



ISSN 1180-436X

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 2 February 2005

**Journal
des débats
(Hansard)**

Mercredi 2 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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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 2 February 2005

Mercredi 2 février 2005

The committee met at 1000 in the Brantford and District Civic Centre, Brantford.

**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.

The Chair (Mr. Bob Delaney): Good morning, ladies and gentlemen. Welcome to the standing committee on the Legislative Assembly. This morning we're considering Bill 132, Public Safety Related to Dogs Statute Law Amendment Act, 2005. In the spirit of the subject of the bill, I say to all the members present, "Sit!"

Interjection.

The Chair: Mr. McMeekin suggests that I perhaps avoid the command "Roll over."

UNITED KENNEL CLUB

The Chair: Is there a representative present from the United Kennel Club? Welcome. You get the first word this morning.

Ms. Cindy Cooke: I like that, if I can have the last as well.

The Chair: That we can't promise, nor much in between. However, the ground rules are more or less as follows: You have 15 minutes for your presentation this morning. You can use as much of it as you wish. If you have time remaining after you've finished your remarks, the time will be divided equally among the parties to ask you questions to perhaps amplify any point you've made. The floor is yours; please commence.

Ms. Cooke: My name is Cindy Cooke, and I'm here speaking on behalf of the United Kennel Club, which is the largest working dog registry in the world. We're located in Kalamazoo, Michigan, not too far from here.

I've provided each of you with three folders. The white folder contains evidence from a trial last summer in Toledo. The first article in there is the testimony of Dr. I. Lehr Brisbin—it's double spaced, so it's not as much reading as you think. Please read it. Dr. Brisbin is a scientist. He's the leading expert on the structure, physiology and temperament of the American pit bull terrier. In his testimony he pretty much deconstructs every myth about this dog. The red folder contains articles explaining why breed bans do not work and have not worked in other communities. I will talk about the contents of the blue folder later.

A good solution to the problem of dog bites in any community must be legal, just and effective. A breed ban is inherently unjust. You penalize thousands of good dog owners when you really only want to penalize a handful of irresponsible dog owners causing the problem. You will kill thousands of good dogs in your attempt to eliminate a few bad ones. Also, breed bans have proven ineffective. Shelters fill up with unadoptable pit bulls. That leaves no room for dangerous dogs of other breeds or for adoptable dogs. Criminals, of course, will continue to ignore breed bans, just as they ignore your gun laws and your drug laws, and other dangerous dogs will continue to threaten the community.

Numerous Michigan jurisdictions have repealed their breed bans in favour of non-specific dangerous-dog laws. Detroit and Saginaw, Michigan, are probably the two closest that have recently repealed these.

The pit bull is the dog du jour, which is normally the focus of most of this type of bill. Most of you probably aren't really sure what a pit bull is. "Pit bull" is a term that has been applied to various breeds of dogs that were created by crossing terriers and bulldogs, which were used, at some point in their history, in the cruel sport of dogfighting. Here are some of the pit bull breeds: the American Staffordshire terrier, the American pit bull terrier, the Staffordshire bull terrier, the bull terrier, the miniature bull terrier, the Boston terrier and the boxer. Despite their names, the American Staffordshire terrier and the American pit bull terrier are, in effect, the same breed. The AKC calls them American Staffordshire terriers, and the UKC, American pit bull terriers.

One reason these breeds are targeted so often is because there are so many misconceptions. One of the common misconceptions is that this is a rare breed, and so the number of bite incidents attributed to them is

wildly disproportionate to their numbers. In fact, in the United States it is the 32nd most popular purebred registered dog. That means there are more purebred pit bulls in the United States than collies, St. Bernards, Akitas, Dalmatians and, of course, my beloved Scottish terrier. You have to assume that we must be wildly courageous to have all these thousands of savage dogs living in our homes, or perhaps they're not quite as terrible as they've been made out to be.

Another misconception is that pit bulls are selectively bred for the purpose of dogfighting. In fact, pit bull breeds are relatively new breeds. They were developed in the late 19th century. Dogfighting was outlawed in the 1930s. So the majority of pit bulls have been selectively bred as family pets for many more years than they were ever bred as fighting dogs. And as any breeder can tell you, any trait not rigorously selected for in a breeding program is quickly lost because of the genetic diversity of dogs.

Here is another misconception: Pit bulls are more likely to attack people than any other breed. In fact, in the bad old days when dogfighting was legal, any pit bull that attacked a person was shot dead where he stood. The reason for this was that pit bull fighting rules required that each owner first wash the dog of his opponent. Now, if you were going to get bitten by your opponent's dog, that was not going to make for a good evening. Also, it was customary for these people to let their children play with their fighting dogs.

The American Temperament Test Society keeps a Web site where they show past-fail rates for different breeds. If you go to the Web site, you will see that AmStaffs and American pit bull terriers have the same passing rate as golden retrievers, and about a third more AmStaffs/APBTs have been tested. In addition, a five-year study done in the Cincinnati Law Review in 1982 specifically considered pit bulls and concluded that "statistics did not support the assertion that any one breed was dangerous."

Finally, the English pit bull, which is the Staffordshire bull terrier, is the most popular terrier breed in Great Britain. Its nickname is the nanny dog, because it is specifically so good with children.

Do pit bulls bite more than other breeds? Well, not according to your public health agency. Of the records in their study, the most common breed of purebred dog to bite is the German shepherd, followed by the dreaded cocker spaniel.

Why are pit bulls targeted so often? Well, my theory is that there is this terrible synergy at present among five groups of people: criminals, journalists, lawyers, dog owners and politicians.

Let's start with the criminals. The rise of the urban drug culture is also related to an increase in gun-involved crimes and dogfighting. Dogfighters love to exaggerate the ferocity of their dogs: "My dog can tear the bumper off a Dodge Durango." The dog can't do that, but they will say that. His criminal buddies, his drug-dealing buddies who are at the dogfights, think, "I've got to get

me one of those. I could put that in front of my drug stash and my money stash and keep the cops away." So these dogs, bred willy-nilly, ignored and mistreated by their owners, neglected and abused, are then allowed to threaten neighbours and police. Young, wannabe thugs who adopt the accoutrements of gang culture—the baggy pants, the hats turned backwards—also think it's cool to have these dogs. These kids may not necessarily be criminals, but they have no idea how to train and socialize whatever breed of dog they own, and they get involved in informal dogfighting, increasing the chances that their dogs will hurt someone. Please remember that the criminal element owning pit bulls represents the tiniest percentage of dog owners who own this immensely popular breed.

1010

Now we come to the role of the press. In my opinion, these guys are the real problem because of the way these stories are reported. First of all, they repeat exaggerated tales of the dog's ferocity and ability. You've probably heard about the 2,000-pound-per-square-inch bite. That was invented by a man named Ripley, who used to write a column called Ripley's Believe It or Not! Not.

They promote these pit bull myths. They report bite incidents without context. Channel 4 in Detroit once reported: "Pit Bull Mix Attacks Child in Schoolyard." I spent a day tracking the story down. The dog belonged to one of the children. It was identified as a pit bull mix, instead of just a mix, by one of the eight-year-old children in the schoolyard. That's who told the cameraman, who told the reporter, that it was a pit bull.

In addition, they fail to contact dog experts for background information. I find myself on the phone constantly saying, "Hi. I'm a dog expert. Would you like me to answer any questions about this story?" "No." As a result of all this media attention, I do think that the AmStaff and APBT have, to some extent, become the dogs of choice for irresponsible and criminal dog owners.

Now we look at lawyers: 1-800-DOG-BITE. You can call that in the United States if you get bitten by a dog. We love to litigate in the United States. Every dog bite is now reported, regardless of how minor, and I think many are exaggerated for the purpose of increasing judgments. In addition, this kind of litigation encourages a culture where every activity must be 100% safe or face litigation. This causes animal control people to be a little more concerned about any dog over 30 pounds.

Irresponsible and criminal owners represent the tiniest population of pit bull owners, but they are responsible for all the attacks by dogs on people and for all the harm done to these dogs. That dog's ears are pinned back on to him because they were torn off, because someone let him fight.

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

Ms. Cooke: So what do you do? You can choose to be politicians—quick fix, 30-second sound bite—or you can be political leaders with a solution that is legal, just and effective.

If you're going to make a good decision, you want people to advise you: on the one hand, dog owners, dog breeders, dog trainers, veterinarians, animal behaviourists, animal control officers—these are the dog experts who oppose breed bans—and the other, Mr. Bryant, a smart guy with lots of credentials but not a dog expert.

I have brought you, in the blue folder, *The Community Approach to Dog Bite Prevention*, published by the American Veterinary Medical Association task force on canine aggression and human-canine interactions. This plan was implemented in Nevada and reduced dog bites 15% in the first year. This plan works. It's a non-breed-specific dangerous-dog law. It requires education; it requires interaction with the media and the community.

I could solve your juvenile delinquency and violent crime problem in a day by locking up all men between the ages of 12 and 40. I could solve your unwanted teenage pregnancy problem by locking up all girls 12 to 20. That's not how we solve problems in a free society.

Do you have any questions? Did I use it all up?

The Chair: You've pretty much used up all of your time, but thank you very much for coming in today.

Ms. Cooke: Thank you for giving me the opportunity.

The Chair: Is Darlene Wagner in the room?

Mr. Toby Barrett (Haldimand–Norfolk–Brant): On a point of order, Mr. Chair—I'm just joining this committee. As Chair, are you not setting aside time for questions between presentations?

The Chair: We are when the deputant leaves sufficient time. If they leave sufficient time for one question, it will go by rotation by caucus. In this case, the deputant ran right up to the limit.

Mr. Barrett: OK.

Mr. Peter Kormos (Niagara Centre): On another point of order, Mr. Chair: I just want to tell you how pleased I am to be in Brantford, Mr. Levac's riding, and to be the beneficiary of his usual hospitality.

Mr. Dave Levac (Brant): Red carpet.

The Chair: That's right. Let it be noted for the purpose of the record that the city of Brantford rolled out the red carpet for the committee on our day here at the Brantford Civic Centre.

DARLENE WAGNER

The Chair: Darlene, welcome this morning. You have 10 minutes for your presentation to us. If you leave some time at the end, it will allow the parties to ask you some questions. The floor is yours. Please proceed.

Ms. Darlene Wagner: Good morning. My name is Darlene Wagner. I'm a letter carrier in Chatham.

Thank you for allowing me the opportunity to present my views to you concerning Bill 132. The opinions I'm about to express are strictly my own and do not represent the views, opinions or positions of my employer, Canada Post, or my union, CUPW.

I've worked for Canada Post for 28 years. June 2, 2004, was the worst day I've ever had working for Canada Post. I was attacked by two pit bulls while I was

delivering mail on Sandys Street in Chatham. I'm a vacation relief carrier. When you're a relief carrier, you don't know where all the dogs are and stuff, unless you've done that route numerous times before. This was the third day on this walk.

As I walked up the steps to deliver the mail to the townhouse, I noticed the inside door was open, but the screen door was closed. Then I heard what sounded like dogs running in the house. I had no idea there were even dogs there. I backed down the stairs, and then I noticed the dogs hit the screen door, and out they came. I didn't even have a chance. The dogs were coming at me.

I tried to get away, when I fell backwards over the curb, breaking both my wrists. I managed to get my right hand up to protect the right side of my face. I kind of tucked and tried to protect my face, because one dog was coming right at my face. One dog sunk its teeth into the right side of my head; the other came to the left side of me and grabbed on to my mailbag. My mailbag was what helped save me from being further injured on my left side. I was screaming for help. The owners came out of the house and pulled the dogs off me. My right ear was torn off because the dog would not let go of me.

For the past eight months, my life has been far from normal. I couldn't do anything for myself, with both hands and arms in casts, and my ear—what was left of it—stitched and bandaged. I have never been in so much pain in my life. I still have to deal with it daily. I've been asked if I have nightmares. I don't. I have daymares. Every time I move my hands or look in the mirror, I relive what happened to me.

This has also been a very difficult time for my family. My son has to take time off work to take me to London for doctors' appointments and my surgeries. Bruce is here with me today. My little four-year-old grandson has a terrible time with the loss of my ear. I try to remember to keep him on my left side so he won't cry. He's terrified of strange dogs now.

I'm not back to work yet. I really don't know when I'll return. I've had three surgeries so far on my ear, possibly two more to go. I have to go to physiotherapy every day for my wrists, and I still have problems getting my strength back in my hands and wrists. Despite all of this, I consider myself lucky. I could have been maimed for life. I thought I was going to die.

I am the face of a vicious pit bull attack. I am not a statistic. I am a human being whose life has been permanently altered.

As a letter carrier, one of the risks of my job is dog bites. In fact, I needed 14 stitches in my right arm for a dog bite in 1976, and that was a Lab-shepherd cross. Most dogs will bite and run away, but the pit bulls latch on and don't let go.

I am not a dog hater. I have two little dogs of my own. Their unconditional love and the support of my family, friends, fellow Canada Post employees, US postal employees and Chatham-Kent residents has kept me going through a terrible time in my life.

I support Bill 132. We need to stop these vicious attacks. Make dog owners accountable for vicious attacks and bites by their dogs.

The streets are my workplace. We need our communities to be safe for all of us, including our pets, whether it's when we are working or just going for a walk.

Thank you.

The Chair: Thank you very much for having come in and to have shared your experiences with us. We have about a minute and a half from each caucus for questions.

Mrs. Julia Munro (York North): Thank you very much for having the courage to come here today and relive, once again, the experience that you've had. Certainly all of us, I think, are deeply moved by the fact that you were at that kind of risk and suffered the way in which you did.

I guess my concern is the fact that you mentioned that you had experienced a bite back in 1976.

Ms. Wagner: Yes. I have 14 stitches in my arm right here.

Mrs. Munro: Our concern is the fact that, as the opposition, we are looking at a definition of "dangerous dog," because we don't think it's something that is determined by the appearance of the dog. I appreciate that your experience was with a dog of a specific type, but I put forward a private member's bill to address the issue of a dangerous dog: one who inflicts serious injury. I think that's the kind of initiative that we see other communities taking and one which we think should help.

You raise the issue that, at the end, it is the owners. We certainly agree and trust that the further physio and surgeries that you might be facing are successful.

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Mr. Kormos: [*Inaudible*] narration.

Ms. Wagner: Yes, it was very frightening.

Mr. Kormos: There is so much we could talk about. I want to indicate that I think everybody on this committee is looking for the best possible way to control/end these types of vicious dog attacks.

In your circumstance—you are working—is your recourse through workers' comp., WSIB?

Ms. Wagner: Yes, it is.

Mr. Kormos: Are you precluded, because you're in the WSIB system, from litigating or suing the owner of the dog?

Ms. Wagner: On my own, yes.

Mr. Kormos: What about the follow-up? Were the police called? Were any charges laid against these owners? Are you aware of what happened?

Ms. Wagner: No charges were ever laid against her.

Mr. Kormos: Were the police called?

Ms. Wagner: The police were called, the ambulance was there, everybody was there, but no charges have been laid. I did a full report with the police and it was presented to crown counsel and no charges were laid against her, and that's what really upsets me. That's not right.

Mr. Kormos: We've been hearing that from witness after witness in town after town after town.

Ms. Wagner: That's what I'm upset about.

Mr. Kormos: Even the existing legislation, the Dog Owners' Liability Act, isn't being enforced—

Ms. Wagner: No, it's not.

Mr. Kormos: —and that rots my socks. It's an injustice to you and others like you.

Ms. Wagner: Yes, it is.

The Chair: Thank you. Mr. Zimmer?

Mr. David Zimmer (Willowdale): You told us about the earlier dog attack many years ago—

Ms. Wagner: Yes, in 1976.

Mr. Zimmer: —and the more recent attack by the pit bull. I think you make a very good point, and you made it quite eloquently, that pit bull attacks are just qualitatively different than attacks from other dogs.

Ms. Wagner: They are.

Mr. Zimmer: Why do you say that pit bull attacks are qualitatively different from other attacks?

Ms. Wagner: They just seem to be so aggressive. If they've got it on their mind that they're going to attack you, they will. They will attack you and they will hang on. It's been our experience that they just will not let go of you.

