given the opportunity to cause injury. I would argue quite adamantly that all legislation is intended to control and mould social behaviour: what is and is not acceptable in society, what you may and may not do that affects your fellow man.

I personally own a Rottweiler. He's a large male, 115 pounds, fully licensed here in Toronto. He's registered with the American and Canadian kennel clubs. He is a Canadian champion. He has several temperament titles, a first-level obedience title and is currently trained to serve the public as a search-and-rescue dog. His training will be ongoing until the day he passes on.

How does this bill protect me, as a responsible dog owner, from the malicious reporting of possible menacing behaviour of my dog to the authorities? How does this bill allow for me and my dog to be assessed and found innocent? How will I be protected from further harassment? How do I know that my playing, frolicking dog won't somehow be misinterpreted as exhibiting menacing behaviour? Do I have your assurances, and what are they based upon?

There have already been many incidents of harassment, threats and assaults from self-imposed enforcers of this bill. People have been verbally and physically attacked, their dogs abused. Responsible dog owners have now had to put themselves at risk by walking at night, trying to avoid these confrontations. I cannot tell you the perils and how vulnerable we are now, walking alone on dark city streets and in parks. This has been affecting all dog owners due to the public erroneously identifying various breeds, my own dog included. This panic mentality has got to stop being encouraged by our government.

I must admit that I'm afraid. I'm afraid for my own personal safety and that of my beloved pet. I'm afraid of vigilante justice. I live in High Park because of its lovely, doggy-friendly nature, well-kept trails and friendly community. How can you possibly endorse a bill that will put me, my dog and the public at risk?

The most effective legislation model available to Canada is Calgary's. I have included a copy of it in your packages. Strict licensing and leash laws have decreased bite incidents across the board by 70%, in the face of a dog population which has doubled. Whereas Calgary has a 90% licensing compliance rate, Toronto pales by comparison, with a mere 10% to 15%.

1610

In a bill entitled "An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs," I am stunned that education has been ignored. In

your kits, you will find an article by Canada's own Dr. Stanley Coren, a professor of psychology at the University of British Columbia, author of many books on dog behaviour and television host of the series *Good Dog!* He has been recently quoted as saying, "Regardless of its breed, a well-socialized dog is unlikely to bite. Statistics show that simply taking a dog through a basic obedience class reduces the likelihood that it will bite by 90%, while giving one hour of instruction on 'bite-proofing' to children reduces the risk that they will be bitten by more than 80%. Combine both dog obedience and child education and you can reduce dog-bite injuries by 98% without" having to ban any specific breed of dog.

How can any proposal to increase public safety in relation to dogs possibly ignore these staggering statistics? I'm absolutely astonished. This one implementation alone, which is not covered by Bill 132, may save thousands of injuries. Which one is more financially feasible: educating owners and children or presiding over court cases and paying hospital fees?

The additions to the Dog Owners' Liability Act are premature. We are not actively policing our existing bylaws, yet we are blaming those bylaws as not being effective. Once seat belts were installed in cars, injuries did not decrease until wearing them was actually enforced.

When a dog running at large injures a person, why was it running at large? Every municipality has leash laws. So it is a failure in two parts: (1) the owner allowed the dog to run at large, and (2) law enforcement was not able to implement, maintain or enforce their leash law. If they, for some reason, were not able to enforce leash law, that must be reviewed. Are they understaffed? Are they underfunded? Are they overwhelmed? If so, then there is no sense in adding to their duties. Bill 132 is not a replacement of these current laws; it is an addition to the existing laws.

The following are my recommendations for changes to Bill 132.

Strike all references to "pit bull" or any other references to specific breeds being flagged within this legislation.

Strike the proposed text and replace it with that matching the Calgary law, which is much clearer in definition. From here forward, any section referring to a specific breed of dog be replaced with the following: "Vicious dog" means any dog, whatever its age, whether on public or private property, which has, without provocation ... —it's all in your package.

The entire section "Pit Bulls—Ban and Related Controls" should be stricken from the record completely.

"Search and seizure": The only person with a warrant who should be allowed to search and/or seize any animal should be written, as in paragraph 1 of section 12: "A police officer." Those in paragraphs 2, 3 and 4 may attend with the police officer, as stated above; however, they may not search or seize any animal unless accompanied by a police officer with that warrant. Replace any

references to any other title able to execute a seizure or warrant with “a police officer.”

“Warrant to seize dog”: This section is particularly troublesome as it does not outline any prior steps to a warrant being issued. An escalation of events must occur—warnings, hearings and/or orders to appear before a justice—before a warrant is issued.

