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**Official Report
of Debates
(Hansard)**

Thursday 3 February 2005

**Journal
des débats
(Hansard)**

Jeudi 3 février 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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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 3 February 2005

Jeudi 3 février 2005

The committee met at 1001 in Room 228.

The Chair (Mr. Bob Delaney): Would the standing committee on the Legislative Assembly please come to order. Good morning, everyone. Welcome, and to some of you, welcome back. We're here for the fourth of four days of consideration of Bill 132, Public Safety Related to Dogs Statute Law Amendment Act, 2004.

SUBCOMMITTEE REPORT

The Chair: First off this morning, we have a report of the subcommittee to amend. Can I have someone read this into the record, please?

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): I'll read it, because I'm on the subcommittee. The report of the subcommittee reads as follows:

Your subcommittee on committee business met on 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 subcommittee determine on a case-by-case basis whether to grant requests by witnesses for reimbursement of their reasonable travel expenses.

And I would move that.

The Chair: Mr. Tascona has moved the adoption of the subcommittee report. Those in favour? Opposed? Carried. Thank you.

**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.

**STATEMENT BY THE MINISTER
AND RESPONSES**

The Chair: Our first deputant this morning is the Honourable Michael Bryant, the Attorney General of Ontario. Mr. Bryant, welcome this morning. You have 20 minutes to address the committee; if you choose not to use the entire 20, the time will be divided among the parties for questions to you. The time is yours; please proceed.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): Mr. Chair, will you let me know if I get close to my time? Are you ringing bells or waving things or turning off the mike when it's all over?

The Chair: I'll give you a very gentle verbal warning at about three minutes.

Hon. Mr. Bryant: Perfect.

I want to thank the Chair and all the members of the committee, officials of the Legislative Assembly, government officials and the officials of the opposition and the third party for the work they put into this set of hearings. It is a remarkable set of hearings. I want to thank, above all, the people who attended here—perhaps some of the people sitting behind me right now. Some have made submissions; some have simply sat and watched and commented. I regularly receive e-mails and commentary on what has been going on, and of course I've been following the hearings closely through Hansard and otherwise.

The level of participation in this consultation is in some ways quite remarkable. I'm sure there may have been, when I was in opposition, four days of public hearings on a particular matter, but I don't remember that ever happening. It seemed to be zero, or one at most. I get helpfully mocked sometimes by the official opposition House leader, who wonders how on earth I managed to find four days of public hearings on this matter. But the answer is that people want consultation on this, and any question there may have been about the level of consultation on this bill is answered with these very extensive public hearings. Many of the people who have appeared before this committee I have met with, or they have met with members of the committee or with my officials or with MPPs. We've heard their submissions for four days, and then we will have another day for clause-by-clause.

I want to thank all the people who participated, whether you agreed with me or not.

Special thanks to the Ontario SPCA. We met with them in the fall to have preliminary discussions. We also shared a draft bill with the Ontario SPCA. They put a significant amount of work into this bill. I understand they don't support the banning of pit bulls, but nonetheless they did participate in this bill quite substantially, and it was acknowledged by Mr. Draper in his submissions before this committee.

References to tying the prohibition to future dog ownership offences, including inspection provision to ensure that orders made under the bill are complied with, the inclusion of corporations in the fine provisions, court orders following conviction under the DOLA following an owner, and many other provisions, all of which were proposed by the Ontario SPCA, were adopted in total or essentially adopted in the government bill before you now. They played a significant role in assisting us in making the bill better.

The Ontario SPCA also came to the government with a concern about funding pressures on the OSPCA. The McGuinty government has heeded that call. We have approved very significant funding to be provided to the Ontario SPCA. The money will be coming out of the existing budget of the Ministry of Community Safety and Correctional Services. The provision of this new funding to the OSPCA will constitute increased support for animal control activities in the province. Credit has to be given to the Honourable Monte Kwinter, who championed this in particular and from whose budget the funds flow. This is good news for the OSPCA. I think it is good news for animal control activities and municipalities alike across Ontario.

Of course, the Ontario SPCA was not the only participant. There was very emotional testimony from victims who would never have dreamed of coming in front of cameras and a microphone to tell a very horrible story in their life. I can't go through all of them now, because there were many and I won't do justice to their presentations. They speak for themselves. There were very emotional pleas from those who either make it their business to breed pit bulls or who own pit bulls or who don't own pit bulls but feel very strongly against breed bans.

I found much of the testimony to be inspiring. I confess I found some of it to be curious. I'm not sure what to make of the submission of the Humane Society of Canada that an attack by a chihuahua on the street is not qualitatively different from an attack by a pit bull. I'd remind committee members that a pit bull fatally wounded a chihuahua in Toronto this last November.

There were also comments that I think were just wrong and inappropriate and intemperate, particularly given the recent anniversary of the Holocaust. I know we know what comments we're talking about, and I know members have spoken out against them. I don't think anything more needs to be said.

1010

The substance of this bill, on the breed ban, is in some ways about nature versus nurture. Where do we determine the locus of the problem? Is it the nature of the dog or is it the way in which they are cared for? It is almost a theological argument, and I'm not exaggerating. It is certainly a philosophical argument, and it is one on which reasonable people can disagree. I don't think anybody has a monopoly on the answer. I will say that Germany, France, Denmark, the Netherlands, the United Kingdom, some US states, cities like Winnipeg and Kitchener and now the executive council of Ontario are of the view that pit bulls are inherently dangerous and that no matter what the nurture, they pose too great a risk to public safety—too many victims, too great a risk—and therefore over time we need fewer pit bulls, and that will mean fewer pit bull attacks.

Now, I don't think I'm going to get agreement from Mr. Kormos on that particular point, but who knows? He's still deliberating, I think. I'm not sure. But I do want to comment on two arguments made by the Ontario SPCA, and I think Mr. Kormos has made them as well in his remarks, regarding the issue of the effectiveness of the breed ban and the issue of the humanity of this particular approach.

First, the effectiveness: Nothing is more effective than eliminating the animal that is causing the harm over time from the community. Fewer pit bulls are going to mean fewer pit bull attacks. Fewer pit bull attacks mean fewer people victimized by pit bulls. That is effective. It is rationally coherent. If you, over time, eliminate the dog causing the bite, over time you will eliminate the bite.

That has been the experience in Winnipeg in particular over the past 15 years. Pit bull attacks dwindled from about 30 a year to none. Likewise, serious attacks by all breeds of all other dogs stayed more or less level at four or five a year. In other words, people didn't replace the pit bulls with other dangerous breeds, so the number of serious attacks declined overall. Dog bites overall are also down by about half in Winnipeg, according to the officials we spoke with, from 310 per year down to 150. Again there in Winnipeg, no more pit bulls, fewer attacks, fewer victims, increased public safety.

Then the issue comes down to this one of humanity, which for dog owners and lovers has been an excruciating one, particularly when many, many, many people with a great emotional investment in this subject, involved in humane societies and otherwise, are aware that there is some kind of problem with pit bulls and yet they can't, in their heart of hearts, say it is humane to support a breed ban.

Under Bill 132, if passed, for the responsible owner of the pit bull, nothing really changes. That dog is muzzled and leashed, neutered or spayed. That pit bull will live happily ever after and finish off its life in Ontario. That's the way the act works. I think everybody understands or should understand by now that that is how the act would work: It would phase in the ban.

But what of the rest? What if there weren't any pit bull ban? Let's consider the humanity of that. I'd like to turn the humanity argument on its head in this way.

Consider the submission of the Ontario Veterinary Medical Association. Mr. Zimmer asked if it was harder to adopt out a pit bull than a spaniel. Dr. Zaharchuk said, "My guess would be that in fact it would be." "Why?" he was asked. "Well, people think there's a problem there. There's no question that adopting out a pit bull is more difficult than adopting out other dogs."

The Toronto Humane Society testified, and Mr. Zimmer asked, "In the year 2004 you took in 2,311 dogs. How many were pit bulls?" "About a quarter." Then Mr. Trow went on to clarify his answer. He said, "Look, at any given time about a quarter of the dogs in the shelter are pit bulls. It's simply that the other dogs get adopted much easier. We have difficulty getting these pit bulls adopted." One out of four dogs in the Toronto Humane Society shelter is a pit bull. Perhaps that is more or less reflective of dog pounds and humane societies across the province.

My conversation with the Ontario SPCA last fall, before any decisions had been made, was that even before there was a discussion of a pit bull ban, there was no doubt that there was a disproportionately high number of pit bulls in the humane societies and in the pounds across the province, for the same reasons: They were difficult to adopt out, and they were being dropped off by people who may have bought and raised the puppy but the dog had turned into something they didn't want to have in their house any more.

Without this legislation, we have an increasing number of pit bulls living out lives in the humane societies and the dog pounds of Ontario. Some will live out their entire lives there and some will be put down because they are unadoptable. That will depend upon the policy of the particular humane society. Where is the humanity in that, I ask? An increasing number of a particular breed making up a disproportionately high number of dogs in the humane societies and dog pounds, living out their lives in these shelters or being put down because they are unadoptable: Where is the humanity in that?

Consider the aforementioned pit bull and chihuahua in Toronto that had a confrontation. The chihuahua died. The pit bull was put down within two days. Two dogs alive one day; two days later, two dead dogs. Where is the humanity in that?

Consider the victims of pit bull attacks, and the pit bull is often put down after the attack. The victims themselves have told stories of what has happened to them. We know of a person who went into intensive care; we know of people who still wear their scars; we know of a postal worker who lost her ear. But more often than not, afterwards that pit bull is also put down. Where is the humanity in that?

I ask you to imagine a situation 10 years from now without Bill 132, without the pit bull ban. I envision an increasing proliferation and population of pit bulls. There is no doubt in my mind—and we haven't heard anything

to the contrary from any of the veterinarians or humane societies—that the pit bull population will increase. Explode? I don't know. But it's increasing, maybe slowly. Even if it stays the same, we have a situation 10 years from now where our humane societies and dog pounds are bursting at the seams with unadoptable pit bulls that are living out their lives in the humane society or dog pound or are being put down. Over 10 years, that's a lot of dogs living in humane societies and that's a lot of dogs being put down.

You also have increased victimization of other pets and people by the pit bulls. We've seen the pattern and we've seen the incidents. That has happened and will continue to happen. Where is the humanity in that?

Or, I submit to the committee, with a phased-in ban, we will have fewer victims, fewer injuries to pets and humans alike, and, over time, fewer and fewer pit bulls in the humane societies and dog pounds because, as fewer are born and imported into the province, fewer go to the humane societies and dog pounds. And with it, you get the freedom of those who do not own pit bulls to enjoy their streets and parks and fields and backyards without the possibility of a pit bull attack taking place against them, their child or their pets. I say that is a humane result for all concerned.

So what of the rest of the bill?

1020

The Chair: Minister, you have your three-minute warning.

Hon. Mr. Bryant: I note the comments of Dr. Richard Meen from the Canadian Dog Judges Association and the remarks of the Canadian Kennel Club representative, Lee Steeves, to the effect that the dangerous dog provisions dealing with everything but pit bulls are very positive and a positive step forward. I will leave it at that.

On the issue of definition, if breeds can be defined and similar breeds can be distinguished, our kennel clubs do it all the time; our judges and prosecutors will be able to do it. The definition we are using is the one from Winnipeg and it has worked successfully for the last 15 years. That said, we are in committee. If people have suggestions as to how to improve the definition, of course this is the place to discuss them.

Lastly, on municipal costs, there are a number of new revenue opportunities that arise from this bill through the provision of fines. I also remind the committee of the new contribution to the Ontario SPCA to be provided by this government to deal with possible increased costs.

In the end, this is about public safety. After-the-fact punishment or training can't take away the injury to the person, can't give back that postal worker's ear, can't take away the scar from that young girl's face and can't take back from the grave the dog that was killed by a pit bull. This is the way to deal with a dog that is, was trained to be and has become inherently dangerous. In the name of public safety, and only in the name of public safety, I submit to this committee that this bill deserves the attention, support, perhaps amendment where you see

fit, and I look forward to your comments in the minutes and hours ahead. Thanks, Mr. Chair.

The Chair: Thank you very much, Attorney General Michael Bryant.

We have a statement from the official opposition, Mr. Tascona.

Mr. Tascona: Do we have extra time from what he used?

The Chair: You have 10 minutes.

Mr. Tascona: In 1987, the Liberal government's Solicitor General responded to an opposition MPP's request to strengthen the Dog Owners' Liability Act, particularly incidents involving pit bull terriers and vicious dogs. The Solicitor General's answer in the Hansard of November 9, 1987: "First, I would like to point out that it is the opinion of the committee that was formed that we should be discussing vicious dogs, rather than pit bull terriers, as it becomes very difficult to prove in a court of law that a pit bull is ... a pit bull. A lot of time and energy could be wasted in a court as to whether it is a pit bull, so we prefer to address the matter of vicious dogs per se since it really does not matter which breed of dog commits a vicious act."

The Solicitor General stated that three ministers put forward recommendations for cabinet consideration: "The two chief differences would be increasing the penalty and expanding the power of municipalities to tighten their laws." After hearing from municipalities, we will "act upon this."

No action was taken by the Liberal government to better protect the public from vicious dogs at that time.

On October 26, 2004, almost 17 years later, the Attorney General for the Liberal government introduced Bill 132, which contains provisions for banning pit bulls and, to get around the evidentiary problems of what a pit bull is, inserts in Bill 132 an overly vague definition of "pit bull" and a reverse-onus provision in the identification of a pit bull. Both provisions—subsection 1(2) and section 19—will likely face a Canadian Charter of Rights and Freedoms challenge in the event Bill 132 passes in its current form.

So the Liberal position on a pit bull ban changes, but that's not news, as Liberals are known for changing their position. However, the Liberal government's failure to address vicious dogs is not. Our job as the official opposition is to make sure the law is clear, effective and credible, and ensure Bill 132 addresses the public desire to stop attacks by vicious dogs. Bill 132 fails on all four counts. In our opinion, Bill 132 is unworkable.

The Attorney General has adopted a policy of a one-sided breed ban: pit bull. It is an experiment, this breed ban, we are told, which had to be, to use a vulgarism, tried out. This breed ban experiment has been tried out in Italy, and 92 dogs now are on the dangerous dog list.

If breed is the real issue, then why didn't the Liberal government worry about breeds that were initially bred for fighting and have inherently aggressive and possibly dangerous characteristics? Modern fighting dog breeds include the Great Dane, the boxer, the Mastino Napoli-

tano, Dogo Argentino and pug. Why didn't they find their way on to the provincial banned list?

I suspect, though, and the Attorney General denies it, that the pit bull breed ban experiment will be used again on other dogs. Why do I say that? (1) The Attorney General's claim that pit bulls are categorically more vicious than other dogs such as German shepherds, Rottweilers and Dobermans is without merit; and (2) vicious dog attacks will continue because Bill 132 is flawed. It is unworkable.

What have we heard in the public hearings to date?

(1) The Attorney General's failure to consult stakeholders and essentially the government's attitude with respect to people who are against their position. During the Barrie hearings, we saw first-hand the compassion that your government has for non-pit-bull bite victims. Michelle Holmes, a registered veterinary technician, talked about being bit by a chihuahua. I'd like to read you their exchange from Hansard:

Ms. Holmes: I have never, ever been attacked by a dog such as a pit bull. I have been bitten by a chihuahua, but we don't seem to be concerned about those....

Mr. Zimmer: Did the chihuahua take your leg off?

Ms. Holmes: No, but he did draw blood.

Mr. Zimmer: So does a mosquito.

So I say to the Attorney General, why is your government only concerned about pit bulls? I would bet that if your child was bitten, it wouldn't matter to you what breed it was, nor to me.

(2) There's a public misperception that the pit bulls will be gone from our streets when Bill 132 is law. Pit bulls will still be on the streets when Bill 132 is law.

(3) People want protection against vicious dogs per se, not just pit bulls.

To the Attorney General, we say we all listened to the experts and experiences in other jurisdictions, and they say this legislation will not work. Breed-specific bans fail to address the real problem of irresponsible breeders and owners who breed and sell aggressive dogs.

(4) We need to strengthen the Dog Owners' Liability Act to promote responsible dog ownership and punish irresponsible dog owners. Bill 132 is totally silent on that.

(5) The establishment of a bite registry across Ontario in order to keep track of dog bite incidents: Bill 132 is silent on that.

(6) We heard from municipal officials in bylaw enforcement who oppose Bill 132 because what they need is better enforcement tools and the resources to do so.

(7) Determining the dog's breed is not the exact science the Attorney General would like to try to prove to us, so Bill 132 will use up a lot of court time and energy. As the Attorney General knows, this has been done in the United Kingdom and we've been hearing time and time again that this legislation is unworkable. Pit bull bans have been a failure in the United Kingdom, and in the United States, 13 states have specifically prohibited the bans. The Attorney General has not told us how he will

manage any court challenges with respect to the breed-specific ban.

(8) Where municipalities banned pit bulls, the number of dog bites increased, specifically in Winnipeg. So the public was no safer from vicious dog attacks.

Today is the last day of public hearings. A new approach to protect the public from vicious dog attacks must be taken, but a breed-ban experiment based on a fallacy does not need to be tried out through Bill 132. Policies subjected to experiments are wrong, utterly foolish and should never be used. Bill 132 is unworkable.

Julia Munro, who sits beside me, has put forth a private member's bill on vicious dog attacks, and I would suggest to the Attorney General that that's the right approach. So I say to the Attorney General—

The Chair: Mr. Tascona, you have about three minutes.

Mr. Tascona: —will you consider Julia Munro's private member's bill, which takes into account the experts and the experiences of other jurisdictions? This bill amends the Dog Owners' Liability Act to create a specific category: vicious dogs. It is a workable alternative to the Liberal government's irresponsible breed-specific legislation.

1030

Mr. Peter Kormos (Niagara Centre): First, I want to make it very clear that I don't approach this issue with any anthropomorphic sentimentality, nor do I have any particular affection for any particular breed of dog. As a matter of fact, when I was a kid in the 1950s, there were just dogs. I didn't know about purebreds until literally decades later. There were dogs. There were big ones, small ones, short-haired ones and long-haired ones.

I want to tell you, Attorney General, that we heard shocking evidence from victims of vicious dog attacks. We read shocking evidence from victims of vicious dog attacks. We read shocking evidence about other victims who didn't appear, including, of course, the revelations and the conclusions reached in the Courtney Trempe inquiry.

But more shocking than some of the incredible physical and inevitably psychological harm inflicted on victims by vicious dog attacks—yes, colloquial pit bulls, but Rottweilers, mastiffs, Dutch shepherds down in St. Catharines just a couple of weeks ago; they're a variation of a German shepherd. More shocking, across the board, was the failure of authorities to enforce the Dog Owners' Liability Act. My colleagues here will understand and recall what I'm speaking of. Witness after witness who has been victimized, when questioned about what happened as a result of this, indicated that there was no investigation; a charge or charges were not laid under the Dog Owners' Liability Act. As you know, the remedies available to a court are broad-ranging, including ordering the euthanizing of a dog.

That was an incredibly disturbing observation. It was across the board, I'm sure with some exceptions: the failure of authorities to respond to these vicious attacks and to deal with the dog and its owner. In fact, we heard of

one instance where, had the authorities dealt with it—you will recall that; there was an attack by a dog on another dog—the second attack inevitably or in all likelihood would not have occurred, had the Dog Owners' Liability Act been given effect. That, I tell you, should be much more the focus of our consideration here than a particular breed.

My concern is this: We heard an incredible wealth of evidence about what it means to be a responsible dog owner. The world has changed; this stuff didn't exist when I was a kid in the 1950s or when you were a kid in—what?—the 1970s. This stuff didn't exist. We heard an incredible wealth of evidence about the need to have your dog participating in training, about the need to understand animal behaviour, at least at a basic level, to be able to read your dog. Mike Martin made reference to a formula, a scale that's available to determine the temperament of a dog of any breed. We learned that it's incredibly important that any dog owner should have their dog spayed or neutered, unless they're a breeder or unless it's a show dog. The fact is, owning a dog in this world has become more and more complex than ever before and, I suppose, more expensive than ever before.

I put this to you: There was some significant evidence that purebred dogs bred by legitimate breeders—legitimate breeders have no interest in breeding a vicious or mean dog; it's contrary to their interest—are *prima facie* safer dogs. That's one of the rationales for neutering your dog as a pet, regardless of its breed. The effect of neutering a dog as a pet will, in fact, eliminate mongrel breeds in due course.

My concern is that if the focus is on pit bulls, and pit bulls happen to be the vicious dog of the month, of the year—well, it's true. A couple of decades ago, it was German shepherds, and then it was Dobermans. It happens to be pit bulls right now. Pit bulls, I acknowledge, at least insofar as the media portrays them, happen to be the dog of choice that illegal biker gang members, drug dealers, street kids, if I dare put them into one lump like that, and other types are attracted to, for any number of reasons, which unfortunately this committee didn't have a chance to investigate with expertise—mean pit bulls. But we also heard from owners of pit bulls like the veterinarian yesterday. She described pit bulls that don't possess any of those characteristics that were displayed by the pit bulls along with other vicious dogs that attacked innocent victims.

Much focus has been placed on identifying a pit bull. It's as much a colloquial term as anything else, especially as compared to a breed. I say, yes, let's address vicious dogs in a very serious way. But I say this to you: If we focus on pit bulls, we may well miss the boat and do a great disservice to people out there across Ontario. If all of these scarce resources and energies are focused on identifying pit bulls to begin with—or read the evidence of Mr. Mike Martin yesterday—if all of the focus is on identifying pit bulls and culling them, then I say to you there are scarce resources, if any, left to address vicious dogs of other breeds. It's of no comfort to a kid in my

community if pit bulls are banned if that kid is then mauled or killed by a vicious dog of another breed.

And please, I'm not talking about damned chihuahuas. At the end of the day, if I'm going to be bitten by a dog, I'd prefer to be bitten by chihuahua, which I can more readily sweep aside, than by a Rottweiler, German shepherd, pit bull, any number of breeds which are larger and inherently more powerful. Give me a break. Let's not muddle. Come on, let's be fair and honest about this. Let's not muddy the argument.

I'm saying this to you: As I said yesterday on behalf of the NDP, we are deadly serious about developing a regime in this province that will protect people from vicious dog attacks. One, there's no data in the province of Ontario and scarce data from many other jurisdictions, and the debate is as much about the validity of the claims made by people in Winnipeg or people in Kitchener-Waterloo as about anything else. All of the expertise but for one Professor Alan Beck with the one-liner, like the blurb on the back of a paperback just published, all but for Professor Alan Beck, all of the expertise—

The Chair: Mr. Kormos, you have a little less than three minutes.

Mr. Kormos: Thank you, sir. All of the expertise says breed-specific bans are an ineffective course to travel. I'm not being overly sentimental about pit bulls or any other breed of dog. I'm talking about creating a regime, a province wherein—you're right—people can walk down the street or visit a home, a mail deliverer can knock on the door of a home or, quite frankly, any one of us canvassing in the next election or the election after can do the same without fear of being attacked by a vicious, poorly bred, ill-trained or untrained dog.

Let's ban not just training dogs to fight. Let's restrict to the proper authorities training dogs to be attack dogs or literally guard dogs. Let's impose real requirements to neuter all pets, regardless of whether they're mongrels or pure breeds, other than animals that are kept for breeding or show animals. Let's talk about a licensing regime that's effective. You know darned well, as I do, that only a handful of dogs across the province are actually tagged or licensed at any given point in time. Let's acquire some real data. Let's not create the same crisis as the feds have created, because, let's face it, legitimate, bona fide, good pit bull owners are going to deliver their pit bulls up, and biker gangs, narcotics dealers and other low-life are not. They'll continue to breed the damned things, the mongrel colloquial pit bulls that are bred to be dangerous.

So you eliminate the breed-specific identifications. Let's eliminate the purebred American pit bull—no evidence whatsoever that that's the sort of dog that has been problematic—the two Staffordshires.

I'll tell you this: You eliminate the breed-specific portion of this, we'll go back into that Legislature on February 15 and New Democrats will co-operate to pass this bill in one day, the time divided equally so we can get down to really protecting people in this province from vicious dog attacks and from bad dog owners.

The Chair: Ladies and gentlemen, thank you very much. This committee will be in recess for five minutes.

The committee recessed from 1038 to 1045.

TORONTO POLICE SERVICE

The Chair: Ladies and gentlemen, please take your seats and come to order. Committee members, thank you for being seated. I hope everybody's taken the advantage to get something to drink, get a little bit of an oxygen break or whatever.

Our next deputation will be from the Toronto Police Service. Our deputant is Toronto's Chief of Police, Julian Fantino. Welcome.

Mr. Julian Fantino: Thank you, sir.

The Chair: Chief, you've got 15 minutes. You can use as much of it as you wish; you can use all of it, if you wish. If you have any time left, it will be divided among the parties for questions to you. Just begin by stating your name for the purposes of Hansard and proceed.

Mr. Fantino: My name is Julian Fantino. I'm the chief of police, city of Toronto Police Service. I am indeed pleased to have been asked to appear before the committee debating Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls.

This legislation has been spearheaded by Minister Michael Bryant, Attorney General of Ontario. I would like to be on record advancing my congratulations to the minister publicly for his commitment to improving public safety through the swift consultation process and the introduction of this legislation.

During the consultation phase, the Toronto Police Service was pleased to participate in those discussions. Two of our dog service officers attended the round table discussions and were pleased to provide their input and learn from other participants. These officers know better than anybody that appropriate and consistent training is essential for any breed of dog. However, they have also experienced first-hand what can happen with predatory-type dogs, regardless of their training or circumstance. These officers have seen the utter viciousness and severe rage with which these dogs attack.

I'm sure the committee has already heard from members of the public who have been victims of pit bull attacks, and I'm sure the committee has already heard from animal experts who will state that the problem with dog attacks is not entirely a pit bull issue but rather a dangerous dog issue that involves many breeds.

I'm here to support this legislation for two reasons. It will improve community safety and also police officer safety.

Many people consider these dogs to be wonderful house pets. But I can tell you from our experiences that these dogs are used as weapons. To say they are being used as guard dogs is an understatement. Pit bulls are the dog of choice for many criminals. Our officers have had to deal with some very dangerous situations where pit bulls are being used by criminals for the purpose of their

own protection, facilitating their own escape or protecting their illegal enterprises.

For instance, in May 2004 our service participated in a very large and complex takedown of a group of individuals known as the Malvern Crew, a very violent street gang in the city. This project, referred to as Project Impact, was over a year in the making and, at the end of the day, resulted in some 65 people being arrested, with over 500 criminal charges laid against them. Clearly, this was a very dangerous and high-risk takedown that involved our officers.

1050

One particular location presented an additional challenge. As our officers were attempting to execute a search warrant, they were attacked by a pit bull that had to be shot by officers on the scene. It is always an unfortunate case when our officers have to shoot an animal, but the safety of our officers is the primary consideration. As I indicated, the pit bull was shot.