Mr. Zimmer: Of course, you say that as someone who has been attacked by both types of dogs.

Ms. Wagner: Yes, exactly. I've been bitten over the years numerous times by dogs, but the two serious ones were with the stitches in my arm and the pit bull attack. Over the years, I've been bitten by other dogs. They'll come up and nip you, and then they're gone. I've had fingers chewed and my ankles bitten and stuff like that by little dogs, but they just bite you and then they're gone.

Mr. Zimmer: Notwithstanding that history of dog attacks, it's pit bulls that put the fear in you.

Ms. Wagner: Oh, yes.

The Chair: Thank you very much for having come in this morning and to have shared your thoughts with us.

Ms. Wagner: Thank you for letting me speak.

DOG LEGISLATION COUNCIL OF CANADA

The Chair: Is there a representative present of the Dog Legislation Council of Canada? Please sit down and make yourself comfortable. You have 15 minutes to address the committee this morning. You can use all or part of the time. If any time remains, it will be divided among the parties to ask you questions. The floor is yours. Please proceed.

Mr. Steve Barker: Ladies and gentlemen of the committee, my name is Steve Barker. I'm from the Dog Legislation Council of Canada.

I would first like to thank you for the opportunity to speak today and I would like to thank all those involved in these hearings, including all the people behind the scenes who have done a lot of hard work to make these hearings a reality.

The Dog Legislation Council of Canada, of which I am the Ontario director, has a three-part mandate: to promote responsible and accountable dog ownership; to assist communities in developing effective legislation that enforces that responsibility; and to educate the public regarding dog-bite awareness.

Over the past few months, we have heard and read some public statements that have been very difficult to accept. Much of this has been in the media, with various members leaping to tenuous conclusions, quoting from highly questionable sources, and misquoting or misusing statistics and massaging and manipulating them into their desired image.

As much as possible, we try to correct these inaccuracies by bringing them to the attention of the journalists and the editors. We're hoping to gradually change the climate in which these stories are created, so that the media will be able to assist us in the bigger issue of dog bites.

We have a much bigger issue, however, with a government that is willing to accept erroneous and misleading information as fact on which it intends to base laws that, in turn, will deeply affect all of its constituents. As a person who tends to analyze issues carefully and logically, I find this attitude incomprehensible, and as a taxpayer and a voter, I also find it offensive. I was appalled at the ease with which this government accepted media statements and suspect studies as God-given fact and then allowed these to guide it on to its current path.

I feel that it's important to provide, in one single place, all of the erroneous statements that have been made publicly over the past few months. Many of these statements were made by the Attorney General. I feel that, as a lawyer and as the Attorney General of the largest province in the country, he and his office, more than anyone else in this process, should have put a little more time and effort into research and perhaps a little less into public pronouncements.

Attached to my presentation and also provided on CD are 12 groups of public statements made in 2004 by various members of the government. These statements are either factually incorrect, scientifically already disproved, scientifically not provable or significantly exaggerated. Along with each of these, I've included some information from publicly documented studies that contradict all of these ideas. Sources for these studies include the Canada Safety Council, the Centers for Disease Control in Atlanta, the Supreme Court of Alabama, the Legislative Assembly of the United Kingdom and various studies performed by genetic scientists in the United States and Germany.

The substance of the statements made by the government is essentially:

- Pit bulls are inherently dangerous animals;
- Pit bulls are qualitatively different from other dogs;
- Pit bulls attack more frequently than other dogs;
- Pit bulls attack more viciously than other dogs;
- Pit bull incidents are significantly out of proportion to their population;

- We will have few problems identifying pit bulls;
- Pit bulls will not be abandoned to humane societies in large numbers;
- Pit bulls will not be replaced by other breeds;
- The government consulted with all possible experts;
- The government has broad municipal support.

In my attached document and on the CD, you will see my responses to those statements.

I would like to address one particular question which encompasses a number of areas. It appears to me that Mr. Zimmer, in particular, has been asking this question throughout the hearings, and I hope to shed some light on this issue: Are the three targeted breeds qualitatively different from other dogs? This brings us to the heart of this legislation. Do we need to treat pit bulls, as they are called in Bill 132, any differently from any other dog?

Over the years, due to a large population of the three breeds and dogs that look like them, due to some really bad owners who made some really bad choices, and due to what is probably a significant number of breed misidentifications, the pit bull has become a media favourite. As the stories abound, this type of dog has become almost an urban legend, the "super dog" if you will. Newspaper and TV coverage have caused the average Canadian to believe that the typical pit bull, every pit bull, always leaps at the fence snarling as you walk by, that it is lying in wait for the next postal worker or the next meter reader who dares invade its territory, that its drooling lips and intense eyes mean that it's just waiting to pounce on you, if its owner would just let it reach you. That is the image that is portrayed of the typical pit bull. It's images like these that make it to the newspapers, that get published on Web site after Web site, that get regurgitated by politicians in their quest to pacify that angry, media-misinformed public, despite the numerous scientific studies that have disproved these theories once and for all.

In order to best answer this question, "Are these breeds qualitatively different?", we must break it down into the major points that the government has been making and discuss whether or not there is any factual, scientific and statistical basis for all of these statements.

The first is, pit bulls are inherently dangerous. The Supreme Court of Alabama, courts in New Jersey and Ohio and a court in Ontario have all accepted scientific evidence that no breed is genetically more aggressive than any other breed. This means that the American pit bull terrier, the American Staffordshire terrier and the Staffordshire bull terrier are no more or less inherently dangerous simply because of the way they were born.

1030

A study conducted in Vienna examined the entire genetic aspect of aggression and what they came up with is that aggression is affected only fractionally by genetics and that environment and training had significantly more impact on the aggressiveness of a dog than who its parents were.

The Attorney General also stated that because there are insurance companies that won't insure pit bulls, that

means they're dangerous. We have insurance companies in this country that will not insure German shepherds, Dobermans, Rottweilers or even collies, and yet the Attorney General has stated on television that two of these breeds are not inherently dangerous.

The Attorney General also stated that the shepherds he grew up with would not attack anyone because they were properly trained. Does this mean that if they were not trained, they would have attacked? If that's true, does that mean those shepherds were also inherently dangerous?

The next question is, pit bulls attack more frequently than other dogs.

In the Legislative Assembly, the Attorney General listed 11 pit bull attacks on humans that had occurred within the previous 69 days. This was done to demonstrate how frequently pit bulls attack. In the list, he made no mention of how serious each of the attacks were; he just consistently used the words "attacked" and "mauled" and he did not list any attacks by other breeds. Two of the cases that he listed in the Legislature turned out not to be any of the targeted breeds at all. One was a Rottweiler, and one was a German shepherd, the very breed he grew up with and stated was not dangerous. During that 69-day period where those nine incidents occurred, there were an estimated minimum of 4,600 dog bites in Ontario, and probably closer to 6,000, according to the Canada Safety Council, the Toronto Board of Health and some other experts from the United States. That means that of those nine incidents he picked that were pit bulls, there were close to 6,000 other incidents in Ontario during that time. In Ontario every single day, there are 89 bites that require somebody to seek medical attention. The targeted breeds and the other dogs that happen to be labelled pit bulls account for less than 5% of all of those bites.

So then we get to the next question: Pit bulls attack more viciously than other dogs.

The Attorney General has quoted a study that discusses both frequency of attacks and severity of them. This study is a well-known piece of fluff created by a man named Merritt Clifton in Washington state. This man is currently being sued in four separate court cases because of his wildly inaccurate statistics. The statistics, by his own admission, come from media-only reports over a period of 20 years. His mathematical methods of calculating total bites are scientifically and statistically invalid, and I've looked at that study myself.

A Liberal member stated, "One child attacked and one person killed is too many for one breed." The statistics in Canada show that 12 different breeds have killed people in Canada, including a Labrador retriever and the Attorney General's beloved German shepherds. In fact, with the German shepherd in St. Catharines that attacked the two young boys, one boy had serious bites to his face, he had his leg bones crushed, and he spent a day and a half unconscious in the hospital.

We have some very horrifying stories of attacks by other breeds in Ontario, many of which are given a paragraph or two in small-town newspapers, don't even

make it to the big-town newspapers, and the TV coverage is almost nil.

Are pit bull incidents significantly out of proportion to their population? Using actual registrations from the various registries in the United States, we estimate that there are more than five million purebred American pit bull terriers in the United States. That equates to almost 9% of the estimated dog population, not 1%. Those are registered purebreds with papers. Compare this to the approximately 800,000 German shepherds and all of a sudden, the pit bull bites start to fall into line with their population.

At the same time that the American Kennel Club was registering 145,000 of its Labrador retrievers, its most popular dog, the American Dog Breeders Association was registering 225,000—55% more—American pit bull terriers. This dog was, and still is in many places, the all-American family dog. We need to take a fresh look at the bite statistics and discover that the pit-bull-type dog actually has one of the lowest bite ratios when compared to its population. So if the answer to all of these questions is no, then the answer to the ultimate question on which the entire breed-specific portion of this bill is based must also be no.

For your information—and I would really appreciate it if you would look at these documents—on the CD that I've included is legislation from the city of Calgary, the province of Saskatchewan, the state of Illinois, the state of California and the state of New York. These laws have clear definitions of what is and what is not acceptable behaviour from a dog, what constitutes a breach of responsibility by an owner and what the consequences are of violating these laws. They clearly define "menacing behaviour," "physical injury," and—

The Chair: Mr. Barker, you have about two minutes remaining.

Mr. Barker: Two minutes? OK.

There are consistent themes running through all these: The owner must be in control of the dog; the owner is responsible legally and financially; and the owner faces significant repercussions. The 36 recommendations from the Courtney Trempe inquest, the James Waddell inquest and the American Veterinary Medical Association's task force also have consistent themes, and I've included those on the CD: education of dog owners; licensing and regulation of various dog-related organizations; enforcement of responsible and accountable dog ownership; and municipal, provincial and federal support.

A huge amount of work has gone into these studies. Their one goal is to reduce dog bites from all breeds. Do you really want to reduce the injuries caused by all dog bites from all breeds in this province? If so, please review these documents. They hold the key. The work has already been done. The solution has already been found and proven. If you read these documents and you act on what they suggest, you will have every single professional organization, every single ethical breeder, every single responsible owner knocking on your door saying, "How can I help?" Instead, we're looking forward to

court cases, unnecessary spending and a never-ending battle that's going to waste everybody's time, energy and money. The only people who are going to benefit from this bill are the media and the lawyers.

Albert Einstein once said, "The definition of insanity is doing the same thing over and over again and expecting a different result." We already know what works and what doesn't. We have more history, more results and more information than ever before. It's not necessary for us to repeat the mistakes of the past.

Thank you.

The Chair: Thank you very much, Mr. Barker. You've used up all of your time and, unfortunately, there isn't any time remaining for questions.

Mr. Barker: I appreciate the time today.

K-9 CONCEPTS INC.

The Chair: Is there a representative present from Mungar's Animal Control Services?

Please come forward. Sit down and make yourself comfortable. You have 15 minutes to address the committee this morning. If there's any time remaining, we'll divide it among the parties for questions. Please begin by identifying yourself for Hansard. The floor is yours. Please proceed.

Ms. Anne MacDonald: Good morning, Mr. Chair and members of the committee. My name is Anne MacDonald and I am the president of K-9 Concepts Inc. I have been working with dogs as a profession for just over 22 years. I have a private behaviour practice in the London area, as well as teaching group obedience classes for dogs and their owners. My company is well established and very well respected in the field of training and behaviour.

In my many years of working with dogs, I have trained, handled, rehabilitated and re-homed more than 5,000 dogs. As someone who works with canine behaviour as a full-time vocation, I would caution you that the legislation you are writing may do little to keep the public safe from dog attacks, and I believe that is really the task put before you: How do we keep the public safe from being bitten or attacked by dogs?

Do you realize that dogs communicate using body language and facial expressions, just as we do? We scrunch up our faces when we dislike something or smile to soften our expression when we are pleased. Dogs use similar expressions and are very good, to the trained eye, at communicating their intentions. I believe that by understanding dogs and studying their behaviour, most dogs and most dog bites are extremely predictable.

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Section 12 through to section 18 of Bill 132 makes no mention of any qualified expert, certified canine behaviourist or otherwise, being called upon to interpret for the dog or the dog owner. To the uneducated, dog behaviour can be as wide open to interpretation as the word "menace" in the legislation set out before us. How can we trust and expect those not trained in animal

behaviour to competently assess our dogs? Bill 132 puts all dogs and their owners in jeopardy. Dog owners should also be given the right to appeal any decision made by an unqualified person or persons in the event that there is an unsubstantiated claim against their dog.

But the question remains: How do we keep the public safe from being bitten or attacked by dogs? Muzzle or ban them? Sounds simple, but be aware that muzzling dogs does not necessarily make them any safer and banning dogs shows a lack of understanding and knowledge of the problem at hand. Legislation that clearly singles out dangerous dogs while putting the onus and restrictions on the owners would create a safer and less dangerous environment to the public. Let me, as a professional, assure you that dangerous dogs can come in all shapes and sizes. Owners make common mistakes, such as petting their dog to comfort it when upset, scared or barking, and that can lead any dog to show fear-based aggression later on in life. Even something as natural as getting your dog to chase a ball or playing tug-of-war can be a recipe for disaster if other parameters are not put into place by the dog's owner. Giving owners access to even the most basic fundamentals of dog training would be far more productive in protecting the public and, at the same time, man's best friend.

Know that muzzled dogs are generally under-socialized. The very existence of the dog in our society hinges not on the breed but rather on the dog's social experiences and lessons taught in the early part of their life. Owners with dogs required to wear muzzles are generally at a loss to properly socialize their dogs.

Know that muzzled dogs must be trained to wear a muzzle. Putting a muzzle on a dog is not like applying a Band-Aid. Dogs must be taught to wear a muzzle comfortably and be given time to adjust. Dogs not properly trained or conditioned to wear a muzzle can and will most likely be successful in removing the muzzle in a matter of seconds.

Know about muzzled dogs and public perception. Imagine walking into a room with an 80-pound dog straining on a short leash, wearing a muzzle. Would you go within 20 feet of that dog? Do you feel secure because that dog is wearing a muzzle, or is your perception that the dog is unsafe and can't be trusted? Do you walk way around that dog? Now imagine walking in that same room with the dog sitting, relaxed and behaving at the owner's side, wearing no muzzle. Do you feel insecure because the dog is not muzzled, or do you feel relaxed because the dog is showing appropriate behaviours? How did we as a society ever come to the conclusion that dogs that are muzzled are safer or make us feel safer? Clearly, as long as they remain untrained and under-socialized, they will not appear safe.

Dogs are amazing creatures. They can be trained to guide for the blind and physically challenged, save us from drowning, alert us to impending seizures, detect cancer before doctors, do police work, track almost anything with their nose and watch over our children. Why is it, then, this same species can appear on occasion to be

unpredictable, unbalanced and unsafe? The answer, I believe, is in education and training. Trained dogs are dependable, predictable and safe. We need education for the dog, education for the owners, the non-dog owners and the children. Writing legislation that creates fear and apprehension amongst both dog owners and non-dog owners is counterproductive. If we fail to make constructive changes in the legislation through education, then I feel we fail as a society. Dogs can be trained to have good manners and behave properly and owners can be taught how to be responsible for their dogs and the people in their community. If I might leave you with one little phrase to take home with you today, that would be that all dogs need training and most owners need help.

Let me quickly recap for you: Muzzling and banning breeds does not necessarily make the public safe; dogs and their behaviour can be predictable; dog owners need access to resources and basic education; and dog experts need to be involved in writing dog legislation that protects the public.

I thank you for your time.

The Chair: Thank you very much for coming in this morning. We've got a little bit of time for questions, approximately two minutes per caucus.

Mr. Kormos: Thank you, ma'am. You were here when Ms. Wagner was speaking to us, the postal worker, the letter carrier.

Ms. MacDonald: I just heard the last sentence or two.