Animals for Research Act: Any reference to the Animals for Research Act must be stricken. Simply, if an animal is deemed a vicious dog, it is not a candidate for research. Technicians work very closely with research animals, and therefore cannot be put at risk by a potentially dangerous animal. It should also be said that if this point is argued and the justification is made that the dogs are not vicious, then, again, they cannot be sent to research, as the only reason they would have been seized or deemed unadoptable would have been due to their questionable temperament. Therefore, the animal shouldn't have been seized and is adoptable. Obviously, if they are of a stable temperament, the scientific community would not accept them, thereby disproving the foundation of this bill.

“Seizure in public place,” section 15: Replace any animal descriptions with the “vicious dog” section.

In “Necessary Force,” section 16, match the phrasing in this section to that of subsection 13(4): “as are reasonably required to give effect to the safe and humane seizure of the dog.” The phrase, “as much force as is necessary,” is to be stricken.

“Delivery of seized dog to pound”: Add “to which the dog will be maintained in good health until such time as the court may hear the case.”

In conclusion, please do not endorse Bill 132. Yes, we need a change; however, it must be researched, endorsed, educated and supported.

The voters of Ontario are watching and listening very closely to these hearings. We want effective legislation. Should this bill not be altered responsibly and the recommendations of the experts not heard, our voices will be heard loud and clear at the next election.

Please listen to our expert organizations as they present to you throughout these hearings. They are more than willing to support the government in the definition, implementation and maintenance of responsible ownership legislation for everyone. Work to protect all victims. Work to protect all owners' rights. Thank you.

The Chair: Thank you very much. We've got time for perhaps one brief question from each party, and the rotation begins with the government.

Mr. Zimmer: I just want to point out this sort of slippery slope argument that banning pit bulls is the first step to banning everything else. Only pit bulls are banned. The only way you can get an additional ban is by changing the act. It's important to keep in mind that it can't be done by regulation or an informal way of enforcing law. You realize that, do you?

Ms. Barrett: Of course. I also realize that—

Mr. Zimmer: You do realize that?

Ms. Barrett: Yes, I do. People have also mentioned, “Why are people so adamantly opposed to this?” It's because if you have a dog that has worked its way into your family and you love that dog beyond all reproach, you want to be able to replace that dog with the same type of dog. This bill takes that away from them, and that's not right. If they're responsibly owned, they should be allowed to keep them.

The Chair: Mr. Miller? Ms. Munro?

Mr. Miller: Thank you for your presentation today. I noticed you mentioned Calgary and you attached the bylaw from the city of Calgary to your presentation. I'd like to point out that I did try to get the director of animal and bylaw services for the city of Calgary invited to this committee this morning. Unfortunately, the government didn't support that, although the director will be making a written submission to the committee.

One of the things you mentioned that had to do with Calgary was that they have a much higher licensing rate. You said a 90% licensing rate. Can you expand on that and why that's been so successful in achieving the 70% reduction in dog bites they've achieved in Calgary?

Ms. Barrett: Simply, they police their laws, they police the licensing. Because they have the 90% compliance rate, they also have the funds generated by that compliance rate to thereby enforce. So they are enforcing responsible ownership, they are enforcing spay and neuter programs and they are enforcing licensing so that they have a very clear idea as to the animals that are actually present in their city. Here in Toronto we only have 10% to 15%, so we really have no clue about the densities of the dog population in our own city.

The Chair: Thank you. Mr. Kormos?

Mr. Kormos: Be careful, because the legislation very clearly doesn't just ban pit bulls; it bans Staffordshire bull terriers, American Staffordshire terriers and American pit bull terriers. I'm reading now—and thank you, research, for getting us the material—the “Best Breeds for Children.” Did you not get that? I thought you were working promptly. This is the University of Southampton Anthrozoology Institute's conclusions about the 10 best dogs for kids. Let's all be very careful, because this document, which was relied upon earlier, talks about different breeds of dogs as having different traits, different characteristics—some more suitable for children, some less suitable for children, and less suitable because they're inherently more unpredictable or how they react to certain things is more aggressive than how other breeds react to things. Is that a fair understanding?

Ms. Barrett: I would say it's fair. I haven't actually read the document.

Mr. Kormos: You haven't seen this document. This document talks about the Staffordshire bull terrier. Is that the one we were told was called the nanny dog?

Ms. Barrett: Yes, it is.

Mr. Kormos: OK; that's the nanny dog. Not the American Staffordshire terrier, but the Staffordshire bull terrier is the breed rated best with children, “despite their superficial similarity to the pit bull terrier.” They don't

go on to explain that. They say, “despite their ... similarity.” Is there an inference to be drawn from that observation?