Project Impact itself was a highly publicized event, but daily encounters with pit bulls are becoming more frequent. Recently, there have been four incidents involving our guns and gangs unit. All four cases involved officers executing search warrants, but the officers had to first deal with pit bulls. This delay may have led to the destruction or disposal of evidence and could in fact facilitate the escape of suspects.

These are not cases where pit bulls have been in the home as the family dog; rather, as I've already mentioned, these are cases where pit bulls have been trained to guard the home and attack intruders, including the police. In reality, they have been trained to attack and are being actively used as weapons. In these cases, our tactical officers on the emergency task force have had to retrain in order to deal with these dogs, and they do so on a regular basis.

These are just a few of the cases that have involved our specialized units and our emergency task force. Unfortunately, the examples are far more widespread than I've already cited. For instance, a significant number of the gun calls that we attend to and barricaded-person calls that our emergency task force responds to involve pit bulls. Our emergency task force officers say that, on average, one in four of the warrants they execute is at a place where there is a pit bull.

The use of these dogs for the purpose of intimidation and protection is so significant that our emergency task force people now train in methods of handling pit bulls as part of their regular training routine. They are trained to use a dog snare, a long pole with a loop at the end, similar to what is used by animal control services. The dog snare can be an effective way of controlling the animal and moving it to another part of the home or location while the officers continue about their duties.

Tasers are also an effective method of controlling the dogs, and the tactical officers are trained on their use as well. Lastly, lethal force can be and is used when appropriate.

Fortunately, our guns and gangs unit and our drug squad officers travel with an emergency task force contingent as a matter of routine when they are going to conduct high-risk takedowns, but our local patrol officers and major crime officers do not always have the resources of trained emergency task force personnel readily available.

All our police officers are finding themselves faced with the reality of attacks by pit bulls. While the emergency task force has the training and a variety of use-of-force options to handle pit bulls, this is not the case for the officer on the street who is attending a routine break-and-enter call, an unknown trouble call or a domestic call related to situations in a home or in a business and then also faces the danger of a pit bull attack. Our officers are becoming equally as cognizant of dangerous dogs as they are of guns when they arrive on the scenes of their calls.

I would like to take the opportunity to recognize that our officers have been thoroughly trained to deal with dangerous situations. They carry weapons; they are trained to know how to use those weapons. Yet pit bulls provide enough of a threat to the safety of our officers that it is now a prime consideration during the course of their duties.

There is also a significant threat to public safety that can be addressed in this legislation, should it pass. In those unfortunate situations where a dog attacks a member of the community, it is often a 911 call that is the contact to the police, who are first to arrive on the scene. When faced with an ongoing attack, often the only available option for the officers is to destroy the dog. Pepper spray has been found not to be effective with these dogs. And as I've already indicated, our emergency task force are the only ones who have other, less lethal options. Even if those options were available to all of our officers, the potential threat to public safety would still exist.

Last summer there was a much-publicized case involving a man who was attacked and severely injured by two pit bulls he was walking for a friend. Our officers had to shoot those dogs several times while the attacks continued. These dogs do not stop until they are dead. That is a significant public safety issue.

I would like to say to members of this committee that my position here, I believe, is clear and simple: Pit bulls pose a very serious, very real and legitimate threat to the safety of the public and to our police officers. I'm sure you will hear much more of this from other colleagues who will follow me in the appearance here. Public and officer safety should be a significant concern to everyone, and I believe that it is.

I know that the argument can be made that this ban should only apply to dangerous dogs. However, I know how difficult and challenging it can be to make these changes in a timely way.

I am a firm believer in trying to walk before we can run. Whatever can be done now to improve the safety of the public and our officers should be supported. Our

officers have plenty of challenges dealing with criminals; they shouldn't have to deal with pit bulls as well.

I would encourage the committee to move swiftly in sending this legislation to the House for consideration.

I will obviously be pleased to answer any questions the members might have.

The Chair: We have time for one brief question from each caucus, beginning with the PC caucus.

Mr. Norm Miller (Parry Sound–Muskoka): Thank you for coming before the committee today.

You said that pit bulls are used as weapons. How do you describe a pit bull? There has been a lot of talk in the legislation about what a pit bull is, and I suspect that the pit bulls that are being used by criminals as weapons are not some of the purebred dogs listed in this legislation; for example, the Staffordshire bull terrier, which—I don't know whether you're familiar with the specific dog—is 14 inches tall. It's 30 pounds. I don't think that's the dog that's being used as a weapon.

Mr. Fantino: I can only go by the information provided to me, and the reference is that the dogs that we are encountering in the circumstances I have described are pit bulls. Whatever pedigree one wants to develop or DNA that follows—all I can tell you is that the information is that these are in fact pit bulls.

Mr. Norm Miller: Are you aware that a purebred Staffordshire bull terrier has not had an unprovoked bite in Canada?

Mr. Fantino: I can't argue with your comments, but, again, I reiterate that I have seen them myself at events like Caribana, where they're brought there on chains, virtually, by their owners—totally intimidating and very frightening.

Mr. Norm Miller: What do you think the criminals would do? Once these dogs are banned, they're going to switch to another breed.

Mr. Fantino: That's no answer.

Mr. Kormos: One of the concerns that was expressed and became so obvious is that, first of all, in many municipalities, there aren't even prosecutions under the provincial statute, the Dog Owners' Liability Act. To its credit, Toronto appears to have been one of the few communities to prosecute criminal charges against a dog owner whose dog very viciously attacked a victim. Of course, one of the things that does is give a victim access to the criminal injuries compensation fund, which they wouldn't have without a criminal prosecution.

There has been a proposal—and this is the question—that just as the provincial statute deems liability on the part of the dog owner, we need a federal criminal statute which presumes criminal culpability on the owner of the dog, and the suggestion that that will tune up a whole lot of dog owners, especially the scofflaw types you're talking about.

Mr. Fantino: I'm in agreement with you that the laws of the land should not only be appropriate to ensure that we optimize public safety and the administration of justice but should also be enforceable. I'm a strong advocate of using all the laws on the books to deal with these

issues, but, from my point of view, this added piece of legislation clearly creates an added measure of safety for the public and our police officers. I feel very strongly that it will be a big help.

The Chair: The government side, Mr. Duguid.

Mr. Brad Duguid (Scarborough Centre): Welcome, Chief. It's great to see you again. You made some very poignant remarks. You talked about these dogs as being a serious threat to public safety: that these dogs don't stop until they're dead; that it often takes a number of shots to take them down; that pepper spray doesn't even work with these dogs. I think it's obvious to many of us that these animals are uniquely bred to do serious damage, if not kill.

My question to you is, in your experience as a police officer and in the experiences shared by your fellow officers, do you consider this breed to be unique compared to others in terms of its ability to do serious damage?

Mr. Fantino: I'm no expert on breeds of dogs—and let that be on the record—although I have some knowledge of some breeds of dogs. The point here is that this is a type of dog we're running into now in the hands of criminals, and they appear to be trained and there for the sole purpose, as I stated earlier, of either protecting or intimidating people from activities associated with illegal enterprise or actually used as attack weapons on the police. We've seen that time and again, as I've described. We find them in marijuana grow houses and in other places as a matter of routine.

The thing I should also add is that it isn't only about the attacks; it is how they are used to intimidate. Walking along Caribana, as I have for a number of years, I have seen those dogs on chains being paraded around the public domain, and I often think what would happen if those dogs get loose with all of those people around and all of that. You look at the individual with that dog, and I don't want to categorize pit bull owners as representing that element, but clearly there's an element out there who use these dogs as an extension of their intimidation tactics on people.

The Chair: Thank you, Chief Fantino, for coming in today.

1100

ANIMAL ALLIANCE OF CANADA

The Chair: Is there a representative in the room from the Animal Alliance of Canada?

Please come forward. Welcome this morning. Please make yourself comfortable.

Ms. Liz White: Sorry, I was just struggling to get to the microphone. Thank you very much for providing the opportunity to come and comment today. My name is Liz White. I'm a director with the Animal Alliance of Canada and Environment Voters.

The Chair: Liz, you have 15 minutes before us today. If you choose to leave some time remaining, it will be divided among the parties for questions. You've already identified yourself, so please proceed.

Ms. White: You should have before you a document that was paper-clipped and it should have three parts. The first part is the submission that we will make today. The second part is a much broader information package about the brief, including a much better piece of legislation, in our argument, done by the New York state Legislature, which is attached on appendix 3, I believe. The third is a series of spreadsheets that comes from the Calgary Animal Services, in an attempt to demonstrate that alternatives work. I will be referring to some of those documents.

We're asking the standing committee to vote against Bill 132 and we're recommending that the Attorney General work with provincial experts such as the College of Veterinarians of Ontario, the Ontario Veterinarian Medical Association, the OSPCA, associations representing shelter administrators, who will actually be implementing this legislation, animal behaviourists, purebred groups and people from other jurisdictions with alternative types of legislation, in order to bring in effective, enforceable, cost-efficient and humane dangerous dog legislation, such as the one that was passed in New York state.

We would like the committee to:

- consider tabling legislation that will actually address dangerous dog legislation as opposed to Bill 132, which is punitive to a poorly defined class of dogs, regardless of temperament, and even when there is no history of biting;

- allow for animals who bite because of physical abuse, neglect, starvation, poisoning, injury, training or drugs, which are all the methods of training for animals that Chief Fantino was talking about;

- bring in additional legislation that will address the root cause of the issue, including inappropriate breeding and selling of these animals through backyard and puppy mill breeders—which, by the way, the Liberal Party tabled when they were in opposition and, I would argue, ought to bring back—and deal with the aggressive and cruel training practices designed to produce guard and fighting dogs;

- implement a province-wide ban on the practice of tethering dogs 24 hours a day, seven days a week, a known trigger for biting and aggression, as set out by the Centers for Disease Control in the United States; and

- I would argue that you should prohibit the sale of dangerous dogs, if in fact you think they are under the Animals for Research Act.

We recommend these changes for the following reasons.

We believe that you are downloading costs on the municipality. In fact, the city of Toronto recognizes this. At council—and I believe this has been forwarded to the government—they're asking the Attorney General to “fund 100% of the municipal implementation costs related to the proposed amendments to the Dog Owners' Liability Act for a three-year transition period.”

The download costs, for people who aren't familiar with shelters, will be the following: the cost to implement the legislation, which is already recognized by the city of

Toronto as being fairly significant, I think; the ongoing costs of housing and killing substantial numbers of surrendered dogs and other dogs that will have to be killed to make room for those surrendered dogs; and the cost of housing seized animals for extended periods of time, where the seizures will be challenged in court.

The second reason is that animal control services across the province are already severely underfunded. I will leave that; the statistics are there.

We argue that the province is again downloading legal liability. If anybody who works knows anything about animal control, most of them are not operative from 6 p.m. to 8 a.m., and Mr. Fantino's staff get called to do those kinds of calls about dogs at large. I would argue that if the municipality did not respond in a reasonable period of time and a person was bitten, they would actually be legally liable for not taking action, at a time when most municipalities treat animal control as a fairly marginal activity.

The Attorney General does not have the support of most of the experts in the province. As the city of Toronto document points out, “Breed bans are strongly opposed as an appropriate response by all veterinary bodies, all animal welfare groups, most animal behaviourists and many of the officials who are” actually going to be enforcing this legislation. I think it would behoove this committee to actually be very considered about what they are doing here.

The last point I'm going to make is that the amendment to the legislation to allow the sale of these dogs to research is just wrong. If they are, in fact, what the minister calls “ticking time bombs,” then they ought not to be in a research facility at all. I would argue that the legislation makes it most difficult for animal control officers to actually implement this part of the legislation, for the following reasons.

They have to understand what the prohibited breeds are and whether they actually apply.

Secondly, they have to determine whether the animals that have come in are impounded, surrendered, seized, restricted or not restricted in order to determine which dogs are legally allowed to be sold to research and which are not. This will be an interesting exercise in communities where animal control is a marginal activity and where the dog pound is a barn, a four-cage capacity building in a field or a works yard, or in larger regional centres like the region of York, where the animal shelter consists of two trailers.

Animal control, most of which don't have any money, needs to demonstrate sufficient capacity and record-keeping to ensure that, where there is a legal challenge of a seized dog and where the identification is in dispute, the animal will not be sold to research, which I can tell you from experience is a difficult process. We've already been through a challenge with the Ministry of Agriculture and Food on that very subject.

I think this is the most important part for the committee to consider and begin to deal with: I think there's a conflict between the Animals for Research Act and the

Dog Owners' Liability Act. The Animals for Research Act allows the adoption of dogs and does not distinguish on breed; the Dog Owners' Liability Act prohibits breeds. I'm not a legal expert, but I think it could be argued by groups that are adopting these animals out that, in fact, the Animals for Research Act provides them with the legal cover to adopt these animals out.

I would like to just take one more minute to ask you to take a clear look at the New York state legislation. This is a piece of legislation that recognizes that dog bites occur for a variety of different reasons. Under the current legislation, as you have it, an animal can be charged with being vicious if the animal's owner beats the dog and the dog bites. There is no recognition that there are different types of bites for different types of reasons. This piece of legislation doesn't allow for any of those particular considerations. The New York state legislation is a state-wide piece of legislation that is well thought out and well tooled to actually deal with dangerous dogs, including pit bulls. I would argue that this piece of legislation deals with every single circumstance that Chief Fantino talked about in his particular dissertation.

We are talking about a very small group of dogs. In fact, the American Society for the Prevention of Cruelty to Animals did a study in Prince George's county in Maryland. They seize 900 pit bulls a year, it costs a quarter of a million dollars, and they, by their own admission, say that 80% of those animals are not dangerous and are adoptable.

1110

The Chair: Liz, thank you very much. We have time for roughly one question from each caucus, beginning with Mr. Kormos.

Mr. Kormos: Thank you kindly. You talked about liability—if legislative research would please listen—because under the existing law, the Dog Owners' Liability Act, we know that there's been marginal, if any, enforcement of it even when people have been victimized horribly by vicious dogs of any number of breeds.

We heard the Attorney General today talk about resources—money—going out there to SPCAs and a ban on pit bulls. So you've caused me to have concern now about the liability of the province. In other words, the province having said it's banning pit bulls and that it's expending the resources, presumably adequate resources, when a person is victimized down the road by a colloquial pit bull that is vicious, is the government similarly there in an enhanced position of liability?

This is what I put to research that we'd like some answer on. The government has made an undertaking here, made a commitment. It's not banning bad and vicious dogs; it's banning pit bulls. So when a person is victimized by a vicious pit bull—the type that bikers own, which is probably not a purebred, which is probably not registered and which probably had the crap beaten out of it to make it violent—are we then making the province, with its deep pockets, the defendant in the next lawsuit?

The Chair: Mr. Kormos, thank you.

Mr. David Zimmer (Willowdale): You expressed your idea or your thoughts that this legislation was going to present problems for municipalities in Ontario. Let me quote something to you.

Roger Anderson, president, 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 I emphasize "affordable for Ontario municipalities"—"and we know that the minister will continue to work with us as the legislation proceeds."

A second quote from Mayor Miller, the city of Toronto: "I support the province's swift action.... This problem is not exclusive to any single municipality; it is a province-wide issue and therefore the best solution is a province-wide strategy to keep Ontarians safe from dangerous dogs."

Ms. White: I agree that we need a province-wide strategy. I have no problem with that. In fact, David Miller's own council has asked this parliamentary body to actually pay for 100% of the implementation of the three-year plan.

Secondly, if I were a municipality, I would fire AMO. We did a survey of the municipalities in Ontario. Half of them responded. This government did not talk to them. Most of them have dangerous dog legislation which they feel works well. This government decided not to be bothered to talk to these people, who are the people who are going to be on the ground implementing this legislation. It will not be this government.

Mr. Norm Miller: Thank you for your presentation. First of all, did the government consult with you before they introduced this legislation?

Ms. White: The government refused to consult with us. We offered to bring people up from New York state to look at this better piece of legislation. No calls were returned. In fact, when we asked, we were refused.

Mr. Norm Miller: That leads into the next part of what I was interested in, and that was specifically New York state, because it's more related to the province. We've heard that Calgary has been very successful as a city in reducing dangerous dog bites with their comprehensive bylaw, but New York state might apply more to the province. Can you talk a bit more about that, please?

Ms. White: The reason we brought up New York state is because applying it to a city and applying it to a province or a state are quite different undertakings. The New York state legislation was drafted in conjunction with the ASPCA. So there were humane groups and a number of other experts who sat down and looked at this legislation to try and determine. The reason I think New York state legislation is really good is because they have a bigger pit bull problem—if you want to call them pit bulls, and a problem—perceived by government, than anything we can ever experience in Ontario. I would argue that if they feel they can address this situation through dangerous-dog legislation, and recognizing that

there are reasons for bites that are different, that are not dangerous, that's really important.

Just one last thing: Where there are situations that animals have been declared dangerous, there is a set hearing so that there can be evidence placed and so there can be some determination as to whether the person who did—

The Chair: Ms. White, you've exhausted your time. Thank you very much.

Is Arlene Malcolm in the room? No.

POLICE ASSOCIATION OF ONTARIO

The Chair: Is a representative of the Police Association of Ontario in the room? Please come forward.

Good morning. Please be seated and make yourself comfortable. Thank you for bringing along your brief in multiple copies. You have 15 minutes before us this morning. If you use less than the full amount of time, it will be divided among the parties for questions. Please begin by stating your name for the purposes of Hansard and proceed as you wish.

Mr. Bruce Miller: My name is Bruce Miller. I'm the chief administrative officer of the Police Association of Ontario. I was also a front-line police officer for over 20 years before taking on my current responsibilities. With me is Brian Adkin, who is the president of the Ontario Provincial Police Association. Brian has been, and still is, a front-line police officer with the Ontario Provincial Police and has served there for 32 years.

The Police Association of Ontario, PAO, is a professional organization representing over 21,000 police and civilian members from 63 police associations across the province. The PAO is committed to promoting the interests of front-line police personnel, upholding the honour of the police profession and elevating the standards of Ontario's police services. We've included further information on our organization in our brief.

We appreciate the opportunity to address the standing committee on Bill 132 today and would like to thank all the members for their continued efforts for safe communities. As you know, Bill 132 would impose more effective and increased controls on dangerous dogs, hold irresponsible owners more accountable and ban pit bulls in the province. We have reviewed the proposed legislation and would like to make several comments. Our comments will focus solely on any possible impact to community safety from the perspective of front-line police personnel.

We canvassed our membership on this issue and received numerous examples of both police personnel and members of the public across the province being threatened or attacked by dangerous dogs. Here are some examples.

An officer approached a youth as he got out of a car. When the officer identified himself as a police officer, the youth ran into his house. The officer gave chase and was attacked by a dog. The dog bit the officer's right forearm and held it. The officer lost an actual chunk of

skin two inches long, a half-inch wide and a half-inch deep from his forearm, and was off duty for several weeks.

In another incident, a boy was badly bitten by a dog. Police were called and the dog's owner asked all personnel in uniform to stand back while he loaded the dog into the animal control truck. He stated that his dog was trained to attack anyone in uniform, especially the police. The owner was a suspected drug dealer.

In another case, two officers were sent to check on a homeless woman who had passed out inside a business. She and her boyfriend had been drinking. She had her dog on a leash. The animal broke loose and the officers were forced to shoot at it as it lunged at them. The dog was treated, survived and then returned to the owner. Some time after this, police were called to a local hostel where the owner was threatening staff with the dog.

All the above three cases involved pit-bull-type dogs. I can also advise you that the overwhelming number of examples we have received from our membership involve pit bulls.

1120

We have witnessed a disturbing trend over the past 10 years where dangerous dogs are being acquired by the criminal element to be used as weapons of intimidation and fear. Our members confront these animals on a daily basis. I know that I certainly did. Officers are routinely warned to "watch out for the dog" when they are dispatched to calls.

Dogs are used by criminals to either prevent or slow an officer's entry on to a property. These dog owners are irresponsible and dangerous individuals who care little about the welfare of others and whose judgment is often clouded by alcohol and drugs.

We believe that the new legislation will hold irresponsible dog owners more accountable. We support the tougher and increased penalties and we support the fact that action could now be taken before a person or other animal is actually bitten.

We readily admit that we are not experts on dog breeds, behaviour or training. We do know that our front-line members have told us that incidents involving dangerous dogs are becoming more and more prevalent. Criminals are using dangerous dogs to intimidate and threaten. The reality is that pit-bull-type dogs are their weapons of choice because of their ferocious reputation.

We contacted the Waterloo police association, whose members police the twin cities of Kitchener and Waterloo. We were advised that they had a number of serious incidents involving pit bulls, but that problem has ended with the local ban. We also contacted the Winnipeg Police Association. Winnipeg placed a ban in effect in 1990. Their police association advises that this ban was very effective.

We readily admit that there are many responsible owners of pit-bull-type dogs. We are cognizant of the fact that no single piece of legislation will completely end this problem. However, we do feel that Bill 132 is a

necessary and positive step forward to help ensure community safety and would urge its swift passage.

In closing, we would like to thank the members of the committee for the opportunity to appear here today. We greatly appreciate your interest in community safety and would be pleased to answer any questions that you may have.

The Chair: Thank you very much for coming. We have time for a question or two from each caucus, about a minute and a half each side.

Mr. Zimmer: Look, we've heard that, as dangerous as pit bulls are, there are also other dangerous dogs; I suppose Rottweilers and German shepherds, bull mastiffs and so on. Is it the sense of your association, notwithstanding that, that pit bulls are really in a class above and beyond the ferociousness of, say, a German shepherd or a Rottweiler; that they are a whole different world of attack?

Mr. Bruce Miller: Certainly, I want to reiterate that there are many responsible owners of pit-bull-type animals, but, remember, we're dealing with the criminal element. It seems that pit bulls or pit-bull-type dogs have become a status symbol for the criminal element that we didn't see with other breeds of dogs. Our members are running into them on a daily basis responding to calls, doing drug warrants. One only has to walk out—I know the Chief earlier referred to Caribana—down Yonge Street or some of the other areas and see these types of dogs right on the sidewalk. Aside from their ferociousness, there's a big intimidation factor for members of the public.

Mr. Zimmer: Do you expect, if the legislation is passed and the pit bull ban is in, that the experience, say, in the cities that your association represents is probably going to be the same as Kitchener and Winnipeg?

Mr. Bruce Miller: We certainly hope the legislation has the same results as we've seen in Winnipeg and Kitchener-Waterloo.

Mrs. Julia Munro (York North): Thank you for bringing your particular experience to the attention of the committee. Throughout your presentation, I'm struck by the fact that, obviously, logically, you're talking about the criminal element here. So it seems to me that what we're really talking about is dog ownership, that it is a particular group of people who own a particular dog who create the kinds of really horrific issues you're dealing with. You refer to the fact that the pit bull type is the weapon of choice and that the serious issues you've encountered again go back to who actually controls these animals, and we're talking about the criminal element.

All of us around this table recognize the importance of community safety, but I wanted to ask you if you believe that a ban on animals described as pit bulls is going to reduce the number of pit bulls owned by the criminal element.

Mr. Bruce Miller: We believe it's going to be effective, and it has proved to be effective when we checked with other jurisdictions. You're right; there are two issues here. One is making sure that dog owners are responsible

and held accountable for their actions. We believe the bill addresses this. The other issue is the growing problem we've seen, this phenomenon with pit-bull-type dogs. That's why we support both segments of the legislation.

Mrs. Munro: My concern is that if they are breaking the law as criminals, what part of responsible dog ownership elements are they going to be concerned about? I have difficulty imagining that they're suddenly going to change their views with regard to this particular breed.

Do you have any contact with other police associations about—certainly we are told that other breeds can fulfill the purpose chosen by the criminal element. Do you have any information about that?

Mr. Bruce Miller: I can only talk about our membership's experience; we represent 63 police associations across the province. Obviously, the Ontario Provincial Police Association represents police officers, police personnel, working across the province, and I'll let Brian answer from that perspective. But we've seen this issue with pit bulls where we didn't see it with other breeds before, and I think it's because of the ferocious—

The Chair: I need you to sum that one up briefly, please.

Mr. Bruce Miller: That's why we're here to support the legislation today, because we have this problem with pit bulls that we haven't experienced with other types of breeds across Ontario or, to our knowledge, in the rest of the country.

The Chair: Thank you. Mr. Kormos?

Mr. Kormos: Gentlemen, you haven't been unfair in terms of presenting the scenarios that police officers are confronted with, and it's consistent with what we've heard from any number of sources. We made this observation early on about the pit bull being the dog of choice for the outlaw: the illegal biker, the drug trafficker, the street hood. I suggested facetiously the other day that maybe the law should require all pit bulls to have pink bows and maybe that would be a deterrent.

But following up from Ms. Munro, just as with gun registration—I mean, law-abiding citizens are the ones who have lined up to register their firearms. You didn't see Hell's Angels patches out there at the front desk of police stations when people were registering firearms. My concern is that once again here, it's going to be the very pit bulls that probably don't pose a threat because they're owned by responsible owners who want to buy purebred pit bulls and own them as pets that are going to be surrendered up to comply with the law, but the outlaw bikers, the drug dealers, the street hoods and the gang members don't give a rat's butt what the police think about them anyway—nor are they, in many cases, even afraid of the police. It's remarkable. How do you address that? Is there any sense in that at all?

Mr. Bruce Miller: I'll let Brian answer too, but I'd just quickly say right at the start that we've checked with those other jurisdictions, and they have said it has worked there.

Mr. Kormos: I know what they've said.

Mr. Bruce Miller: It has worked and it has been enforced and it has been very positive for removing pit bulls from those owners as well.

Mr. Brian Adkin: In Winnipeg, Mr. Kormos, it has worked very well for them, when we talked to the Winnipeg people.

The other thing about it is that it's important for us to have somewhere to start, and this is a very good start to get it moving. One of the big issues is that the injury, that type of thing, that our people face right off the bat is usually very serious; you don't get a second chance. This is a problem especially for my members, policing across Ontario, going into areas they may not have encountered before where you don't have a lot of intelligence, don't have the ability to be there one time before.

Your idea about the criminal aspect, Mr. Kormos, is excellent, and we'll be taking that to our national organization to bring that forward.

The Chair: Thank you very much for coming in this morning.

1130

NICK MAYS

The Chair: Our next deputant is presenting to us by teleconference from the UK, a Mr. Nick Mays.

Mr. Mays, can you hear us?

Mr. Nick Mays: I can hear you fine. Can you hear me?

The Chair: We can hear you loud and clear. My name is Bob Delaney. I'm the Chair of the standing committee on the Legislative Assembly. You're speaking to us this afternoon—UK time—at the Ontario Legislative Building to the assembled committee.

Mr. Mays, you have 10 minutes to present to us. If you leave any time remaining, I'll divide it among the elected members present to ask you questions by party. Please begin by stating your name for Hansard and proceed.

Mr. Mays: Thank you. Good afternoon. My name is Nick Mays. I am chief reporter of *Our Dogs* newspaper, the UK's leading weekly specialist canine periodical. I am a dog owner, and I consider myself to be a responsible dog owner. I have reported on the subject of breed-specific legislation, BSL, since 1991, when the British government enacted the Dangerous Dogs Act, and I have seen quite clearly that it does not work. John Major's Conservative government established the concept of breed-specific legislation in the UK in the spring of 1991 following a spate of particularly nasty dog attacks upon people by dogs alleged to be American pit bull terriers.