Mr. Kormos: She, like others who have appeared before the committee, was the victim of a pretty vicious dog attack. In her case it happened to be, insofar as she knows, a pit bull. We've heard about attacks from German shepherds, from bull mastiffs. We've heard the dog stats of any number of dogs. Mr. Zimmer has really made a name for himself by going after witnesses and challenging them with the proposition that surely a bite from a pit bull is more significant than a bite from a chihuahua. And I'm inclined to agree. If I had my druthers, I'd rather be bitten by a chihuahua than by a pit bull or a German shepherd or a Rottweiler or a Doberman or a Lab etc., because I can displace the chihuahua a little more readily than I can the big dog.

What do you say to the observation that's being made by some people that somehow the pit bull—again, whatever that is at any given point in time—is so distinctively different from any other dog—Doberman, Rottweiler, Labrador retriever, golden retriever, Shih Tzu, what have you—that it is more dangerous, and distinctively more dangerous, to the point where we ought to ban the things? What do you say to that?

Ms. MacDonald: Well, I think there's always the potential for any dog there, but first of all, we haven't yet determined what the pit bull is as a breed specifically. That would be my first thought. Secondly, there's potential for any dog to do damage. We haven't yet proven that the pit bull does any more damage or any more often than any other breed.

Mr. Kormos: Have you worked with pit bulls, or what we call colloquially pit bulls?

Ms. MacDonald: All breeds.

Mr. Kormos: Part of my concern is that maybe it's just the very worst pit bull attacks that we're hearing about. We heard from an expert the other day who talked about six types of bites: the snap, the single bite, then the "grrr" bite, then the shake-the-daylights-out-of-the-rabbit bite, to the mauling bite. Are pit bulls as capable of the snap-at-you-and-then-retreat, that level 1 bite, as any other dog?

Ms. MacDonald: I believe any dog is.

Mr. Kormos: What about level 2, the piercing and then retreat?

Ms. MacDonald: It's a type of behaviour, so yes.

The Chair: Thank you. Mr. Zimmer?

Mr. Zimmer: You talked about muzzling. You made several comments that in your view, muzzling dogs is not a good thing for the reasons you said, that it wasn't helpful and that people were far better off facing unmuzzled dogs than muzzled dogs. But let me put this proposition to you: You're out walking in the park, you've got a couple of young children with you, and there's a pit bull or other great, big dog that starts charging toward you. Would you feel more secure if you saw that the dog charging at you and snarling had a muzzle on?

Ms. MacDonald: Until the point that he took the muzzle off, which would be seconds, and then he would be very agitated.

Mr. Zimmer: So walking down the park with a couple of young children with a big dog coming at you, you'd rather face an unmuzzled than a muzzled dog?

Ms. MacDonald: I don't believe, if he were unattended, that he would still be muzzled.

Mr. Zimmer: Well, the dog's coming down the park, you've got a couple of children with you, it's in attack mode. Would you feel safer if the dog had a muzzle on or would you feel safer if the dog were unmuzzled?

Ms. MacDonald: I would obviously feel safer if he were muzzled.

Mr. Zimmer: All right. Thank you.

The Chair: Mr. Miller?

Mr. Norm Miller (Parry Sound–Muskoka): Thank you for your presentation. Yesterday I was cross-country skiing with my Labrador retriever and I was thinking about muzzles. Having spent so many days now with these hearings, I was thinking about muzzles at that point. My dog is 12 years old, and I'm not sure he would have done the hour-long cross country ski had he been muzzled, because he was panting the whole time. Is it true that that would be a problem for a dog?

Ms. MacDonald: In extreme heat, sure, it could be, definitely.

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Mr. Miller: I just want to come back to one point that Mr. Zimmer made. He was trying to help reinforce the image of pits bulls being, I think he said, "great, big dogs." I am learning a lot in these sessions, and I gather that at least one of the breeds being targeted by the government, the Staffordshire bull terrier, is 14 inches tall.

So it doesn't sound like it's that big a dog: 14 inches tall and 30 pounds. Is that correct, and have you had experience with some of the specific breeds named? You say you've handled 5,000 dogs. Have you found them to be any more vicious or bite-prone than any other type of dog?

Ms. MacDonald: My experience has been that dogs of any breed that don't have a good beginning in life experience problems later in life.

Mr Miller: So these targeted breeds aren't worse than any other type of dog?

Ms. MacDonald: Not necessarily.

Mr Miller: And your question, right in your presentation, is, how do we keep the public safe from being bitten or attacked by dogs? I gather your advice is that education and training would be key components of what the government should be doing.

Ms. MacDonald: Education, training, resources, perhaps zoning—zoning in some places is very tough to get—funding for spay/neuter clinics, and education in the schools.

Mr Miller: Thank you very much.

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

BEAVER CREEK ANIMAL HOSPITAL

The Chair: Is there a representative present of Beaver Creek Animal Hospital?

Please make yourself comfortable. If you've been here this morning, you catch the general drift of the procedure. You've got 15 minutes. You can use all or part of it. Whatever remains will be divided among the parties for questions.

Dr. Mary Yett: Does everyone have my handout, "Punish the Deed, Not the Breed"? Have they already given that to you?

The Chair: I believe the clerk has already distributed it.

Please begin by identifying yourself for Hansard, and the floor is yours.

Dr. Yett: Thank you. My name is Dr. Mary Yett. I'm a practising veterinarian from St. Thomas, Ontario. I own Beaver Creek Animal Hospital. I have entitled my little presentation "Punish the Deed, Not the Breed." That gives you an idea of where I'm going with this.

I have been a practising veterinarian in Ontario for 20 years now, and I'm here to tell you that trying to ban pit bulls in Ontario will not work. All of us present here are united in a desire to eliminate human injury by dangerous dogs. Where we differ is on how to achieve that goal. Legislation that bans specific breeds does not produce long-term positive results. It is a flash-in-the-pan quick fix designed to get cheap headline news coverage.

Because it looks easy and sounds good on the surface, this route has been tried by many jurisdictions throughout the developed world. Most of these same jurisdictions end up repealing such legislation after a few years of experience living with its consequences. The list of such

jurisdictions includes the United Kingdom; Cincinnati, Ohio; and Detroit, Michigan. The number one reason for abandoning breed-specific legislation is the huge cost of litigation and enforcement that inevitably arises.

Breed-specific bans suffer from three main weaknesses: vagueness, over-inclusiveness and under-inclusiveness.

They are inherently vague because it is impossible to legally determine that a dog is or is not a pit bull or a pit bull cross. There is no DNA test to determine this, only opinion, and opinions vary widely. Even veterinarians and experienced dog breeders would have trouble determining the racial heritage of most mixed-breed dogs. Can you imagine the difficulty that untrained peace officers would face on this question?

The possibility for abuse of the law as proposed in Bill 132 is huge. A peace officer designated by the municipality and not necessarily trained could use any amount of force necessary to impound any dog that they see in a public place that happened in their opinion to look like it was menacing or sort of looked like a pit bull. The seized dog would then be killed or sold to a research laboratory to be experimented on, with no appeals process available to the owner. Other jurisdictions have repeatedly lost in court when owners of boxers, Labrador retrievers and assorted mutts sued them to save their beloved pets' lives. In Ontario, who would pay the months and months of boarding fees for these dogs while the court cases drag on in such a situation? Who would pay the legal fees? The municipalities? The provincial government?

The issue of over-inclusiveness would raise similar legal issues. Many, if not most, pit bulls and related breeds are actually sweet, docile animals with fiercely protective owners attached to them. I shudder to think of the thousands of innocent animals that would be slaughtered if Bill 132 is passed unamended. There are many other people who are appalled at this idea as well, and some of them have hired very expensive lawyers.

Under-inclusiveness is also a significant defect in this legislation. The most common breed that bites people, as reported by the Canadian hospitals injury reporting and prevention program, is the German shepherd, followed by cocker spaniels, Rottweilers and golden retrievers. None of these breeds is addressed in Bill 132. Any dog can bite—any dog. It is the human factor that must be influenced by legislation to encourage responsible genetic selection, rearing and training of dogs to control aggression and human injury.

Classifying all dogs with a similar appearance as inherently dangerous is analogous to racism. Politicians who hype the fear of pit bulls to the media are self-serving at best and dangerous in their own right at worst. A society that is driven by illogical fear and panic does not even come close to our Canadian ideal of fairness, tolerance and a peaceful society. It is instead eerily reminiscent of fascism and the "final solution."

What we need to solve the problem of dangerous dogs is a more rational approach that addresses the root cause of the problem; namely, poor dog ownership, breeding and training. A comparison can be drawn to the issue of

reducing injuries and fatalities related to drunk driving. The prohibition of alcohol didn't work and instead resulted in the proliferation of speakeasies and mobsters. What is starting to work now is an investment by governments in educating the public that it is socially unacceptable to drive while drunk, and strict enforcement with severe penalties. It will take a similar investment in time and money by the governments of the day to educate the public that it is socially unacceptable to have a poorly trained dog running around loose. It will also take a similar approach of strict enforcement and severe penalties.

The real solution is not simple or quick, and so is not very appealing to media-hungry politicians. I appeal to those politicians—and I'm assuming that includes you in this room—who truly care for the long-term well-being of society, like my MPP, Steve Peters, does, to remove the breed-specific ban part of Bill 132 and concentrate on the proven dangerous-dog portions of the bill. Any dog that exhibits unprovoked aggression should have strict restrictions placed on it, much along the lines of the dangerous-dog provisions in Bill 132. These laws would also indirectly reduce municipalities' expenses for caring for strays, as the overpopulation of dogs would be lessened. I have attached to the back of my handouts copies of the Ontario Veterinary Medical Association's Policy Position on Dangerous Dogs. It is an excellent guide and resource.

Dogs and humans have lived together since the Stone Age, and dog ownership is largely considered a natural right. Ancient habits and attitudes that evolved in a sparsely populated rural setting are now out of place in our crowded modern-day reality. I propose a radical shift in thinking and legislation that would make dog ownership a privilege, not a right.

I would like to see Ontario gradually phase in a process where individuals must obtain a dog ownership licence before they are allowed to possess a dog. A one-day dog husbandry and training course, concluding with a knowledge test, would be mandatory, along with a small fee. This is a similar concept to a driver's licence or a firearms licence to make sure that people involved in activities with potential public safety issues have at least a baseline of training.

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The fee for registering each dog should be quite modest if the dog is spayed or neutered. Proof of current rabies vaccination should be required for registration. If the dog is not spayed or neutered, the registration fee should be substantially higher. The fee for possessing a dog without an ownership licence or an individual dog registration should be extremely high and should escalate substantially with repeat offences, even including jail time. If the fines were high enough, they would generate sufficient revenue for municipalities to hire enforcement officers. I leave my notes here. You guys have heard over and over again how dangerous-dog laws are not being enforced. That's a money issue. This system would greatly reduce the volume of poorly trained, poorly

maintained dogs kept as guard dogs. This is the type of dog that is often the aggressive dog that threatens the public.

Owners living in rental units should be required to produce written proof of their dog's registration or the landlords should be allowed to evict them. This point is significant because the majority of at-loose, aggressive dogs are owned by people living in rental units.

To sum up, breed-specific bans do not work, primarily because they do not hold up in court. To legislate that all dogs of a specific breed are inherently dangerous does not hold up in court. To classify any mixed-breed dog with a broad head and short hair as a "dangerous dog" does not hold up in court. To delegate the decision of what is a pit-bull-type dog to untrained bylaw enforcers or even police officers does not hold up in court. Such legislation does not hold up in court because it is not logical or fair, and courts around the world recognize that fact. I hope that you will too.

By the way, the OVMA—the Ontario Veterinary Medical Association, of which I'm a member—is against this legislation as it stands, but if you get rid of the breed-specific part and concentrate on the dangerous-dog part, they'd be behind you all the way. They'd help make you look like heroes to the media. OK? I really don't want to see this government do something that is just going to waste everybody's time and money, cause a lot of tragedy and not solve the problem. What we all want are results. The OVMA policy has already been presented, so I'll just let you read that part.

The Chair: Thank you very much. We've got time for one quick question per caucus, beginning with Mr. McMeekin.

Mr. McMeekin: Dr. Yett, I appreciate your presentation. You mirrored many of the things we've heard from other presenters.

That having been said, I want to just say, for the record and for anyone else who's listening, that I know the Attorney General of the province of Ontario. The Attorney General is a friend of mine. I don't always agree with the Attorney General; in fact, I think there are some changes that need to be made to this legislation. But when people walk around making references to the "final solution" and fascism, it just strikes me—

Dr. Yett: It's scary stuff.

Mr. McMeekin: Well, what's even scarier, if that wasn't scary enough, was your reference to "thousands of innocent animals that would be slaughtered."

Dr. Yett: Absolutely.

Mr. McMeekin: I don't see it that way. Can you explain that a bit more to me?

Dr. Yett: I'd be glad to. London Humane Society is currently killing every stray dog that vaguely looks like a pit bull. There have been hundreds die in London already. Because that's my local area, I know that. They will not adopt out any mixed-breed dog that is shorthair with a broad head, and I'm talking dogs that are not necessarily purebreds at all. I've seen some of the ones, and I would debate whether they are really pit bulls, but

they are so afraid of being sued for adopting out a dog that might attack somebody—mind you, any dog can bite; German shepherds are the number one. But they'll adopt out a German shepherd; pit bulls they kill. And there have already been hundreds die.

In other jurisdictions where these types of rules have been passed, people just abandon their pit bulls. You know, the young man, stud guy, who thinks a pit bull is testosterone-on-a-leash, and that's a common thing—these guys often don't have much money. These dogs are not vaccinated, they're not neutered—

The Chair: Thank you.

Dr. Yett: Do I have to quit?

The Chair: Yes, on this one. Mr. Miller.

Dr. Yett: So they dump them at the humane society, and they get killed. That's what I'm talking about.

Mr. Miller: Thank you very much for your presentation. I'll combine two questions in case the Chair cuts me off, as usual.

First of all, the point you made about the Minister of Agriculture, Mr. Steve Peters—he doesn't support this specific breed ban in this legislation? I'd like you to talk about that and how he came to that decision. Also, you mentioned that registering an ownership licence makes a lot of sense in terms of controlling dangerous-dog bites. I'd like your perspective on how the province should try to do some of the suggestions you're making. First of all, how did Mr. Peters come up with his decision not to support this?

Dr. Yett: Well, if you noticed what I said, I know Steve cares about the long-term well-being of society. He and I have talked about this issue and he is open-minded about it right now. I don't think he's made up his mind on the issue. But I know that his goal—and I'm assuming all of you have the same goal—is the long-term reduction—like that poor lady, the postal worker who was here today. It breaks your heart to hear things like that. Maybe you can't eliminate everything. You can't eliminate car accidents from drunk driving, but we've come a long way in reducing them. With education and enforcement, we can reduce dangerous-dog bites substantially in our society.

Mr. Miller: Do you have any suggestions for the province's role versus municipalities? We've heard about some good municipalities like Calgary, which has excellent bylaws and has greatly reduced dog bites. What do you see the provincial role as?

Dr. Yett: When I talk to municipal people, a lot of it is lack of money to hire someone to enforce this. Right now, you have to have your dog vaccinated against rabies to get a dog licence. That's never checked—ever. If I call up and tell the health department that I know there's a dog running around that doesn't have a rabies vaccination, they say, "Thank you," and they do nothing about it. They do not have the resources. The province can make rules and then dump them on the municipality—that's kind of a pattern—and if the municipality doesn't have the money to enforce it, it makes it difficult.

Mr. Kormos: Thank you, ma'am. It's an interesting point. Do you have an estimate—and I'm not talking about, from time to time, the feral dog that's out there on its own—as to how many or what percentage, however you want to put it forth, of dogs that have households are tagged-licensed? What's your estimate?

Dr. Yett: I think I've heard estimates of 40% in most municipalities. It's low.

Mr. Kormos: So six out of 10 aren't.

Dr. Yett: That's often the case, because there is no enforcement. The penalty is, like, non-existent. If you get caught, it costs you 20 bucks.

Mr. Kormos: That's at any given point in time? Because, in my understanding, a city might do a blitz, hire a bunch of students to sell dog licences this year but not next year.

Dr. Yett: I'm sure it varies from municipality to municipality, but that's right. And the consequences for not getting your dog licensed are minimal.

Mr. Kormos: What really throws me—we heard it from the woman here today, the postal worker, and we've heard it in other communities from other witnesses—is that we've got a Dog Owners' Liability Act—

Dr. Yett: Absolutely. It's not used.