Ms. Barrett: Simply that people need to also realize that if you would learn more about the particular breeds, you can't judge a breed by its cover. Just because they have a similar look doesn't mean they have the same temperament. There are a lot of breeds out there that look very similar, but if you get a miniature pinscher, it doesn't have the same temperament as a Doberman pinscher. It doesn't mean that it's better or worse; it's just different.

The Chair: Thank you very much for your time in coming in today and for your presentation before the committee.

1620

CANADIAN FEDERATION OF HUMANE SOCIETIES

The Chair: Our next deputation will also be by teleconference. It will be the Canadian Federation of Humane Societies, Shelagh MacDonald, program director. Ms. MacDonald, are you on the line?

Ms. Shelagh MacDonald: Yes, I am.

The Chair: OK. Welcome to the committee hearings on Bill 132. So that you know, you will have 15 minutes to talk with us today. You're speaking before the standing committee on the Legislative Assembly at Queen's Park. You can use all of the 15 minutes for your deputation if you wish, or if you leave time remaining, then the time will be divided among the parties, who can then ask you some questions.

Ms. MacDonald: Sure. I will leave time.

The Chair: Please begin by clearly stating your name for Hansard, and the time is yours.

Ms. MacDonald: Shelagh MacDonald.

The Chair: Go ahead.

Ms. MacDonald: Thank you very much for the opportunity to speak to you today on this important, rather emotionally charged issue. We commend the Ontario government for undertaking the task of improving our laws regarding dangerous dogs.

The Canadian Federation of Humane Societies was formed in 1957 to represent humane societies across Canada on national animal welfare issues relating to farm animals, pets, research, and wildlife.

The CFHS is also a founding member of the National Companion Animal Coalition, a group that is working on companion animal issues of common interest. Other members of that coalition are the Canadian Veterinary Medical Association, the Canadian Kennel Club and the Pet Industry Joint Advisory Council, with Agriculture and Agri-Food Canada being an observer member of that group. I'll refer to that group again.

The coalition has recently developed a statement outlining the reasons why breed bans don't generally work, and suggesting alternatives to that approach. I'm afraid I meant to include that with my presentation. I've

just e-mailed it. So you should be receiving that shortly. The coalition has also developed, a couple of years ago, a set of recommended animal control bylaws for municipalities that has been very well received by Canadian municipalities and has a good section on dangerous dogs.

For the sake of public safety, it is abundantly clear that better laws are needed to address the problem of aggressive dogs and to introduce severe consequences for their owners. The CFHS promotes healthy dog-owner relationships and condemns the keeping of dogs that pose a threat to their community.

In the right hands, with caring and conscientious owners, dogs make wonderful companions that enrich our lives in many ways. However, there are very few restrictions on breeding, selling or training of dogs, and poor breeders who breed indiscriminately and sell to anyone are part of the problem. Also, far too many people acquire dogs, having no idea what is involved in raising them to be good citizens in their community, and this can lead to problems.

Many tragic attacks on children result from inadequate supervision of children around dogs. Dog owners need to know that even the friendliest dogs must be supervised when children are around. Young children may inadvertently scare or annoy dogs, and many dogs are wary and unsure of children. The National Companion Animal Coalition launched a Web site, dogsandkids.ca, to help educate children on how to behave around dogs.

First of all, the CFHS acknowledges the horrific nature of the dog attacks that we all have heard about in the news, and we express our sympathy to the victims and their families. The CFHS also acknowledges that different breeds have inherently different traits that should not be ignored in this debate. Owners who choose breeds or mixes of breeds that have been historically used for fighting or guarding must understand and appropriately manage the potential risks associated with these dogs. The fact that pit bulls were selectively bred as powerful, tenacious fighting dogs should not be swept under the carpet. Similar traits exist in other breeds as well.

However, the CFHS does not support breed bans. Such legislation is difficult to enforce, as there is no objective method of reliably identifying breeds or breed mixes. In addition, such bans will exclude potentially dangerous dogs of other breeds and will ban others that are not dangerous, thereby creating potential legal problems even.

Owners of any breed of dog must understand that any dog can bite and that no dog is completely trustworthy. Dangerous temperament and behaviour are products of many factors other than just breed. These factors include poor breeding practices, inadequate socialization and training, health or behavioural issues, inadequate supervision and/or control of the dog.