Even with a recent change of leader, the government was still deeply unpopular. The recession was beginning to bite and the government was on the ropes. The media had found a new bogeyman to hit on in the form of dangerous dogs. Ever since 11-year-old Kelly Lynch had been mauled to death by two Rottweilers in 1989, there had been lurid accounts of dog attacks in the national newspapers. Things reached a fever pitch in the summer of 1990, but miraculously, when Saddam Hussein

invaded Kuwait, the dog attacks either ceased to happen or weren't good copy any more. When, however, the Gulf War ended in early 1991, dogs were back on the agenda.

It is often supposed that Major's predecessor, Margaret Thatcher, did nothing to assuage public disquiet about dangerous dogs, but it is often forgotten that she brought through a short bill called, by strange coincidence, the Dangerous Dogs Act, 1989, an act designed simply to increase and tighten up the powers available to courts in dealing with aggravated offences involving dogs as enshrined in the existing 1871 Dogs Act.

So when the media hyped up dog attacks again in the spring of 1991, Home Secretary Kenneth Baker assured his place in history by accepting the advice of lobby groups and enacting the Dangerous Dogs Act, 1991, which was based on the simple premise of BSL, that all dogs of a particular breed or type are inherently dangerous and, by association, their owners belong to a particular social class. In his autobiography, *The Turbulent Years*, Kenneth Baker goes into some detail about his thoughts at the time: "The issue was made more complicated by the fact that the largest number of reported dog bitings was caused by Alsatians"—that is, German shepherds—"and other domestic breeds whose owners would never have regarded their pets as dangerous," writes Baker.

Baker's initial instinct had been to order the compulsory destruction of all pit bull dogs in the UK, but was advised in strong terms by the RSPCA and the veterinary profession that they would not co-operate in the wholesale destruction of dogs in this way. So Baker had to consider carefully what to do. Again, his mindset is clearly revealed in his autobiography:

"I soon discovered that while many people loved dogs, others loathed them. There was a danger of overreaction, with demands to have all dogs muzzled and to put Rottweilers, Dobermans and Alsatians in the same category as pit bulls. This would have infuriated the 'green welly' brigade. However, the 'pit bull lobby' came to my aid by appearing in front of TV cameras with owners usually sporting tattoos and earrings while extolling the gentle nature of the dogs, whose names were invariably Tyson, Gripper, Killer or Sykes."

Since 1991, the DDA has been shown to be flawed, and thus the whole concept of BSL is flawed. Dogs have been seized simply because of their resemblance to the pit-bull-type dogs, under section 1 of the act. Meanwhile, section 3 applies to the loose definition of any breed of dog being "dangerously out of control in a public place" by being mere apprehension on an individual's part that a dog is dangerous. This is literally a dog hater's charter, and has been used in many cases in neighbour-to-neighbour disputes.

Perhaps the worst facet of the DDA was that it was stacked against the dog and the owner from the start. The burden of proof was reversed: You were presumed guilty until proven innocent. It was down to you, the owner, to prove that the dog was not of the type or that your dog

had been dangerously out of control or, in some cases, both. Small wonder, then, that the DDA was called “a knee-jerk reaction of the very worst kind.”

It has been noted already in the proceedings in Toronto that the definition of “pit bull” is impossible when it is defined as a “type” of dog. The UK’s experience has shown this to be the case. Staffordshire bull terriers, crossbreeds, mongrels and other breeds such as Labradors and boxers have been seized as pit bulls.

Let us remind ourselves of some of the highlights of the Dangerous Dogs Act.

Tyler: Debby Stacey’s Tyler, a Staffordshire bull terrier cross, was seized in December 1991, one of the first victims of the DDA. Police kicked Debbie’s front door down and dragged Tyler off Debby’s screaming daughter’s bed in an early morning raid. One officer dragged Debby by the hair, dressed only in her nightdress, down the street in front of a bus stop full of commuters. Her feet were lacerated. Tyler was placed in a secret kennel where there is evidence that someone was letting the dogs fight each other. Tyler was covered in bite wounds, and even had lesions inside his mouth. When the case came to court, the judge said the case was so horrific that there should be a separate cruelty investigation. There never was.

After the case against Tyler had been proven, he was mandatorily destroyed. His body was returned to Debby by the police. His body was thrown on Debby’s doorstep by the police, in a garbage bag at the end, an act of sick spite. What effect did this have on Debby’s children, on their perception of the police? The DDA did nothing to enhance good relations between the police and society. That it was used in some cases as a weapon against individuals was clear beyond any doubt, but then bad laws often are.

Bullseye, another Staffie cross, was shot to death by police in March 1997, just weeks before the DDA was amended. He was a family pet, owned by Mr. and Mrs. Brown and their four young children.

The Chair: Mr. Mays, just for your edification, you’ve got about three minutes remaining.

Mr. Mays: Oh, I shall have to be brief. You have a copy of my presentation, I believe.

The Chair: We do.

Mr. Mays: Perhaps with the committee’s approval, I will skip toward the last page, if that is acceptable to the committee.

The Chair: Go ahead.

Mr. Mays: How much did this wonderful act cost and what did it achieve? Nearly £8.7 million was spent in breed identification alone in respect of DDA cases in 1996. One politician remarked at the time that a virtual cottage industry had grown up in pursuing DDA cases, mainly from the prosecution side. Also in 1996, a medical study found that there was no decline in dog bite presentations at hospital emergency departments since 1991. More recently, a report by the BBC in 2002 said that dog attacks have increased by 25%, again since 1991. So did it work? You do the math.

BSL has now been exported to other countries around the world, even though the concept, not to mention the DDA itself, has been shown to be flawed. However, BSL seems to represent to politicians in every country now, as much as it did in 1991, a quick-fix solution to anger over attacks by dangerous dogs. However, BSL is not a solution; it is, at best, a deferral of a localized problem and in the long run causes far more problems than it solves.

The pattern is the same: A spate of dog attacks, initially reported by local media, then hyped by national media, leading to politicians deciding to be seen to do something and then, on bad advice, seizing upon BSL as the way to tackle the problem. “Ban a particular breed of dog,” they say, “and, hey, no more dog attacks.” The only trouble is, BSL doesn’t work.

Let us remember that the German government changed its Constitution to remove certain legal safeguards from dog owners. Therefore, if a police officer has a mere suspicion that a dog is dangerous, that police officer can enter the owner’s home without a warrant and seize the dog and arrest the owner. In entering the home of a suspected or known rapist or murderer, the German police require a warrant, but if you are a dog owner, your civil rights have been taken away from you—no rights, no warrant, no dog.

Just think about that for a moment: They changed their Constitution. They removed dog owners’ civil rights. In the UK, the burden of proof was reversed, as is being proposed in Ontario, a province of Canada, a great country, a supposedly free country. It is a slippery slope to enact BSL.

The Ontario Assembly could follow that wise, intelligent lead of Austria and listen to the advice of experts who truly know about dogs or they can simply follow the pro-BSL herd, ignore the lessons of recent history and of wider human history and simply enact another bad and divisive law that penalizes the innocent. Historical precedent shows that people remember bad laws at the ballot box.

I thank you.

The Chair: Thank you very much, Mr. Mays. You’ve used the time that we have allocated for you, so unfortunately there isn’t the opportunity to ask you any questions. But thank you very much for joining us by teleconference from London this morning and also for your deputation.

Mr. Mays: Thank you very much. Goodbye.

1140

CANADIAN VETERINARY MEDICAL ASSOCIATION

The Chair: We will wait for the clerk’s office to contact the next deputant, the Canadian Veterinary Medical Association, who are standing by to join us by teleconference from Winnipeg.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): Mr. Chair, maybe while we’re wait-

ing, it would be appropriate to make a comment. We had a veterinarian yesterday make some good comments and some ill-advised comments. I want to share a broader concern other than the inappropriateness of some of the comments that were made. My experience over the last—

The Chair: Only if it's a point of order.

Mr. McMeekin: OK. I'll stop, Mr. Chair. If you want to stop the argument, I'll stop.

The Chair: We have Dr. Keith Campbell on the line.

Dr. Keith Campbell: Hello. There's quite a bit of feedback, but I'll do my best.

The Chair: I can hear you loud and clear. Can you hear me?

Dr. Campbell: I can't hear you. I've got a bit of background noise.

The Chair: Are you using a speakerphone?

Dr. Campbell: Now I'm not.

The Chair: Can you hear me now?

Dr. Campbell: I can. There's still quite a bit of background noise. OK?

The Chair: Everybody here is being very quiet for you, so it's either in the telecommunications lines or somewhere at your end.

My name is Bob Delaney. I'm the Chair of the standing committee on the Legislative Assembly. You will be speaking to us, representatives of all three parties from the government of Ontario, here at the Legislative Assembly building this morning. You'll have 15 minutes for your deputation. If you use less than that, we can divide the time remaining among the three parties for questions. Please begin by identifying yourself for the purposes of Hansard. Thank you for joining us this morning and proceed.

Dr. Campbell: My name is Dr. Keith Campbell. I'm a veterinarian in Winnipeg, Manitoba, and I am the president of the Canadian Veterinary Medical Association.

First, on behalf of the Canadian Veterinary Medical Association, the CVMA, I'd like to thank the members of the standing committee on Bill 132 for allowing me to make this presentation.

The Canadian Veterinary Medical Association is the national organization representing over 9,200 veterinarians across Canada. Our membership consists of veterinarians in private practice, government service, academia and industry. The diversity of our membership base gives us access to sources of expertise on many topics, including animal behaviour and animal welfare.

The CVMA has long been concerned about the safety of people when interacting with animals. In July 2002, the council of the CVMA approved the following general position statement entitled *Legislation Concerning Vicious Dogs*. The position reads:

"The Canadian Veterinary Medical Association supports dangerous dog legislation provided that it does not refer to specific breeds. This legislation should be directed at fostering the safety and protection of the general public from dogs classified as dangerous. The CVMA encourages and supports responsible pet ownership."

The background to the position statement is very brief and states that aggressive dogs, regardless of breed, are a significant threat to humans and other animals. The CVMA recognizes that aggressiveness in dogs is often a product of inappropriate methods of genetic selection, rearing and training. The CVMA recommends that municipalities considering dangerous dog legislation consult the model municipal bylaws proposed by the National Companion Animal Coalition. We have attached the model bylaw that was produced, and I'll talk about that in a second.

Canadian veterinarians were appalled at the numerous dog bite incidents last summer. We feel that whenever people and animals interact, human safety is of paramount importance. The CVMA has participated in the development of dog bite prevention programs with groups including the National Companion Animal Coalition and the Canada Safety Council, and CVMA encourages members to actively participate in educating schoolchildren regarding safety around animals. The CVMA encourages all levels of government to enact legislation that will protect the public from potential harm caused by animals.

We know that this committee has heard many presentations about the proposed legislation. We know that other groups have discussed the difficulty of enforcing bans on specific breeds of dogs due to the inability to prove the genetic lineage of individual dogs. We know that others have pointed out that vicious tendencies can occur in any breed of dog. We know that behaviourists have informed you that aggression may be as much, if not more, environmental than genetic. We know that other groups have warned that enactment of the legislation as proposed will result in the abandonment and euthanasia of large numbers of dogs, many of which are innocent, gentle animals. The CVMA agrees with all of these points.

As a result of CVMA's long-standing belief that responsible pet ownership is necessary in today's Canada, we collaborated with other interested groups and in 1999 produced the document entitled *Sample Municipal Bylaw Regulating the Keeping and Controlling of Companion Animals*. Again, we've attached that document. We believe this document could be an effective framework for legislation to ensure public safety with regard to companion animals.

The model bylaw provides a definition of a dangerous dog and outlines the responsibilities of all dog owners and the added conditions for ownership of dogs designated as dangerous. The conditions for ownership of dangerous dogs include higher licence fees, mandatory sterilization, strict leashing and muzzling regulations, confinement regulations, insurance requirements and warning signs on the owner's property.

The CVMA believes that legislation of this nature, coupled with adequate resources for enforcement, will better meet the needs of society for protection from injury by dogs.

In conclusion, the Canadian Veterinary Medical Association supports the enactment of legislation to pro-

tect members of the public from dangerous companion animals but cannot support breed-specific legislation. The CVMA encourages responsible pet ownership and supports any and all regulations to encourage and support that ideal.

Thank you for your attention and consideration. That's the end of my presentation.

The Chair: Thank you. If you can stay on the line, we've got time for a few questions. Each caucus should have about two and a half minutes, beginning with Mr. Tascona from the Conservative Party.

Mr. Tascona: Dr. Campbell, were you given an opportunity at all for any consultation with the Attorney General?

Dr. Campbell: No.

Mr. Tascona: Your model bylaw provides a definition of "dangerous dog" and outlines the responsibilities of all dog owners and is a constructive way to try to deal with responsible ownership. Unfortunately, Bill 132 is silent on that. It seems that the rationale we're hearing here today, at least from the police group, is that Bill 132 is a start in stopping the criminal element from using the pit bull breed. If you follow the rationale that it's a good place to start to stop the use of the pit bull breed by the criminal element, the next rationale is that when the criminal element uses another breed, that will be the appropriate time to ban that breed. What do you think about that comment?

Dr. Campbell: I think that's the reason that we have repeatedly stated that banning specific breeds is only a stop-gap measure and is not going to be effective in the long run, whereas broad-based legislation defining a dangerous dog, no matter what the breed, would give the enforcement agencies enough tools to be able to do something without waiting for re-enactment of new legislation.

Mr. Tascona: Has your sample municipal bylaw been followed by any municipalities?

Dr. Campbell: I can't answer that one. I don't know.

The Chair: Thank you very much. Mr. Kormos will ask you a question on behalf of the New Democrats.

Mr. Kormos: Doctor, you know that members of the Ontario government are characterizing you and others like you as a bunch of whiney, liberal bleeding hearts who are letting your affection for dogs override your scientific skills. How do you answer those critics?

Dr. Campbell: The fact that the CVMA produced its position statement in July 2002—and that was actually just a reaffirmation of one that had been previously approved by the council at least five years before that, because we re-examine these things every five years. We're not doing this as a reaction to any legislation. We've felt for a long time that dangerous dog legislation should be exactly that: dangerous dog legislation.

Mr. Kormos: By the way, how's the breed-specific ban doing out there in Winnipeg?

Dr. Campbell: Well, if you want to look at statistics, I have some here. Since the ban was implemented in 1989, there have been over 3,000 dog bites in the city of

Winnipeg; there have been 87 identified breeds and 94 crossbreeds. It doesn't seem to solve the problem of dog bites.

Mr. Kormos: What about the severity of dog bites?

The Chair: Thank you. A question from the government side, Mr. Zimmer.

Mr. Zimmer: In answer to a question from Mr. Tascona, I think you said that the CVMA had not met with the Attorney General. Is the CVMA a member of the National Companion Animal Coalition?

Dr. Campbell: Yes, we are.

Mr. Zimmer: Are you aware that the National Companion Animal Coalition attended a round table discussion in September 2004, chaired by the Attorney General?

Dr. Campbell: That may have slipped my mind.

Mr. Zimmer: Thank you.

The Chair: Are we complete? OK. Dr. Campbell, thank you very much. We appreciate the time and effort you've taken to submit your deputation and to attend with us via teleconference.

Dr. Campbell: Thank you for the opportunity.

The Chair: Just before we recess for the morning, is Arlene Malcolm in the room? Hearing that she is not, this committee is now recessed until 1 o'clock.

The committee recessed from 1152 to 1302.

ANDREW ROMAN

The Chair: Good afternoon, everyone, and welcome back. Our first deputation this afternoon is from Mr. Andrew Roman, who is very helpfully sitting right where he should be. Thank you very much for coming in, Mr. Roman.

Mr. Roman, here are the ground rules, if you haven't been with us at any point in the hearings. You've got 10 minutes to address us this afternoon. If you leave any portion of that time, we'll divide it equally among the parties for questions. Please begin by identifying yourself for Hansard and proceed.

Mr. Andrew Roman: My name is Andrew Roman. I'm appearing on behalf of myself, my spouse and my dog. I have issued or circulated a brief to the committee that they can look at afterwards. I don't intend to read it; I'll merely be summarizing it.

I should mention by way of introduction that I'm a lawyer with a large law firm in Toronto. I've been retained in the past by all three political parties in this Legislature to draft legislation for them, everything from the Environmental Bill of Rights to the Class Proceedings Act and the Electricity Act, so I thought I would take the opportunity to offer some advice on this particular legislation.

I'll start by presenting you with my conclusion or bottom line, in case I don't get there earlier. I would start by saying that there is clear and compelling evidence that pit bulls represent a high risk to public safety, despite the best efforts of some of their more responsible owners to limit that risk. Reports of serious and even lethal pit bull

attacks appear in the media regularly, and the public wants the Legislature to do something about it.

Dogs that have been bred for a particular purpose, in this case fiercely and tenaciously attacking bulls, should be presumed to be likely to do what they have been bred to do. The social utility of permitting breeding for sale, and the sale and purchase of the next generation of pit bulls, is very low, given that there are so many other dogs to choose from.

It's been suggested that defining the breed will be difficult. I disagree; I think it will be easy. I think that understates the skill of legislative drafters, and I can provide you with one definition that would work.

The Legislature also has little to fear from a court challenge; I would submit that that has just about zero chance of success, and I would volunteer on a non-fee basis to represent the Legislature and the government if it is attacked. I like winning cases, and this is one I'm convinced I would win.

The only danger today is that a small but vocal minority will intimidate or confuse the Legislature, causing it to undervalue the public safety of the silent majority that has good reason to fear.

I've set out in my brief, and I won't repeat, the nature of the attack that occurred on my dog and my spouse. I'll let you read that in your full time. The policy basis for the law, I would submit, is what is considered an unreasonable risk of harm or the risk-utility analysis. That is what we do for environmental law, for smoking legislation, for all kinds of legislation, and this is no different. The risk is high in comparison to the utility of owning one particular breed of dog rather than some other.

I do talk also about the inherent unreliability of certain statistics that are used and I think we should rely on them only with great caution. There are a variety of reasons why obtaining statistics is not easy to do, but then most decisions about public safety, as I say in my brief, are not made on the basis of statistics anyhow.

One of the things I do compare that I think I would highlight is the relationship between gun control and pit bulls. A gun is an inanimate object and once you own it and lock it up, it isn't going to do anything unless the owner does something. A pit bull is a living creature with a mind and instincts of its own and unless its owner is prepared to keep it chained up 24/7, when the owner is watching TV or having a shower, that pit bull can be out the window very quickly and attacking somebody. That's why I say that there is no such thing as responsible ownership of anything that dangerous. A person who believes they can control that kind of animal is one who vastly overestimates their own capacities and their own vigilance. It just isn't realistic. The only effective way to ban the deed is to ban the breed. Nothing else will do.

With respect to defining the breed, we have legislation that can define inherently vague concepts like environment or income. One of the easy ways—and there are many ways of defining dog breeds—is to include in the definition not only all breeds that are synonymous with pit bulls, such as Staffordshire bull terriers or American

pit bulls, but also any dog bred or sold by a dog breeder in the last 20 years where the breeder has represented or claimed that the dogs it has bred or sold are pit bulls etc. That's the way our health legislation works, by the way. The Food and Drugs Act defines "drug" as something that someone represents will cure or alleviate the condition of some organ of the body. If someone represents that they are selling pit bulls, I think you should take them at their word, and anyone who has purchased from that person should be deemed to own a pit bull. As I say, that's only one way of defining it, and there are others.

With respect to the court challenge, I would submit that there is no charter right to own any particular breed of dog. The Canadian Charter of Rights and Freedoms doesn't go that far, and the Legislature has the right, apart from that, to legislate in favour of public safety without justifying to the courts how or why it did so or what led it to that conclusion.

That's all I have to say by way of introduction and I'll leave myself open to any questions.

The Chair: Thank you very much. We'll have time for just one question and it would go to Mr. Kormos.

Mr. Kormos: Thank you very much for coming. My choice in questions was to either ask you your opinion of Mr. Ruby's legal skills, recognizing that lawyers are the world's second-oldest profession, or to put this to you: The problem we have is—and I hear you; your position is similar to that of a significant number of presenters. But the position is one that says all of the scientific, professional, acknowledged behaviouralist, academic research—but for Professor Alan Beck, who provided a one-line blurb like the back of a paperback promotion to the government—is that they're all wrong but you. That's where my dilemma is. What are you saying, then, about the scientific community, about the research community, about the academic community, all of whom are not on side with you and others who share your position? And there are a significant number of others who share your position.

Mr. Roman: I would break that down into two segments. One is the vets and the other, I suppose—

Mr. Kormos: You're not going to do the Clay Ruby question?

Mr. Roman: I have no doubt that Clay Ruby is a very competent lawyer. I've known him for probably as long as both of us have been practising.

Mr. Kormos: But you're saying you'll whip his ass if he takes—

Mr. Roman: I wouldn't put it quite that way. I would say that the judiciary is more likely to agree that the Legislature has legislative authority in this area than with the position I'm getting from the newspapers that Mr. Ruby would take.

The other point, however, is that I think lawyers and vets should have a pact. I won't offer veterinary advice if vets don't offer legal advice. I'm frankly not impressed by vets who come forward and try to deal with very limited statistical information without looking at other disciplines such as health and so on. We have PCB bans,

for example. We have bans on a large number of products where the solid scientific evidence is not there. The tobacco industry will tell you now—and I've got a case against them next week—

The Chair: Mr. Roman, I need you to sum up, please.

Mr. Roman: —that cigarettes don't cause lung cancer, and yet we still have laws about that. We worry about second-hand smoke. We have legislation about that. The point is that if you wait until you prove everything to the third decimal point statistically, you would never do anything, and most of the laws that are now on the books would long ago have been repealed.

The Chair: Thank you very much, Mr. Roman. Thank you for coming in today.

1310

DIANNE SINGER

The Chair: Is Dianne Singer in the room, please?

Ms. Singer, welcome this afternoon. You have 10 minutes to address us today. If you leave any time remaining, we'll divide it among the parties for questions. Please begin by identifying yourself for Hansard and proceed.

Ms. Dianne Singer: My name is Dianne Singer. I thank the members of the committee for inviting me to make a presentation concerning Bill 132. I commend the government of Ontario for addressing one aspect of public safety.

I am here to express my grave concerns about the scope of Bill 132 and, if enacted, its effect on responsible, law-abiding dog owners in Ontario. I'm not a lawyer, but reading this proposed legislation causes me to seriously question its scope and intent. It is very cleverly written. I believe it is malevolent. There is a quote attributed to Julius Caesar that I find relevant to this circumstance: "All bad precedents begin with justifiable measures."

I believe that in a free and democratic society, there must be a reasonable connection, a nexus, between the harm that the lawmakers seek to avoid and the remedy that the legislation will use to reduce the harm for a legislative penalty to be valid and enforceable. The nexus needn't be a 100% connection; it just has to be reasonably related. However, if the nexus is too remote, the legislation will be inadequate to solve the problem.

Many presenters have provided factual information concerning dog bites and attacks in Canada. These facts and statistics prove that dog bites and attacks are not made solely or primarily by pit bull terriers. In fact, if pit bull terriers were the threat claimed by the government, there should be far more fatalities than are attributable to the type.

The government, I believe, has not presented any sound foundation for this proposed legislation. I do not believe there is a factual basis for this proposed legislation. The proposed legislation appears to be based on urban myth and emotion.

So, are dog bites and pit bull terriers reasonably related? Dog bites are not solely or primarily by pit bull terriers. So the nexus between dog bites and breed-specific legislation is too remote. The proposed legislation would not be effective to protect people from harm from most dog bites. Since the lawmakers have not established a reasonable nexus between the harm, which is dog bites, and the remedy, which is breed-specific legislation, the proposed legislation should not be passed. If the proposed legislation is enacted, I hope that it is open to attack in court as void and unenforceable.

If a government passes law based on emotion rather than fact and reason, we have lost our moral compass.

My greatest qualm concerning this legislation: I believe that its lack of definition of "pit bull" causes it to be applicable to all short-haired dogs in Ontario, something which hasn't been clarified to the public. Every owner of a short-haired dog should be enraged by this proposed legislation.

In the Hansard report of the January 24 committee meeting, Mr. Abi Lewis, counsel in the policy branch, Ministry of the Attorney General, stated: "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." Why, then, did the government not include this extrapolated or consensual definition or description of "pit bull" in the proposed legislation? Why does the legislation contain a non-description?

The lack of definition of breed, type, class, menace, bite and attack makes Bill 132 open to subjective interpretation and enforcement by persons untrained in breed recognition and dog behaviour. One should not assume that there is understanding of the definition of any of these terms unless they are defined. The prospect of a peace officer who is unfamiliar with dog breeds and dog behaviour determining a dog's fate is frightening.

Much of Bill 132 condemns a dog for its appearance, not its behaviour. The dog need not have committed an offence to be seized and euthanized or sold to a research laboratory—no investigation, no trial.

I ask why this proposed legislation contains a reverse onus, a presumption of guilt based on appearance rather than action; why it allows municipalities to make laws no less onerous than the proposed legislation, allowing them to make more onerous laws; why it allows for the appointment of what could be a pit bull police; why it allows search and seizure without a warrant and without any investigation on what may be spurious grounds; why it is not clear whether the owner of a dog seized without a warrant is entitled to a court hearing; why search warrants are valid for such a long period of time—double the amount of time under the Provincial Offences Act; why it does not specify that a seized dog must be kept alive, safe and humanely treated until charges against the owner are settled; why it funnels family pets to research laboratories.

I question whether this proposed legislation is fair and just to responsible, law-abiding dog owners. I believe that breed-specific legislation gives a false sense of security to the public and punishes the many responsible owners and their dogs for the acts of the few irresponsible and criminal owners. I direct you to the volume of evidence presented to this committee that breed-specific legislation is ineffective, unworkable and expensive. I direct your attention to the horrors of breed-specific legislation in the UK and Germany: thousands of dogs killed; thousands of owners devastated by misidentification of their dogs; a man shot while walking his dog; dogs shot in their own front yards, shot in front of children—no offences committed, no reason for these deaths other than appearance.

The Chair: Dianne, just to advise you that you have about three minutes.

Ms. Singer: Thank you.

I ask you why jurisdictions have passed legislation prohibiting breed-specific legislation if it's such a good idea. California, Minnesota, New York State, Oklahoma and Pennsylvania are just a few. New Brunswick is in the process of drafting dangerous dog legislation that is not breed-specific. New Brunswick rejected breed-specific legislation after public hearings.

The government is ignoring the fact that only 0.01% of any breed is involved in a biting incident. The government is ignoring the fact that this proposed legislation punishes the 99.99% of dogs and owners who are innocent of any offence.

I ask whether the province and the municipalities are prepared to spend their limited money defending civil suits for seizures, breed misidentification and clarification of vague provisions. I direct you to the judgment awarded against the city of Cincinnati, Ohio for misidentification of dogs. This was one of the catalysts that caused Cincinnati to overturn its 13-year-old breed-ban legislation.