Mr. Kormos: —that for instance provides for euthanizing a vicious dog and the authorities aren't enforcing it.

Dr. Yett: Yes, I agree. A lot of it is because it's a money issue and a public interest issue. Now, maybe with all this publicity, that will change a little bit.

Mr. Kormos: Down where I come from in Niagara region, I could have a hippopotamus in the backyard and if it's a Saturday afternoon my likelihood of getting an animal control officer out there is zip, zero, none, because they're on contract. The city can't afford to fund them. We haven't got effective animal control, and that's a reasonably sized municipality, not dissimilar to Brantford. Fair enough?

Dr. Yett: That's common throughout the province. It varies, but that's a common situation.

Mr. Kormos: Why aren't we looking at the real issues here?

The Chair: On that rhetorical note, thank you, and thank you for coming in today.

Dr. Yett: My pleasure. Thank you for listening.

BRANTFORD AND DISTRICT KENNEL AND OBEDIENCE CLUB

The Chair: Is there a representative from the Brantford and District Obedience and Kennel Club, please? Good morning. Thank you for coming in this morning.

Mr. Roland Alber: Just for the record, it's the Brantford and District Kennel and Obedience Club. Somehow "Kennel" and "Obedience" got reversed.

The Chair: OK, we'll interpose that. You have 15 minutes to speak with us this morning. You know the drill about dividing the time remaining. Please begin by identifying yourself for Hansard and kindly proceed.

Mr. Alber: My name is Roland Alber. I am a member of the Brantford and District Kennel and Obedience Club and also the show supervisor for the annual all-breed dog show which we hold, actually, in this very building. It takes up the entire building. This is the large grooming area. The arena is where we show the dogs. We have over 1,000 entries over three days, and this place is jammed cheek by jowl with people and their dogs and visitors.

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We do not have dogfights, we do not have bites, because every one of those owners and handlers has trained their dogs. Those dogs are obedient and do respond. It is something that just doesn't happen.

To give you a little bit of background on myself and to give you some idea where I'm coming from, I am also a breeder, exhibitor and trainer of a breed called a bearded collie which, for those of you who are not really into dogs, if you can think of Benji from the movie, something a little bigger than that, medium-sized, long-haired, a very friendly, fuzzy sort of dog.

One of our owners in Toronto a few years ago was in a park with some other dog owners. Many dog owners stand around and enjoy talking while their dogs exercise themselves far better than any of us can. Ellen noticed some folks sitting over there with a strange looking dog. Ellen's not very conversant with other breeds, so she went over and asked whether it was a nice dog, and the folks said yes. It was a pit bull. After walking back to the other owners and chatting, all of a sudden her dog Rufus was just screaming its lungs out. Fortunately, the pit bull had it by the rear leg rather than the throat and was flinging it around like a rag doll. It took all the other owners, plus the owner of the pit bull, hanging on to that dog and beating it on the head, for it to finally release Rufus—numerous stitches, hundreds and hundreds of dollars in veterinary bills later. The owner and the pit bull made off during this time. Several months later, this dog was the dog that attacked a young girl's face and disfigured her badly, and was put down, rightfully. Nonetheless, even with that sort of background experience, I am still opposed to a breed-specific ban.

My problem with it, obviously—well, I'll rephrase. Since I'm against it, I'm looking at the time and the dollars that are going to be wasted enacting and trying to legislate and enforce something about which I have some real doubts as to its effectiveness; time and dollars that could have been spent enacting good legislation which actually would reduce bites, so all the time that's going to be wasted if this bill is enacted, all the damage that will be done that could have been avoided if some more thought had been put into what I would consider better legislation.

One of my problems with this government in general, and the Lieutenant Governor specifically, appears to be the lack of expert advice being solicited prior to this. It would seem to me that not only was little or no expert advice solicited, but that expert advice which was proffered ahead of time was almost shoved aside. I hope to

God that other legislation which has a great deal of effect on people in this province is not treated in the same way but that expert advice is sought. I would hate to think that we have a government or a Lieutenant Governor with the attitude, "My mind is made up. Please don't confuse me with facts." That I find very bothersome.

Again, we're looking at the deed, not the breed. We can have dozens of Staffordshires or whatever sitting around here with their families. That's not what we're really opposed to. We're opposed to somebody being bitten. Let's deal with the act, the dangerous dog, the lack of training, the inappropriate owners of these dogs. Deal with the real issue: the deed, not the breed.

Forgive me if you're a friend of the Attorney General, but nonetheless, if this was in a human context, it would just be thrown out as racial stereotyping. If we decided, due to faulty statistics or statistics generated from God knows where, that people of a particular skin colour were more prone to sticking up convenience stores or shooting people at raves, and that we should take all those people and send them back to where they came from, you would be laughed out of court. If this were anything but dogs, it would not even get to this stage.

Look at the definition of "pit bull." If I look at the legislation, they have at least gone to the extent of naming certain breeds. I defy most of the people here, by the way, to look at a bunch of photographs and tell me which one of these breeds is shown in a specific picture. Then, as a catch-all at the end, "anything that kind of looks like this." It reminds me of that definition a few years ago when they were trying to enact legislation in the States on pornography: "We don't really know how to define it, but I know it when I see it." This is almost as silly: "It's what we say it is."

I feel very sorry for the people who will have to enforce this legislation. It's fine for the legislators to pass something of this sort and go their merry way, telling their constituents what a great job they've done for everybody, leaving this mess to be interpreted and enforced by law enforcement or by SPCA enforcement officers, and then going into the courts, for those owners who happen to have sufficient funds to defend their animals. All wasteful, ineffective consumption of time, money and energy that could have been used far more effectively in looking at the actual deed of dangerous dogs and dogs that bite.

Some of the articles in Bill 132 scare me. "Biting": there is no sort of qualitative or quantitative modification of that term. I hate to say this, but the majority, if not all, dog owners have been bitten by their dogs. This is something that occurs—

Mr. Kormos: More than once?

Mr. Alber: If you play with a dog, and you reach for the ball and the dog goes for the ball at the same time, you get bitten.

Mr. Kormos: That's once.

Mr. Alber: Am I going to shoot my dog because I went for the ball at the same time he did? No, you sit there and say, "Bad dog!" You deal with it, obviously.

You say, “That was as much my fault as it was the dog’s fault.” Are we looking at that as being the same as a vicious attack? There really doesn’t seem to be much in the legislation to differentiate between those two.

The other one that scares me is “menacing behaviour.” I say to myself, “What the devil is the definition of ‘menacing behaviour’?” Is that up to the individual? Is that up to your neighbour who happens to dislike you? Is that up to some non-dog person to determine, or do we then send it off to those poor enforcement officers at the SPCA to again have to evaluate? Menacing behaviour? Dogs, by their very nature, tend to be territorial. A lot of people like having their dog bark at strangers so they know there are strangers coming to the door. Could that be considered menacing behaviour by some people? There seem to be a number of issues that have not been dealt with in Bill 132.

If you really want to get spooky—and I’m only throwing this out as wild speculation, but, my God, is this wonderful, civil-liberty-avoiding legislation: “We had to break into their house because somebody said the dog was menacing.” Does this give carte blanche to some kind of abrogation of civil liberties and rights? I’d hate to think so, but certainly if you really want to speculate, it can get rather strange.

The other issue which is always of concern, and I have not heard it brought up here yet, is that in almost every legislation where you have breed-specific bans, the difficult part is getting that legislation enacted. Once it’s enacted, the stroke of a pen adds another breed.

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

1120

Mr. Alber: Fine. So it is a concern. Italy is down to—what?—64 breeds now, including corgis. The Queen can’t go to Italy with her dogs. We’re looking at the fear of everybody that this now opens the door to anti-dog people to continually just add breeds, long past the pit bulls.

I guess my hopeful solution to this is that one of the things to think about is graduated licences. We seem to have no trouble with it for cars. We can have a licence to drive a car. You need another licence to drive a truck. You have to have some training; the truck has to be inspected differently. For an 18-wheeler, you have to have a different type of licence, you have to have different training and that vehicle has to pass other inspections. Should we in effect decide that certain dogs, because of their potential for doing more damage than chihuahuas, require certified courses set up to meet certain standards by the government, how to train that dog? The dog has to be trained that way so that, at the end of it, we have certificates for different classes of dogs, their licences reflect that, and if people don’t have that, then we fine the hell out of them. That is certainly another way to go at it.

I would like to say thank you all very much for the opportunity to present my views.

The Chair: Thank you very much, Mr. Alber. We’ve probably got time for one brief question.

Mr. Barrett: Thank you for the presentation on behalf of the kennel and obedience club. We have legislation here where first they come for the pit bull types and then, as you say, at the stroke of a pen we go on perhaps to Rottweilers or doxies that were of concern, say, 20 years ago; German shepherds—I think of the concerns there.

I’m not going to vote to kill off any type of dog myself, but I guess my question is, it looks like, the way things go, the McGuinty Liberals will pass this. They will eliminate these types of dogs. Where do we go from here? There’s talk of a court challenge. I certainly receive many, many names on petitions. But where would organizations like yours go from here, given that this legislation will probably be rammed through?

Mr. Alber: Certainly, it is a concern because it is much easier to stop this, hopefully, than it is to repeal it. That becomes the problem. Now, on top of the ineffectiveness and inefficiency of this legislation in attempting to do what we all agree has to be done, which is protect the population from vicious dogs and irresponsible owners, we now have to spend some time trying to challenge this in the courts. I understand that Clayton Ruby has been retained by one of the groups to challenge much of this on constitutional grounds. I presume that’s all we can do. We can certainly try and help our MPPs in coming up with more imaginative, more positive and more effective solutions and, hopefully, make some headway within the Liberal Party, or whatever government we’re dealing with at the time, to possibly question their own approach to this and maybe modify it.

The Chair: Thank you for coming in today.

ANIMAL AIDE ASSOCIATION OF ST. THOMAS-ELGIN

The Chair: Is there a representative present of the Animal Aide Association of St. Thomas-Elgin? Thank you for joining us today.

Ms. Lois Jackson: Good morning.

The Chair: Good morning. If you’ve been here all morning, you get the general drift of it. You’ve got 15 minutes to speak with us. Any time remaining will be divided for questioning among the three parties. Begin by identifying yourself for Hansard, and please proceed.

Ms. Jackson: Mr. Chairman and members of the standing committee, my name is Lois Jackson. I’m chair of the board for Animal Aide Association of St. Thomas-Elgin. I’m also the volunteer specifically responsible for dog rescue and adoptions.

Just to give you a little bit of background, Animal Aide rescues, shelters, provides vet care for and places over 1,000 animals every year into new homes. We have a formal written agreement with the city of St. Thomas outlining this 10-year partnership. Amazingly enough, we have no paid staff; we’re all volunteers. We operate a full-time rescue and adoption service. We are very well supported, raising over \$200,000 annually through donations in the community.

Animal Aide is not an activist group. We rarely become involved politically. Actually, we're just average people who volunteer our time, energy and talent to saving animals from pounds. We felt it important to share with you our concerns on the dog legislation that you are considering in Bill 132. Personally, as a matter of conscience, I had to come and speak to you for 10 minutes today to try and explain the collision course that we face after Bill 132. Today, I speak on behalf of those who cannot speak for themselves, who cannot vote, who cannot be here and who cannot write legislation.

I ask you to look at the impact of Bill 132, reconsider its contents, its consequences and how it may further entrench a culture of fear between dogs and humans. Although it focuses on pit bulls, which is not a breed, it targets and can affect all dogs. All dog owners in Ontario should be paying attention to this and not rest on their laurels that this is only about pit bulls and that other dog issues are not a focus.

Bill 132 and the shoot-from-the-hip remarks concerning dogs and public safety are an insult to dedicated people who, like myself, have worked tirelessly to improve the relationship between dogs and people in Ontario. The terms I hear too often hear are "good dogs," "bad dogs," "responsible owners" and "irresponsible owners." How very simplistic. I wish it was that uncomplicated.

If you don't care about dogs, if you don't own a dog, if you don't understand or are not a student of dog behaviour, if you do not work every single day with dogs of all breeds in a diversity of environments, how can you write legislation to improve dogs and public safety? I suggest the quick answer is that you cannot.

As a volunteer with Animal Aide, I work with dogs on death row. You may know death row better as "pound" or "shelter." Some dogs slated to die are strays that no owner has claimed in the short four days they are impounded. Some are dumped at the pound because they pooped on the floor, ate the furniture, the family is moving and they cannot take the dog, the divorce dictates the dog is no longer welcome, they don't have time for the dog anymore, they're having a baby, they have a new job, and I guess the saddest of all would be that the dog is old and sick and the people will not or cannot pay a vet to care for their dog.

I had a woman call me the other day. A vet had referred her to me. She had a 10-month-old male shepherd-husky mix, not neutered, tied outside the majority of the time because, she said, the dog preferred to be outside. She had two small children, ages one and two. When she was not looking—so she didn't see what happened—the dog nipped at one of the children. There was no mark and no injury. She thought the dog should be euthanized. When I suggested investing in her pet through more socializing, neutering the dog and taking the dog to puppy school, she saw no value in any of those suggestions. They didn't want the dog to be upset by being taken to the pound, so they chose not to take their dog to

the pound and they euthanized their 10-month-old dog because it was easier and it was safer.

What I need you to understand today is that in the great majority of times, the dog pays the ultimate price. There is no courtroom, there is no rush to justice, there is no appeal and there is no expert defence, always ending with the death penalty. If you saw what I see every day, you would be as ashamed and as horrified as I am. If the people of Ontario knew what I know, the public outcry in this province would shake it to the core. It is out of sight, therefore it's out of mind, and even you sitting here today may not even be aware of it.

Bill 132 is scapegoat legislation that's broadly languaged, predisposed to open-ended interpretation, retaliative in nature and biased. Short-leashing, muzzling without training, alienating, under-socializing and general mistrust of dogs is a surefire way to create more dangerous dogs and ill-informed owners than eliminating or minimizing them. There is a great lack of education and information already. The tone and direction of Bill 132 is not helpful in this regard.

1130

The breed "pit bull" does not exist and is generally used as a slang term. Bill 132 is a gigantic fishing net that unfairly entangles thousands of dogs, dogs that just happen to have a wide brow and a big smile. The wording "substantially similar" is outrageous and far too prone to abuse or misinterpretation. "Acts menacingly" is another example of where the bill is encapturing any and all possibilities and situations. But there is no mention of process, appeal measures and who is the expert making such claims.

Remember, Animal Aide, and specifically myself, deals with pound animals, the assumption being that these dogs are the worst of the worst, the throwaways, the bad dogs. They must be there for a reason. Yet I'm finding over the years that this is just not so. Animal Aide's success rate is 98% in safely placing dogs from the pound into loving and responsible homes, regardless of breed, age, temperament, health and age. Many of our most reliable and safe dogs are pit mixes or dogs with wide heads and big smiles. We also work with a trained canine behaviourist to help us in properly placing our dogs.

In successfully re-homing hundreds of dogs, we have yet to encounter a pattern of behaviour or threat in any particular breed, mix, or a certain-looking dog. We reject the conjecture that pit bulls—if there were to be such a breed—are all bad, are ticking time bombs, are inherently dangerous, or should be generally feared. This is simply not true.

My biggest sadness in coming to you today is the puppies. If this legislation passes with no amendments, puppies are the ones that will have no chance whatsoever. There is no way we can tell what breed or mix the puppies are for several weeks or maybe months. We had four puppies dumped in a snowbank two weeks ago. How can I tell what breed they are? How long do I wait to find out what breed they are? There is no way I can

tell. At what age do we put them down? Do I ship them out of Ontario, and to where? Will they be gassed like they're adults? Will they be shot? Will they be drowned? Will they have lethal injections? Please don't put Ontario in a position of having to kill puppies. It is unethical and wrong to even consider.

The Minister of Agriculture has the power to change and stop death row practices. The Minister of Agriculture has the power to stop the sale of live dogs and carcasses to research labs. The Attorney General has the ability and power to charge two-legged and four-legged criminals. The Attorney General has the responsibility to write legislation that is well-balanced and principled.