The CFHS supports responsible pet ownership as a means of reducing the number of dog bites. For example, owners should choose a breed or breed cross appropriate to their lifestyle, experience and capability. All owners

should ensure that their dogs receive at least basic obedience training, as well as appropriate exercise, socialization and mental stimulation. Owners must also provide their dogs with basic necessities and medical care, spay and neuter their pets and provide safeguards for the public. Wherever possible, legislation should encourage and reward responsible pet ownership. Finally, the CFHS supports legislation that holds dog owners accountable for any damage their pets do to people, property or other animals. In severe cases, owners should be held criminally responsible.

Here are our comments specific to the proposed legislation that you're looking at today.

The CFHS applauds the Ontario government for including appropriate fines and/or jail terms that could act as a significant deterrent to dog owners. We also support the inclusion of the clause, "behaved in a manner that poses a menace to the safety of persons or domestic animals," and another clause, "there is reason to believe that the dog may cause harm to a person or domestic animal." Such clauses allow for action to be taken before a bite incident occurs, which is a common criticism of regulation approaches that only punish the dog once it has bitten someone. So those were some good approaches there.

In the clause regarding a dog that "has bitten or attacked a person or domestic animal," we suggest adding the words "without provocation." An incident may be "justified"—and I'll put that word "justified" in quotes—in circumstances where a dog has been severely provoked, teased or maltreated.

The CFHS recommends the addition of a requirement that dogs deemed dangerous or restricted must be spayed or neutered. Licensing laws should include significant incentives for dog owners to spay or neuter their dog. There are certainly statistics that show that unneutered males, particularly, are far more likely to bite than neutered males.

We encourage the Ontario government to consider further provisions that are being considered in New Brunswick, for example, and others that have been recommended by juries and experts involved in inquests into dog bite fatalities. New Brunswick MLA Kelly Lamrock, who had originally proposed a breed-ban approach, promised to draft new legislation that would eliminate the allowance of the first-bite-free rule, include provisions whereby dog owners with repeat convictions or attacks permanently lose the right to own a dog, introduce licensing and codes or regulations for breeders and improve enforcement and education.

One of the most important factors that is missing in the quest to reduce dog bites is a centralized database to collect information about dog bites. Such a database was recommended by the jury of the 1998 inquest into the death of eight-year-old Courtney Trempe, who was killed by a neighbour's bull mastiff in Stouffville, Ontario. The jury noted this should include a standardized format and compulsory requirement for the reporting of dog bites. This might be done through the Ministry of Health

because of the health risk and cost, or it could be done through some other appropriate agency, but this is a recommendation that has been made numerous times. The same recommendation was made at the inquest into the death of four-year-old James Waddell in New Brunswick. Information collected in this database should include the circumstances surrounding the bite incident, the breed, sex and reproductive status of the dog and its relationship to the victim. This information would help in developing effective solutions to the dog-bite problem.

Another important recommendation was made by the jury of the Courtney Trempe inquest. The jury recommended that the provincial government consider a certification process for breeders, trainers and behaviourists as a requirement for obtaining a business licence. This will allow the public a level of confidence when choosing a breeder, trainer or therapist and provide for consistency of standards and techniques. This committee may want to review the licensing system for breeders currently being launched in the province of Quebec.

I hope our input will be helpful to the committee in addressing this difficult issue. If we can provide further information or documentation, please don't hesitate to ask. We wish you success in developing reasonable and effective laws that will reduce dog bite incidents in Ontario.

The Chair: Thank you very much taking the time today to give your deputation to us by teleconference. We've got a few minutes for questions to you, about a minute and a half per party, beginning with the PCs.

Mr. Miller: Thank you very much for your presentation today. You make reference to licensing laws that should include significant incentives for dog owners to spay or neuter their dogs. Have you suggestions on how more dogs can be encouraged to be licensed?

Ms. MacDonald: The city of Calgary provides probably the best example of that. They have an 80% to 85% compliance rate with licensing, I think in large part because they do active enforcement. I believe in the summer they hire summer students to actually go around door to door, and the fine for not having your licence is \$250. I'm not aware of other municipalities, or they're very few, that have such a high penalty. So I think that's why they get good enforcement. It's a good question, because the bottom line to enforcing any dog regulations is having the dogs licensed.

1630

Mr. Miller: How long has Calgary's bylaw been in effect?

Ms. MacDonald: Oh, boy, I'm thinking at least 10 years. Well, I would say that it's going on 10 years—quite a long time. They have a very successful system there.

Mr. Miller: Of all the municipal jurisdictions in Canada, would Calgary be one of the most successful?

Ms. MacDonald: It would. It's definitely the one that stands out to me, particularly with regard to dog regulations.

Mr. Kormos: What do you know about the jurisdictions—municipal, obviously, and perhaps national if we're talking about England—that have incorporated breed-specific bans? My question to you is, what do you understand—look, these are not inherently irresponsible people.