I believe that the proposed legislation lacks safeguards to prevent abuse and oppression and may in fact be oppression of responsible, law-abiding dog owners and their property: their dogs. This proposed legislation would cause Ontario dog owners to become second-class citizens. An enlightened, intelligent government would enact dangerous dog legislation without regard to breed that would place responsibility where it belongs: on the irresponsible or criminal owner.

To assist the committee with its deliberations, I have provided in my presentation a clause-by-clause chart of Bill 132 with my questions and comments. I've also drafted and included sample non-breed specific dangerous dog legislation with clear definitions.

To quote William Oliver Douglas, a famed jurist, "Common sense often makes good law." I ask the committee to implement common sense solutions to the problem of dangerous dogs: dangerous dog legislation that is not breed-specific.

I sincerely hope the government of Ontario has not invested so much in the hyperbole promoting Bill 132

that the government cannot or will not see that there is a simpler, cost-effective, workable solution: dangerous-dog legislation that is not breed-specific. That would be fair and just to all and provide the element of public safety which was the genesis of this entire situation. Thank you.

The Chair: Thank you very much for having come in. Unfortunately, you have used up your entire time and there isn't any remaining to ask you questions, but thank you again.

1320

MIKE DABROS

The Chair: Are Mike Dabros and Jean Dabros in the room?

Please be seated and make yourself comfortable. As you know, you've got 10 minutes to address us. If you leave any time remaining, we'll divide it among the parties for questions. Begin by identifying yourselves clearly for Hansard, and then proceed.

Lieutenant Colonel Mike Dabros: I'm Lieutenant Colonel Mike Dabros. I'm a Canadian Forces officer, a tactical helicopter pilot. This is my wife, Jean. She is an elementary schoolteacher in Gananoque. We come from the town of Kingston.

I mention our professions to emphasize the fact that we are not drug dealers, gang members or any of the other things the media frenzy would lead people to believe that owners of our dogs actually are. We feel we are ordinary citizens, representatives of responsible dog owners from across the province of Ontario. We are here to speak for our dogs, for our children and for our family.

We are in favour of increasing public safety with respect to dangerous dogs, but we agree with the majority of the expert advice that this committee has received over the days of hearings: Breed-specific bans are not a just and workable solution to the problem of dangerous dogs.

We have never been politically active in our 40 years of responsible citizenship. It took the injustice and the unreasonableness of Bill 132 to accomplish that. We truly feel that we are here fighting for our family's way of life as we know it against our own government, as some kind of twisted reward for close to 40 years of responsible dog ownership.

With this law, the government of Ontario will come into our home and criminalize our way of life with absolutely no basis for doing so. We and our dogs have done nothing wrong, nor are we prone to, yet we are guilty, without even the opportunity of defending ourselves. We want you to know how this bill will impact on the other innocent victims in this debate: the responsible owners and the good dogs.

We both grew up in homes where purebred dogs were common. We experienced many breeds as pets and as pets of friends: spaniels, boxers, poodles, Dobermans, German shepherds, Dalmatians, pointers and Labrador retrievers, to name a few. All were capable of biting, and we have more than one memory of those dogs having done just that. We owned a dog early in our marriage that

displayed temperament problems. He was not one of the banned breeds. As a result, we had him put down at the age of four.

When we started our own family, we wanted our children to experience the joy of growing up around dogs, but because of normal parental concerns with small children, temperament became paramount; in fact, it was our prime concern.

The beauty of purebred dogs is that they breed true to temperament or whatever characteristics are emphasized in their breeding. We consulted a breed referral service that was sponsored by the kennel club—we lived in Halifax at the time—and they recommended what was to us a little-known breed called the Staffordshire bull terrier. We were told that no breed is more tractable or more trustworthy with children. We are here to tell you that they were absolutely correct, and based on more than 15 years with these dogs and exposure to hundreds of them at dog shows and social events over that time, that conviction has been strengthened. We've never seen one bite, much less show any form of human aggression, including growling at people. In fact, there is not a single case of an unprovoked bite by a purebred, CKC-registered Staffordshire bull terrier in this country, a record that very few breeds can claim. The fact that the government must know this and is still planning to ban the "nanny dog" is, to us, a simple absurdity.

Our children have put these dogs to the test. There are photographs of our dog with our children in attachment A. They have essentially been raised by these nanny dogs almost as siblings. The dogs would fret over first bike rides and first days of school, and they would respond with joy each time a child returned safely to the fold. They endured hours of "dress up," and they are always included in whatever child's game is going on around the house. These dogs are "as advertised." They are the best breed, bar none, with children.

There is one point I would like to make that is a bit of a departure from my prepared presentation. I know it has been stated in the record of these hearings that the Bill 132 definition of "pit bull" is the same as that used by the city of Kitchener. This is factually incorrect. The Kitchener definition, which is attachment C, does not include CKC- or AKC-registered purebred Staffordshire bull terriers and American Staffordshire terriers. This makes the two definitions fundamentally different. I believe this misunderstanding highlights the superficial level of research that has gone into this bill.

I've stated that the breed-specific provisions of Bill 132 have radicalized us, our families and our friends, and we've collectively realized, "My goodness, but if the government is so wrong about the Staffordshire bull terrier, how wrong can they be about these other breeds that they've identified?" Our conclusion is, very wrong. To us, the Staffordshire bull terrier is simply the exception that proves the rule: There is no such thing as an inherently dangerous dog or breed of dogs.

We've listened to those other owners protect their families and their pets over the course of the last several

months, and we've realized that their experience isn't unlike our own. They're responsible owners of good dogs and, unbelievably, the government of this province is poised to legislate them out of existence as well, while doing nothing to address the real problem of truly dangerous dogs and their owners.

We're incredulous of people who have never owned one of these dogs, who can't even identify one, much less appreciate their true personality and temperament, telling us that it is in their nature to be vicious, inherently dangerous, while the vast majority of experts have been emphatic in coming in here and telling you otherwise. The question is, are you listening to the facts with an open mind, the way the legislators in New Brunswick did?

We've been around these dogs for over 15 years, hundreds of these dogs that never once have been seen to show any sign of aggression to humans, and we can say with the conviction of parents of three young girls that they are not inherently dangerous, certainly not a breed apart, but rather inherently loving and caring pets. Meanwhile, Bill 132 would unreasonably destroy them over time and, as a result, destroy the families that have chosen to make them part of their lives.

We walk our dogs on crown land near our home, always on a lead, and frequently there is a loose golden retriever that will charge us in an aggressive manner, off the lead, growling, its hair standing up, that on one occasion attacked our dog, which was on its lead. That's the dog that scares us. Yet it's our dog that is banned, our dog that has to be controlled, our dog that has to be muzzled, our family that has to be sanctioned. If ever anything serious happens as a result of those encounters with that dog, it will be our dog's fault because of the shape of its head, the look of its ears and the way it wags its tail. Unbelievable; that's not reasonable legislation.

In fact, given its personal and intrusive nature, we're tired of hearing the claims of the politically partisan that this is reasonable legislation. It's not. Reasonable legislation that is truly in the interests of public safety does not radicalize ordinary citizens and their families, as is happening with this bill.

The Chair: Mr. Dabros, you have about three minutes.

Lieutenant Colonel Dabros: Thank you.

Reasonable legislation does not ordain the eventual destruction of tens of thousands of innocent and reliable dogs that are statistically far less likely to bite than other dogs that apparently do not concern this government. Reasonable legislation does not force ordinary, law-abiding citizens to seek costly litigation to protect their rights and those of their families from poorly researched and superficial law, whose illogical, breed-specific foundation and reverse-onus provisions will not likely withstand sober judicial consideration.

Responsible legislation that is supposedly in the public interest does not deprive law-abiding, responsible families of the right of owning a dog that the experts say is the most reliable and stable with children, indeed a breed

that's been bred for over 100 years to ensure its lack of human aggression, a characteristic of temperament for which it breeds true.

Reasonable legislation would not deny my children, my grandchildren and my grandchildren's children the right to be raised in the same loving family environment that they themselves knew, one that includes the breed of choice insofar as their trustworthiness and their reliability are concerned. Reasonable legislation would focus on the deed and not on the breed, and protect all potential victims from all dangerous dogs, and it would respect the findings of the Courtney Trempe inquest.

We support the principle of Bill 132; that is, the improvement of public safety through better law to regulate all dangerous dogs. Its breed-specific provisions will not accomplish that, while creating all manner of new victims, ourselves and our family included. This bill needs to demonstrate that we're serious about taking action on all manner of dangerous dogs, not just the extremely small percentage that might be controlled by eliminating tens of thousands of innocent ones.

The government needs to think about what it will tell the next victim whose child gets mauled by a German shepherd, a Rottweiler or a Labrador retriever, something that will inevitably happen, not only because it's statistically more likely but also because Bill 132, as written, does little to address truly dangerous dogs of all breeds. At that point it will be obvious that the emperor has no clothes, but at that point it will also be too late.

Do the right thing with Bill 132 and the opportunity it represents. Listen to the experts and the people of Ontario on this issue and forgo breed-specific legislation in favour of strong dangerous-dog legislation that puts the onus on responsible owners.

Thank you.

The Chair: You've used up virtually all of your time and unfortunately we won't have an opportunity to ask you a question. Thank you very much for having come in today.

Mr. Kormos: Chair, with respect to the material received, the fact that these dogs dress up as women in their private lives is none of our concern, but did they know that these photos were going to be—

The Chair: The manner in which the dogs do dress may be interesting, Mr. Kormos, but it is not only beyond the scope of these hearings, it is beyond the scope of the provincial government. Thank you.

1330

MARK FOX

The Chair: I'm informed that Leslie Warren is not in the room. Is Mr. Mark Fox in the room?

Mark, come on up. Have a seat and make yourself comfortable. You have 10 minutes to address us today. If you leave any time, it will be divided among the parties for questions to you. Please begin by stating your name for Hansard and proceed.

Mr. Mark Fox: Thank you very much. My name is Mark Fox. I will be very brief. I come before you not as a representative of any group but as an individual citizen residing in Toronto. I have not come to this meeting with reams of facts and figures. Instead, I've come to tell a story, someone else's very personal story.

Last Friday, Mr. Terry Kelly and his son, Max, joined our family for dinner to celebrate my son's birthday. During the dinner I mentioned that I would be presenting to your committee. It was then that Terry told me the story of Maggie.

About two years ago, Terry met Maggie at the Toronto Humane Society. Terry fell instantly in love. Maggie was a seventh-month-old puppy purported to be a terrier cross. Maggie had been returned three times and was sporting a cut that required 32 stitches to close. Once home, Maggie proved to be a loving pet. She kissed, she talked, and never growled. The entire family loved Maggie, and Maggie loved them.

Over time, it became apparent that Maggie was a bit different from other dogs. She was unusually alert to movement, and she was fast. As she matured, Maggie's powerful body and oversized jaws became apparent. The vet told Terry that Maggie was a purebred pit bull. Mindful of others' perceptions of pit bulls, Terry spent many hours training her so that she would always respond to commands, and she was always on a leash when walked.

Nevertheless, Maggie's breeding broke through: If it moved, she was interested. Chasing after balls was easy; grabbing a pigeon out of the air was more fun. One day, Maggie got into a fight with a German shepherd in a nearby park. True to her breeding, Maggie was not easily deterred. The shepherd lost, and almost died.

Terry came to the realization that he owned a genetic freak. Its jaws and body were bred for a purpose. Its zeal for the fight was unwavering. Though a loving pet, Maggie was always a little on edge, a little like a PlayStation with a bomb inside: hours of fun, but not sure if and when it would blow up. Ever aware of Maggie's high-strung state, Terry's son Max was always making sure that Maggie would not escape the confines of their home. Maggie was no longer welcome at the park. Terry and Maggie would have to roam the streets late at night. If it moved and was an animal, Maggie was ready to go after it.

In the end, Terry had to find a new home for Maggie. The Kelly family home environment changed, and Terry could not rely on Maggie's behaviour.

What is the moral of this story? It's very simple. When you breed a dog to be a superior killer, the breeding will eventually break through regardless of how caring and careful the owners are. As my wife said, it's nature over nurture.

I am proud to be Canadian. I am proud to live in a multicultural city like Toronto, where respect for each other's way of life is paramount. I'm also proud to live in one of the safest cities and countries in the world. In a civilized society, we have to make hard choices. Is the

freedom to own a gun more important than the safety of others? Not in Canada.

Therefore, I must ask you, is the freedom to own an animal bred to kill more important than the safety of others? I hope not. Thank you very much.

The Chair: We will have time for some questions, beginning with the government side.

Mr. Dave Levac (Brant): Thank you for your story. Have you been aware of some of the comments made in terms of legal challenges, that some people believe it won't withstand the test of a legal challenge or that it will withstand the test of a legal challenge?

Mr. Fox: I have not been following that; no.

Mr. Levac: Then I won't proceed down that avenue. What I would suggest—I saw a video provided to me by a constituent a while ago that indicated that even if “breed-specific” were removed, there would still be concerns about pit bulls in leash-free parks, that it's advised by some experts that pit bulls not be allowed to participate in leash-free parks.

Mr. Fox: I have not seen the video.

Mr. Levac: OK. That's all. I don't want to pursue that.

Mr. Tascona: I want to thank you for coming here today. You had decided to present here before you had met this individual for dinner, I take it. What was your view before you discussed it with this individual?

Mr. Fox: My view was the same. That's why I responded to the committee; that's why I wanted to come here. But the approach I was going to take was based upon the information that was available to everybody, as opposed to this personal story. I thought this personal story was a lot more compelling.

Mr. Tascona: I understand that. What we've heard in the hearings is that if any dog is not treated properly when they're a puppy, they're going to develop a disposition problem. That's something we'd like to see perhaps put into this legislation to deal with responsible dog ownership and with vicious dogs per se, in terms of providing methods for better and more responsible dog ownership. Would you agree that it should be something we should also be looking at in this legislation?

Mr. Fox: I certainly commend the committee for going in that particular direction. I think everybody's in support of that. The Toronto Humane Society's in support of that. I agree with that position.

Mr. Tascona: In terms of this particular puppy, it was seven-months old. Did the Toronto Humane Society ever tell your friend where they got the dog or who trained the dog or who had been with the dog?

Mr. Fox: The person to whom I'm referring didn't know at the particular time, but afterwards, through investigation, found out more about it. I believe that Terry is now one of the directors on the board of the Toronto Humane Society, actually.

Mr. Tascona: You're going to get a situation where you have one particular dog—and I wouldn't want to extrapolate to an entire group from one experience with a dog. You can take it from me that I believe what you're

saying. But I think the danger we're trying to deal with here is that when we're dealing with a number of different definitions under the legislation—I think you've seen those and you've heard different types of issues with respect to whether you can determine what the breed is. They say there's no specific breed when they're trying to identify what would be a dangerous dog in terms of a pit bull terrier. That's where I think there are some issues. I think you heard the previous speakers and what their experience was with the Staffordshire terrier, and it was a positive one. So that's something we have to be looking at in the legislation before we too broadly define what we're trying to deal with here in terms of pit bull terriers. Would you agree?

Mr. Fox: I've looked at the same statistics, I believe, that have been presented to you over and over again. The statistics out of the US say that over 50% of the fatalities due to dog bites were due to pit bulls and Rottweilers. The same papers then go on to say that it's probably the case that the number of dogs of those breeds is relatively low, so that the probability of attack with a dog like that is going to be much greater than other dogs because there are a whole lot of other dogs out there.

Mr. Tascona: If you have that document, if you could table it with the committee, we'd appreciate it.

Mr. Fox: Yes, I've got it right here.

The Chair: Mr. Fox, thank you very much for having come in today and for delivering your deputation.

1340

HUMAN-ANIMAL BOND ASSOCIATION OF CANADA

The Chair: Is there a representative from the Human-Animal Bond Association of Canada in the room?

Welcome. Please sit down and make yourself comfortable. You have 15 minutes to address us this afternoon. Please begin by stating your name for the purposes of Hansard. If there's any time remaining, we'll divide it among the parties and one or more will be able to ask you some questions. Please proceed.

Ms. Margaret Schneider: Thank you. My name is Margaret Schneider. I'm here as a member of the board of directors of the Human-Animal Bond Association of Canada, known as HABAC. HABAC is one of many organizations worldwide which promotes the understanding and appreciation of the relationship between humans and animals.

HABAC is very concerned with preventing dog bites in general and serious dog bites in particular. However, we oppose breed-ban legislation because it has not been shown to be an effective method of prevention. HABAC supports vicious dog legislation that would: focus on dangerous dogs, not specific breeds; provide the legal framework to effectively lay charges against irresponsible owners; promote responsible dog ownership and owner education; and hold irresponsible owners accountable by providing legal support to enable victims of vicious dog bites to recover damages or have other

recourse, not only when a dog seriously injures a human, but also when it injures another dog.

I've attended some of these hearings and have read the transcripts in Hansard and, on a personal note, I must say that I am appalled at the lack of support from law enforcement that the victims of dog bites and their families have received.

In addition to my responsibilities with HABAC, I'm also a registered psychologist with a background in social and community psychology. I'm a professor at the University of Toronto, where I teach graduate courses in research methods and chair the ethics review board, which reviews all research proposals at the Ontario Institute for Studies in Education.

I would like to begin by commenting on the statistics that have been cited during these hearings. First, in order to demonstrate that breed-ban legislation works, you need to have established a reliable baseline in order to compare bite frequencies before and after the enactment of the legislation. Because frequencies of dog bites would be expected to fluctuate over time, the baseline has to be established through several measurements at regular time intervals. In other words, we'd need to know, reliably and accurately, the rate of dog bites over a period of time before breed-ban legislation is enacted, and then we'd need to have a reliable and accurate count of bites over a period of time following the enactment of the legislation.

Do we have a reliable and accurate measure of dog bites? I doubt it. Many dog bites are not reported, even when a victim seeks medical treatment, because dog bites are not included in mandatory reporting laws. This, in and of itself, brings the statistics into question. We don't even have reliable figures regarding numbers of dogs and number of dogs in each breed. Any statistic about the proportion of bites that any breed accounts for is suspect because they are based on incomplete data, and that includes Alan Beck's data, which was the focus of considerable discussion a few days ago.

Even if the statistics were reliable, there is still the question of cause and effect, whether any change in the rate of dog bites, including vicious ones, could be attributed to the legislation. There are many reasons for fluctuations in the rate of dog bites, including just random chance. Furthermore, any legislation addressing dog bites and safety, regardless of whether it's breed-ban or vicious dog legislation, would likely, in and of itself, result in some transitory changes. This is because the process of passing the legislation might heighten people's awareness of dog bite risk and perhaps they'd be more careful. We call this the Hawthorne effect, no doubt familiar to those of you who took psych 101.

What this means for dog bite statistics is that, even when they are accurate at any given time, they also need to be tracked over several years before and after the introduction of legislation to determine whether the legislation is effective. To my knowledge this has not been done systematically, precisely the point that Lori Gray made a few days ago.

The final issue regarding statistics is the size of the effect. When we look at statistics on frequencies of dog bites before and after the passage of legislation, it's important to ask how much of a difference in the number of bites before and after represents a real change as opposed to a change just due to the usual, random variation in number of bites from year to year. Let's say a particular town had 100 reported dog bites in 2002, then enacted dog-bite bylaws in 2003, and in 2004 had 98 reported dog bites. Would those statistics convince you of the efficacy of the bylaws? Probably not. What about if the proportion was 100 to 90? Well, maybe. What about if the proportion were 100 to 50? Well, yes, that's pretty convincing.

As you can appreciate, there is a grey area where we might not really be able to tell from the numbers alone whether or not the bylaws were effective. A statistical analysis will identify the point at which we can be reasonably sure that the difference between the before and after figures are the result of the legislation rather than the result of random chance. I have not seen any proper statistical analyses applied to any of the figures cited here or elsewhere. They may exist, but I haven't seen them.

Anyone, including myself, who has worked in the social service sector will tell you that, before the government commits funding to a prevention program, it will ask for evidence that the program will be effective. Yet this government is proposing legislation aimed at preventing dog bites without any evidence of its efficacy; legislation that, according to testimony, will be extremely expensive, and that's bad public policy.

At this point, I'm sure I don't have any friends in the room. I've just thrown out the statistics that both sides have been using to support their positions. However, to me we don't need statistics to conclude that the proposed legislation is doomed to failure simply because it's based on faulty logic, the same faulty logic that leads some people to believe that racial profiling in humans is a sound law enforcement strategy.

First, let me say, before pursuing this analogy, that I don't want to trivialize racial profiling. It's an intolerable infringement on human rights, but we also know that the logic behind it is faulty, that it is an ineffective method of crime prevention and it does not get at the root causes of crime. The reasoning behind it is the result of psychological gymnastics that have been well documented in the scientific research in the area of social psychology, something in which I am very well versed. Much of what I'm going to summarize now can be found in the Handbook of Social Psychology in a chapter concerning prejudice, discrimination and stereotyping.

It's human nature to categorize our environment, including the people in it. It helps us view an otherwise chaotic world in an orderly way, and then, based on our experience, we make benign generalizations that often work to our benefit, like police officers are our friends or children like ice cream. These generalizations stop being

helpful when they're based on biased or inaccurate information.

One of the ways this happens is when people are different from ourselves in obvious ways, for example, skin colour. We are more likely to link them with particular types of behaviour. It's a form of tarring with the same brush and is referred to as "categorization disadvantage." For example, until not long ago, when a Caucasian committed a crime, the news media would typically refer to the suspect as a "person." When a person of colour committed a crime, the person became a "black" person, thereby heightening our awareness whenever a black person committed a crime and setting the stage for the establishment of a stereotype.

The stereotype is reinforced by what's called "matching advantage." In other words, we recall information that's consistent with stereotypes and dismiss information that's inconsistent. We pay attention when a crime is committed by a member of a particular racial or ethnic group, but dismiss it as an exception to the rule when it's committed by our own racial or ethnic group.

Similarly, we remember dog bites involving so-called pit bulls because they fit the stereotype and forget bites involving other breeds that we find more likeable, or, as we've heard in other presentations, erroneously attribute the bite to pit bulls.

This is the psychological foundation for the illusion that racial profiling and breed-ban legislation work. Both these strategies for crime prevention and bite prevention, respectively, are based on illusions that are a function of the way in which humans filter information.

Sure, racial profiling will scoop up the occasional criminal, regardless of the race or ethnic group, but at what cost to innocent people and to human rights? Similarly, banning a particular dog breed, even golden retrievers, will scoop up the occasional serious biter, but at what cost to the well-behaved dogs with stable temperaments? We are still left with the problem of how to prevent dog bites from breeds that are not named in the legislation.

What I've tried to demonstrate here is that there is no scientific evidence that this legislation will be effective; and further, there is scientific theory based on research that indicates that the foundations of the legislation are illogical. That's bad public policy. Dog bites are a serious health problem and the people of this province deserve legislation that is based on informed opinion, not just an emotional best guess.

Over the last two weeks, this committee has heard a consistent plea for an educational approach to responsible dog ownership. It's been my experience as an educated dog owner and as a dog trainer with the North York Obedience Club that most dog owners know dangerously little about canine behaviour. For example, they're unaware of the range of behaviours that dogs will exhibit prior to biting, starting with lip licking, yawning, averting eye contact and so on, and then escalate to other more obvious signs.

The most common comment heard following a dog bite is, "I don't understand it; he was wagging his tail," demonstrating a total misreading of the various components of tail-wagging—height, amplitude and speed—which communicate the dog's intention. Any owner who says, following a dog bite, that the attack came out of nowhere without warning, simply does not understand dogs and how they communicate.

1350

I'm not blaming the victim. Our society has been led down the garden path by Walt Disney and a host of other media which portray dogs as being as benign as teddy bears. Mr. Bryant himself has fallen for this portrayal, as revealed by his comments to the effect that everyone is an expert on dogs. I beg to differ. The consequence is that when dogs bite, we blame the dog rather than placing the responsibility on the owner, who should have recognized the signs and taken steps to prevent the bite. Given the right combination of circumstances, any dog will bite, but not until it has given multiple warnings.

I've included an excerpt from Jean Donaldson's book *The Culture Clash*, which elaborates on this. It speaks to the importance of education and responsible dog ownership as an integral approach to the problem of dog bites. I see nothing about education and responsible dog ownership in this legislation.

The Chair: Just to advise you, you've got about three minutes.

Ms. Schneider: Thanks. I'd like to add that that book is considered to be a classic.

Jean Donaldson and others often stress the importance of early socialization of puppies in producing stable dogs with good temperaments, yet every day, hundreds of dogs bred in puppy mills are sold through retail outlets and so-called animal rescue missions—puppies that have been minimally handled and socialized in the first three or more months of life. What do you think would happen to a child's social skills if they were isolated in the first few years of life? Well, that's what happens to puppies. Bite inhibition is a social skill that dogs must learn, and, according to Jean Donaldson, lack of proper socialization is a significant cause of aggression in dogs. I don't see any government initiative that gives animal protection the resources they need to shut down puppy mills.

This legislation will not only be ineffective, but it's also inhumane. I hope we have time for questions, because I have a couple of questions for you. My veterinarian, a past president of the OVMA, has told me that vets categorically will not put down healthy, stable dogs. The task will fall to shelter workers, who, according to research conducted by Arnold Arluke, a professor at Northeastern University, already experience a considerable level of stress and distress at having to put down the numbers of unwanted dogs that they're currently dealing with. What do you have to say to them? What do you have to say to a hypothetical family who adopts or purchases a puppy where the parentage is unclear and, since it's often difficult to identify breeds in puppies, finds six or eight months later, long after they've fallen in

love with it, that it resembles a so-called pit bull? Are you really prepared to tell that family that their dog has to be killed? I'd like you to think about it.

Applause.

The Chair: Please come to order. Thank you. That just about exhausts the time we have available for you. I'd like to thank you very much for having come in today.

DIANE PORQUET

The Chair: Our next deputation is by teleconference from Ottawa. Ms. Porquet, are you on the line?

Ms. Diane Porquet: Yes, I am.

The Chair: Welcome, this afternoon. This is Bob Delaney. I'm the Chair of the standing committee on the Legislative Assembly. You'll be speaking before us here at Queen's Park in Toronto. Sitting at the table around me are members of all three parties. You have 10 minutes to address us this afternoon. You can take the time and use it as you wish. If there's any time remaining, we'll divide it among the parties. I'll identify the person speaking and their party affiliation. Please begin by pronouncing your name very clearly for Hansard and proceed.

Ms. Porquet: My name is Diane Porquet. I wanted to present in favour of the bill. I have done some research and come up with the 10 most popular pro-pit-bull arguments, and I'd like to read those to you and refute them. As you've said, once I'm finished, if there's time, I'd be happy to answer questions or to discuss any of my points.