I ask you to revisit and discard Bill 132. At the very least, I ask that you set up a phase-in period so that puppies will not be killed. You have many, many people offering their resources and knowledge for constructive discussion. Please accept these offers made to you in good faith by experts and people, like myself, who care.

Animal Aide has received assurances in writing from the Attorney General via our local MPP's office that all pit-bull-type dogs—and I call them wide heads and smiling faces—will be available for our group to continue to rescue from the pounds, spay/neuter and adopt into good homes after Bill 132 is enacted. We hope this is accurate; in fact, we are counting on it.

Please reconsider this legislation and turn direction toward education, licensing requirements and more access to dog training and behavioural information.

Bill 132 simply creates and instills a culture of fear. Bill 132 puts people and dogs on a collision course. Simply put, it makes things worse.

I'd be pleased to answer any questions should you have some.

The Chair: We'll have time for about one quick question per caucus, beginning with Mr. Kormos.

Mr. Kormos: Thank you, Ms. Jackson. You've caused me to reflect on what I read in the paper. Apparently Brantford has just passed some bylaws creating a breed-specific ban and it's still very contentious. I'm not a member of the government caucus, but it made me think: If I were a member of the government caucus—my good friend Dave Levac, for instance, is in a community where he's going to be damned if he does, damned if he doesn't, because the community is split.

It seems to me one of the problems is that we don't have very much data about dog bites. I mean, it seems to me that I would be saying to the Premier in a caucus meeting, "Premier, look, let's get some data collection in process so we can get some scientific evidence," because if, at the end of the day, that data proves that a particular breed is inherently more dangerous than another, well, then we've got to live with that reality, but unless and until we have that data, it's knee-jerk, it's emotional, it's, as one observer up in Barrie the other day said, a climate of moral panic, and it isn't sound legislation.

So you've caused me to think: If I were a Liberal backbencher, in a caucus meeting, I'd probably be calling upon my Premier to just slow this whole process down

and accumulate some hard data, Ontario-made, because there isn't a single bit of data so far that supports breed-specific bans. The very anecdotal experiences: We've had people come forward to advocate for it, people who have been bitten, as they believe, by pit bulls. Interesting. You've caused me to reflect on that. Thank you.

The Chair: Mr. Zimmer.

Mr. Zimmer: You've touched on an important point, I think, and that is what happens to existing pit bulls under this legislation. I just want to pick up on what you said and remind you that, for existing pit bulls, there are three simple requirements or things that they're going to have to do—then people can keep their pit bulls or they can be put out for adoption or whatever—and that is, the pit bull has to be muzzled in public, it has to be leashed in public and the pit bull has to be neutered.

If any current owner of a pit bull wants to keep the pit bull, those are the three simple things that they're being asked to do: leash it in public, muzzle it in public and get it spayed or neutered. I gather from your comments that you think that's not an unreasonable thing to ask owners of existing pit bulls to do, should they want to keep them.

Ms. Jackson: I'm not sure where you read that in my presentation. Perhaps you're inferring that based on the fact that our organization does do training rehab work and spay/neuter programs. The message I was trying to get across to you is that we do not look at a dog as a breed-specific. We do that for all our dogs. So we expect all of our dogs that we rehab, rescue, spay/neuter and adopt into new homes—we often pay for obedience training. We always get them on Gentle Leader training if we have them in the kennel long enough to do that. So I'm not sure where you're going with that. This, to me, is a dog issue, not a pit bull issue.

Mr. Zimmer: Right, but that's what the legislation says: leash, muzzle and get it neutered, and you can keep it.

Ms. Jackson: But if the pound is euthanizing animals based on a tone set by the province or the municipality that a dog looks a certain way—that's where I was going with that—they don't have a chance.

Mr. Miller: I'll follow up on Mr. Zimmer. I think what he was getting at was your third-last paragraph, where you said, "Animal Aide has received assurances in writing from the Attorney General via our local MPP's office that all pit-bull-type dogs will be available for Animal Aide to continue to rescue, spay/neuter and adopt into new homes if Bill 132 is enacted."

My question to you would be, who is going to take those dogs, from your past experience, once this law is passed? You may be able to rescue them, but is anybody going to take them?

Ms. Jackson: I've been doing this for several years. I would say that I have had an increase—and I can't explain it; I wish I could—in adoption of our pit-bull-type dogs by extremely responsible people who, probably a year or two ago, were not looking to adopt that sort of dog. So they're not doing it to save the dog. They're not bleeding hearts or anything. We simply have had no

problem in adopting these animals into extremely good homes.

Mr. Miller: Once this law is passed and they have to muzzle and do other things, do you think you'll be able—

Ms. Jackson: I actually try to scare people by saying, "Do you know what the province is going to do? People are going to spit at you. They're going to tell you to get on the other side of the road. They're going to complain about your dog in the apartment. They're going to say it's barking, but in reality, it just has a wide face and a big smile." I try to scare them off, and once we've gone through the entire thing of what they have to do and what they may be looking at, they're still committed to the dog.

The Chair: Thank you for coming in this morning.

1140

GOLDEN HORSESHOE AMERICAN PIT BULL TERRIER CLUB

The Chair: Is there a representative present of the Golden Horseshoe American Pit Bull Terrier Club?

Good morning. Make yourself comfortable. You have 15 minutes to present to us today. If there's any time remaining, we'll divide it among the caucuses. Please begin by identifying yourself for Hansard, and the time is yours.

Ms. Sandra Alway: My name is Sandra Alway. I am president of the Golden Horseshoe American Pit Bull Terrier Club, the only American pit bull terrier club here in Ontario and one of only three clubs across Canada for the breed. I am also vice-president of the Dog Legislation Council of Canada and a member of the Banned Aid Coalition. I myself have almost half of my life invested in this breed, so I speak from experience.

I am also a proud citizen of Ontario who has been long concerned over breed-specific legislation and dog attacks. I follow dog attacks as closely as I can, and of course I think it's pretty obvious that when breed-specific laws are suggested targeting my breed of dog, I get quite involved in trying to get a real solution brought forth to the table.

The American pit bull terrier has been a recognized breed since 1898 in the US. Every one of the American pit bull terrier clubs sanctioned by the American Dog Breeders Association and the United Kennel Club has a mandate to uphold, as well as a code of ethics or constitutions and bylaws. Part of my club's mandate is to promote a more positive image of the breed and its owners. We do this through conformation shows and weight-pull contests. We attend the Toronto Sportsmen's Show to help inform the public about responsible ownership of this breed. I am very proud to say that we were very instrumental in bringing Toronto Animal Services' bite prevention program to the show. Yes, you heard me correctly: An American pit bull terrier club has been promoting bite prevention.

Over the last five months, my life has almost revolved around trying to bring a better solution to the Attorney

General's office. Of course, I wrote letters to him and received back the generic response late in December. But I also had a rare opportunity to speak with him directly on CH Live @ 12:30 on October 15 after his "banned, banned, banned" press conference. I believe that chance was worthwhile, as it gave me the ability to point out a few direct issues for me and my club personally, things like the purebred breeds named in Bill 132 no longer being able to participate in dog shows because of the spay/neuter requirement, and how aggressive dogs are dealt with at those dog shows. I truly have appreciated the time his staff has given me to point out some of the other less-thought-of issues with this bill. There are a few more that I will address in a moment.

I would also like to state on record yet again that I truly do applaud Michael Bryant for bringing the issue of dog bites to the forefront of today's conversation. Bill 132 has some excellent clauses in it. I and my club, like Donna Trempe, fully support some of these issues. Raising the maximum fine to \$10,000, jail time for truly negligent owners, better recourse for victims in adding the Provincial Offences Act, warning signs and mandatory spay/neuter for dogs that are deemed vicious are really great clauses, and we wish to see these left in the bill and expanded upon.

After listening to the hearings on the 24th and reading the hearings on the 27th in Hansard, it is bothering me more that victims—all victims—have a difficult time getting any recourse, to say the least. What the Trempe family had to go through is something no family should ever have to do. Losing a child is hard enough, but never getting vindication for that child is bound to be worse, especially when it resulted in the dog owner still not getting any punishment. The inquest recommendations that came out of Courtney's death were a prime opportunity for the party in power to take serious action against irresponsible owners and vicious dogs. They failed. Now it's in your hands; it's in the Liberals' hands.

If the province would only remove the breed-specific clauses of Bill 132, I believe I can safely say that not only would every expert stand fully behind a true dangerous dog act, but every responsible dog owner across the province would back it too. This is the Liberals' time to shine, to prove to the province and to the world that they will stand up for what is right, that they will protect every dog bite victim and do the right thing for the right reasons.

I'd like to mention a few more things that will directly affect the responsible owners of the proscribed breeds and the mixes out there that happen to fit the description.

One of my conversations with Minister Bryant's staff has assured me that I personally will hardly be affected by this legislation now. I have the great privilege of living on 50 acres, so my dogs are walked on my own land and therefore will not need to be leashed and muzzled for exercise. My dogs, however, will need to remain intact in order to continue competing in dog shows stateside. This staff member suggests that there will be exemptions for purebred dogs that are actively

competing in dog shows: again, another area that they claim will not affect me.

To continue my hobby of showing dogs, I have to cross the border multiple times a year. There is nothing in this proposed legislation to address crossing the border safely, without the risk of seizure for non-compliance both for Ontario residents as well as those travelling through. Toronto's airport is a major hub for flight transfers of those coming into and out of the country. Many dog fanciers actually ship or fly with their dogs and have to pass through or stop over in Toronto. These listed breeds and all the ones that fit the description will be at risk in simply coming near the province. The dogs will be considered contraband on entry, and between Canada Customs, Agriculture Canada and, oddly enough, CITES, they will have to sort out if the dog is a legal or illegal pet.

What is going to prevent a customs officer from confiscating my intact registered show dogs? What is going to prevent a customs officer from confiscating a traveller's pet simply because they are driving through Ontario on vacation, or vacationing here to see some of Ontario's natural wonders and tourist attractions? Further, what recourse do we, as responsible owners, have in those situations?

One of the other things we discussed was, no breeding allowed. In no way do I qualify myself as a breeder—I breed very seldom—but if you remove responsible breeding from the hands of the responsible, you will only end up with more irresponsible breeding. Irresponsible breeders are already a problem in every breed out there. These people do not license their dogs. They do not have a kennel licence. They do not, nor can they, register their dogs as purebreds. They do not care to whom the puppies are sold, as long as the cash is in hand. These people are a big part of the problem. Responsible breeders have contracts, breed first and foremost for themselves and to improve the quality of the breed and, most importantly, strictly adhere to acceptable breed temperaments and standards within their registries.

Reports suggest that the man who was severely mauled on August 28 in Toronto was the breeder of those two dogs. Is this the kind of person we'd like to see keeping dogs in secrecy, breeding them and then selling them to people in our communities? I know I don't. Furthermore, like anything that becomes prohibited, the price that these irresponsible breeders are charging will suddenly start going up, only to further their thinking: More puppies equal more money in pocket. The government will give them their own cash cow, so to speak, while completely extinguishing three breeds that trail back for over a century. Responsible breeders do not breed strictly for money, and more times than not they will actually lose money on a breeding.

Responsible breeders and owners will be the main target of this legislation, while the irresponsible ones will continue with their bad practices or even change breed, as was seen in Winnipeg. Responsible owners train, contain and socialize their dogs. They know their dogs'

idiosyncrasies and do not put them into a situation where someone may get harmed.

Before your eyes completely glaze over, yes, misidentification is going to be a problem. So I thought I'd pull out a quote that you may or may not have come across. A former Liberal Solicitor General, the Honourable Elizabeth "Joan" Smith, said in the Legislature on November 9, 1987: "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 necessarily 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."

Just last month—actually, two months ago now; it was December—there was a severe attack in Florida from a "pit bull." Yet when a researcher for the National Canine Research Foundation investigated, she found the dog was clearly a heavier coated breed with looks similar to a husky or a German shepherd and the colouration of both those breeds. Are the province and our municipalities prepared for this extra expense? Isn't the breed of dog irrelevant in any attack? The owner's responsibility before the attack is what should be in question.

I will again direct you to Calgary's approach. You received these many months back, and I'm sure you've received them in the course of all these presentations. Their forward thinking has worked for them for many years. Why can't it work here? Bill Bruce has even offered to help set up and teach their approach to us here in Ontario. They have approximately 90,000 licensed dogs in their city, and only five dogs deemed vicious. That's five dogs—count 'em on one hand—deemed vicious. They are doing something right: zero tolerance for off-leash dogs and unlicensed dogs, and strict requirements and high fines for owners who have proved themselves incapable of being responsible dog owners.

The province must address the irresponsible behaviour of owners before a dog bites someone. Had Calgary's system been in place here in Ontario when young Courtney Trempe went to that neighbour's home, she could be alive today and in her first year of high school. Had that irresponsible owner been targeted after the dog's first bite, not its 16th, maybe that dog wouldn't have been alive by the time Courtney visited on that fateful day.

Follow-up on both of these issues is very important. We must hold irresponsible and negligent owners accountable for the actions of their dogs. In listening to the victims present on the 24th and again today, it has been clearly stated by all of them that the recourse available to them has been a challenge, to say the least. All victims must have real options available to them, and part of Bill 132 hopefully adds that option in the Provincial Offences Act. So many dog attacks don't even result in charges for a loose dog. Enforcement and mandatory issuing of fines under the Dog Owners' Liability Act and municipal bylaws are needed.

We need laws that protect the general public—our service workers, our police, our neighbours—from all dog bites. We need enforcement of those laws and stiffer penalties for those irresponsible owners who continue to ignore the needs of their communities. We need a law that would have protected Courtney and every other bite victim. We need Courtney's law. We need bite prevention in every school system at least every three years, targeted from grade 1 to grade 6. We need bite prevention programs in our communities and bite prevention tips in the media every time an article is printed on a dog attack. Why is it that the only time we see bite prevention tips listed is when it's bite prevention week?

Zero tolerance for unlicensed dogs, zero tolerance for off-leash dogs and owners who don't comply with municipal bylaws, high fines, strict requirements placed on owners and their dogs who do cause harm and damage, and tough enforcement that doesn't require police backup just to issue an off-leash fine: Sections of Bill 132 could be amended to include these things and to further protect the public's safety around dogs. Amend the Municipal Act of Ontario to include a clear definition of "vicious dog" for all townships to set a standard by, and to set fines across the province for things like dogs at large, nuisance dogs and biting dogs.

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

Ms. Alway: The last thing I'd like to address is the American pit bull terrier, a breed once known for its highly tolerant traits around people and its great love for people. It has been maligned almost beyond repair due to irresponsible owners and bad breeders, a breed that was never to be human aggressive. They live on in the Smithsonian as the most highly decorated animal of war. They continue in search and rescue work, police work, as therapy dogs and in family homes. Their mixes have been inducted in the Purina Hall of Fame for their heroic actions. The breed is known for its loyalty and stoic nature and for its general clown-like approach to life.

While the breed can be animal aggressive, human aggression and animal aggression are not the same thing. The breed was and is still strictly culled for human-aggressive tendencies. It is, simply put, not allowed by any responsible breeder or owner.

The ADBA and UKC have a no tolerance for human-aggressive dogs, especially at their hosted events, which can garner over 400 American pit bull terriers in one place with a very busy environment of dogs, kids and multiculturally diverse people, and which offer classes for kids to show their own dogs, even kids on a weight-pull track pulling their dogs. Any dog exhibiting signs of human aggression is immediately removed from the grounds, and the owner and dog's registered name are reported to the registry.

Each year American Dog Breeders' Association sanctioned clubs in Canada, the US and Europe hold over 90 conformation shows and weight pulls. In the last five years at these shows, they have had no incidents reported of canine aggression toward a person or inappropriate

human aggression toward a canine. In fact, that's one of our rules.

With a high intelligence level that makes them easily trained, they are ideal for a family setting with responsible owners and parents. Alas, I believe the best quality of the American pit bull terrier is also its worst in the wrong owner's hands. They will do anything to please their owner, and that owner takes this dog on the road of being loved or feared by its neighbours.