Ms. MacDonald: That's right.

Mr. Kormos: So what is their motivation? They're not stupid people; I'm prepared to say that. Why have they opted for breed-specific bans when all of the data, research, studies and empirical evidence denies support to breed-specific bans?

Ms. MacDonald: I have to say that I think a lot of it is an emotional decision. As a reasonable person myself, I can understand that emotional decision when we read about the horrible attacks that have happened. There's a tendency to think we can solve the problem by not having any more of those dogs around. I think a lot of it is an emotional decision, perhaps demanded by the public in response to some of those awful cases.

But you're right; in most cases, I don't think they have been successful. They'll often say, "Well, we don't have any more pit bull incidents," which really doesn't say anything. The question is, do they still have dog-bite incidents?

Mr. Zimmer: Even before we got talking about this legislation and the bill was introduced, is it your sense that the pit bull population in humane society shelters was more significant than other dog populations?

Ms. MacDonald: I don't really have any data to back that up.

Mr. Zimmer: What's your anecdotal answer, as an experience?

Ms. MacDonald: I would say there'd be a fair number of them in humane societies for a couple of reasons: They can be more difficult to home once they're there, and people have issues with them in the community that may cause the owners to give them up, perhaps more so than other dogs. Those could be some of the things that contribute to them getting there in the first place.

Mr. Zimmer: Historically, what happens, then, to those pit bulls that humane societies take in that they can't relocate?

Ms. MacDonald: Every humane society makes their own rules. We don't govern them in any way. I believe some humane societies have a policy where they do not adopt out pit bulls.

Mr. Zimmer: What do they do with them?

Ms. MacDonald: They would probably euthanize them. I think for the most part, though, all of the larger, urban humane societies now have temperament evaluation programs. They would put the dog through the temperament evaluation program and determine the adoptability of that dog, as they would for any other dog.

Mr. Zimmer: What happens if the humane society won't take the dog? What happens to those dogs when people bring them in to the humane society to drop them off?

Ms. MacDonald: Humane societies are open-door facilities, so they don't turn any animals away at the door. They would take them in to give them a chance. If they deem that the animal is not adoptable due to health or temperament reasons, then they would humanely euthanize the animal. If they have the resources and they think the animal can be rehabilitated with some work, they might do that.

Mr. Zimmer: Do you have any sense of the percentage of successful adoptions or, to use your expression, rehabilitations?

Ms. MacDonald: I'm afraid I don't have any information on that.

Mr. Zimmer: Anecdotally?

Ms. MacDonald: I really couldn't tell you; I'm sorry.

The Chair: That concludes the time we have for you. Thank you again for connecting with us by teleconference.

The Chair: Is there a representative in the room from the Ottawa Kennel Club?

Mr. Kormos: Chair, while these people are seating themselves, may I address a request to legislative research, please?

The Chair: Absolutely.

Mr. Kormos: Mr. Zimmer has, not inappropriately, raised several times today the issue of there being more pit bulls proportionately, if you will, in humane society shelters and we've had some difficulty getting the rationale. I don't know whether these organizations collect data on why the dogs are there, so I'm wondering if legislative research might try contacting some major humane societies to see if we can get some sense of why the pit bulls, in contrast to other dogs, are there. One of my presumptions might be that it's a higher level of irresponsible owners who end up with their dogs at the humane society, so I put that to you. Again, appreciating there may not be hard data, but just contacting some of the major humane societies may give us a sense.

I appreciate whoever gave us the bundle of material, "Calgary vs. Winnipeg," along with the article based on the Southampton University's Anthrozoology Institute research. If I could—

The Chair: Concisely, please.

Mr. Kormos: What we've got is a magazine article that lists the top 10 for kids, but it indicates that there was a major publication, a canine character guide, which ranked breeds by certain traits, such as aggression, reactivity etc., by the Southampton University Anthrozoology Institute. We've got the magazine article about the top 10 for kids. If we could get the full study, that would be very helpful to us. Here is a university that has assessed characteristics and qualities, negative and positive, of breeds, presumably pit bulls included.

The Chair: Legislative research has recorded the request.

OTTAWA KENNEL CLUB

The Chair: I'd like to welcome you here for the last of our presentations. Everybody still looks wide awake

and bushy-tailed. If you've been here for a while, and you have—

Mr. Kormos: Poor choice of words.

The Chair: All right, withdrawn.

You have 15 minutes for your deputation. You may use all of it if you wish. If you leave any, we'll divide the time among the parties. Please begin by stating your names for Hansard.