Argument number 1: There are no bad breeds, just bad owners and breeders: To me, this argument sounds like the NRA dictum, "Guns don't kill people; people kill people." In a perfect world, everyone would be responsible and well behaved all the time and we could all own guns and no one would ever get hurt. In a perfect world, all dog owners and breeders would be responsible and reputable and dogs would always be perfectly behaved. But let's get back to the real world. Not all owners and breeders are responsible. Therefore, there are many very dangerous pit bulls out there. As long as there are pit bulls, there will be owners who just shouldn't have them. Even if these people are beyond reproach, the fact remains that pit bulls are aggressive by nature and that their killer instinct will always prevail, no matter how loved or well treated the dog. We can either sit around hoping that these bad owners and breeders change their ways or we can naively try to legislate them into conformity. I don't have much faith in either of these options. Please do 99.9% of the population a favour—that is, those of us who don't own pit bulls or make a living breeding them—and ban the dogs. This is the only effective way to prevent pit bull attacks.

Argument number 2: If you ban pit bulls, owners who want aggressive dogs will move to other breeds and encourage bad behaviour in these dogs. This argument I would like to answer with a quote from D. Sankey's

Internet forum: "This is like saying that if guns are banned, we'll just see a massive upsurge in knifings, whippings and slapping people with bananas. Maybe so, but these things are a lot less dangerous, hence the ban on the most dangerous things."

Banning pit bulls won't prevent someone from getting a different breed of dog and training it to be vicious; that's true. That is why the government of Ontario will have to revamp some laws. Dogs over a certain size, for example Rottweilers, that can pose a danger to people's safety should be leashed and muzzled at all times when outside their homes. Fines and jail time should be greatly increased and enforced in order to be an effective deterrent, as well as removal of the dog from the home.

Argument number 3: All dogs, even the most well-socialized, bite. It's true that any dog can bite, but very few breeds can shred a person to pieces. Many animals will bite people, but it's not necessary to ban them, because they don't have the size, the endurance and the aggression of pit bulls. Pit bull attacks are more likely to be fatal. I personally would much rather take my chances with an enraged poodle than an enraged pit bull.

Argument number 4: Only a small percentage of dog bites are caused by pit bulls. It may be true that other breeds bite people more often, but most of these other breeds are much less likely to seriously injure a human being.

Argument number 5: Most pit bull attacks are the result of the dog's being provoked. This again sounds like NRA reasoning, for example, "It's not the land mines' fault that people step on them." It's irrelevant whether the dog is provoked or not. What matters is the outcome. When a pit bull attacks, whether provoked or not, the victim is badly injured, psychologically traumatized or even killed.

Argument number 6: Banning a breed does not prevent dog attacks. If there are no more pit bulls, then there will be no more pit bull attacks. This is a breed that can attack and kill people. This is an easily preventable form of death: Ban the dogs.

Argument number 7: Winnipeg has had no significant decrease in bites since the ban. It is only in 2002 and 2003 that there were any significant decreases, and city officers say it's because they started enforcing the dangerous dog act. Perhaps there wasn't a decrease in overall bites, but there was a very definite decrease in pit bull bites. A quote from CBC News: "Winnipeg became the first Canadian city to ban pit bulls in 1990, a year after an attack left a young girl badly disfigured. Since then, incidents involving pit bulls have fallen from about 25 a year to one or two."

A quote from the Winnipeg Sun, January 2005: "Dog bites in Winnipeg have been reduced by nearly 50% since the city banned pit bulls in 1990... While Manitoba's neighbour pushes a bill to disallow the breed, there's no question that a pit bull prohibition has made Winnipeg far safer than it was before the ban kicked in nearly 15 years ago. You can argue the clampdown's merits and logic, but not its results. Winnipeg had 310

bite attacks in 1990, the year in which ownership of that breed of terrier became illegal within city limits. It's now at little more than 160—a drop of nearly 50%.”

Argument number 8: We don't need a breed ban; we need the dangerous dog legislation to be enforced. The problem with choosing to enforce dangerous dog legislation rather than banning killer dogs is that it is a reactive rather than a proactive approach. We must wait for someone to be attacked, maimed or possibly killed before these negligent or abusive owners can be found and punished. If we're looking to prevent dog attack fatalities, we need to ban the breeds that can kill. Pit bulls and Rottweilers, according to US statistics, account for nearly 50% of all dog attack fatalities. Of 200 dog attack fatalities in the US between 1979 and 1996, pit bulls accounted for 60 of those 200 and Rottweilers accounted for 29.

If we're looking to reduce the amount of dog bites, then we need to strengthen and enforce muzzle and leash laws and to severely reprimand those who disregard these laws with hefty fines, jail time and removal of the dog. But the only truly effective way to prevent dog attack fatalities is to ban the dogs that can kill.

Argument number 9: Pit bulls are loveable dogs and a joy to own. Well, I'm sure zookeepers love their lions and tigers and grizzlies and crocodiles; that doesn't mean these animals are suitable as pets.

I quote an article by Ike Awgu in the Ottawa Sun, October 2004: “July, August and September 2004 saw four violent pit bull attacks in Ontario, all of which ended in severe injury to the victims. Important to note is that none of the pit bulls involved in the incident showed any signs of aggressiveness prior to the attacks. All of the attacks were sudden and unexpected.”

Pit bulls were created and bred to kill other dogs, not to become household pets.

Argument number 10: If we ban all potentially dangerous things, we'll have to ban everything. Well, not all potentially dangerous things can kill, whereas pit bulls definitely have. Many things are banned in the name of public safety. For example, baby walkers were considered a danger to babies and were consequently banned. Pit bulls are also a danger, not only to babies but to all members of society. Therefore, they should also be banned.

As my final word, someone posted this on the Internet forum I mentioned before, and in my opinion this person says it best: “Thinking of the victims, it's difficult to look with sympathy upon those who gripe about muzzling, leashing and having to face the eventual prospect of owning a less violent animal. The parents of these victims are often having to face the immediate prospect of bringing up a very different daughter or son.”

And in the words of Jon Katz, in his article: “The rights, safety and welfare of children take precedence over even the most beloved pets.” This is the bottom line. This is what we must not forget.

The Attorney General is not proposing to ban all dogs, only one particularly vicious and dangerous breed. There

is a multitude of other breeds that dog lovers can choose to own instead. A person's right to be safe far outweighs the pleasure a pit bull owner derives from owning one as a pet. The Attorney General is also not proposing a mass pit bull slaughter. Pit bull owners would be allowed to keep the pit bulls they presently own until these animals die.

What the Attorney General is trying to do, as I understand it, is to protect the public from any further pit bull attacks. If the government of Ontario chooses not to ban pit bulls, how will it explain its decision to the victims of the future? What will it say to those people suffering nerve damage or coping with the loss of their eyesight or even of their face?

The Chair: Ms. Porquet, you've got about one minute remaining, if you want to sum up.

Ms. Porquet: Yes, I'm finishing up.

What would it say to those children growing up disfigured or to the people who have lost a loved one to a vicious pit bull attack? You have the opportunity right now to prevent any more attacks, that are sure to come. Please take it.

Now I'm done.

The Chair: Thank you very much for your deputation this afternoon. We may have time for one brief question from the Conservative caucus.

Mr Miller: Thank you very much for your detailed presentation this afternoon. One of the problems we've heard about this bill being discussed today, Bill 132, is the definition of a pit bull. How do you describe a pit bull? It's been pointed out that a pit bull is not a specific breed of dog.

Ms. Porquet: Well, from what I read in Bill 132, it says “pit bull” includes a pit bull terrier, a Staffordshire and all that. The way I would describe it is just the look of it, the extremely strong jaw. The dogs that have those characteristics, that are strong and have that jaw—

Mr Norm Miller: In your point 3, you talked about the dog bite, and the size and endurance. Does this mean it's a big dog?

Ms. Porquet: Pit bulls are not huge, but yes, they're a good size. They're a medium to large size and very strong.

Mr Norm Miller: One of the breeds that's listed is the Staffordshire bull terrier. That is actually quite a small dog. It's 14 inches tall and about 30 pounds.

Ms. Porquet: But it has the same characteristics and the same jaw strength. As I understand it, the people who bred these dogs put certain dogs together that had these characteristics with the jaw and so on. So it's not necessarily how big it is but how strong it is, especially in the jaw.

The Chair: Ms Porquet, thank you very much for joining us this afternoon by teleconference and for making your deputation.

Ms. Porquet: Thank you for listening.

The Chair: Is Mr. Michael Schwartz in the room? OK, this committee will stand in recess until 2:15.

The committee recessed from 1404 to 1415.

NATIONAL COMPANION ANIMAL COALITION

The Chair: Let's please come back to order. Our next deputation is from the Pet Industry Joint Advisory Council of Canada. They're joining us by teleconference from Ottawa. Can you hear me?

Mr. Louis McCann: Yes, Mr. Chairman.

The Chair: This is Bob Delaney speaking. I'm the Chair of the standing committee on the Legislative Assembly. You're speaking to us today at Queen's Park in Toronto. At the table, virtually before you, are members of all three parties. You've got 15 minutes to address us today. You can use all or part of that time. If any remains, we'll divide it among the parties for questions. Please begin by identifying yourself for the purposes of Hansard and then proceed.

Mr. McCann: My name is Louis McCann and I am the executive director for PIJAC, the Pet Industry Joint Advisory Council of Canada. We are Canada's national pet industry trade association. I am addressing you today in my capacity as chairperson for the National Companion Animal Coalition, better known as the NCAC. On behalf of the NCAC, I would like to thank the members of the committee for allowing us the opportunity to comment.

Citizens deserve to be safe in their communities. Dogs are an important part of many people's lives. We all have an interest in finding an effective means to deal with aggressive and even dangerous dogs in our communities.

Are breed bans a help or a hindrance to responsible pet ownership? The National Companion Animal Coalition was created in 1996 to promote responsible pet ownership and enhance the health and well-being of companion animals. Other than PIJAC Canada, members of the coalition include the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association and the Canadian Kennel Club.

NCAC member organizations are national associations representing the vast majority of animal shelters and pounds, veterinarians, dog breed registries and the pet service industry. Irresponsible pet ownership and dangerous dogs have a negative impact on our members. However, as front-line organizations having to deal with both the dogs and the owners on a regular basis, we also understand that there is no simple solution. Some apparent solutions, such as breed bans, may even be counterproductive.

The issue of dangerous dogs is of great importance to the coalition, as evidenced by the series of tools and documents produced under the NCAC banner. It started in 1999, when we produced and distributed a sample animal control bylaw for Canadian municipalities. This document addresses many issues relating to animal control, including the issue of dangerous dogs.

Because children are often the victims of dangerous dogs, a few years later the coalition launched our Web site, www.dogsandkids.ca, to guide children and their parents about behaviour around unknown or potentially

dangerous dogs. This project was implemented in collaboration with the Canada Safety Council.

1420

In 2003, the coalition went ahead with the design and distribution of an informational pamphlet directed at prospective dog owners to help them make the right choice and understand the importance of responsible pet ownership.

Our work continued in early 2004, when the NCAC produced a statement explaining why breed bans are ineffective as a solution to the problem of aggressive dogs and recommending alternative approaches. A copy of this document is attached to the presentation that was sent to the clerk for your consideration. A copy of all the other NCAC documents can be found on each of the member association's respective Web sites.

Also in 2004, the NCAC took part in the first roundtable consultation at the invitation of Ontario's Attorney General. More recently, we submitted an article on breed bans to Forum magazine, published by the Canadian Federation of Municipalities and considered to be Canada's national municipal affairs magazine.

The NCAC is focused on responsible pet ownership. It has developed important guidance for its member national associations, dog owners, and provincial and municipal communities regarding national animal identification for pet recovery purposes, dog bite prevention, puppy mills, bylaw controls for municipalities and breed bans.

So what is the NCAC's position? The NCAC takes the position that breed bans are not an effective means of encouraging responsible pet ownership. They do little to address the real issue of concern for municipalities and Ontario citizens, and they can be counterproductive. If enacted as proposed, an Ontario breed ban will also have several negative implications for our member associations, which are working towards responsible pet ownership.

Do breed bans solve the problem? The underlying assumption of breed bans is that the genetics of a specified breed population is the cause of vicious dog attacks and that getting rid of that breed will solve the problem. In fact, there are individuals in every dog breed with the potential to act viciously. Most often, the critical difference lies in how owners manage their animals. Therefore, breed bans cannot resolve the problem. They only serve to deflect the problem away from responsible pet ownership and give a false sense of having done something good.

What actions are needed?

Looking at responsible dog ownership, what is responsible dog ownership? There is broad agreement as to the important elements of responsible dog ownership. These are things that are good for the animals, owners and the community. They include good breeding practices, good nutritional care, good health care, socialization towards people and other animals, municipal licensing, training, exercise, supervision and/or control and spay/neuter for animals not part of a responsible breeding program. Many of these elements require ongoing education, but

are also grounded in common sense, which the NCAC agrees is not easy to legislate.

Controls for vicious dogs: The NCAC agrees with the province that additional controls may be needed for vicious dogs. There is currently insufficient authority for legal action to be taken against known problem dogs and their owners. Existing remedies are not a sufficient deterrent to irresponsible dog owners and there is little requirement for the owner to take responsibility for problems caused by their dog or dogs. Appropriate legislation for dogs that pose a safety menace may include mandatory insurance requirements, spay/neuter requirements tied to licensing, education and training for owners and dogs, improved enforcement, and additional licensing authority.

Why are breed bans problematic?

Who does a breed ban target? A breed ban, unfortunately, will tend to target those owners who are more identifiable because of being responsible breeders and owners. For example, breeds are recognized under the federal Animal Pedigree Act and registered by the Canadian Kennel Club or other breed associations. Breeders who choose to register their animals are much more easily identified than those who do not. Responsible owners are also those who take their animals to the veterinarian for vaccinations and checkups, get them microchipped, get them neutered, train them, socialize them etc. A breed ban could have the unfortunate effect of making these different activities dangerous for any owner of an animal that even remotely resembles the proposed descriptions of a pit bull. Banning specific breeds will result in the inclusion of dogs that are not dangerous, but more importantly, in the exclusion of some dangerous dogs.

Breed-specific legislation will affect a significant number of responsible dog owners, on the sole premise that they have chosen the wrong breed. I think all of us here would agree that we can't afford to alienate one responsible owner.

What are the implications of a breed ban for shelter groups? Animal shelter organizations and pounds play a very important role in municipalities across Ontario. A breed ban will almost certainly lead to additional abandoned animals, which they will be expected to handle. Decisions have to be made whether to put animals up for adoption or to have them euthanized. A ban will result in more dogs having to be euthanized and overall increased pressure on shelter space and resources. Also, shelters will be put into an untenable position, with possible legal implications, in the case of adoptions where there is any doubt or disagreement whether or not an animal might fall into the category of a pit bull.

The implications of a breed ban for the veterinary profession: It is important for the veterinary profession to be trusted by animal owners and counted on to provide veterinary health care to the provinces' pet population. Veterinarians should not be put in a position of having to report those owners whose dogs the provincial government deems inappropriate. This would have a negative

impact on veterinarian-owner relationships and could well influence certain owners not to seek professional health care for their dogs.

The implications for the dog breed registries: The dog breed associations, which are incorporated under the federal Animal Pedigree Act, represent dog breeders who register their animals for breeding purposes. Breed associations such as the Canadian Kennel Club are an important vehicle for working with dog breeders to improve breeding practices and to encourage responsible pet ownership. Unfortunately, the responsible breeders who register their animals will also become prime targets of a breed ban.

In summary, the NCAC applauds the Ontario government's decision to address the issue of dangerous dogs. All of our member associations share in the belief that the answer does not include breed-specific legislation. The NCAC offers its assistance and expertise to the Ontario government in order to ensure that residents of Ontario are given the best legislative tool to help protect them from dangerous dogs and their irresponsible owners. Thank you very much.

The Chair: Thank you, Mr. McCann. We'll have time for one or perhaps two questions. On the government side, Mr. Zimmer.

Mr. Zimmer: Thank you for your presentation. I want to thank you for acknowledging that you and the NCAC did in fact have an opportunity to meet with the Attorney General at his round table and discuss these issues. I think it's important and I thank you for acknowledging that on the record, because there have been suggestions over the course of these hearings that the Attorney General was not available to meet with various groups. So thank you for setting the record straight.

Mr. McCann: You're welcome.

The Chair: Mr. Miller, on the PC side.

Mr. Norm Miller: Thank you for your presentation today. You certainly made a case for why a breed ban does not make sense. I'm just wondering about you expanding on what you think the provincial role should be. I know you said that there was insufficient authority for legal action in the case of dangerous dogs and you've made a bylaw for municipalities. But I'm wondering if you can further expand on what you think the role of the province is in terms of controlling dangerous dogs.

Mr. McCann: Certainly. I think that one of the missing pieces of the puzzle is uniformity. There are a lot of projects through our associations and we have developed a lot of documentation. One of the roles of the provincial government would be to bring this uniformity across the province and to help us deliver a uniform message to municipalities, uniform ways of support for municipalities for shelters and an educational message to the dog-owning population, so that the work that we, the associations, have done is supported at the provincial level.

1430

The Chair: Mr. Kormos, do you have either a question or a comment?

Mr. Kormos: No, thank you, Chair.

The Chair: Mr. Miller, did you have one more question?

Mr. Norm Miller: Yes. I just wondered, as municipalities make their own bylaws and they vary across the province, does the province have a role in ensuring some uniformity in the bylaws that the municipalities pass?

Mr. McCann: My personal experience and the experience of several of my colleagues on the coalition is that one of the reasons that municipalities go ahead and pass different bylaws is that it's very difficult for them to have access to information. That's one of the roles we've attempted to fill through the coalition, by doing this sample bylaw. I'm certain that with the help of the provincial government to provide this information, it would go a long way to bring this uniformity.

The Chair: Thank you very much, Mr. McCann, for participating today and for joining us by teleconference. Thank you very much for your deputation.

MICHAEL ZALESKI

The Chair: Is Mr. Michael Zaleski in the room?

Mr. Michael Zaleski: Mr. Chair, members of the committee, and Mr. Arnott, thank you very much for inviting me to say a few words.

The Chair: You have 10 minutes today. If you choose to use less than 10, we'll divide the time amongst others. Please begin by stating your name clearly for Hansard, and proceed.

Mr. Zaleski: I'm sorry, I don't have any hard copy of my presentation to give away. If your secretary is interested in copying what I have, they are welcome to it.

The Chair: That actually would be fine. When you're done, please provide it to the clerk, who will copy it and distribute it. Just before you begin, please state your name for Hansard.

Mr. Zaleski: I am entirely independent. I don't belong to any association that deals with dogs or any other animals.

The Chair: Just before you start, state your name clearly for Hansard.

Mr. Zaleski: My name is Michael Zaleski.

The Chair: Go ahead.

Mr. Zaleski: My relevant credentials for appearing in front of your committee include a lifelong love of dogs, ownership of many dogs, and, as a parent and a grandparent, a deep-rooted concern for children. Perhaps the most important contribution I can make is through my multi-year residence experience in the four jurisdictions that I consider to be key to your deliberations. Those include Ontario, of course, where I've lived most of my life; the States, specifically Pennsylvania and Tennessee; and the UK and Germany, which I believe are the world's two most animal-loving countries. I have experienced four direct attacks by pit bulls, three in Ontario and one in Tennessee. I have witnessed, live, many professional pit bull fights in Ontario, England and Tennessee.

I really have only one point to make to your committee, or at least attempt to make to your committee, and that is the question of whether the undesirable pit bull behaviour or the behaviour of any dangerous dog is genetically inherited or superimposed by environmental conditions. The main environmental condition, of course, is the owner and the way he handles the animal.

My research, for whatever it's worth, mainly on the Internet and much of it from my lifelong experience, tells me that the breeders' motto at present is typically "there are no bad, vicious pit bulls; there are only irresponsible owners," which is very much along the lines of the gun lobby in the United States: There are no irresponsible guns. Guns don't kill people; people kill people. I don't think that's a responsible statement to make.

If pit bulls are not vicious but the owners are responsible, why was there a horrific case last year in Ontario in which the little victim's grandmother was the dog's owner? There are several other cases of that nature, but this was highly publicized. Why does a pit bull breeder's commercial typically begin with the words "gentle, playful, loving dogs," and this is immediately followed by the caveat, "but not suitable for all owners; children and the elderly should look for other breeds because pit bulls are very strong and can be aggressive"?

On the other side of the fence, opinions, including those of scientists, indicate that pit bulls' behaviour is influenced genetically. They can't help themselves. If we look at other breeds with specialized skills such as sheepdogs or Labs, two of their characteristics are evident to non-experts. They are reasonably proficient at their jobs; for example, a border collie can do his job with sheep at the age of eight months without any human training, and the human training—the environmental part—simply comes in later as an aid to polish up the job behaviour of the animal. They only turn on humans if they try to steal or harm their flocks, and I'm talking about the border collie now, or perhaps a sheepdog equivalent.

The Chair: Mr. Zaleski, you have about three minutes remaining.

Mr. Zaleski: Yes. I'll be done.

Again, genetics are in play but in a beneficial way.

Several dog owners have told me pit bulls that have been neglected or abused are very dangerous. My own experience with most domestic dogs indicates the exact opposite: They would give their lives for the owners, while a pit bull would rather take a life, whether human or canine.

Just to throw out a few numbers, I am told by people who should know that it takes about 30 generations in the life of a species to change its behaviour genetically. If we assume that a dog's generation is worth two years and a human generation is 30-plus, that is quite a long time. I'm not willing to wait 60 years for this to happen, to make pit bulls docile.

My recommendations to you are:

(1) Expand the scope of Bill 132 to include other dangerous dogs—Rottweilers and so on—as is the case in European jurisdictions;

(2) Spell out the restrictions and obligations of commercial dog breeders with respect to dangerous dogs;

(3) Open a registry of both dangerous dogs and their owners; and

(4) Uniquely mark every dangerous dog by permanent means, such as a subcutaneously inserted microchip.

That is the extent of my presentation.

1440

The Chair: Thank you very much. We should have time for one question, and it is the turn of Mr. Kormos.

Mr. Kormos: Thank you, Mr. Zaleski, for coming. The question that's begged is, in what capacity were you involved in or present at these dogfights down south, down in Tennessee, or here in Ontario?

Mr. Zaleski: Yes; once in Ontario and once in England; pit bull fights. Staged pit bull fights in a pit, and waging on the side.

Mr. Kormos: OK. They weren't raided? You've never been busted at one of these. They were never raided while you were there?

Mr. Zaleski: No. I happened to be working, actually, for the Ontario government as a consultant in Nipigon for quite a while, back about 25 years ago. There was a steady stream of people, mostly from Tennessee, who would bring their hunting dogs along for the purpose of treeing bears, then shooting the bears when they're up in the tree. Actually, they wanted to settle down in Ontario instead of going back home.

The Chair: Mr. Zaleski, please sum up.

Mr. Zaleski: That was the circumstance, and they staged these dog fights, which became quite popular among the local inhabitants.

The Chair: Thank you very much for having come in today.

NARCISA TATU

The Chair: Narcisa Tatu, please. Good afternoon, and welcome. Ms. Tatu, you've got 10 minutes to present to us today. You can use the time in any way you wish. If there's time remaining, we'll divide it among the parties for questions. Please begin by stating your name for Hansard and then proceed.

Ms. Narcisa Tatu: Good afternoon, Mr. Chair and members of the standing committee of the Legislative Assembly. My name is Narcisa Tatu. I would like to thank you for the opportunity to present before you today. I am not a breeder or an expert, by any means. I am here today to relate what my husband and I experienced as dog owners.

We have been in our apartment since 1996, from the first day of our arrival in Ontario. That is more than eight years ago, almost four of which with our CKC-registered Staffordshire bull terrier. In late September 2004, while I was in the lobby, ready for my afternoon walk with my dog, a big, black Labrador almost attacked us. The owner was using all his strength to control it, and I was rushing toward the exit doors, but at that moment the then-on-

duty rental agent emerged from her office and screamed at me, "You should put a muzzle on your pit bull."

I cannot describe what was on my mind and in my heart at that moment. When the lobby was later clear, I came back and asked why nobody helped me, why I had to muzzle my dog, which was not a pit bull, and I mentioned that the incident was taped on the surveillance camera and could be analyzed. The answer I later received from the building management was one of the most astonishing I've ever heard in my life and, in short, was like this: "It doesn't matter that you or your dog could have been bitten. It doesn't matter that your dog is not a pit bull. The public considers all bull terriers vicious, so you have to muzzle your dog."

Please explain to me how come all of a sudden my dog, after three and a half years of exemplary life, becomes so dangerous that it is required to be muzzled and that I, a human being, was at potential risk and that did not matter. The only thing that did matter was that my innocent dog was not muzzled, and that took priority over my safety. I strongly believe that this is a discriminatory reaction, an example of distorted thinking generated by the introduction of a breed-specific legislation component of proposed Bill 132.

The unfortunate ending was on December 1, 2004, when we were served with a notice of eviction and asked to leave in 14 days. I was holding my dog, and the only question that constantly came to my mind was, "What have we done wrong?" The only wrong I found was that she was born looking like something. This is her biggest mistake. This is also the mistake of Darlene Reid's dogs, and for that she needed to be knocked to the ground while she was walking her dogs through the streets of Toronto. Her case was published and televised.

But at the end of the leash is me, the good, innocent dog owner, me the taxpayer and me the voter. My husband and I are highly educated people and good citizens. We are not drug dealers and we are not criminals. I strongly believe that if one minority can be deliberately discriminated against, then others are potentially at risk.

Returning to my eviction case, I am announcing that recently we found out that our landlord corporation decided not to pursue legal action against us. This is no surprise, because we have laws in this country that ensure no case against innocent citizens can be won.

I strongly believe that muzzling my well-behaved, responsibly owned dog is a compromise of my rights as a law-abiding citizen. A muzzled dog cannot participate in shows, obedience, fly ball, agility and therapy work. It will stop any socialization opportunities.

Medical officer of health Dr. David McKeown noted studies from Health Canada and the US Centers for Disease Control and Prevention that show that only 15% of dog bites occur in public places. Therefore, muzzling one breed in public, like Bill 132 requires, will have next to no impact.

I am here today to ask you to remove the breed-specific legislative component from Bill 132 and to model Ontario's legislation similar to Calgary's. As we

all know by now, Calgary reduced its dog bites by 70%. Compared to Winnipeg using the breed-ban approach, it would have to ban 58% of all of its dogs to reduce dog bites by an equal percentage.

I will spare you the long list of reputable organizations that oppose the bill but I will just repeat—and I know you've already heard this over and over again—that responsible ownership is the only important component of any canine safety initiative.

We also have an excellent piece of legislation right in our backyard, and this is Bill 161, proposed by Mrs. Julia Munro. Bill 161 and Calgary's model promote fairness and do not put an unnecessary burden on municipalities.

We've already learned from the city of Mississauga presentation what the costly effects of a breed-specific ban would be. We also learned from Dr. Tim Zaharchuk's OVMA presentation that if Ontario's experience is similar to that of the city of Denver, where a pit bull ban is in place, we might see 4,300 dogs a year euthanized in Toronto alone.