In conclusion, I ask you kindly to enforce the laws already on the books, create bite prevention programs accessible to all and amend Bill 132 into a law that leans toward Calgary's approach. Target unlicensed dogs and owners who allow their dogs to roam free, with strict enforcement and high fines associated with irresponsible dog ownership and tough requirements for those who violate our safety with their dogs.

I have received over 16,000 signatures on a petition asking for quality dangerous-dog laws that are not breed-specific. These people are the voices of Ontario, from the small towns to the big cities. They've asked for protection.

Set the standards for the country and the world to see. Take those great clauses in Bill 132—jail time, high fines, more recourse for victims, mandatory requirements and restrictions for all dogs deemed vicious—and expand on those ideals. I will gladly offer any assistance I can to help get these enacted. Responsible dog owners across the province all want to live in safe communities, just as bite victims—past, present and future—need to feel safe and protected. Turn Bill 132 into Courtney's law, and let's give everyone a better place to call home.

I am proud to live in Ontario. We proudly represent Ontario and Canada throughout the US every time we travel to a show. We're well known for our hospitality, our honesty and our dogs. How about giving us something to be really proud of: a place where dog attacks and irresponsible owners are not tolerated, instead of a place that I now want to leave. They say home is where the heart is. For dog owners, home is where the heart is, and our hearts are with our dogs. My home is the Niagara region, a foothill into Ontario, and my heart is with the American pit bull terrier.

The Chair: Thank you very much.

Applause.

The Chair: Ladies and gentlemen, it is not customary at hearings to show any form of recognition to the deputant, and I would ask you to respect that.

Unfortunately, there isn't time remaining for questions. That concludes our session this morning. This hearing is recessed until 1 o'clock.

The committee recessed from 1154 to 1258.

The Chair: Ladies and gentlemen, welcome back. This is the afternoon session of the standing committee on the Legislative Assembly on Bill 132.

Mr. Levac: On a point of order, Mr. Chair: First of all, as the member who represents this riding, I'd like to make just a quick comment to welcome my colleagues and thank them for visiting us here in the wonderful

riding of Brant and the beautiful city of Brantford. As Mr. Kormos noted earlier, we spared no expense and rolled out the red carpet in the front, as you see.

I would also like to bring thanks to the committee and the people behind the scenes who did the set-up and made this facility such a good place to have a hearing. I would also like to thank the staff of the civic centre and the city for putting on such a welcoming area, and also those who prepared the meal at lunchtime for us.

I'd like to thank all of those who have joined us in Brantford from afar. Welcome to the telephone city, home of many, many great people, including Wayne Gretzky and all those other wonderful names I could throw out at you and bore you with ad infinitum.

I would also like to thank those people who have made presentations on bringing this issue to the front of the Ontario Legislature. I thank each and every one of you for being here.

The Chair: I certainly echo your comments on the hard work done by the legislative staff, who always make these hearings look like they're very easy, when in fact there's a heck of a lot of prior work that's done in the background.

Is Allen Petten in the room, please? Allen Petten?

Mr. Kormos: On a point of order, Mr. Chair: Perhaps the parliamentary assistant could introduce the half dozen or so staff who are part of his entourage here today from the Ministry of the Attorney General and from his own office, both political and bureaucratic staff, so that everybody knows who these hard-working people are. There's about a half-million dollars a year in salaries sitting here.

The Chair: That's not a point of order.

Mr. Zimmer: I defer to the Chair on this.

KRYS PRICHARD

The Chair: We'll proceed with our second presentation of the afternoon, Mr. Krys Prichard, who is going to be joining us by teleconference from Ottawa. Mr. Prichard, can you hear us?

Ms. Krys Prichard: I can hear you, but it's Ms. Prichard.

The Chair: Oh, I'm sorry. It's one of those androgynous spellings. Pardon my error.

Ms. Prichard: That's OK.

The Chair: Krys, first of all, you're speaking to the standing committee on the Legislative Assembly. We're gathered here in Brantford for your presentation. We can obviously hear every word you're saying; we can't see you. You'll have 10 minutes to present to us today. You should begin by introducing yourself for the purposes of Hansard. The time is yours; please proceed at your wish.

Ms. Prichard: Thank you. Good afternoon, honourable members. My name is Krys Prichard. I am in Ottawa. I am involved with Trinity of Hope Dog Rescue. As well, I am a text analyst, and I'm going to be wearing my hat as a text analyst today, not as a dog rescue

volunteer. I would like to thank you for allowing me to share my concerns about Bill 132.

I'm going to start by saying that I am a dog-bite victim and that the dog that bit me is not one that would be covered under section 1. What started out as a level 3 dog bite escalated to a level 5 because of what I did in response. My mother stopped counting stitches at 250. That was before the top layer of my skin was reattached. One third of my scalp had to be reattached to my skull. An opiate-class narcotic was prescribed for the pain. I take exception that this bite would have been quantitatively less painful than one from a dog under section 1. The pain was very, very real, and the trauma was real.

Bill 132 would not have stopped me from being bitten, for it was a family dog that bit me, in the same way that it will not protect victims such as Tyrell Bayless, who was bitten by an 80-pound German shepherd, and others who have been harmed by dogs that would not fall under section 1. To say that our pain is less real is untrue; for the trauma and the pain, regardless of the breed that bites you, is very real, and protection of all victims should be of concern when writing legislation with respect to dangerous-dog laws.

I am, however, vehemently opposed to Bill 132, for I do not believe that it is going to address the issue of why dogs bite and what we can do to prevent dogs from biting.

1300

As a linguist, I have looked at the title of this bill first and would like to walk you through my concerns, if I may. To begin with, the title claims to be "An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and ... amendments to the Animals for Research Act." When I look at the words "an act to amend the DOLA," I have to rely on my understanding of what an amendment would be, which would be to change for the better by removing defects or faults; to change, correct or revise; to make minor changes. The original DOLA has a word count of 968 words. The proposed changes to this legislation result in a word count of 4,045 words, adding approximately 429% of text. This does not, from a linguistic perspective, qualify as an amendment but is, rather, a new bill and should not be introduced as an amendment to an existing bill, in my opinion.

One of the most obvious changes, when I look at the text and the title, is the change in the intended purpose. The original DOLA was to provide a means to compensate the victim, as well as a means for law officers to restrain and to seize or restrict a dog that has caused harm. The change to supposedly protecting the public, as the committee has heard, is based solely on anecdotal evidence. It is questionable whether Bill 132 would pass the Oakes test in that it has failed to establish a concrete link between the purported risk based on scientific evidence and the need to legislate the same to protect the public from that risk.

Public safety policy is generally based on incremental loss of life. If we use that with respect to the need to

increase public safety through this legislation, it would be difficult to prove that, based on the fact that one person dies in Ontario every 39 months as a result of a dog bite accident. Since most dog bites occur on private property, and since most dog bite fatalities also occur on private property, it is difficult to understand how public safety will increase. Indeed, following the passage of the DDA in Great Britain, Klaassen et al. did a study, two years before the passage of the bill and two years after, that indicated that dog bites did not go down following the passage of the legislation and that the purported claim that it would increase public safety was not founded.

If we look at the number of restricted breeds that live in Ontario, we have 160 American Staffordshire terriers and 660 Staffordshire bull terriers that are registered with the CKC living in Ontario, none of which have been responsible for either a fatality or an unprovoked incident involving a human. It's difficult to understand how 820 dogs pose such a great risk to public safety when, conservatively, there are 1.5 million dogs in Ontario. With relation to dogs, no scientific evidence has been introduced that supports this claim, and it certainly has not been introduced to support the claim that pit bulls, as they are defined under section 1, are responsible for a higher threat to public safety. If one were to accept that the American Staffordshire terrier and the Staffordshire bull terrier are pit bulls, the evidence speaks otherwise.

With respect to the amendments to the Animals for Research Act, the mere fact that there are provisions that allow for the transfer of these supposedly dangerous dogs to research facilities negates the claim that pit bulls and other dogs pose a threat to public safety, for dogs used for research must be able to establish a human bond, be well-socialized and be non-aggressive with members of their own species. In addition, the transfer to pet owners outside of the province negates the claim that these dogs pose a threat to public safety, for they cannot be pets elsewhere if they cannot be pets in Ontario.

The ethical concerns that I have include the two-tiered regulatory system, where one group of dogs and their owners are regulated based on behaviour and the other is based on physical type. I do not support that the change to purpose is required or that it has been well supported with scientific evidence, and would recommend the removal to preserve the intention of the DOLA.

Now I'm going to try and walk you through the argument from a linguistics perspective with respect to section 1 definitions.

1310

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

Ms. Prichard: Thank you. With respect to definitions, the dogs classified under (a), (b), (c) and (d) are classified by their authority, which would be the CKC, as terriers. They do not fit on the collocation paradigm for being pit bulls. Historically, the definitions for (a) and (b) in your dictionary are going to point to the American Staffordshire terrier in that they are archaic terms that have been retired and are no longer in current use to

describe the breed. It is difficult to understand how "pit bull" could have an extension for terms that were current before the term "pit bull," when "pit bull" is not defined in any dictionary.

I would recommend that the committee oppose Bill 132 based on the information that others have presented and recommend that the Attorney General withdraw it, returning to the drafting process of trying to draft a generic dangerous-dogs act that would cover all dogs and not just a class of dogs that cannot be defined. Thank you.

The Chair: Thank you very much. We would have time for perhaps one short question from Mr. Zimmer.

Mr. Zimmer: No questions.

The Chair: No questions? OK, Krys, thank you for joining us today.

VIVIAN SINGER-FERRIS

The Chair: Mr. Allen Petten? Is Allen Petten in the house? No. Vivian Singer-Ferris?

Vivian, come on up. Welcome this afternoon.

Ms. Vivian Singer-Ferris: Hello.

The Chair: You've got 10 minutes to discuss your point with us today. If you leave any time remaining, then the time will be divided among the three caucuses and they'll have the opportunity to ask you a question, if they wish. Please begin by identifying yourself for Hansard, and proceed.

Ms. Singer-Ferris: Hello, everyone. I'm Vivian Singer-Ferris. I'm executive director of two wildlife facilities, the Tiger Foundation and the Kerwood Wolf Education Centre. We house Siberian tigers, four well-functioning wolf packs and various other wild species, including a cougar. My background is journalism with a degree from Ryerson, and I've worked as an investigative journalist and as an editor.

As a long-time owner of pit-bull-type dogs, I was dismayed to read Michael Bryant's comments in the Toronto Star where he likened pit bulls to "dangerous" wolves. This was just one example of Mr. Bryant's misunderstanding of not only animals but the real issues at stake, the crux of the problem. Never in the entire history of North America has a healthy, wild, unhabituated wolf ever attacked and killed a human. Wolves are genetically predetermined to be timid and shy, to never view humans as prey. Properly raised, managed and socialized pit bulls never attack humans or other dogs. Human- and animal-focused aggression in pit bulls is a learned behaviour. It is a human problem, not a genetic predisposition of the breed. Genetically, in fact, pit bulls are indistinguishable from other dogs.

I'm absolutely appalled that such ridiculous and extreme measures have been introduced into the Legislature. Michael Bryant has latched on to the usual publicity whenever a pit bull attack occurs. He has failed to adequately investigate dog bite statistics and to comprehensively research dog behaviour and genetics overall.

Mr. Bryant has failed the province because he has failed to do his homework.

Drawing on the evidence of researchers and genuine canine experts, the Supreme Court in Alabama overturned breed-specific laws which had banned pit bulls, ruling that there is no genetic evidence that one breed of dog is more dangerous than another simply because of its breed. The problem of dangerous dogs is really one of dangerous owners: backyard breeders, inexperienced, poorly educated and irresponsible owners and also, of course, in the case of pit bulls, illegal dogfighters.

I've submitted a video with my materials. It's prepared by Dr. C.W. Meisterfeld, who is the first canine psychoanalyst to be certified as an expert witness by the US courts. Since 1963, his training philosophy has saved the lives of thousands of problem dogs, including aggressive biters of all breeds. He's the author of four books about relationships and dog training. His video, *The Unique Nature of Man's Best Friend: Rehabilitated Pit Bulls*, destroys the myth that pit bulls are born highly dangerous killing machines. Using pit bulls trained for fighting that he rescued from a shelter, he documents these dogs' reprogramming into non-aggressive pets, pets that are able to interact safely with children and unfamiliar animals. If danger was a matter of genetics, these pit bulls could not have been cured.

The pit bull controversy is not new. In 1987, I wrote a feature investigative story, "Battle Scarred: Unleashing The Pit Bull Controversy," for *Humane Viewpoint* magazine. That story is within my written submission as well. I spoke with numerous canine experts, animal welfare organizations, pit bull owners and even interviewed a dogfighter who allowed me a glimpse into the clandestine world of one of the most brutal sports known to man. Even after meeting numerous fighting dogs, I was convinced these animals are born innocent and moulded into what they'd become by man.

I currently share my home with three pit-bull-type dogs, Buster, Brewster and Bosco. These dogs are among the most gentle animals I have ever known, living and interacting safely with numerous children and other animals of various species, including our one-and-three-quarter-pound chihuahua, Olivia. I don't know how well you can see this, but there is a smaller copy of this in my submission as well. This is Bosco, our pit bull pup, with Kabonga, a Siberian tiger cub. They're seven and six weeks old in this picture. For those of you who perhaps can't see the caption very well, it states, "Hey, I'm not a Dangerous Beast ... Honest!"

Can pit bulls, dogs that have been domesticated for countless centuries, be considered dangerous beasts, a descriptor more usually applied to wild species? What's the difference? The key is the difference between tame and socialized. Our facility's tigers, wolves, coyotes and cougar are wild animals, hand-raised, socialized and trained from birth, but they are not tame. True tameness comes only with domestication of a species. In the case of dogs, except in rare instances not even connected to breed, tameness comes with an important trait: sub-

servience, an inbred desire to obey and even please humans, their masters. Even pit bulls trained for fighting respect and obey the very human referee in the middle of the ring.

As I've already said, and the video will make clear, even dog-directed aggression in pit bulls is largely a learned behaviour. Pit bulls are, by nature, no more aggressive to other dogs than, say, any medium- or large-breed dog would be to members of their own species. Many medium-sized or larger dogs of all breeds do not get along well with small dogs they were not raised and socialized with. The keys to safety are education and proper management.

In looking to control the dangerous beast, I believe the McGuinty government should, in addition to enacting non-breed-specific dangerous dog laws, take a good, hard look at the management of wild species in this province. Yes, the MNR is very commendably in the midst of developing tougher policies concerning their licensing of indigenous wildlife at zoos and similar facilities, but for exotics, Ontario has no regulations or regulatory body in place. Tigers, lions and cougars live behind flimsy game fencing or in otherwise poorly constructed pens at severely under-par roadside menageries. Properly contained and managed, these animals would pose no real threat to public safety. Right now, however, at numerous facilities these are your true dangerous beasts.

1320

The Chair: Vivian, you have about three minutes.

Ms. Singer-Ferris: OK. Thank you. My wolf centre's education programs focus on presenting wolves, one of North America's top predators, in a very realistic light. We speak about wolves' family-oriented lifestyles, their innate timidity and shyness of humans; we do all we can to dispel the myth about the big bad wolf. But in getting beyond that myth, we also educate about pack structure, wolves' natural and highly tuned predatory instincts and intense hierarchical behaviour within packs. Our message, then, is not that wolves are good; it is that wolves are not inherently bad.

I urge this government to take an equally liberal, realistic look at pit bulls and similar dogs caught up in this bill. I urge a very liberal approach wherein an entire breed and similar dogs are not banned within Ontario, but rather where well-cared-for and properly socialized and managed dogs are allowed to live in peace, responsible owners are not punished, and irresponsible owners and illegal dogfighters are punished to the full extent of the law.

I fully support strict and enforceable dangerous-dog laws, laws that do not unfairly discriminate against any breed and do not punish responsible dog owners. Please consider dangerous-dog laws that are not breed-specific, ones that are much more effective in their scope and capacity to protect the public.

Thank you.

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

Mrs. Munro: Thank you very much for coming here today and bringing a different kind of perspective on this issue. I of course agree with you with regard to the need for dangerous-dog legislation and have brought forward a private member's bill to deal with that. But I wanted to ask you, because much of our discussion here, particularly for the government, has focused on the nature-versus-nurture argument: Given your own professional background, I wonder, from the comments you've made here, if you would be able to provide further insight into that issue and how it affects the kind of situation we find ourselves in, in looking at this particular piece of legislation.