Ms. Carol Broadhurst: Mr. Chairman, I thank you and the members of the standing committee of the Legislative Assembly for giving us this opportunity to speak on Bill 132. My name is Carol Broadhurst. I'm the president of the Ottawa Kennel Club, a life member of the Canadian Kennel Club and co-chair of Save the Children Canada Dog Show committee. Accompanying me today is Mr. Jim Osborne, who is vice-president of the club, and Mr. John Hodgkinson. Mr. Hodgkinson is a long-time member of the Ottawa Kennel Club and also a director of the Canadian Kennel Club for eastern Ontario.

Due to recent surgery, I was not certain whether I'd be able to make it. Consequently, I asked Mr. Hodgkinson to present the position of the Ottawa Kennel Club on Bill 132. Before I turn it over to John, allow me to tell you a little bit about who we are.

The Ottawa Kennel Club was established in 1887 and is the oldest active kennel club in Canada. Founded nearly 130 years ago, this club represents between 300 and 400 dog breeders and owners in the Ottawa Valley and eastern Ontario. The OKC organizes conformation dog shows, obedience trials and education seminars for its members and the general public. These events all contribute significantly to the local economy and enjoyment of community life.

In an ongoing program of contributing to the community, the Ottawa Kennel Club has provided scholarship funding to the University of Ottawa as well as contributing financially to organizations such as Canadian Guide Dogs for the Blind, the Heart and Stroke Foundation, the Canadian Cancer Society, the Children's Hospital of Eastern Ontario and the Canadian Diabetes Association. Through our volunteer telephone committee, our Web site and breeders' directory, we provide the community with information concerning the purchase, care and training of quality purebred dogs.

The Ottawa Kennel Club takes very seriously its role in supporting responsible dog ownership by offering training classes, educational seminars and venues to conduct internationally recognized therapy dog, temperament, and canine good neighbour testing, as well as conformation shows and obedience trials. We are very proud of the fact that we have recently instituted an international award for canine education.

Personally, as an aside, I am a Siberian husky owner and owner of two of the snow dogs. I've personally spent 400 hours doing community service and education in schools to teach the public and the children about the dogs. In our area, let me tell you, the sales are down in Siberians. It just goes to prove that education of the public does work.

We have a tremendous depth of experience in the Ottawa Kennel Club, and although not all of our members have academic degrees or titles, they do possess a tremendous depth of practical expertise in all aspects of dog husbandry and training.

Today, we are here to tell you that Bill 132 will not work and to request that you reconsider the approach reflected in Bill 132. With your permission, I would now like to ask Mr. Hodgkinson to explain our position.

1640

Mr. John Hodgkinson: Thank you for this opportunity to intervene on the proposed Bill 132.

The Ottawa Kennel Club welcomes all purebred dogs in our events. Sound temperament and responsible ownership are a cornerstone of club policy. We see the attack on certain breeds of dogs contained in Bill 132 to be unjustified, unnecessary and unfair.

The problems with this legislation include: Difficulty in identifying the pit bull; breed bans do not make for public safety; breed bans have proved ineffective and extremely costly where they have been tried; focus on breeds does not factor in irresponsible or criminal owners; bans encourage harassment of responsible dog owners by vigilantes; and breed bans are unfair to responsible owners.

Identification: Bill 132 singles out dogs based upon their genetic background. This brings up the first flaw in the legislation, the definition of "pit bull." The term "pit bull" is an emotive phrase that, with media publicity, has caught the public's attention. The drafters of this bill could not define a pit bull for inclusion in the bill since a pit bull is not a breed but a mongrel. The bill therefore includes descriptions of pure breeds to illustrate the type of dog the minister wants to ban. Finally, in order to ensure the net is wide, a catch-all clause is included to cover any dog that looks like those previously identified.

Even with this definition, it would be difficult to prove the breed in court. To get around this difficulty, the bill resorts to a reverse onus of proof. If an official authorized under the act states that your dog is a pit bull, he or she is not required to prove the assertion. A defendant must prove that the dog is not a pit bull. Many of these officials will have no specific training in breed recognition, and it can be expected that many pure and mixed-breed dogs will be wrongly identified as pit bulls.

The reverse onus of proof is not commonly included in the legislation, especially in cases where a conviction can lead to a large fine or time in prison. It may well be found unacceptable by the courts. Many recent examples of media reports of dog attacks have, when investigated, shown that the dogs involved were misidentified. Many pound officials and members of the public often find it very difficult to reliably identify various breeds.

Breed bans do not lead to public safety. By focusing on a specific breed instead of individual problem dogs and their owners, the legislation may infer that other breeds never bite, thus creating a false sense of security in the minds of the public. Other breeds can be trained to be dangerous and, if this bill becomes law, this is certainly what can be expected to happen.