I want to believe that Mr. Delaney and Mr. Peterson, both Mississauga MPPs, spoke with our excellent animal control department. I want to believe that they spoke, as I did, with the very people who will be forced to put to death numerous happy, healthy, totally innocent dogs. I am sure you understand the emotional strain the effects of this bill, as it is written now, will have on these people.

My few recommendations regarding changes to Bill 132 are the following:

First, remove all references to Staffordshire bull terrier, American Staffordshire bull terrier, pit bull or American pit bull terrier. References to specific breeds are highly discriminatory and lead us right away to the identification problem.

We know there is no such breed as a pit bull. We also know, for example, that the Staffordshire bull terrier has been a CKC-registered breed since 1965. They are small dogs of 28 to 38 pounds, very far away from the 150-pound pit bull the Attorney General was referring to in one of his speeches.

The Staffordshire bull terrier is the only breed called the "nanny dog," which shows its extraordinary love for children. This breed has a total lack of aggression toward humans. There is not one—and I repeat, not a single one—recorded case of a purebred, CKC-registered Staffordshire bull terrier making an unprovoked attack on a human being in the history of this country.

The Chair: Just to let you know, you have about three minutes.

Ms. Tatu: May I ask this question: Based on what considerations are you banning this breed? We've already heard from many reputable organizations how difficult, if not impossible, correct and exact breed identification will be, and we have the example of the very recent case that happened in Ottawa on January 21, 2005, where two boys were chased by three dogs originally described as pit bulls that turned out to be bull mastiffs.

1450

Second, establish exactly what constitutes a dangerous dog. The criteria should not be breed-specific, as this only discriminates against certain breeds instead of evaluating individual dogs by their behaviour. We were told time and again by experts that any dog can be dangerous if raised so.

While I am very sorry for all victims of a pit bull attack, I cannot stop thinking that Courtney Trempe was killed by a bull mastiff, that a small boy was killed last year in British Columbia by a border collie and a Rottweiler, that another child was killed by a Pomeranian, that Rottweilers took the life of three-year-old James Waddell. How would a pit bull ban have saved these lives?

Third, put the responsibility on the owners of any type of dog breed—even higher fines and jail times. Personally, I am not aware of any dog attack, regardless of breed, that could not have been prevented by responsible ownership.

Fourth, all dogs should be bought from registered breeders only. Reputable breeders do not sell their dogs to just anyone. I was screened, and the breeder mentioned her requirements before selling me the puppy. Pet stores should not be allowed to sell dogs. Irresponsible backyard breeding should not be tolerated.

Fifth, remove any references to "menacing" dogs. How does this bill in its present form protect me, a responsible dog owner and law-abiding citizen, from the malicious reporting to the authorities of possibly menacing behaviour by my dog?

Sixth, no animal should be sacrificed for research. We have way too powerful scientific methods of research. We do not need to sacrifice innocent dog lives any more. If you consider pit bulls so vicious, how can you be so inconsiderate of the lives and well-being of scientists and lab technicians who will have to work with these animals?

The Chair: Narcisa, you have about one minute remaining.

Ms. Tatu: OK. Seventh: Last but not least, do not put the onus of proving that a dog is not a pit bull on the owner. Under the Charter of Rights, the accused is deemed innocent until proven guilty.

I'd like to close by saying, let's work together, listen to the experts and their solutions and, most important, do not ever attack the core principles that all of us so strongly believe in: fairness, and no discrimination of any type. Thank you.

The Chair: Thank you very much for having come in and for delivering this brief today.

Interruption.

The Chair: Order. Thank you.

Unfortunately, you've used up your time and a little bit of leeway, so there won't be time for questions for you today.

BILL FRANCIS

The Chair: Are Jane Bennion and Bill Francis in the room?

Good afternoon, and welcome. If you've been here for a little while, you get the general order of proceedings. You've got 10 minutes to address us today. Please begin by stating your name clearly for Hansard and then proceed.

Mr. Bill Francis: My name is Bill Francis. This is Jane Bennion. I'd like to thank the committee for the opportunity to speak out against the pit bull ban. I'd also like to thank my friend and client, Jane, of Crimsonridge Kennels. She's a breeder of champion Am Staff terriers, including the number one American Staffordshire terrier in Canada for 2002 and 2003. His name is Pearson. He's also a Canine Good Citizen. He's a great dog and one of my favourites.

Jane has been involved in the breed for about 12 years now, having bred only two litters and a total of nine puppies, which are living throughout Canada. She has also been a dog groomer for 17 years and has never had a problem with a pit bull type, but has had many problems with smaller breeds. Jane already has her house and her grooming shop up for sale. If this ban does go through, she will be moving out of Ontario, like many of my other clients. I'd also like to thank everybody who has been working hard against this ban and would like them to give themselves some applause when my saying is done.

My name is Bill Francis. They also call me Bill Bouvier. I've been involved in purebred breeding since 1977. I am a member of the Canadian Kennel Club, the Dog Legislation Council of Canada, and I have been a breeder of Bouvier des Flandres. I have been schooled in obedience training, guard training, attack training, temperament testing, and grooming, and for the greater part of my adult life I have been a professional dog handler of many breeds, including the dogs that make my bread and butter and are my heart and soul, especially now, the pit bull breeds. I have probably shown more pit bull type of breeds than anybody in Canada, maybe anybody in the United States and maybe anybody in the whole wide world. Yes, you may call me an expert, because you need to listen to the experts.

Right now, if you think the pit bulls are scary, wait till you see what takes over a pit bull: dogs that might come up from Brazil or Argentina that were meant to hunt man, not dogs that were meant to fight each other.

There are a lot of problems with Bill 132. Breed-specific legislation will not do the job of stopping dog bites. To target breeds or mixed breeds that simply look like a pit bull is totally absurd, because any dog can bite in the hands of the wrong owner.

Many of the reported bites that have been classified as being from pit bull types are really mixed breeds, mutts, mongrels, Heinz 57s; they are not purebred. The difference between purebred dogs and mutts is that we know they're purchased from reputable breeders and the purebred dog is going to look and act very much the

same as its ancestors. This is why many responsible breeders offer guarantees against hereditary faults as opposed to hearts, bad hips and bad temperaments. Mixed breeds, mutts, mongrels and Heinz 57s are almost impossible to predict as to the outcome of their personality and temperament because they may have two, three, four or more breeds in their genetics. Compare this to the pit bull or any purebred dog that has had its genes programmed by selective breeding to have a predictable and stable temperament and to become a good social companion—in other words, man's best friend.

The purebred breeds at a dog show are split into seven groups, starting with the sporting, the hounds, the working, the terriers, the toys, the non-sporting and the herding groups. Many of these breeds were bred to do a certain job that was inherited from their ancestors, just like the fellow before was talking about the collie. He was bred to herd sheep for the farmer. The Labrador goes out to retrieve the duck for the hunter. A husky is used to run long distances or to pull a sled. And yes, the pit bull type of dog was bred to fight in the pits against other dogs in the late 1800s. They were bred to fight other dogs, not against man, and if they bit a man, they were culled from the breeding program. They had to be trained to fight. They were baited with small kittens, puppies and different things like that to make them mean and more evil.

Dogfighting was outlawed in the early 1900s, and breeders turned their attention to producing a more docile animal that would make them less of a threat to other dogs and function well as a family pet and companion. Their efforts were rewarded early in the 1900s, with the American Staffordshire terrier being recognized by the American Kennel Club in 1935.

Purebred dogs are not cheap. The cost of buying a purebred dog is around \$1,500-plus. A person can buy a pit-bull-type mixed breed, mutt, mongrel or Heinz 57 from the pound or any shelter for \$50. I'm not picking on the pounds or the shelters, because we all know we need them, now more than ever. But we know—it's a human fault—that we take better care of something that is of more value than something of less value. We all know this is wrong, but again, it stresses that the fault must go back to the human, not the dog.

Dogs of all types require training and guidance. If the human owner does not take enough care to provide such needs, or does not have the knowledge to train their dog properly, then the fault will fall back on the human owner again. Why can we teach dogs to be Canine Good Citizens, yet we have so many people out there who need training on how to be responsible owners?

What's wrong with teaching the children the dos and don'ts of how to play or act with a dog accordingly, maybe by using a Canine Good Citizen dog? Again, what's wrong with schooling or licensing people by taking a brief survey or breed test from the breeders when they buy a dog? We need to make everyone aware that a dog needs a responsible owner, because irresponsible owners will create irresponsible dogs.

1500

The Chair: Mr. Francis, you have about three minutes left.

Mr. Francis: Thank you. Another great concern I have is, what is going to happen to these pit bull types if this bill goes through? In the Toronto area alone, an estimated 80,000 pit bull types reside.

Owners are already feeling the repercussions of this bill. A friend of mine has a boxer-Labrador cross and cannot walk her dog without being mocked or harassed, which has come from the mass hysteria caused by the media and the government. This is a mixed breed with no link to the pit bull bloodlines at all but that falls into the class of “anything that looks like a pit bull.” She has become a victim already of the proposed Bill 132. Yes, any dog that looks, eats, walks and combs its hair like a pit bull is a pit bull.

What will happen to these dogs’ owners who cannot cope and start to abandon their dogs at the street corners, the pounds, the parks, the storefronts, or brutally leave them in the woods to die alone? Yes, this is very real. God knows that the pounds and shelters are already overrun by pit bulls because of the scare this government has generated through the sensationalism the media has heaped create that pit bulls are the only type of dogs that bite.

Who will be responsible for putting all these pit bull type of dogs down to their death? And what will they do with them? Will they create massive open pits? Or will the Liberals create a new business, the Liberal crematorium or research company? Yes, it has started, in Windsor, when the ban went through. We’ve already seen dogs abandoned and tied to poles, with a bag of dog food.

Dog bites are awful. It’s not a slice but a rip and tear, and most dogs are capable of doing this. We need stiffer laws and stronger policing against irresponsible owners of all breeds and types, not breed-specific ownership. You need to scare the owners about what will happen to them, as far as the law goes, if their dog bites, not take innocent dogs away.

I would be more than happy to assist this government to make any necessary amendments to the Dog Owners’ Liability Act or Bill 132, but I will not support the banning of any breed: chihuahuas, German shepherds, cocker spaniels or pit bulls. Breed-specific legislation will not work, and it has been proven not to work. Please listen to the experts and ban the deed, not the breed. Thank you.

The Chair: Thank you very much. That pretty much concludes the time you have, so unfortunately there won’t be an opportunity for questions, but thank you very much for having come in and made your presentation to us today.

KARL HAAB

The Chair: Is Mr. Karl Haab in the room? Mr. Haab, please come forward.

Mr. Karl Haab: Good afternoon. Thank you very much for giving me the opportunity to come here.

The Chair: Mr. Haab, if you’ve been with us for a little while, you understand the general procedure. You’ve got 10 minutes to address us. If you leave any time, it will be divided among the parties present for questions. Please begin by stating your name clearly for Hansard and then proceed.

Mr. Haab: My name is Karl Haab. I live in Scarborough. I just listened to the previous man’s presentation. I wonder how he would respond if he had to carry home a nine-pound poodle with his intestines and everything hanging out because he had been mauled by a pit bull or a bull mastiff. This is exactly what happened to me about six years ago. We had this adorable little poodle, about eight or nine pounds, and I walked the poodle. One nice afternoon, I was walking by my neighbour’s house and his bull mastiff came and attacked my dog. He needed 63 stitches because he was chewed up everywhere.

You would think this would have been a lesson to the dog owner, because he or his insurance company paid for the 63 stitches. He then promised to tie the dog up.

One day, a few months later, I walked past the same neighbour’s house. The kids had inadvertently left the side door open. The bull mastiff charged out and chewed up my dog. He was dead. There was blood all over the sidewalk, and I had to carry him home with intestines hanging out and explain to my wife and my kids. They were all crying for three days because of this tragic thing.

It wasn’t until two or three months later that I found out that the same dog also chewed up another dog in the area when the wife of the owner took the dog for a walk one February in the park. I guess the walkways were a little icy. This dog weighed about 95 pounds; the wife weighed about 110. When the dog pulled on the leash, of course, the dog got loose and chewed up the other dog. The dog didn’t die right away, but eventually they had to put it away, because it was just so damaged that it couldn’t survive.

I am, of course, against pit bulls and any of these large dogs—bull mastiffs, Rottweilers. We even have in the area a dog owner who has trained his German shepherd to attack anybody who comes near the house. It has been my experience, dealing with a lot of people—I run a business in Scarborough, which I have run for more than 40 years, and I know a lot of people—that while some people are very responsible owners of dogs, responsible ownership is very rare, and therein is the problem. When such a dog owner thinks, “It’s really cute if my kids take the dog for a walk,” these kids are too small to control the dog. If the dog sees a small dog running around, he’s going to tear after it; they can’t retain him. So it’s very difficult to prevent things like that. How do you legislate against somebody inadvertently leaving the side door open? There are just too many accidents possible, even among responsible owners.

Since I am also involved in a lot of sales, about 30 years ago I read a book about people, how you size up people and their intelligence and their responsibility. These two psychologists say that only 10% of the popu-

lation is intelligent and responsible. They go so far as to say that 55% of the population are morons. Now, if you think about that, how could we possibly have responsible ownership? It's just not possible, because most people will not take the time to learn, to train their kids and make sure that these dogs are properly taken care of every day.

Other than that, I have nothing against these dogs. I have seen some that are wonderful, but I believe they're in the minority. I think your legislation is needed. But you may consider, for those people who already have a dog, a bull mastiff or whatever, and who are very attached to it, letting them keep the dog until it dies a natural death, provided they post a \$5,000 or \$10,000 bond in case they become responsible for an accident, or asking them for a \$5,000 or a \$10,000 licence fee. But I think once these dogs are gone, they should not be allowed anywhere, not only in Ontario.

Thank you very much. If you have any questions, I'll be happy to answer them.

The Chair: Thank you very much for having come in today. From the government side, Mr. Qaadri.

Mr. Shafiq Qaadri (Etobicoke North): Thank you very much for your testimony. There are a number of things that we in the committee are struggling with. A lot of the individuals who have come forward have talked about issues that you've raised, about responsible ownership, about whether it's obedience classes or even protocols on how you negotiate yourself in public. I think you've touched upon some of the difficulties we're struggling with.

I'd like you, if you might, just to expand on this idea: Can we, as a number of these individuals have asked, actually legislate responsible ownership in Ontario or not?

Mr. Haab: I don't believe you can legislate responsible ownership, because people have too many human weaknesses. If you have somebody who is very responsible, if he comes home one Saturday evening and he's all drunk, he'll do anything, while 95% of the time he may be fairly responsible. I don't think you can legislate responsible ownership. If you want these people to keep their dogs until they die a natural death, I think you're going to have to ask for some way to indemnify for damages if something happens. I believe if anybody had to cough up \$5,000 or \$10,000 as a licence fee or to post a bond to guarantee that damages are taken care of, it might help to make them more responsible, because who wants to lose the \$5,000 or \$10,000?

1510

The Chair: Mr. Tascona.

Mr. Tascona: Have you had any experience with the bylaw enforcement in—you're from Toronto?

Mr. Haab: I'm from Scarborough, yes.

Mr. Tascona: So have you had any experience with the bylaw enforcement officers in this community?

Mr. Haab: One day I had to phone, when we had a problem with the dog the second time. They came in and they said, "Something has to be done," and the dog was actually destroyed. But in the meantime, he had chewed

up my dog, which needed 63 stitches, and practically killed the other dog first, before anything really happened.

Mr. Tascona: Did you take any litigation action against the owner of that other dog?

Mr. Haab: No. I was thinking about it, but going to court is a long process and they did offer to pay for a new dog, which cost me \$1,000. They paid for that, and I think they paid for some small burial expenses or whatever.

Mr. Tascona: You mentioned about paying \$5,000 to \$10,000. Other than going to court, what mechanism could you see to ensure that you can get your expenses paid and that you can punish the person properly, if you didn't want to go to court?

Mr. Haab: Anybody who has gone to court before knows that going to court is always a little bit intimidating, because you probably have to hire a lawyer and it will cost you more than you recover. My thought here is, well, OK, so it was a dog and I was very attached to it, but what if it had been a small child? There have been children killed, who are worth a lot more than \$1,000 a child, I'm sure.

Mr. Tascona: There's a different mechanism to protect human life under another act, but that's another issue.

The Chair: At this point, I'd like to say thank you very much for having come in. We've exhausted our time. Thank you for your deputation today.

ADVOCATES FOR THE UNDERDOG

The Chair: Are there representatives here from Advocates for the Underdog?

Good afternoon. If you've been here for a while, you get the general procedure. You've got 15 minutes to address us today. If you leave any time remaining, it will be divided among the parties for questions. Please begin by clearly stating your name, and then proceed.

Ms. Tammy Williams: My name is Tammy Williams. I'd just like to thank you for the opportunity to appear here before you. Natalie Kemeny, my fellow co-founder in Advocates for the Underdog, was supposed to be with me here today to speak, but due to circumstances beyond her control she is unable to attend. I will be reading parts of her speech.

Advocates for the Underdog is an Ontario-based group that promotes responsible animal ownership and opposes breed-specific legislation. Attached in your package is a list of groups that are part of our coalition. Our group formed as a result of a proposed bylaw banning pit-bull-type dogs in the city of Windsor. We originally formed the group to oppose BSL, but as a result of the bylaw, which ultimately passed, we have become a support group for those who are at risk of losing their cherished family pets and a dog rescue to puppies and dogs that will be euthanized based solely on their breed.

Both Natalie and I are volunteers with the Windsor Essex County Humane Society. Ms. Kemeny has been

involved with the shelter for several years and runs their pit bull program, including rescue, temperament testing and follow-up home checking of pit-type dogs. She also does the same for any large-breed dog that enters the shelter.

In Ms. Kemeny's words, "I have seen so many different breeds come in and out of the shelter, ones that the general public would perceive to be great family dogs. Yet it is this animal that is being quarantined for biting a child or another animal. Dogs that have bitten their owners, dogs that have killed other animals—the stories are endless. These dogs come from all different backgrounds, but these are the stories that the media does not report because they are considered great family dogs and these must have been isolated incidents." Dogs that are considered great family pets are in the shelter for quarantine purposes all the time, but the local media, when we call them to advise of a non-pit-bull-type attack, have not reported anything so far.

Another excerpt from Ms. Kemeny's speech: "In early 2004, I received a call from the assistant manager of the Windsor humane society, Lisa Taylor, that a pit-bull-type dog approximately one and a half years of age had arrived and was completely emaciated, weighing only 17 pounds. She was close to death.... Could I rescue this dog? I visited the shelter that very day and could not believe my eyes. She could barely sit because of the bones sticking out of her hindquarters. You could count every vertebra in this dog's spine. Her face was so indented that you could not see any cheeks. Her eyes were sunken. She could not walk without falling down, but her will to live was incredible.

"I immediately brought the dog into my home and offered her unconditional love. Jasmine is now 55 pounds and is [clearly] a Hungarian Vizsla type dog, not a pit bull as originally thought. This error is common but could have ultimately cost the animal its life. You see, in Windsor, if an animal is perceived to be a pit bull, it is euthanized, no questions. It is the law: No new pit bulls; no new pit bull ownership. Many times innocent dogs that are perceived to be pit-bull-type dogs are euthanized because of the uncertainty of their origin, especially mixed breeds and puppies. This is a problem that will be faced provincially should this bill be passed—dog identification."

In January 2004, a local Windsor woman was walking her 18-month-old Labrador retriever named Maddox when a pit-bull-type dog and a Rottweiler-type dog, both of which were off-leash, approached her dog and bit him in the chest. Maddox received stitches, and the owner a \$700 vet bill, as reported in the Windsor Star on January 5, 2004. In July 2004, only six months later, two pit-bull-type dogs got loose from their backyard and attacked and killed a Yorkshire terrier. The owner of these two dogs was the same owner of the original dogs involved in the Labrador retriever attack in January. However, these were now two different dogs, not the same two dogs involved in the first attack.

My question is, how was this careless woman allowed to own two more dogs? Her original dogs had been euthanized for aggression. This woman clearly should not have been allowed to own other dogs. She had already proven to society that she could not raise her dogs to be well-socialized, well-mannered animals and provide safety to the public. Ms. Kemeny visited these two dogs at the shelter, and they were afraid of strangers and not used to being around people. Is the crime that the dogs attacked, or ultimately is the crime that the owner suffered no penalty for her dogs' actions? Had she faced a fine, penalty or some other form of repercussion, would she have been so flippant with regard to her dogs?

The message needs to be sent out and enforced: Owners must be held responsible for their dogs' actions. Had some type of penalty been placed on this woman after the original attack, the second attack by her new dogs could have been prevented. But since nothing happened to her, she just went out and got another pair of dogs and destroyed them with her irresponsibility, along with the poor Yorkie.

At the same time this was going on in Windsor, the Windsor Essex County Humane Society had four other breeds of dogs in quarantine for biting and attacking. The media were contacted, but nothing was reported for the public to be aware of these attacks.

As a result of the media hype in Windsor regarding pit-bull-type dogs, one city councillor asked for hearings to ban these dogs. Expert after expert testified against passing bylaw 245. Information was provided to the city with reasons why it would not work. However, on September 27, 2004, bylaw 245, restricting new ownership of pit-bull-type dogs, was passed. The vote was 6 to 4 in favour of the ban. Councillors indicated that Windsor needed public safety and this would reduce dog bites. They talked about bite statistics. Advocates for the Underdog contacted our local health unit and no stats are available. We have enclosed in our package the response from the health unit indicating that no such data exists and that the cost of compiling such information would be in excess of \$40,000. To date, we still do not know what the city of Windsor based their decision on as they will not speak publicly about it.

1520

Since the passing of the bylaw in Windsor, several dog attacks have occurred and none have been reported because they were not pit-bull-type dogs involved in the attacks. So in order to give Windsor a false sense of security, these attacks have gone unpronounced to the public. Most recently, a non-pit-bull-type dog, causing 33 stitches and a \$400 vet bill, attacked Windsor resident Chris Slote's five-year-old greyhound, Giorgio.

In an October 15 press conference, Attorney General Bryant was asked, "How are you going to deal with the fact that there are going to be people who will simply want to hand over their pit bulls as soon as this legislation comes in?" His response was, "That's the kind of thing that we need to work out with the municipalities between now and the introduction of the bill to address

that possibility. But again, the experience in Winnipeg—and that was sort of the broadest experience, an 11-year experience, I think maybe longer—was that that just didn't happen.”

I am here to disagree. Since bylaw 245 was implemented in Windsor, 84 pit bull type dogs have been impounded at the Windsor/Essex County Humane Society. Another 17 have been surrendered to our group, Advocates for the Underdog. In addition, we receive calls daily from people wanting to dispose of their family pets. People are throwing away their pets. So in response to Mr. Bryant, you are absolutely wrong. It will happen. How do I know it? I'm living it. Pit-bull-type dogs are being left tied to fire hydrants. One was picked up by the humane society on January 5. Farmers are calling Advocates for the Underdog because dogs are being dropped in their fields because people do not want to pay the surrender fee at local shelters. On December 17, 2004, Advocates received a call about a pit-bull-type dog being left in an abandoned home. At the time of the call, the dog had been there for six days without food or water. On January 14, a young girl contacted AFTU to take the four-week-old pup she had found in an alley. The most horrifying story is one of a seven-week-old puppy that was found in a garbage bin left to die, completely emaciated on January 15, 2005. People are disposing of their dogs like garbage.

Since bylaw 245 was passed in Windsor, several citizens have received restricted dog ownership letters, indicating that they must report to licensing or appeal their restrictions. Many citizens being served these restricted letters have never had a bylaw officer at their door nor do they own a pit-bull-type dog. Thirty appeal hearings took place in December and 46 were scheduled for January 2005. That is a total of 76 hearings in a two-month period in a city of 210,000 people. What will happen if a province-wide ban is passed? Who will bear the cost of these appeal hearings?

Another problem facing responsible owners is the simple task of walking one's dog. It has become, to say the very least, scary. Citizens walking down the streets have begun to fling verbal abuse at innocent dog owners for no other reason than the breed they are walking. In a much-publicized Toronto incident, a lady was walking her two pit-bull-type dogs in September 2004 when two males approached her. They kicked her one dog and burned her other dog with a cigarette. Both dogs submitted to the ground and did not react to the cruelty that was displayed to them. This is unacceptable, but inevitable should this bill pass.

In the words of Natalie Kemeny, “Prior to the Windsor ban, I would take my dog Rocco with me everywhere. People would always ask if they could pet him and commented on how well behaved he was. Due to the safety issues for my loved companion and myself, I no longer take him for walks in Windsor. Some neighbours who once asked Rocco to play with their family pets no longer speak to me because they are frightened of him.”

The aforementioned stories bring to light an even greater social question. If the government declares these dogs inherently dangerous, what does that say about the people who own them? I think we can all agree that responsible owners will retain ownership of their dogs and comply with any legislation. But what kind of personal pains will befall these people? Will friends become enemies? Will people be ostracized due to their choice of dog? Will children not be allowed to play at school friends' homes with these types of dogs? The questions are endless. Has it truly been analyzed how Bill 132 will affect dog owners, dogs, families, friends, relationships and loved ones? I think the answer is no.

You have heard throughout the hearings over the past two weeks that breed-specific legislation is not a solution to reduce dog bites. Education in our province and updated laws for dangerous dogs that do not target one specific breed have been needed for a very long time.

The Chair: Tammy, you've got about three minutes remaining.

Ms. Williams: OK. Bill 132 is not the solution and will only kill thousands of innocent dogs. I have worked out the numbers, based on Windsor trends after our city banned pit bulls. If this trend continues at the provincial level, we are in for the euthanization of many dogs. Eighty-four dogs have been euthanized in Windsor, and 39 dogs have been rescued from euthanization by Advocates for the Underdog. The total of euthanized and would-be euthanized dogs is 123. This is all in a 90-day period. If you apply this number to the population of Ontario, it is estimated that 7,286 dogs will be euthanized within the first three months, if Bill 132 is passed—7,286 dogs.

There is no doubt that dog attacks are tragic, and we definitely do not want to detract from that. But let's focus on attacks by all breeds, not just one. Any dog can attack or bite, and any dog that attacks should be deemed a danger to society.

Due to the breed-specific nature of Bill 132, it will not prevent the majority of dog bites. Bill 132 would not have prevented the following attacks:

The 4-year-old child in Lakeshore, Ontario, who was attacked in July 2004 by a dog for disturbing him while he was eating. The child's bottom lip was nearly severed from his face. This was not a pit bull;

A 6-year-old girl named Mackenzie in Windsor, Ontario, who was attacked by her own non-pit-bull-type dog for walking too close to his food dish. The child had to have her face reconstructed by surgeon Dr. Adams;

Cody, the toddler in Maple Ridge, British Columbia, who was mauled to death by four dogs in his parents' home—all non-pit-bull-type dogs;

James Waddell, 4 years of age, of Saint John, New Brunswick, who was mauled to death in his own backyard in November 2003 by three non-pit-bull-type dogs;

Ricardo, a 12-year-old paperboy in Cambridge, who was mauled on November 16, 2004, by what was originally reported as a pit bull. After an investigation by

the Cambridge humane society, the dog was determined to be a mutt—a non-pit-bull-type dog;

Cameron Buckett, a 14-day-old baby who was brutally mauled. It took doctors six hours to save this child's life. He was attacked by two non-pit-bull-type dogs;

Courtney Trempe, age 8, who was attacked and killed by a non-pit-bull-type dog;

The two brothers in Ottawa who were attacked in January 2005 by non-pit-bull-type dogs.