Ms. Singer-Ferris: OK. Specifically, what is your question? I could probably speak for an hour on that issue.

Mrs. Munro: The government has raised the issue about the uniqueness of a particular breed and tried to attach to that specific issues around the nature of the dogs that are identified in this breed. Obviously, in your experience, it would seem that you would support the notion that nurture is obviously the key part that we're talking about here.

Ms. Singer-Ferris: Yes; it's the very key part.

The Chair: Thank you for coming in today.

Ms. Singer-Ferris: You're welcome.

CITY OF KITCHENER

The Chair: Is there a representative here of the corporation of the city of Kitchener?

Gentlemen, welcome. Make yourselves comfortable. You'll have 15 minutes to talk with us today. If you choose not to use your entire time, it'll be divided among the parties to ask you some questions. Please begin by identifying yourselves for the purposes of Hansard. The time is yours. Proceed as you wish.

Mr. Berry Vrbanovic: Thank you, Chair Delaney. I'm Councillor Berry Vrbanovic from the city of Kitchener.

Mr. Jake Smola: My name is Jake Smola. I'm a regional councillor representing the city of Kitchener.

Mr. Vrbanovic: Chair Delaney, let me begin by thanking you and the committee for this opportunity to attend today and address the committee on what we believe is a very important issue.

It was a little more than eight years ago when Councillor Smola and I last addressed a committee of the Legislative Assembly of Ontario. Then, it was the standing committee on regulations and private bills, when we were seeking the legislative authority for Ontario's first pit bull ban.

It's a pleasure to be here today to share with you the history of Kitchener and Waterloo's experience with banning pit bulls. This afternoon, you will also hear from representatives of the city's legal services department and its animal control service provider about the operational aspects of our bylaw and comments on the proposed legislation.

Many will argue for and against the merits of a pit bull ban. Today we would like to focus that argument. In our view, this is all about a public safety issue, plain and simple. Public safety is a responsibility of all three orders of government, and specifically when it comes to dogs, that responsibility lies with the provincial and municipal governments. We believe that the actions taken by Minister Bryant were done for the same single reason that we pushed for a pit bull ban in our communities: to save residents of our respective jurisdictions from the disproportionately large exposure to public danger presented from this particular breed of dogs, and for that we say thank you. It has been long overdue.

To help put Kitchener's experience into context and give you some of our historical perspective, I now turn to my colleague Councillor Jake Smola.

Mr. Smola: Thank you for the opportunity to attend today and to share with you some of our perspectives on what we believe is a very important issue for the well-being of Ontarians.

In 1996, we came to the province to request special legislation to ban pit bulls in Kitchener and Waterloo. Our request was in response to a rash of very serious pit bull attacks in our region. As you know, our request was granted. The result in the years since then has been a dramatic drop in pit bull attacks. In 1996 we had 18 pit bull incidents. After the ban, there has been about one per year.

In short, since we have banned pit bulls, families are safer, and that is what this is all about. Parents do not have to live in fear that they, their pets, and especially their children are in danger of an unprovoked, vicious and possibly even deadly attack from a pit bull.

A ban on pit bulls has worked in Kitchener and Waterloo, and that is why we are here to express our support for this bill, extending a ban on pit bulls province-wide. We believe that every citizen in every city and town across Ontario deserves the same level of safety that we have in Kitchener and Waterloo.

As Councillor Vrbanovic mentioned, in 1996 we appeared before the standing committee on regulations and private bills to request consideration of a private member's bill. At the time, the Municipal Act gave municipalities the authority to regulate and prohibit all animals except cats and dogs. We asked for the legislation in order to extend our authority to dogs, in order to deal with our very serious problem with pit bulls. We asked for it to respond to the significant constituent outcry in our community, saying such legislation was long overdue. In terms of that problem, let me share with you details of just some of the serious incidents we were faced with.

The intense level of activity with pit bulls in Kitchener-Waterloo began in January 1996, with a dramatic incident that occurred over some 20 kilometres in Kitchener's east side. The incident began in an industrial part of the city's Stanley Park area, with the dog travelling over 10 kilometres to the Chicopee area, where it attacked and ultimately killed a Labrador-husky-

shepherd dog in its owner's backyard. This incident occurred within 300 metres of two elementary schools. With the police in chase now, this dangerous animal travelled back toward its starting point, passing by two schools again and forcing the students to be detained within their schools during recess for their safety. The dog was finally surrounded on a four-lane arterial road, where it was hit by several vehicles and fired at 15 times, with three shots bouncing off its head before it finally fell to its death.

On August 7, 1996, a pit bull belonging to a friend of the family attacked the three-year-old son of that homeowner. The incident was probably the most tragic to an individual, requiring 40 stitches to the young boy's face.

The third example I will use relates to a victim impact statement from Michael and Patricia Mooney, residents of the city of Kitchener and owners at that time of a purebred Saluki named Yasmin, which was severely injured as a result of "an unanticipated and unprovoked attack by a female pit bull" while being walked on a leash by an employee of a local animal hospital. I would ask Councillor Vrbanovic to pass some photos around of Yasmin, as I read from the victim impact statement.

1330

"The employee was walking Yasmin on the back lot of the hospital when suddenly from out of nowhere a pit bull terrier runs up and attacks Yasmin. The pit bull grabs Yasmin by the throat and tears her whole throat open, exposing her jugular vein and her esophagus. The pit bull's jaws locked closed around Yasmin's throat and it takes three adults to pull the pit bull off of Yasmin. Upon our arrival at the animal hospital, our very first impression of Yasmin is that she looks like a pound of raw ground beef. My wife gasped and immediately began to cry, as I did.

"After having surgery on two separate occasions and numerous checkups, Yasmin has been characterized as a full recovery, despite some heavy scarring. We have noticed that since the attack, Yasmin is less confident and much more tentative with people and unfamiliar situations. Whereas before Yasmin always greeted other dogs with her tail wagging and without reservation, she now either cowers if we are out for a walk, or if she is inside the house and sees a dog, she snarls and barks aggressively. Yasmin is very much a changed dog as a result of this attack.

"My wife and I are set to have our first child around Christmastime. We are left to wonder how Yasmin will behave with the infant. Will she be gentle and loving, as she has always been, or will we have to watch her closely for signs of aggressiveness? Only time will tell. If Yasmin is anything other than gentle and loving, I know that my wife and I will both attribute it to this incident."

That finishes the quote from the victim impact statement.

When this issue was debated back in 1996, much of the debate at the time, on the committee and in the public, was similar to some of the arguments we are hearing today. There was concern about addressing a

specific breed as opposed to dealing with behaviour, and some were uncomfortable with euthanizing dogs.

As a father, as a former city councillor and now as a regional councillor, I argued then and I argue today that we cannot wait any longer for another attack, the disfigurement of another child or the death of another family pet.

The bylaw had broad public support at the time, and it still does today.

I believe that today the results speak for themselves. In 1996, 18 families were harmed and traumatized by pit bull attacks to people and animals. Today, that is down to one per year. The ban has worked, and the people of Kitchener-Waterloo are safer because of it.

I'd now like to give the floor back to Councillor Berry Vrbanovic, who will speak more specifically to the legislation before us.

Mr. Vrbanovic: I'd like to direct the next phase of our presentation specifically to the legislation as proposed by Minister Bryant.

One of the strongest elements in the bill, in my opinion, is the increased fines. Owners face fines of up to \$10,000, double the current act, and six months in jail. Corporations and puppy mills face fines of up to \$60,000. This sends a strong message that irresponsible owners will be held accountable for vicious dogs. I know that the committee has heard many disturbing stories from victims of pit bull attacks. The penalties in the bill reflect the seriousness of this issue. Pit bulls maim, disfigure and traumatize their victims. These attacks simply cannot be tolerated in our communities. The penalties in the bill show that the government is serious about holding owners accountable.

Another reason that we support the bill is that it will avoid a patchwork of bans created by individual municipalities. In 1996, Kitchener and Waterloo joined together on our ban, in order to ensure that a resolution on either side of the residential street that divides our cities wouldn't create a problem for the adjoining city.

As I mentioned before, we believe that every citizen in the province deserves the same level of safety that we have come to have. At the same time, we appreciate that the bill respects municipalities' authority under the Municipal Act. I was pleased to see that the draft legislation specifically states that a provision of a municipal bylaw will prevail if it is more restrictive than the provincial legislation. This will be important in Kitchener and Waterloo.

Here are some of the measures that have worked in Kitchener as we implemented our bylaw. Like the province, we included grandfathering provisions to ensure that people who already have pit bulls were able to keep them, but also like the province, we put strong controls in place to lower the risk that dogs presented in the community; grandfathered pit bulls were called "restricted dogs" and the poundkeeper imposed a number of controls:

On the owner's property, the pit bull must be either inside the house or in an enclosed pen or fence; off the

owner's property, it must be muzzled or on a leash. If there are children under 14 years of age in the house, the dog must be caged, penned or under the control of someone at least 16; if the dog is off the property, it must be under the control of someone who is at least 16.

We require a sign on the residence indicating that there is a pit bull inside. This is very important information for emergency personnel who come to the house and for visitors, such as salespeople or canvassers.

We also put a number of tracking mechanisms in place. All pit bulls must be microchipped. If the dog is taken to a new address or sold, the owner has an obligation to report that, and if the dog dies, the humane society must be notified so that it is removed from our registry.

Finally, all pit bulls must be sterilized. If the dog has a litter, it has to be reported and turned over for euthanization.

I urge you to implement these regulations as part of the legislation, particularly the requirement for signage on the homes of pit bull owners. Our emergency service providers—EMS, fire and police personnel—all deserve to have the knowledge of the danger they may be walking into.

I understand that one of the concerns raised by some surrounds the definition of the pit bull. In our case, we have been successful with that, utilizing the professional expertise of our animal services provider, the vets, and others on our dog designation committee. I understand that some have suggested to you that this process has not worked. This is simply not true.

Having said that, one difference we want to draw to your attention is that the proposed definition of "pit bull" is quite different than the city's definition. In particular, the province's definition would include purebred Staffordshire bull terriers and purebred American staff terriers, which are excluded from our definition. We excluded these breeds based on the public and professional input we received prior to the implementation of our bylaw. We were convinced that as long as these dogs were purebred and registered by the CKC or the AKC, the likelihood was that the risks were significantly reduced, and as such they merited this consideration.

The Chair: Councillor Vrbanovic, you have a little more than two minutes.

Mr. Vrbanovic: OK. Thank you.

We believe that, ideally, the province's definition should be consistent with the definition in our bylaw. That definition, which excludes purebreds, has worked for Kitchener and Waterloo. It is clear and enforceable, and at the same time it has been effective in virtually eliminating pit bull attacks. And it is proven.

Having said that, for Kitchener and Waterloo, the discrepancy between the definitions could have caused us a dilemma. We are appreciative that the province has written this legislation so that the more restrictive definition will apply. This is important, as we also don't wish to become a haven for certain breeds. If you choose not to amend the legislation, we will accept the provincial

designation so as to be consistent with the rest of the province.

We also still have questions about enforcement provisions in the draft legislation. It is unclear who will be responsible for enforcement of the act and who will cover the costs. I'll leave that to our delegation later this afternoon, who will address those issues further.

In conclusion, despite what others tell you, we can tell you from first-hand experience that pit bull bans work. In Kitchener and Waterloo, the safety of citizens has been significantly improved by the implementation of this ban.

While we have some questions about the definition and about how the ban will be enforced, we strongly and unequivocally support the province's proposed legislation. This is an issue of public safety, pure and simple. We have seen too many examples of pit bulls which are a time bomb waiting to go off. We have seen case after case of unprovoked, unpredictable and vicious attacks, and they need to stop.

The residents of cities and towns across Ontario deserve the same level of safety that we enjoy in Kitchener and Waterloo. Residents that you represent deserve to know that you have stood up to the naysayers and have ensured that their public safety is paramount to you. It's the right thing to do.

Thank you very much for hearing our presentation today. We would be pleased to answer any questions.

The Chair: Thank you. We have time for just one question, and that would go to Mr. Kormos.

Mr. Kormos: No, thank you, Chair.

On a point of order, Mr. Chair: I'm just interested—and I appreciate your comments. You made reference to a subsequent delegation. The corporation of the city of Kitchener has two slots today? I see that on the agenda. I find that unusual, in view of the fact that there are any number of people who wanted to make submissions—

The Chair: The process by which the deputants were selected was approved by our subcommittee, and it's not a point of order.

Mr. Kormos: The subcommittee didn't approve the same corporation having two submissions. I don't know the specifics of—

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

Mr. Kormos: Very strange.

Mr. John Milloy (Kitchener Centre): Thank you very much, to the delegation from Kitchener, for coming in from my riding. I really appreciate it.

I just wondered if you want to take a second to reflect on the debates—I'm not sure if they were in 1996, leading into 1997, or around 1997. You pointed out at the beginning that you did hear a lot of the same arguments that we've heard. This is obviously a very emotional and passionate issue. I'm just wondering if you could reflect for a few minutes on the experience in Kitchener. Obviously, as a resident of Kitchener I know there is a fair amount of popular support for this. So just sort of the chronology of how it played out and how it was

demonstrated that this in fact wasn't as onerous as people may have feared.

The Chair: You'll have to do it very quickly as well.

Mr. Vrbanovic: Absolutely. The reality is that when we undertook this, we obviously went through a significant public consultation process. There were many public meetings where citizens came and attended and voiced their concerns. We amended the bylaw, ultimately, what came to the House for consideration, in light of some of those issues.

The reality is that over time we've shown that it does work, that the world hasn't come to an end in terms of implementing the bylaw; it's been able to be done effectively. We know that the numbers of dogs are being dealt with. I think that at the end of the day the message to the province is that, properly implemented—and I think you're well along in the right direction toward that—this legislation will have the same effect province-wide that we've seen in the city of Kitchener.

The Chair: Thank you for coming in today. Is Mike Martin in the room, please?

Interruption.

The Chair: Mike Martin, this is your deputation. Please sit down.

Interruption.

The Chair: Madam, you're out of order. Please sit down.

Interruption.

The Chair: Please come to order.

Mr. Martin, welcome to the committee this afternoon.

Interruption.

The Chair: Madam, please take your seat.

Interruption.

The Chair: Well, I'm not.

Mr. Martin, this is your time before us. You have—

Interruption.

The Chair: Madam, please sit down.

Mr. McMeekin: Mr. Chair, I move that we recess.

The Chair: This committee will recess until 1:50.

The committee recessed from 1341 to 1350.

The Chair: Ladies and gentlemen, let's reconvene, please. Mr. Martin?

Interruption.

The Chair: Madam, this is not the first organization that has had multiple presentations after consultation with legislative research. Please sit down or be escorted out.

Interruption.

The Chair: Madam, you are out of order. Sit down. Mr. Martin?

Interruption.

The Chair: Madam, please sit down.

Interruption.

The Chair: No. Please sit down.

Interruption.

The Chair: Madam, if you choose to disrupt the meeting, I'd be delighted to call it now, and we'll adjourn for the day. I'm sure Mr. Martin has come, along with the others, to make his presentation here. One of the things this committee has enjoyed while it's gone on its tour has

been goodwill and a certain amount of good humour on the part of everybody. We've managed to hear from everyone, and in this case, like many other deputants, the city of Kitchener has two deputations. The process by which the deputants were chosen was agreed upon by the three parties and followed to the letter. Please sit down.

Mr. Martin, it is your time. Welcome to the committee.

Interruption.

The Chair: Well, I'm sorry if you have, but the process by which the deputants were chosen—

Interruption.

The Chair: You've had your chance to make your deputation. Please sit down.

MIKE MARTIN

The Chair: Our next deputant is Mr. Mike Martin. Mr. Martin, welcome to the committee. I apologize for the short delay.

Mr. Mike Martin: No problem. If it would even things out, I wouldn't mind taking one of the empty afternoon slots—

The Chair: Well, this is your time now.

Mr. Martin: —maybe two of them.

The Chair: Mr. Martin, you have 10 minutes to make your deputation before us today.