Public education is required to promote safe interaction with dogs. That is why clubs like the Ottawa Kennel Club offer training and information to its members and to the general public.

The Canadian Kennel Club reports that only 31 Staffordshire bull terriers were registered in the whole of Canada between January and September 2004. You can calculate that this means about 40 a year. If they live an average of 10 years, you get an estimated total of 400 of the breed in Canada. Say one third of those lives in Ontario, in which case the breed is being banned to rid Ontario of about 135 dogs. Do you need to ban them? It would be better to focus on problem dogs and their owners rather than specific breeds.

Cost: The third serious problem with Bill 132 is that it will place a high cost on municipal governments, and on animal welfare organizations that will be asked to enforce the legislation and house the banned dogs. Where bans have been introduced, the cost of enforcement has been a major problem for those given the job.

Irresponsible owners: The fundamental flaw in Bill 132 is that it's based upon the assumption that dangerous dogs result from bad genetics and not from bad treatment or deliberate training. In reality, if the ban is imposed, a person who wants to own a dog that will scare or intimidate his neighbours will obtain and train a dog of another breed. This will inevitably lead to the banning of more and more breeds if the government continues down the road of breed discrimination.

Harassment of responsible owners: In addition to the prospect of misidentification by officials, vigilante action had started on the streets of Ontario cities even before the bill had finished second reading. Two examples: Joe Metcalf was walking his two boxer-Labrador-cross dogs when a woman attacked his dogs and hit one over the head with a cane, saying that the dogs should be muzzled in accordance with the Attorney General's legislation. The dogs needed veterinary treatment for cuts.

A few days later, as reported in the *Globe and Mail* on November 6, Darlene Reid was knocked over after her dogs had been kicked by two men who told her she had no right to take her killer dogs in public. Darlene, the report said, stated that her dogs stood behind her for protection and looked on in amazement. These are the kinds of excesses that result from moral panic, where the media develop a fear of a sudden danger to society. Authority figures claim to have the solution, then politicians are drawn into the movement and offer to save the day with legislation.

Quick legislative solutions to social problems are seldom effective. In the case of breed-specific legislation, many knowledgeable organizations are opposed. The Ottawa Kennel Club, along with many other interested groups, asserts that breed bans do not work. We need dangerous dog legislation to deal with individual problem dogs and bad dog owners, regardless of breed.

Fairness: I have spent over 40 years involved with purebred dogs and over 30 years breeding spaniels. While my breed is not likely to be targeted by a ban, my

heart goes out to those honest and conscientious breeders who, over many years, have developed dogs of sound temperament and quality only to have their efforts threatened by this unfair legislation. Their numbers may not be large, but the hurt that will be caused is as great as it is unfair.

Please reconsider the main thrust of Bill 132 and change it to deal with dangerous dogs and their owners and not to punish the innocent. If you need expert help in developing dangerous dog legislation, there are several organizations that have prepared model legislation and would be very willing to share their expertise. The Ottawa Kennel Club would be willing to contribute to developing and supporting sound legislation that focuses on the behaviour of individual dogs and their owners. Unfortunately, the bill before us today does not meet these criteria.

Mr. Chairman, I thank you and the members of your committee for listening to us.

The Chair: Thank you very much, and thank you for staying all the way to the end of our deputations. We do have a little bit of time; it allows each party about a minute and a half to ask you a question. The rotation will begin with Mr. Kormos.

Mr. Kormos: Earlier today, on at least one occasion, there was advocacy for tough Criminal Code legislation—not provincial offences legislation but Criminal Code legislation—that would attach a criminal offence, the misconduct done by the dog, to the owner of that dog as a way of real deterrence, as a way of making people think twice before they buy a dog that is bred to be more vicious than others, or before they raise a dog to be vicious, or for people who are simply careless about how their dog is trained or not trained, neutered/spayed or not neutered/spayed. What do you say to that? What do you say to the need for Criminal Code legislation that sends people to jail, corresponding to the degree of harm that their dog does to an innocent victim or to any victim?

Ms. Broadhurst: I think it's a good idea, but also, why are we not rewarding good dog owners? There is a method of rewarding good dog owners for what they're doing, maybe consideration in their policy for licensing if they provide temperament testing, obedience training, canine good neighbour testing—some of the things that these people are doing to show that they do have a good dog. This way it would be a positive thing, rather than taking the negative.