The Chair: That's basically your time for today. Thank you for having come in to make your presentation.

Applause.

The Chair: Order.

1530

ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The Chair: Our next presentation is the Royal Society for the Prevention of Cruelty to Animals, who are joining us by teleconference from the UK. Are you on the line?

Mr. Michael Flower: Yes, I am.

The Chair: Good evening to you. I'm Bob Delaney, Chair of the standing committee on the Legislative Assembly in the province of Ontario. You're speaking to us here at Queen's Park in Toronto, in the Legislative Building. Present in this room are representatives of the parties in the Ontario Legislature. This afternoon, you've got 15 minutes to present to us. If there's any time remaining, we'll divide it among the parties for questions. Please begin by stating your name for Hansard, and then proceed.

Mr. Flower: My name is Michael Flower. I'm a chief superintendent with the RSPCA. I work in the RSPCA's prosecutions department. I am grateful to you for the opportunity to make a brief statement in relation to this issue.

First, may I just advise you that the primary function of the RSPCA in this country is to promote kindness to animals and to prevent and suppress cruelty to animals. We are not primarily involved with the control of dangerous dogs or with dog control issues, but our work in the welfare field has given our staff a lot of contact with dangerous dogs and pit bull terriers and we do feel qualified to talk about certain aspects of the law in this country as it relates to dangerous dogs.

You may be aware that pit bull terriers were introduced into this country in the mid-1970s. The RSPCA became concerned about this breed of dog because we discovered that the breed was being used in dogfighting, we were finding lots of neglected animals, and there was also concern about pit bull terriers attacking other animals and indeed people. It was the latter occurrence that caused the government here to introduce the Dangerous Dogs Act in 1991.

The RSPCA's concern with this legislation is that it does contain elements that are breed-specific, insofar as the legislation prohibits the possession of pit bull terriers except under certain circumstances. The legislation itself

was really designed to eradicate the pit bull terrier from this country, but I can advise you that after 14 years or so the legislation hasn't worked.

We have been able to identify particular problems with our legislation which I wanted to draw to your attention. In particular, when the law was introduced we found that large numbers of pit bull terrier owners effectively ignored it. There was a requirement of owners to either destroy their dogs or to register them. Many people ignored it just with the view of being bloody-minded and awkward, but there were many people who owned pit-bull-terrier-type dogs who genuinely believed they weren't pit bull terriers.

Therein lies the essence of the problem. It is extremely difficult to identify a dog as being a pit bull terrier. There is no recognized breed standard in this country. It's not a breed that is recognized by our kennel club, and we've been forced to rely on a breed standard that was produced by the American Dog Breeders Association, which, as you may know, is an organization that has involvement with the dogfighting fraternity.

The fact that the legislation is breed-specific has made it extremely difficult for us or for anyone else to enforce the legislation. In any case that the RSPCA has been involved with, the identification of a suspect animal has been a major concern and a major deficiency in the legislation. We're aware of cases where no less than four experts have been called to court to try to identify a dog; this could be two experts for the prosecution and two experts for the defence. This causes a tremendous amount of confusion and a lack of clarity in the legislation. It can mean that it's difficult for a prosecutor to secure convictions, because reasonable doubt is always raised.

And there are other implications of the way the legislation is formed; in particular, costs. Seized animals in this country can be retained for months, and possibly years, pending determination of proceedings. The boarding fees for keeping such animals can be approximately £10 a day. A tremendous amount of court time is wasted, and of course there are welfare implications for these seized animals.

Therefore, we conclude from that that any legislation that contains elements of being breed-specific is likely to be very, very difficult to enforce and is not going to make good law.

The other problem we have in this country is that breed-specific legislation in itself does not necessarily address the problem with dangerous dogs. Although we had a number of very serious attacks by pit bull terriers upon people in this country, there are also very serious attacks by many other breeds of dogs. Although I haven't got all the statistics in front of me, the last I saw indicated that attacks by pit bull terriers were well down on the list.

There are other alternatives to breed-specific legislation. The RSPCA would recognize that there is a need to have legislation that controls dogs. The public has a right to be protected, but the legislation needs to be fair for all members of society, including dog owners. We believe that the way forward is to have strong legislation

that controls dogs. The courts need to have the power to order specific control measures, such as muzzling and keeping on a lead in public. There should be a power to order the neutering of dangerous dogs, because that tends to make them less dangerous. Other provisions can be introduced relating to compulsory training and insurance. There should also be a facility for courts to order the destruction of dogs which are deemed to be extremely dangerous.

We also believe that rather than just penalizing the dog, regard ought to be had for the behaviour of the dog's owner, because in our view, the vast majority of problems created by dogs are a result of irresponsible ownership. Therefore, if a person is irresponsible and has possession of a dangerous dog, the courts should have the power not only to order the confiscation of the animal but also to order the disqualification of an owner from having custody of dogs in future. Punitive measures can also be built in to provide a deterrence effect to try and encourage owners to be responsible, to keep dogs under proper control and therefore prevent dogs from being dangerous to the public.

To summarize what I've said, we believe there is a need to have legislation that controls dogs. We do not believe the legislation should be breed-specific. We believe the legislation should deal with the deed that's been committed by the animal rather than the breed. Our own experience is that breed-specific legislation is very complicated, it doesn't make good law, and we would strongly recommend that thought be given to introducing legislation that has no elements of breed-specificity in it.

The Chair: Thank you very much, Mr. Flower. We do have some time for questions. Mr. Miller of the Progressive Conservative Party will be addressing you.

Mr. Norm Miller: Thank you, Mr. Flower, for taking the time to address us. Your country has had 14 years' experience with the breed-specific ban. I'm just wondering, did the Ontario government consult with you about that experience?

Mr. Flower: Not that I'm aware of.

Mr. Norm Miller: OK. Part of the question about this legislation is what a pit bull is. In the definition of "pit bull" in the breed ban you have in place, did you include the Staffordshire bull terrier?

Mr. Flower: No, we did not. In fact, the legislation in this country contains no definition of "pit bull terrier" at all. Our legislation simply said it was designed to prohibit persons from having the custody of types of dogs bred for fighting, and it specifically referred to any dog of the type known as the pit bull terrier. There was no further definition or clarification, but clearly, and quite correctly, there was no intention to include Staffordshire bull terriers in this legislation.

Mr. Norm Miller: So in England, the Staffordshire bull terrier is not considered a pit bull?

Mr. Flower: No, it's not.

Mr. Norm Miller: Did you support the dangerous dog legislation in 1991, when it came into effect?

1540

Mr. Flower: The RSPCA supported the principle of controlling dogs, but the legislation here was very hastily implemented. Initially, the government here proposed that all pit bull terriers should just be killed. We fought against that proposal, and the resultant legislation was something of a compromise on our government's part. It never went as far as authorizing or ordering the immediate destruction of dogs. It became designed to phase the breed out. But the RSPCA always expressed concern about the legislation because of the breed-specific nature of it and the perceived difficulties in proving whether a dog was a pit bull terrier or some sort of crossbreed with another animal.

The Chair: Thank you, Mr. Flower. Mr. Zimmer, from the governing Liberal Party, is addressing you.

Mr. Zimmer: Who is Andy Foxcroft?

Mr. Flower: He is the chief officer of our inspectorate. He is actually sitting in this room with me.

Mr. Zimmer: Because I have on this issue that the Attorney General did not consult with the society; in fact, I have before me various e-mail correspondence on the issue with Mr. Andy Foxcroft.

Mr. Flower: Would you like Mr. Foxcroft to respond to your question?

Mr. Zimmer: Yes.

Mr. Flower: Bear with me; I'll pass the telephone over.

Mr. Andy Foxcroft: Hello there. This is Andy Foxcroft.

Mr. Zimmer: Mr. Foxcroft, I have before me electronic correspondence between you and one Abi Lewis, a lawyer in the Attorney General's office.

Mr. Foxcroft: Yes, that's correct.

Mr. Zimmer: And does that e-mail correspondence deal with the things we've been talking about on this telephone conference call?

Mr. Foxcroft: It does, yes, I mean, if you have the—

Mr. Zimmer: All right. Thank you.

The Chair: Mr. Flower and Mr. Foxcroft, thank you very much for your deputation this afternoon and for taking the time to spend your time with us via conference call. We wish you a good evening.

PATRICIA BEAR CLAW

The Chair: Is Patricia Bear Claw in the room?

Ms. Bear Claw, you have 10 minutes to address us today.

Ms. Patricia Bear Claw: I won't take that long. I'm here because nine other people at my co-op wanted to come but had to work, and I wasn't working this afternoon.

The Chair: Would you, then, start by stating your name for Hansard and just proceed. Any time remaining we'll divide among the parties for questions.

Ms. Bear Claw: Patricia Bear Claw. Honourable members, I am going to talk about the first time ever I

saw a pit bull, a few experiences and thoughts about pit bulls, and then I'll tie it up. It's very short.

The first time I saw a pit bull was when I was walking home from work along Kennedy Road. A small, cute dog, unleashed, was walking ahead of me with two women. Suddenly the dog just ran over to a large tree growing by the sidewalk and jumped up high and caught a branch in his mouth. He wiggled around until the limb broke—oh, I'm really nervous—and he fell down again with the limb, and then he jumped up again and caught another limb. I'd never seen a dog aggressively attack a tree like that, and I couldn't understand why he did it. It didn't make sense. But I became concerned about my safety and crossed over to the other side of the street and hurried home.

The next day, on my way to work, I was surprised to see all the lower branches of the tree broken off and lying on the ground. It was a real scene of destruction. Later, I went to the library and learned that it was a pit bull; at least the book said it was a pit bull. Still, I thought, "That's just one dog, and I don't have to think that all pit bulls would act like that." But over the years, I've found out that most of them act quite aggressively.

Some time later, I was billeted at a home in Saskatchewan where there was a pit bull. The dog was locked up in the kitchen at night because he had bitten his owner. He had also flung himself against the glass doors of a bookcase in the living room until the glass shattered. The children in the house were afraid of him, and so was I. I didn't get up until everybody else was up. He didn't seem to behave by how he was treated, but had moods of aggression for no reason. We all were very careful not to make him get into a nasty mood.

Over the last year few years, pit bull attacks have been in newspaper headlines quite often. A few stay in my mind. There was a man who was caring for two pit bulls for a friend. He was out walking them when they viciously attacked him. The police, who mortally shot the dogs, said that when the one dog was dying he was still trying to continue the attack on the injured man. Another breed would not have done that. Pit bulls continue attacking people even when they are hit with shovels to make them stop their attack. That's why pit bulls, I think, are so dangerous. They just keep going and going.

Bill 132 is urgently needed. It won't solve all the problems with dogs, because other dogs can be vicious too. Pit bulls were bred to fight and attack. They do not give up or even obey orders to stop attacking. They're bred to fight to the death in dogfights. They may look docile, but they're a walking time bomb. They are, like the Attorney General said, a loaded machine gun. People deserve the right to be safe. A pit bull attack must be the most frightening experience that anyone can go through. In a civilized country people's rights come before a dog's rights. But pit bulls have attacked dogs as well.

I agree with people having to serve six months in jail and having owners fined as much as \$10,000 for dogs that bite, and not just pit bulls but other dogs as well. I'd like to see a longer jail term and a ban on ever owning a

dog again. The person who has the vicious dog should have one chance, and then he can't own a dog again, because he shouldn't be owning a dog. Owning a dog is a privilege, not a right.

I have talked about the first time I ever saw a pit bull, and it was acting in a very strange, destructive way. I have talked about being billeted in a home in Saskatchewan, where a pit bull had moods of aggression no matter how he was treated. Then I went on to describe several articles about pit bulls in the media that really frightened me.

I urge that Bill 132 be put into law and that jail sentences for owners of vicious pit bulls that bite, or any dog that bites, be increased. I hope the passing of this bill will make it safer for people and animals, but most of all for children. Let's pass Bill 132 and ban all future pit bulls from Ontario.

At the back, I have a copy of the names of the people who wanted to be here but couldn't. I think too that responsible ownership has to apply to all dogs. If you're not a responsible owner, you shouldn't have the right to own a dog.

The Chair: Thank you for coming in today. We do have some time for questions if you'd like to stay for a few minutes. Mr. Milloy.

Mr. John Milloy (Kitchener Centre): Thank you, Mr. Chairman. I also want to thank our witness today for coming in. I just wanted to ask you about the photocopy on the final page, the other people who support your presentation.

Ms. Bear Claw: They wanted to be here but they couldn't.

Mr. Milloy: They all are neighbours? I just wondered if they too had experiences or had witnessed things that they wanted to bring forward that you might want to share.

Ms. Bear Claw: They live in the co-op where I live. They just said, "We don't want pit bulls here." We've had a few problems around the area. I've never been bitten by a dog. I had dogs when my kids were little. But they just said they didn't want pit bulls around. They were frightened when they saw—and we don't know what a pit bull is.

Mr. Milloy: Did you have a meeting, or the group got together?

Ms. Bear Claw: Yes.

1550

The Chair: Mr. Miller.

Mr. Miller: Thank you for coming before the committee today. I don't know whether you were here just before to hear the presenter from England, but they were just talking about their 14 years of experience with the breed-specific ban. You said something I found interesting, that your group doesn't know what a pit bull is. Is that correct? Did I hear you correctly?

Ms. Bear Claw: Well, we see them, but we don't really know—nobody knows—what a pit bull is, I don't think. But we do know they have a very aggressive—

Mr. Miller: I think that's part of the problem with this legislation. I think you'd probably agree that we all want to deal with dangerous dogs and we want to see less of them. We want to be able to walk around and feel safe. I think it's also true that the media contribute to people being nervous about pit bulls with reports—the media like to sensationalize things too, I think it's safe to say.

But part of the problem with this legislation is what a pit bull is, because it isn't a specific breed of dog. I guess my question is, don't you think we should be dealing with all dangerous dogs versus just pit bulls?

Ms. Bear Claw: Of course. That's got to be the next step, that you stop dangerous dogs from running around too. My daughter was carrying my little grandson on a little shoulder thing and a dog—I think it was probably part German shepherd—came and ran and grabbed his sock off his foot. He could have easily bit his foot. The scary thing was the dog owner took three or four minutes to try and get his dog in line and get that sock back from him. He was so apologetic, but I thought there's got to be something wrong when you have a dog running at large and you don't have any control over him.

Mr. Miller: I think your point is well taken. The passage of this bill could actually give people a false sense of security if they think all dangerous dogs are dealt with, when in fact pit bulls are a relatively small part of the actual dog-bite problem.

Ms. Bear Claw: Yes, but they're the ones that hang on and do more damage once they attack.

Mr. Miller: That's certainly what the media have been saying. I'm not sure whether that's true or not, but they've been saying that.

The Chair: Thank you very much for having come in to share your experiences today.

HAPPY DOG COMMUNICATIONS

The Chair: Is Happy Dog Communications present?
Good afternoon.

Ms. Sarah Dann: Hi there. My name is Sarah Dann.

The Chair: OK, Sarah, you've got 15 minutes to present to us. If you use less than that time, we'll divide the balance between the party's represented and have them ask you some questions. Now that you've identified yourself for Hansard, please proceed.

Ms. Dann: As I've said, my name is Sarah Dann. I will present to you my presentation after I've spoken. As with everything in this proposed pit bull ban, even my speech has been evolving, even today. This has been a fast-moving—I'll read.

I realize you have digested a good deal of information over the past four days of hearings. I too have been chewing on Bill 132 since I heard about the proposed pit bull ban. So far, this drastic legislation has left a bad taste in my mouth. I hope this 15 minutes will assist in making Bill 132 more palatable to pit bull owners across Ontario.

My business is called Happy Dog Communications. I named it nearly 10 years ago out of recognition that my dog spawned more conversation than any other aspect of

my life. My dog at the time was an English bull terrier. For each e-mail Michael Bryant has received, I have had a conversation about my dogs. As you have discovered over the past few months, nothing ignites conversation like bull terrier breeds.

Since the day the proposed ban was announced, I have communicated with hundreds of people who are petrified, concerned and desperate in their opposition to the proposed pit bull ban. I have studied the actions of various organizations, many of whom have presented to you over the past four days, and I have attempted to connect the dots and build a community for the proud and responsible pit bull owners of Ontario.

Unlike yourselves, who are able to draw on extensive government resources, pit bull owners were left scrambling to find one another after the Liberal government dropped the pit-bull-ban bomb. Our community continues to gather strength and, like you, has become much better informed and organized. We stand united against the pit bull ban and see this potential ban as a violation not only of our dogs but of our rights as Ontario citizens.

I will mostly stay away from statistics, since I know as a journalism graduate that there are many ways to slice them, and our Attorney General continues to demonstrate that they can be used to fulfill political agendas rather than to represent balance and truth. However, it is critical to the discussion of the pit bull ban to note that only a very small minority of the "breed" do bite. The best estimates are that there are at least 12,000 pit bulls—I've heard 8,000 today—in the GTA alone. Bite statistics seem to come in at around 50 bites per year for the breed, a similar number to that consistently noted for golden Labs, golden retrievers, German shepherds, cocker spaniels and some other breeds as well. Even allowing for a large margin of error, pit bulls that bite compose significantly less than 1% of the pit bull population. That leaves 99% of us with good dogs that do no harm. The Liberal government is basing the proposed pit bull ban on a very small minority and is not supported by experts in doing so. This point needs to be projected.

It is on behalf of the vast majority of pit bull owners of Ontario that I speak to you today. Not all of us have had the opportunity to present, and I thank you for having me here. I have spoken with people who are desperate to be heard on this bill, the reason being that we own dogs that are good dogs. We are not individuals who put our dogs in pits to kill one another. We put our dogs in parks to play with one another. Our dogs are good neighbours and good citizens. We do not train our dogs to attack anyone in a uniform. We teach them not to bark at their neighbours. We do not abuse our dogs, nor do we let them abuse others, human or canine. We love our dogs and we do consider them family. For us, this is an emotional issue and I understand that most of the presentations you've heard keep emotion out of this. But you need to understand that, as representatives of Ontario citizens, we consider these dogs family—hairy kids, if you will.

Much has been made of responsibility over the past few months, and for good reason. The argument goes that

dog owners must assume responsibility for our pets. We are, after all, the people who put their collars and leashes on, we're the ones who walk them in public or contain them on our property. We are the ones who pay the price if they do damage or cause pain. We will also be the ones who will have to muzzle and leash them should Bill 132 pass as written. And this is the root of the current uproar.

Pit bull owners know that our dogs are inherently dogs, not inherently dangerous. Many of us own dogs once abandoned by those who hoped they were dangerous, even believed that they were dangerous and were disappointed to discover that, alas, they were not dangerous. Many of us have picked up where irresponsible owners left off.

Muzzling our good pit bulls will make us accomplices in spreading unfounded fear about our breed. The only thing we see as inherently dangerous is the government's denial of our rights and of the truth, which is that the majority of pit bulls are not a threat to the public. We fear an Ontario in which the government supports and even solicits prejudice, and we are fighting what we feel is unfair and unfounded discrimination by our own government.

Even with the threat of the pit bull ban, pit bull owners have seen the results of such discrimination and we fear for our own security should the ban pass. In one park in Toronto, bullets with a hateful message were found. Tammy from Advocates for the Underdog just reported the well-known incident of a woman who was herself attacked as she walked her two pit bulls. I have met her and her dogs. Her dogs are what has become known as "bullet proof" in terms of the safety and the way they present themselves in society as good citizens. The pit bull ban and muzzle law will brand thousands of pit bull owners as second-class citizens. We will be deemed guilty by association.

The Canadian Charter of Rights says that it is the responsibility of government to represent and protect the rights of all citizens equally. People who own pit bulls are citizens of Ontario too. We pay our taxes, talk to our neighbours and play in our parks just like the owners of Labs and dachshunds and mutts. The Attorney General of Ontario is mandated to protect public safety, and we insist on being protected. Ontario parks are currently a typically peaceful and police-free environment. Dog owners share equally in keeping the peace and ensuring their dogs do the same. As with most situations where citizens interact with one another, it is shared responsibility and equal rights that protect the public safety.

Canadian law is based on the assumption that all Canadian citizens are innocent until proven guilty. When I am told by the government of Ontario to muzzle my dog based on breed, the assumption is that my innocent dog is guilty. The experts do not support this assumption, nor do the vast majority of pit bull owners of Ontario, nor do I. Not only do I not support it, but I feel it is irresponsible and sets a dangerous precedent. I did not vote for a government that endorses prejudice.

1600

Michael Bryant will be asking me to support this legislation by placing a muzzle on my dog. I suggest something completely different.

For 27 years, I have walked the Beaches boardwalk with a terrier by my side. I started out with cairn terriers, which are now known as "Toto dogs." I moved on to English bull terriers, widely known as "Don Cherry dogs." I switched recently to pit bull terriers. Never has a dog been more in need of a public relations campaign. The definition given to this breed varies from "dangerous killer" to "lovable pet."

As you have witnessed, the divide between the public's "understanding" of pit bulls and that of dog experts and owners could not be much further apart. I would like to speak to you about how that communication gap could be bridged and why I see it as our joint responsibility, government and pit bull owners, to bridge it. We need to combat bad media coverage, not base legislation on it.

We just heard from Ms. Bear Claw about her fear of pit bulls, which from everything you've heard over the last four days is a perfect example of the sort of perception that the average citizen of Ontario is walking around with. I think it's unfair to the average citizen of Ontario to let them believe that pit bulls are as dangerous as they think they are. The pit bull needs a rebranding, essentially.

We had Michael Bryant up here today talking about the fact that people think there's a problem there. Yes, people do think there's a problem there. All we hear about is the problem. All we hear about in the media are the pit bull attacks. If you base this legislation on that media coverage, you're basing your legislation on the criminal element and the approximately 1% of the population—maybe it's as high as 5%—that they represent. You are not representing me. You are not representing the thousands and thousands of other pit bull owners who vote and who have put a lot of effort into making sure their dogs are good citizens. Where is the humanity in that?

I have an expectation that my government will base law on fact, not fear. I have an expectation that my government will spread fact, not fear. I have a huge problem with being asked to be complicit in what essentially adds up to a very bad publicity campaign for the pit bull breed, which is muzzling them in public. All you're doing at that point is adding to the perception that the pit bull is a dangerous dog.

Mr. Kormos made a funny comment that we could put pink bows as a deterrent on pit bulls. It's not such a bad idea. Every Halloween I dress my dogs up. When the kids come to the door, they are greeted by English bull terriers or pit bull terriers with lipstick kisses on them one year—

The Chair: Sarah, you have about three minutes remaining.

Ms. Dann: Thank you—or dressed up as the Mole Sisters, some popular kids' book characters, another year.

It is possible to project the pit bull terrier positively. I believe this is the only solution that will actually bring a level of responsibility and humanity to this entire debate.

I have heard swiftness praised over the last few days. I have heard Michael Bryant commend himself for the representation he's given to various groups. Representation is fantastic; we appreciate it. However, listening is more important. The experts have unanimously come out and said no to a breed-specific ban. This is Canada. This is a democracy. This is a country known for good government. I'm sorry, but not basing legislation on experts and basing it on the politics enjoyed by individuals, such as the Honourable Michael Bryant, is unfair to the average voter.

I would like to suggest that we work together to educate so that people understand that it is not just pit bulls that pose a risk, but also German shepherds, cocker spaniels, all breeds of dogs.

We have heard from various people that one hour of education for children can bring dog bites down 1%. We have heard incessantly about 5,000—now 6,000—e-mails received by Michael Bryant on this issue. I worked on marketing campaigns that received 5,000 e-mails a day. It's lovely to solicit that kind of response, but 5,000 e-mails does not a democracy make. Many of the people here have e-mailed against the pit bull ban. My reason for tying those two things together is that we could be educating the public. Instead of having a politician standing up there and promoting fear and muzzling our dogs, we could be teaching people how to avoid dog bites with all breeds of dogs, which would support the findings or the suggestions of 9,200 vets in Canada. I've worked in a veterinary office. Those people see all breeds of dogs. They see good owners and bad owners.

We have to believe that responsible owners and responsible ownership can address this problem. We cannot contribute to the criminal element their idea of the pit bull as a status symbol. Let's get our dogs out in the community, keep them off their leashes, keep them in the parks, muzzle the bad dogs, just like you would every other breed, and allow dangerous-dog legislation to do its job. Allow us to do our job as responsible dog owners and stop the fear. Base it on fact.

The Chair: Thank you. That concludes—

Applause.

The Chair: Ladies and gentlemen, I have stated in the past that it is not the practice in the Legislative Assembly to recognize deputations. If necessary, I will clear the room.

Thank you very much, Sarah.

STAFFORDSHIRE BULL TERRIER CLUB OF CANADA

The Chair: Is there a representative present from Staffordshire Arms?

If you've got some material to pass out, the clerk will take it from you and distribute it to the committee. Thank you.

Ms. Squibs Mercier: I'm Squibs Mercier. Ladies and gentlemen, I appreciate this chance to come and speak to you and I'm here mainly to defend the honour and the character of Staffordshire bull terriers.

The Chair: As you start, just to let you know you've got 15 minutes to address us. If there's time remaining after you've finished, we'll divide the time among the parties for questions. Now that you've identified yourself for Hansard, please proceed.

Ms. Mercier: Thank you. Ladies and gentlemen, I appreciate this opportunity to express my concern and offer my suggestions. I strongly oppose breed-specific legislation. Bill 132 does not deal with the problem or improve public safety.

I'm Squibs Mercier, the remaining founder of the Staffordshire Bull Terrier Club of Canada. I would like to submit the club's official response to the media's evidence regarding the Staffordshire bull terrier presented to the president of the club on January 24. I'm also the honorary life vice-president of the Staffordshire Bull Terrier Club of Canada, a life member of the Canadian Kennel Club, a life member of the Ottawa Kennel Club, director of the Rideau Terrier Club and, for the past 40 years, historian and archivist of the Staffordshire Bull Terrier Club of Canada.

Dogs are my interest and Staffordshire bull terriers are my life. My dedication to the breed is a lifetime commitment. They will always be an essential part of my family. Staffordshire bull terriers were part of my family even before 1935, when they were registered with the Kennel Club in England. My father recognized their trustworthy characteristics as valued members of the family and as an all-purpose, loyal companion. Their affection, especially toward children, had dubbed them the "nanny dog."

1610

The distinguished Royal Staffordshire regiment in England has always had a Staffordshire bull terrier as its honorary mascot. Our club is privileged to share the same motto as this respected regiment. It is evident that the regiment would not have selected a Staffordshire bull terrier if the breed's attributes did not exemplify every principle of the highest esteem that the regiment represented: intelligence, obedience, trustworthiness and devotion to kinfolk. The Staffordshire bull terrier mascot is called Watchman III and is presented to the Queen and other dignitaries whenever the regiment is on parade. This is, again, another positive distinction bestowed upon our breed and is beyond reproach.