1650

Mr. Kormos: It was suggested earlier, for instance, that people who spay or neuter their dog shouldn't have to pay for a tag, but why not—

Ms. Broadhurst: This is a way of showing—

Mr. Kormos: I hear that, but if you're serious about spaying and neutering as a prerequisite to folks like me owning a dog, why don't you make it a law that if my dog isn't spayed or neutered within the appropriate time, bingo, I've committed an offence. Never mind free licence tags, because if I've got to pay 50 bucks, then I'm buying a licence for a dog that can go out there and breed its brains out, so to speak.

Ms. Broadhurst: We're looking for spaying and neutering for population control. We're looking for the rabies tags for disease control. Now, if we look for something like an obedience course or canine good neighbour testing, then you're looking at temperament, and that's really what the issue is.

Mr. Zimmer: The gist of your comments is that there is no expert in animal behaviour who supports the pit bull ban. Let me just put this proposition to you: Professor Alan Beck, who's a full professor and director of the Center for the Human-Animal Bond, Purdue University School of Veterinary Medicine, has done a lot of study on the dangers of pit bulls. He's an expert in the area. Professor Beck made these two findings: He said that, based on all of his studies, he finds that pit bull attacks are disproportionate to their numbers and that the social fear in the public is reasonable, given the ferocity of pit bull attacks. He believes that the legislation we're proposing here is balanced and provides a realistic and balanced solution to a very real problem. What do you have to say about Professor Beck?

Mr. Hodgkinson: I find his comments rather surprising. They seem to go against most other statistics on dog bites, which are not very well recorded. I think it's evident that the Ontario government has never made any effort to obtain statistics on dog bites in Ontario. Unfortunately, that's true of many of the jurisdictions across North America and possibly elsewhere. I think that in the absence of statistics, it's quite possible that somebody who has focused in on one breed would certainly get a higher proportion of reports on that breed than a general survey which wasn't started off with a particular aim in mind.

Mr. Zimmer: Have you read Professor Beck's material?

Mr. Hodgkinson: No, I haven't, and so I find it hard to comment and answer your question directly.

Ms. Broadhurst: He's only one of many people who have given their opinion. There are a lot more who are on the other side.

Mrs. Munro: I think my comment follows from the discussion that you've just had. I'm looking at page 8 of your presentation, and I was struck by something that I think is true, and that is where you say, "In reality, if the ban is imposed, a person who wants to own a dog that will scare or intimidate his neighbours will obtain and train a dog of another breed."

I think perhaps you inadvertently answered the question that was being raised by Mr. Zimmer. What we're talking about here in trying to get a handle on the question of the statistical data analysis and things like that—I have to say that throughout the day, we have had

many people who have identified flaws in representing the type, because it's not a breed. We have seen and heard of many of these studies. But I think the most important thing is what you say here, that when you then have people who choose to have a dog that looks like a particular style of dog, that is the issue. Then, with a ban, as you point out, that individual will move on. Could you give us any inkling as to the potential of moving on if this bill were to carry through?

The Chair: And a concise one.

Ms. Broadhurst: I think we have a history here. I think it used to be German shepherds, then it went to Dobermans, then it went to Rottweilers, and now we're on to pit bulls, simply. From pit bulls, we'll go on to something else.

Mrs. Munro: Do we have more on the horizon?

Ms. Broadhurst: Well, obviously. There are a lot of breeds out there or a lot of crossbreeds.

Mr. Jim Osborne: Mr. Chair—

The Chair: You're going to get the last word this afternoon.

Mr. Osborne: Yes. Just to complete the question that was asked by Mr. Zimmer, the Ottawa Kennel Club does not see this bill as being a well-rounded approach to the reduction of dog bites. We would assume that, after consideration, your committee would look at means to control responsible ownership and training of dogs, such that they are good citizens.

The Chair: Thank you very much. While you're sitting there, through you to the more than two dozen deputants today, I want to thank you all for bringing to us your advice, which is sincere, thoughtful and incisive. The suggestions that you've made to this committee, and therefore to the Ontario Legislative Assembly, were all very well-thought-through ones, ones in which you passionately believe. I also want to thank those of you who have braved the weather to sit very attentively today through these hearings, many of you who didn't make a deputation, and to show the depth of your sincerity in this particular issue.

Mr. Kormos: On a point of order, Mr. Chair: To poor, beleaguered, underpaid, overworked Mr. Kaye—but Mr. Zimmer's going to help you on this one. We need this Professor Beck report now, the full report, of course. It ensures that Professor Beck is not a professor of home economics or some such thing. I don't know the man or woman.

The Chair: These hearings will resume on January 27 in Barrie. Our proceedings for this afternoon are concluded. We are adjourned.

The committee adjourned at 1656.

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