The Staffordshire motto, "Nemo me impune Lacessit," is an inspiration and guidepost for dealing with life's unpredictable challenges. My father taught me to acknowledge this motto as a youngster, as I did likewise with my own children.

The Staffordshire bull terrier is my father's legacy to me. I have cherished this gift and hope to pass it on to others.

The motto means that one must not harm or discredit others, but never accept slander to body or character

without being ready to stand tall and correct the issue. That is why I am standing tall before you today, ready to defend the honour and reputation of our Staffordshire bull terriers and their responsible owners.

The Canadian Kennel Club champion shows often have an entry of 1,200 dogs of various pure breeds. With the public milling around in a limited area, good behaviour is evident throughout the show. This indicates responsible dog owners and breeders.

I am proud to report that for the past 23 years, Staffordshire bull terriers have been an active member of the Ottawa Junior Kennel Club, competing in all junior handling shows and entertaining in fun dress-up events. However, the most rewarding and encouraging aspect was the community services they offered. The juniors and their Stafford companions visited the local retirement homes, selected hospital wards and the veterans' residence to offer hands-on therapy. This harmonious service was always well attended and well received and, naturally, in great demand, as it brought pleasure to all involved. This is remarkable bonding between the juniors and the dogs. The Staffords instinctively remain calm, without a display of jumping, to greet the seniors. It is a worthwhile kindness given from the hearts of the youth of Canada and their dependable four-footed companions. This should be recognized and highly commended in today's society.

Might I also bring to your attention that our breed club represents Staffordshire bull terriers over the largest terrain in the world, from coast to coast. Our club, which has been recognized by the Canadian Kennel Club for 40 years in good standing, acts as one voice to promote our lovable Staffords, which have done us proud, without one complaint against their temperament or behaviour. Surely this is a remarkable record that speaks well for itself and should not be ignored or misrepresented.

The club operates a rescue service that responds to all inquiries from the humane society shelters, but just as in the media reports, a breed is often misidentified. In most cases, the dog in the shelter is not a Staffordshire bull terrier. No Stafford is left in despair. When circumstances arise, we ensure that good homes and good owners are provided.

Therefore, it is essential not to ban registered breeds and cripple the CKC establishment, which promotes education and health benefits, encourages dog obedience and provides handling classes to new puppy owners. This is where responsible dog owners are created.

The recent dog attacks are our concern, and attention needs to be directed to the irresponsible owners. It is essential to look at both ends of the lead. The loop end is accountable for the damage caused. Just like in a car accident, the make of the automobile is not to blame, it is the owner or driver, so it should be that if you own a dog, regardless of breed, you are liable for any damages.

The mentality of people who choose to own an aggressive animal is that they have lost respect for humanity, and we can query their motives. The authorities can extend education and make owners aware of the total

liability of this debatable choice. It is here that I might like to add that the most aggressive beast of all time is mankind.

If the Attorney General is sincere in wanting to solve this serious situation and win points and future votes for the Ontario Liberal Party, he must direct his attention to the Calgary dog bylaws. These bylaws put the onus very strongly on dog owners, with stiff penalties and heavy fines. This has been most effective, and also of financial benefit to the community. I would also like to suggest that the committee review laws regarding puppy farms that help to supply undesirable, unsound, sick canines.

The above approach is sensible. Do not try to terminate the very establishments that are seriously working to make Ontario and the entire country a safe and secure environment. Be assured that we will not accept unfair blame for crimes that the breed has not committed.

Our dogs are a limited breed here in Canada, and we are knowledgeable of our puppies and owners. If we can help in any way to be of constructive service, please do not hesitate to contact our registered breed club and us in general.

I am sure that the committee has heard enough statistics in these four days. Therefore I will close with one final, but most important, statement.

The Staffordshire bull terrier represents to me all that is good. They are true, honest, loyal, smart and brave friends. They give me strength when I have none. They inspire me to carry on in cases of adversity. They are the essence of my life. I am adamant and completely dedicated to upholding the reputation of the Staffordshire bull terrier as the most trustworthy, loving family member worldwide and I stake my life on this. *Nemo me impune lacessit.*

1620

The Chair: Thank you. We have time for one question.

Mr. Norm Miller: I would, first of all, just like to ask, are you the typical pit bull owner?

Ms. Mercier: No, I'm a Staffordshire bull terrier owner. I told you in the beginning that I'm here to defend them.

Mr. Norm Miller: That was my attempt at humour, actually.

Ms. Mercier: Did you get that right?

Mr. Norm Miller: My next question is, surely the government—I'm in the opposition—must have done some research before they introduced this bill. Why do you think they're calling a Staffordshire bull terrier a pit bull?

Ms. Mercier: I think they're just banning the whole concept of "bull," and that is wrong. Say a Canadian from another origin has committed a crime; say he comes from Italy. Does that mean that all immigrant Canadians, then, are guilty of the crime?

Mr. Norm Miller: Are you familiar with the number of Staffordshire bull terriers in England at all?

Ms. Mercier: No, but I do come from England. I do know that they are limited in Canada. For instance, in

Ottawa, where I come from, if you told me there was trouble with a Staffordshire bull terrier, I could easily say which one, because there are only about 16.

The Chair: Thank you very much for having come in today.

Ms. Mercier: Thank you. I now need a good cup of tea.

The Chair: That sounds like a very civilized idea.

CANADIAN ASSOCIATION OF PROFESSIONAL PET DOG TRAINERS

The Chair: Is there a representative present from the Canadian Association of Professional Pet Dog Trainers?

Please take a seat. Welcome this afternoon.

If you've been here for a while, you get the general drift: 15 minutes, and we'll divide up any time remaining. Please begin by stating your name for Hansard, and then proceed.

Ms. Keiley Abbat: Thank you. My name is Keiley Abbat. I'm here representing the Canadian Association of Professional Pet Dog Trainers. In my experience with dogs professionally since 1989, I have fulfilled many duties and held many positions and appointments in the canine world.

One point that I would like to bring up before I start my presentation is that this morning Attorney General Michael Bryant mentioned that he had secured extra funding for the Ontario SPCA and had spoken to the director of investigations, Michael Draper, and that there would be funding allowed for the SPCA's response and animal control actions. I would like to state that that is an incorrect statement on Mr. Bryant's part, even though the time is long overdue that the Ontario SPCA receive funding from Ontario and municipal governments. They are not an animal control service; they are an animal care and welfare service. That is their mandate, very much like the RSPCA in Britain. They are not responsible for animal control services; those fall on the municipalities. Animal care and welfare is their primary factor.

Now, my presentation: Many of the presentations you have heard to date have addressed the blatant shortcomings of the proposed Bill 132. As a representative of an association comprised of more than 500 professional dog trainers from across Canada and some members from the USA, I am here to address some of these shortcomings from the standpoint of canine behaviour.

It is the belief of the Canadian Association of Professional Pet Dog Trainers that the proposed Bill 132 focuses on the least impactful factors influencing canine aggression and ignores many other much more significant factors. This choice comes at the expense of future victims of dog attacks and will lead to legislation that not only fails entirely to address the question of public safety and dogs but in fact shows a contempt for it.

As it stands, Bill 132 threatens to fool the public into believing that the provincial government has taken sufficient action against canine aggression by targeting a single population of dogs whose numbers across this

province are insignificant and which is not representative of the vast majority of dog bites that require medical attention. Thus, Bill 132, as it is written, will lead the public to disregard the real causes of canine aggression at their own peril.

Canine aggression is not specific to one type or breed of dog. All dogs can bite. All dogs can inflict significant injury. Just over a year ago, I myself sustained a major facial bite from a whippet, hardly a dog that a layperson would imagine to be capable of such an injury. I received sutures across my upper lip, inside my mouth, under my chin and on my throat. As a professional dog trainer, even though I was surprised by the attack itself—and I will qualify that. As Marg Schneider from HABAC very eloquently put it earlier, anybody who works professionally with dogs should be able to read dog behaviour. If this dog had been in my field of vision, I would have been able to read its body language. It came at me and around me from behind. I did not know it was there. I was not surprised, however, that a whippet could inflict the damage it did. I was glad that no children lived with this dog. I could only imagine the damage that a five-year-old might have sustained if such a child were standing in my place at the time of the attack.

Canine aggression is caused or influenced by a number of factors, including the following:

(1) The dog's innate drives, which are prey, defence, food and reproduction.

(2) The lack of socialization. Dogs are pack animals. Dogs that are isolated, restrained via chain, tether or penning, or restricted from engaging in appropriate, natural social behaviours are more likely to display aggression.

(3) The lack of basic education, basic training and structured education for the dog. Without training, dogs have no skills that allow them to understand their place in our own human world. Untrained dogs tend to be viewed as nuisances to the people who own them, especially when they become adolescent, and are more likely to be isolated, dropped off at shelters, or under-socialized and given away. Untrained dogs are more likely to resource-guard, which is to protect items they individually deem to be valuable, which is the cause of a great number of pet dog bites.

(4) Their health, both emotional and physical. Dogs that are not afforded appropriate food, exercise and care, and those that are ill, physically compromised, in pain or parasite-ridden are at risk of demonstrating aggression.

(5) The behaviour of the potential victim needs to be taken into account. Provocation, physical assault on the dog, cornering the dog, surprise or unusual movement, running away, yelling and screaming can all provoke aggression in any dog.

(6) Poor breeding comes into question. Over-breeding, breeding without knowledge of genetics, repeated breeding of the same dam, or female, inbreeding, breeding unhealthy dogs together and breeding to enhance any sharpness or aggression all contribute to a propensity toward aggression in puppies that may be born.

(7) Intact, or unneutered, male dogs represent the highest risk for aggressive behaviour. In one study by B.V. Beaver, 1999—and it's included, if you'd like to find those studies—this population of dogs represented 80% of all dogs presented to veterinary behaviourists for “dominance” aggression or forward-threat aggression. Intact male dogs, in another study, are involved in 70% to 76% of all reported dog-bite incidents.

Knowing these key factors, there are numerous ways legislation can address canine aggression:

(1) How about enforcement of mandatory licensing programs? The Calgary model is exemplary. I haven't heard much in these deputations about the Calgary model, and we certainly haven't heard from Calgary themselves. I recommend that that be looked into.

(2) Requiring dog owners to attend mandatory training classes in order to obtain a municipal license.

(3) Enforcement of spay/neuter of all pet dogs or non-breeding or show animals as a prerequisite to obtaining a municipal licence.

(4) Supporting municipalities in their ability to provide sufficient animal control services in order to enforce leash laws, animal care and control laws, and education services. Is there an honourable member here who knows how many animal control officers serve the city of Toronto in a 24-hour period? The answer is two. How do you expect them to deal with the downloading of proposed Bill 132 with two animal control officers, who can hardly even respond to calls today?

(5) We also need to regulate breeders.

(6) How about the promotion of dog-bite prevention programs, specifically to school-aged children? Our money would be well spent on that. Dr. Stanley Coren, a well-known Canadian canine behaviourist, has recently completed a personal study where he determined that a one-hour dog-bite prevention class presented to children from kindergarten through grade 5 reduced their propensity to become dog-bite victims by 80%. That's money well spent.

(6) How about adopting a zero-tolerance policy and placing stricter repercussions on owners of dogs that have been deemed a threat to the community? For goodness' sake, can we start enforcing the Dog Owners' Liability Act?

The Canadian Association of Professional Pet Dog Trainers contends that by failing to address the key factors influencing canine aggression and their solutions, the government of Ontario is creating a red herring that will fail utterly in protecting Ontarians against dog bites. Further, by focusing on a single population of dogs, this legislation will deprive many responsible Ontarians of the right or opportunity to own a particular type of dog, with no legitimate justification, in an attempt to eradicate a mere fraction of the dog population as a whole.

1630

We challenge the government of Ontario to build legislation that will truly protect us. We offer our expertise in the field of canine behaviour and education in the development of such legislation. As a province, we

have the opportunity to craft legislation that is innovative, cost-effective, thoughtful, bold and proactive by taking meaningful action. The world is watching us. Currently, the proposed Bill 132 will not fulfill any of these objectives.

Over the last four days, this committee has heard from true experts in this field from around the country and the world. All of us are standing to be heard on this issue because we know that the current course of action is ineffective, costly, unenforceable and weak. But we are not here for these reasons alone.

We all believe, as evidenced by our submissions, that the Ontario government needs to take control of the proverbial leash regarding dog ownership and dog-bite prevention. Those of us who work with animals all work in the trenches on a daily basis. The CAPPDT, Canadian Association of Professional Pet Dog Trainers, joins with every other expert, individual or association that has provided science, experience and evidence before you regarding proposed Bill 132.

While a proactive measure to reduce dog bites is long overdue in this province, a breed-ban approach will hardly scratch the surface. In fact, it is likely to become an infection. It is tantamount to putting a Band-Aid on a deep wound.

Given the witness testimony from so many experts in this field over the last four days, can the government of Ontario truly say at this point that the proposed Bill 132 will protect Ontarians from dog bites? The answer is no. Can the government of Ontario ensure that dog bites will be reduced by banning a certain population of canines? The answer is no. Can the government of Ontario count on willing input, advice and participation from all the experts in the field in order to create meaningful legislation? The answer is yes. If the government of Ontario decides to proceed with the current proposed legislation as it stands, can it expect that this legislation will be costly, ineffective, and eventually backfire in their faces? The answer is yes.

Thank you for your time.

The Chair: We have a little bit of time for questions, leading off with the government side.

Mr. McMeekin: Thanks very much for your presentation. I was going to ask about some kind of mandatory bite training in the school system, but you tackled that. Then I was going to ask about dangerous dogs and differential treatment of owners who are designated to have dangerous dogs, but you handled that.

Ms. Abbat: Let's use our Dog Owners' Liability Act as its written.

Mr. McMeekin: But what you really grabbed me on was when you said government should be about innovative, thoughtful, bold, proactive and cost-effective measures, and you specifically mentioned Calgary. Can you say a little bit more about why you like the Calgary approach? What is there about the Calgary approach that's missing from the Ontario approach?

Ms. Abbat: Pretty much everything. Sorry, but it's true.

Mr. McMeekin: I've opened the door for you.

Ms. Abbat: From what I understand of the Calgary approach, they have taken animal control services quite seriously. They have not removed budgeting, as we have, from municipalities across Ontario. In fact, they have enhanced and implemented budgeting. They have upped the salaries of the animal control officers so that their jobs are more attractive. They have provided them with adequate training and the numbers they need in order to provide mandatory licensing. They have a zero-tolerance policy on licensing at this point.

In a city as large as Toronto, where an estimated 10% of the dogs are licensed, it's definitely a clear task. But especially since amalgamation, year after year after year the department of public health's animal control services budget in Toronto has been cut back. This is an animal control service serving over two million people, pretty much. With two officers in the field at any given time, it's an embarrassment; it really is.

Calgary has also been able to pay for itself through mandatory enforcement.

Mr. McMeekin: So it's self-financing?

Ms. Abbat: It's self-financing at this point, apparently.

Mr. McMeekin: And they're not doing it on the cheap?

Ms. Abbat: From what I understand, it's completely self-financing and it's not done on the cheap.

Mr. Norm Miller: I'm very happy you brought up Calgary. As this committee started four days ago, the first thing I tried to do was get Mr. Bill Bruce, the director of bylaw services for the city of Calgary, invited to testify before the committee.

Ms. Abbat: Yes, I read it in Hansard. I realized there was some opposition from the government, and I don't understand why. If this is open, why aren't we hearing from everybody?

Mr. Norm Miller: My point exactly. He has been invited to make a written submission, so we're looking forward to receiving that. I gather that in Calgary they are self-funded, because something like 90% of the dogs are licensed. I believe each licence is \$50, and with that money they are able to enforce the rules they have. That's more a city bylaw.

On a provincial level, what sorts of other things should we be doing? For example, we have a license for just about anything now. If you want to operate a boat in this province, you have to pass a test and get a licence. Should a dog owner be required to have some education and get a licence?

Ms. Abbat: Absolutely. It's the stand of the Canadian Association of Professional Pet Dog Trainers as an organization, as witnessed through this document I've presented to you today, that we strongly believe in humane training as a way to ensure the safety and sociability of a dog living in an urban, or even a rural, environment.

The population of dogs in urban environments has really jumped in the last 10 years. In Toronto, they

estimate that one in three homes has a dog. That's huge. Dogs are now being brought into our family a lot more than they were in the past. They're being treated as family a lot more than they were in the past. With the growth of population in some of our major urban environments and the growth of the dog population, there's a lot more interaction between people and dogs than there was in the past. We now have off-leash parks. So training of a dog should be made mandatory. It also educates the owner as much as it educates the dog.

The Chair: Mr. Kormos, any questions? No?

Thank you very much for having come in today and delivering your submission to us.

Ms. Abbat: Thank you.

MIROSLAW SLONSKI

The Chair: Mr. Mirosław Slonski, with a very helpful box of material for the clerk to distribute. Please be seated. Good afternoon; dzień dobry. Mr. Slonski, I think you've been around long enough to get the general gist of how things go. You have the distinct recognition of getting the last word here in these four days of hearings. Please state your name clearly for Hansard and proceed.

Mr. Mirosław Slonski: I'll try not to put you all to sleep. My name is Mirosław Slonski. Mr. Chair, standing committee, thank you for providing me with the opportunity to speak to you in regard to Bill 132. This is a summary of my written submission. The submission that has been circulated is somewhat more extensive than what I'm going to present to you because of time constraints.

I am a professional engineer and hold a master's degree in aerospace engineering from the University of Toronto. I am the owner of an American Staffordshire terrier adopted from the Toronto Humane Society nearly 10 years ago. My dog has been neutered and obedience trained, is well-socialized and microchipped, yet with the introduction of Bill 132, I am being put in the same category as irresponsible owners and criminals.

I am against the breed-specific portion of the proposed law, although I do endorse legislation that puts the onus of responsibility on the dog owner regardless of breed.

The Attorney General used US statistics to suggest that pit bulls are more dangerous than other dogs. Mr. Bryant stated that pit bulls account for over 50% of serious dog bites but comprise less than 1% of the dog population. This statement is a combination of two completely different and independent studies.

The 1% of the dog population was quoted by Alan Beck, who derived the number from United Kennel Club purebred registrations. The validity of using purebred dog registration numbers to ascertain the percentage of unregistered dogs among the entire dog population is questionable at best. The figure of 50% is based on a completely unrelated, also American, study of 59 vicious repeat-offender dogs, where 28 of the repeat offenders were pit bulls. Then Mr. Bryant proceeded to attribute this finding to the entire dog population.

This type of method is effectively equivalent to conducting a study of a small, selected group of people, recording, for example, the type of education they received, and projecting the findings over the entire population of Ontario.

1640

Were manipulated US statistics used because Canadian statistics do not support the Attorney General's theory? In Canada, numerous studies found that pit bull bites consistently account for 5% to 10% of all bites, while another breed—I won't mention the breed's name at this point—accounts for 30% to 40% of bites. The government insists somehow that pit bull attacks are more severe. Now, what is more severe than a fatality? Other breeds are responsible for up to four times as many fatalities in Canada as pit bulls. Out of 23 fatal attacks recorded in the last 20 years, pit bulls were responsible for only one incident, where the dogs were provoked by a person under the influence of alcohol.

The Liberal government would like us to believe that there is great public support for the pit bull ban, while the experts in the field oppose breed-specific bans and support non-breed-specific legislation. In doing so, the Liberal government is weighing the professional opinions of the experts against the opinion of the general public, whose opinion is influenced by frequently false and sensational media reports. As a professional engineer, I find this practice highly alarming. Engineering practice is very strictly controlled by a number of codes and regulations, all developed by subject matter experts in order to best protect the public. It is absolutely inconceivable that any codes and regulations pertaining to public safety would be imposed by politicians without regard for the opinions of the experts. Allow me to ask this of the government: When constructing a bridge, is it not the position of the government that the adequacy of design, materials and construction methods require the application of engineering principles and best practices, or should it be decided by a public vote? I can assure the committee that if a public vote were chosen, all buildings and bridges would collapse, airplanes would fall out of the sky, and cars would speed off and crash killing all occupants and bystanders.

I was very troubled when I heard a retired school principal, an educator, insist that education does not work in the real world. From my professional experience, I know this not to be true. At present, I am a senior engineer at Bruce Power, a company well known and recognized for, among many qualities, its commitment to safety. We are currently nearing 7.5 million man-hours without a lost-time accident. This recently achieved exceptional safety performance has been attributed to the use of education to increase safety awareness among the employees. While the industry has been strictly regulated for many years, it has been the safety education that has shown improved results.

The Chair: Mr. Slonski, you have just over three minutes left.

Mr. Slonski: Thank you, sir.

There have been numerous reports of innocent dog owners, frequently of breeds not even affected by the ban, being assaulted by militant pro-ban individuals. Some of these militants have taken things to the extreme. For example, a bag of bullets with a threatening note against pit bulls was found in a popular children's park in Toronto. Clearly, public safety is not improving. Is the media hype, the falsification of pit bull attacks, the spreading of urban myths and fearmongering within the province what the Liberal government wishes to be known for?

Attorney General Michael Bryant and the Liberal government, let's set both a national and international standard. Don't senselessly punish dog owners who are already responsible. Let's set aside our differences, political and otherwise, and work together to develop non-breed-specific legislation that will make all dog owners responsible for their pets. Don't let Courtney Trempe's death by a bull mastiff be in vain. Hold irresponsible dog owners, especially those whose dogs inflict fatalities, fully accountable to the law. All of us who have presented during these hearings are here to work with you to draft effective legislation.

I welcome any questions, if there are any.

The Chair: Thank you very much. We have time for one brief question from each caucus, beginning with Mr. Tascona.

Mr. Tascona: Thanks very much, Miroslaw, for being here all day. You do have the distinction of being the final presenter on Bill 132. Hopefully, Bill 132 won't go forward, because we've still got a way to go. But your points are well taken. I think education and the lack of direction in the bill regarding responsible dog ownership are what have concerned a lot of the people who have been here. There's a misperception that the pit bull problem will stop when this bill is passed, yet pit bulls will still be on the streets.

Mr. Slonski: That is correct. In fact, I may be speaking a bit out of turn, but as I've seen in recent media reports from Winnipeg, which is touted as an exemplary example of pit bull ban success, pit bulls are still being found in basements, so clearly, they're not off the streets. On the same note, the dog-bite numbers did not reduce for a number of years along with the pit bull ban.

Mr. Kormos: Mr. Slonski, thank you kindly. You're an engineer?

Mr. Slonski: Yes, sir.

Mr. Kormos: I read attachment K to your report. I didn't know the history of the iron ring. I trust that the reference there is to emphasize the point that if you ignore science and hard data, you do so at your own risk.

Mr. Slonski: That is exactly correct.

Mr. Kormos: If there were hard data that indicated pit bulls, or let's say any other given breed, had an arguably disproportionate and higher rate of attack and consequence, would your position be the same as it is now?

Mr. Slonski: If there were hard evidence, I would absolutely agree with the legislation. As a professional engineer, I am sworn to protect the public. I have to set

aside my own personal predisposition or convictions to protect public safety. So yes, I would completely agree with the bill if there were solid evidence to support the claim.

Mr. Levac: Thanks very much for your deputation. I've been able to sit in on two days' worth of the hearings and heard very explicitly the concerns being laid out about the particulars of the legislation. My purpose as an MPP in these kinds of situations is to listen carefully.

I saw a videotape from an expert—I can't recall the person's name, but they were underlined as an expert on dog behaviour—that indicated that some breeds should not be allowed even in leash-free parks because of their predisposition toward the possibility of misbehaving and not being close enough to be controlled.

Mr. Slonski: That is possible, but, as I said, I am not aware of that, nor am I an expert on dog behaviour. My concern with this bill is that experts on dog behaviour do not appear to have been consulted, since in great numbers they oppose the bill.

Mr. Levac: OK. That's fine.

Mr. Zimmer: Mr Chairman, on a point of order: The previous witness, Ms. Abbat, in her deputation asked if we had received information from the city of Calgary. I think that was the request that the committee sent to the

city of Calgary, for a deposition from—the name escapes me now, but I think that's what the previous witness was looking for. Have we received that?

The Chair: It was to Mr. Bill Bruce. The status of that is that the clerk immediately contacted Mr. Bruce and made the request. Mr. Bruce acknowledged the request, and to date no such submission has been received.

Mr. Tascona: On a point of order, Mr. Chair: The deadline is today at 5 p.m. Isn't that correct?

The Chair: It is.

Mr. Tascona: Mr. Arnott hasn't been back to his office, so he wouldn't know at this point.

The Chair: It's very possible that Mr. Bruce's submission may yet be awaiting him.

Ladies and gentlemen, this concludes our four days of public hearings on Bill 132. On behalf of the standing committee on the Legislative Assembly. I'd like to commend all our participants and our deputants for your presentations and for your advice. This is advice to the Ontario Legislative Assembly. Based on your input, the parties and the ministry staff now have a large body of research, information, opinion and anecdotal experience to consider in the evolution of Bill 132. I thank all those who have attended. These hearings are now adjourned.

The committee adjourned at 1649.

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CONTENTS

Thursday 3 February 2005

Subcommittee report	M-289
Public Safety Related to Dogs Statute Law Amendment Act, 2005, Bill 132, Mr Bryant / Loi de 2005 modifiant des lois en ce qui concerne la sécurité publique relative aux chiens, projet de loi 132, M. Bryant	M-289
Statement by the minister and responses	M-289
Hon. Michael Bryant, Attorney General	
Toronto Police Service	M-294
Mr. Julian Fantino	
Animal Alliance of Canada	M-296
Ms. Liz White	
Police Association of Ontario.....	M-299
Mr. Bruce Miller; Mr. Brian Adkin	
Mr. Nick Mays	M-301
Canadian Veterinary Medical Association	M-302
Dr. Keith Campbell	
Mr. Andrew Roman.....	M-304
Ms. Dianne Singer	M-306
Lieutenant Colonel Mike Dabros.....	M-307
Mr. Mark Fox.....	M-309
Human-Animal Bond Association of Canada	M-310
Ms. Margaret Schneider	
Ms. Diane Porquet	M-313
National Companion Animal Coalition	M-315
Mr. Louis McCann	
Mr. Michael Zaleski	M-317
Ms. Narcisa Tatu	M-318
Mr. Bill Francis.....	M-320
Mr. Karl Haab	M-321
Advocates for the Underdog.....	M-322
Ms. Tammy Williams	
Royal Society for the Prevention of Cruelty to Animals	M-325
Mr. Michael Flower; Mr. Andy Foxcroft	
Ms. Patricia Bear Claw	M-326
Happy Dog Communications	M-328
Ms. Sarah Dann	
Staffordshire Bull Terrier Club of Canada.....	M-330
Ms. Squibs Mercier	
Canadian Association of Professional Pet Dog Trainers	M-332
Ms. Keiley Abbat	
Mr. Miroslaw Slonski.....	M-334