Mr. Martin: Start the clock. If it's not a problem, could I get a three-minute warning, if you don't mind?

The Chair: I'd be delighted.

Mr. Martin: Thank you very much.

The Chair: Please begin by introducing yourself. The floor is yours.

Mr. Martin: My name is Mike Martin. I'm a dog owner from Hamilton. That's pretty much my dog credentials. Actually, the dog pictured on the screen is my dog. I've got a lot to say, but I don't have much time, so I'm going to skip most of what's in your package and kind of go in backwards order. Sorry for that, guys and women.

If the technology will support me, I'll switch to the next page. This is my dog, Sydney. I'm going to tell you a little bit about her story and why it's important to us; this is all down to identifying pit bulls. It's sort of my real-life, "Can you identify them or not?"

Bill 132, the pit bull ban: Most people read it as that. It is a pit bull ban. If you don't have a pit bull, it doesn't affect you and you don't have to worry about it. Well, that's not really true, especially if you don't know if you have a pit bull, and I'm in that category.

I got Sydney from the SPCA. She's been through a lot of professionals through that process. I'm going to go through them and show you what they gave me as paperwork. I've got to figure out if this girl is a pit bull or not.

I originally saw her on the SPCA Scarborough Web site. They referred to her as an Akita. That picture is an Akita. That's not my dog—it has similarities. But the professionals there told me she was an Akita. When I got

there, I took her out on a trial adoption. When I did that, they gave me this piece of paperwork where they listed her breed as an AmStaff/Akita, so she's a cross. At the top-right corner there, you'll see a picture of an AmStaff and a picture of an Akita. She's supposedly a mixture of those two now. You'll notice under "Remarks" that they also called her a bull terrier, which is the third dog in the right-hand column. This is the SPCA in both cases—the same people, the same professionals.

I adopted her. They sent her to their vet, and their vet gave me this back. This is her health record with that vet. It's hard to read, but it says "Australian shepherd." There's a picture of an Australian shepherd, a completely unrelated dog. Again, this is a vet. This is a professional. This is the type of person who is going to be identifying these breeds in your law.

Mr. Kormos: Mr. Zimmer, this could be identity theft.

Mr. Martin: It could be.

This one is really dark, but you can see it in the handout: We got her microchipped by the same vet, and they submitted the paperwork to PETNET. It reads, "American Staff/cattle dog." In the right-hand column, you will see a Staff and a cattle dog. I guess that's what she's a cross of. Reality-wise, she really does look a lot like a cattle dog; I'll give them that. This is the same guy who said Australian shepherd, though.

Following her spaying, I had to take her to an emergency vet—there were some complications—a midnight vet in Mississauga. They're great people there. They listed her breed as "pit." I think we can all assume that means pit bull.

A follow-up visit to my own vet, the vet I use, who has taken care of her for the last few years: This is her paperwork there. They have her listed as a Staffordshire bull terrier. There it is on the right-hand side, "Staffordshire bull terrier"—a different dog again. I only own one dog. All these pieces of paperwork were created within the first month that I owned her.

Mr. McMeekin: You're up to six now.

Mr. Martin: Actually, it's seven. I'll show you on the next page; I summarize them all. There are actually seven different breed descriptions of her, and this is by only four groups of professionals. I'm not trying to put down the vets and the professionals. They have as much training in identifying breeds as your home doctor has in identifying ethnic background. You wouldn't go to your doctor and ask him if you're Chinese. Why are you going to a vet to ask them this? Clearly, they can't answer the question very well.

So here we go. The Web site says she's an Akita. That's not covered by your ban. So she's good there; I don't have to worry. On the SPCA agreement—the same people—the first line says she's an AmStaff/Akita. AmStaff is covered by your ban; Akita is not. It isn't clear what the ban does about mixes. Maybe it's that last clause; I'm not really sure. Maybe she's banned there. They also said she's a bull terrier. That's not included in your ban, so she's good there; that's another breed.

Australian shepherd is not included in your ban; it's not even related. There's no history between those. PETNET: American Staff. That's covered by your ban; cattle dog is not. It's a cross. Does that count? I don't know. That's a maybe. The Mississauga Veterinary Emergency Clinic: "pit." OK, a pit bull. She's banned. I've got that one; that's pretty clear. Iroquois Ridge Veterinary Hospital: Staffordshire bull terrier. OK, that one I can give you. That's included; that is banned.

In the first month that I owned my dog, it went to four professionals and I have seven professional opinions. Three say I don't need to worry about the ban, two say they don't know if the ban covers me and two say that I have to worry. I don't know what that means.

I've been doing my own research, so I sort of know what's going on here. I've got to assume that she's going to be included, because the penalty for not doing the right thing means that she's killed, and she's my pet. That would not be a good thing. If I were to assume that she's not included, like three of the seven opinions and possibly two additional ones say, then as I'm walking her down the street calmly at my side on a loose leash, like I always do, animal control can stop and say, "Hey, that looks like a pit bull and it's not wearing a muzzle. It's not conforming, so I'm going to take it from you." Now I have to prove in court—and I don't know which piece of paper I should bring—that she is not a pit bull. If they judge against me, that maybe she is—she's got a pretty broad head—then it's a mandatory death sentence for my dog.

1400

She hasn't done anything. Her background is questionable, through the professionals. I have no right to appeal once she is defined as a pit bull; that's not an option. There's no judgment made on her actions—what she does, what she's like—or me. I'm going to assume she's included. I'm not going to try to fight a death sentence for my dog; that's not fair to her. So now she has to wear a muzzle everywhere we go, which means chasing sticks is out of the question. I can't exercise her anywhere, because I'm going to assume that I can't take her off her leash in a leash-free park as I'm sure she'd be assumed to be a pit bull and taken—another death sentence. So I can no longer exercise her. Her enjoyment of life is not what it used to be.

The Chair: Three-minute warning.

Mr. Martin: Now, that's me. I'm involved in this. How many people out there have dogs and say, "My dog's not a pit bull, so I'm not even worried about it." They haven't once looked at it, and you're going to stop them on the street and have their dogs put down. This is not right.

I've got a lot more material here. I'm going to skip through it all. You guys can read it. You've seen most of it anyway.

To summarize all of this, this is what I want you guys to do; this is my plea. You've seen all the expert opinions, so I don't know how you could do anything but oppose the breed-specific portion of this bill. Anything

else just doesn't make sense, so I'm assuming you're going to do that. I would also be so bold as to say that when you give your recommendations, I would like you to outlaw breed-specific laws in the province. I want you to force the municipalities to address the real issue. I want you to prevent ineffective laws and knee-jerk reactions, prevent killing innocent dogs, stop ignoring aggressiveness in all the other breeds that have it and enforce responsible dog ownership.

That's all I have.

The Chair: We have time for one brief question. Mr. Zimmer?

Mr. Zimmer: No, thank you.

The Chair: Ms. Munro?

Mrs. Munro: I would just like to congratulate you for bringing forward your position in a way that demonstrates to all of us a real face on the issue of breed identification. You've done it in a humorous way, but in a very real way, and I think it's most important that you were able to present that to this committee. I want to commend you for doing that. Thank you.

Mr. Martin: You're welcome. I tried to introduce some humour, but understand that, below this—

Mrs. Munro: It's serious.

Mr. Martin: —is a very serious concern for the life of one of my family members.

Mrs. Munro: Absolutely.

The Chair: Mr. Martin, thank you very much for coming in today and for your very interesting presentation.

JENNIFER PRESTON

The Chair: Is Robert Preston in the room?

Welcome to the committee this afternoon, sir. You have 10 minutes to address us. Please begin by stating your names clearly for the purposes of Hansard, and the floor is yours.

Ms. Jennifer Preston: I'd like to introduce myself. My name is Jennifer Preston and this is my husband, Robert Preston. I'm speaking on behalf of our family: my nine-year-old son, Kyle, and most importantly, all of our dogs and our friends. All of us have a very strong love for the American pit bull terrier and are very much against breed legislation.

We live in Wilsonville, Ontario, which is just outside Brantford, on a four-acre farm where we have 12 American pit bull terriers, starting off with Meggie, Tigger, Scrappy, Keyara, Ty, Jinx, Nakita, Jewels, Sierce, LoLa, Molly and Ace, and one St. Bernard named Tequila. All of our dogs range from eight months old to 10 years old. All of our American pit bull terriers are registered through the American Dog Breeders Association in Salt Lake City, Utah. They are also shown in dog shows through the ADDBA that take place all over the United States, as well some parts of Canada, such as British Columbia and Alberta. We also know around 75 other American pit bull terriers through many of our friends,

who all bring their dogs out to our home on a regular basis.

All of our 13 dogs run loose on our property, with electric fencing, every day together as they play. They play well and get along with other dogs brought to our home, and outside of our home. Our dogs also interact with other animals, as we have a cat and our neighbours have horses. Our dogs interact with children on a regular basis, as my son has many friends over, as well as all my nieces and nephews. We also have many adults over and I've never had one complaint about my dogs, not even from Superior Propane, which fills up my gas tank every two weeks; not from the water man or the meter man. As far as they're concerned, as my dogs are running loose as they pull into my laneway, they think my dogs are great. They pet them every time they come.

So this is what brings me here today, to be the voice for all of my loving dogs. I understand why we are here today, but all of you may not. It all comes down to irresponsible people. Many of you may agree with me and many of you may not. I hope, in all fairness, that you have an open mind and listen to what I have to say.

Many professional people are very much against breed legislation, as it does not work, such as the Ontario Veterinary Medical Association, the Canadian Veterinary Medical Association, all humane societies across Canada and many more associations. The list just goes on. For example, in Winnipeg, where they have banned the American pit bull terrier, studies show that it has not solved any dangerous-dog problems. Since the ban was imposed in 1990, there have been 85 different breeds that have bitten and 94 mixed breeds that have bitten. Therefore, banning is not the answer, because you will have the same irresponsible people buying other dogs and the dog bites will still be happening. If a dog is purchased and raised as a guard dog, that's what it will do. If a dog is purchased and raised as a pet, with love and care, no one would ever have any problems. All of our dogs are raised as pets and interact well with other animals and people. I have never had a problem. You can't tell me that I'm just lucky.

There are many breeds that have bitten over the last couple of months, and most get blamed on the pit bull by the media, who honestly know nothing. For example, the dog in Cambridge that attacked the paper boy was said to be a pit bull, but in fact it was later determined by the SPCA that it was part whippet terrier and part Dalmatian—no relation whatsoever.

Also, you never hear about the other breeds when they attack, like the three German shepherds and the vicious Rottweiler in the Brantford SPCA, as we speak, under quarantine. From my son's point of view, he was a victim when he witnessed someone's German shepherd rip apart a cat and all her kittens. He then said to me, "Mom, why do they want to ban our dogs? Our dogs aren't like that. They should ban German shepherds." So now you have a nine-year-old state that we should ban all dogs that do things wrong.

If you add up all the irresponsible people who buy these dogs and don't register them or take them to a vet for checkups, I highly doubt they are going to spend time with a dog to teach it and to love it. For all those people, it is just a show-off thing: "Look at my dog and how mean I can look." It is people like that we need to control.

There are many other options to control dog bites and attacks. As the saying goes, "Punish the deed, not the breed," which I'm sure you've heard many times. There are many options that can make a difference if people are willing to compromise. Here are some of my suggestions:

(1) Identify dangerous dogs based on their behaviour, not by their appearance and not by their breed.

(2) Make it mandatory to take your dog to obedience if it falls under the dangerous-dog list before being able to purchase a licence. That way, if the dog shows aggression, it can be dealt with then.

(3) Make it mandatory for any dog that falls under the dangerous-dog list to be fixed unless they are used as show dogs.

(4) Enforce dog tags on all breeds, as more than half the dog population is not registered.

(5) Make it mandatory for all registered breeders to microchip all puppies before being sold. Then, if there is a problem, you can also go back to the breeder and see if the dogs were properly bred and sold to responsible people, not just young kids.

1410

There are so many things to consider in all of this. I totally understand and my heart goes out to people who have been bitten by our breed of dogs. I can't express enough to you that a dog only does what it knows or what it is taught, or not taught, for that matter. All breeds of dogs bite or have bitten someone, so why is just our breed getting punished for every breed?

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

Ms. Preston: Thank you.

Is that fair to all the people who have been bitten by other breeds? No, it is not.

I also don't understand how the government plans on paying for what it is going to cost to enforce everything if it is passed. If you cannot control now half the people who own dogs who don't buy dog tags, how are you going to enforce this ban? This brings me to, who is going to enforce this? How are they going to enforce this? How are they going to determine that a pit bull is actually a pit bull or a pit-bull-type dog when a part whippet and part Dalmatian can be classified as a pit bull?

This brings me to another point: euthanizing innocent animals. These animals have done nothing wrong. Most of the animals in humane societies all across Ontario are innocent. All of this could possibly lead to euthanizing them.

I am asking on behalf of all of my dogs and all other pit bulls out there that you think deeply about what you ought to do, as it will be on your conscience forever. As well, you should know that if we can come to a com-

promise, you get a lot further and make everyone happy, so we can still love the dogs we choose.

To finish, I would just like to read you a poem from a pit bull. It's called "Pit Bulls Don't Cry."

I see the children in the lane.

They look like friends, we'll have a game.

They've got a stick, oh boy, what fun.

They'll throw it for me and I'll run.

But someone stops me. I wonder why their mother screams, "Don't go near those

"Horrid dogs. Come here, come close.

"They're dangerous. I'll tell you why.

"They bite little children and they die."

All I can do is watch and sigh

Cause now I know that pit bulls don't cry.

Mum cuddles me up and says, "My pet,

"We love you dearly so don't you fret."

But I love everyone out there.

Why can't they love me? I do care.

I wish they weren't made to pass me by.

I'm a pit bull. I don't cry.

I sit behind my padlocked gate

From early morn till quite late.

When I go out, it's on a lead.

Is mine the only heart to bleed?

I'm held in check as the world goes by.

I wish the pit bull heart could cry.

There are some dogs, and also men

Who cannot tell a foe from a friend.

So all of you must bear the blame

Expected to live a life of shame

Condemned, alas, and we know not why.

All we know is we will not cry!

Mr. Levac: On a point of order, Mr. Chair: I wonder if we could get a copy of Ms. Preston's deputation so we can take it for study? I'd appreciate it, if that's possible.

The Chair: If you would supply a copy of your deputation to the clerk, it will be copied for the committee.

Ms. Preston: That's fine.

The Chair: Thank you again for taking the time to come in. That pretty much fills up your time, so unfortunately there is no time for questions for you today.

DOGWATCH.NET

The Chair: Dogwatch: Is Julie King in the audience? Welcome this afternoon.

Ms. Julie King: Thank you. I'm glad to be here. Would you let me know two minutes before the end of my presentation, in case I'm running a bit slow?

The Chair: Sure, no problem. You've got 15 minutes to speak with us today. If you leave any time remaining, we will divide the time for questions. Start off by identifying yourself for Hansard. The time is yours. Proceed as you wish.

Ms. King: My name is Julie King and I represent Dogwatch.net. We strongly oppose breed-specific legislation and we are here today to ask you to support

dangerous-dog legislation that applies equally to all breeds.

The Courtney Trempe inquest report contained 36 recommendations to improve public safety through the prevention of dog-related attacks and fatalities. To date, only 10 of those have been implemented, leaving 26 actions unturned, unaddressed, that could reduce serious dog attacks.

I'd like to maybe surprise you and congratulate the government on taking measures to improve public safety around dogs. However, I believe there is a better approach than what currently stands on the table. There are good things in Bill 132, things that we support, but I think the evidence has been overwhelming at these hearings.

I'm really pleased I've come. I've learned so much from so many experts on dogs, and when I started this process I knew a lot about dogs. I am so impressed with the evidence. We need to have education, but we also need to have legislation that is going to work for Ontario.

In my observations today I have a few things I've noted. There are no data to support breed-specific legislation. All the dog experts who have spoken in these hearings have made that clear. They've also shared a common message, that they oppose breed-specific legislation, but that they want stronger dog laws using a Calgary-style approach. Those who support the ban, and we have heard from people who favour the ban, seem to share a common message as well: that they believe that pit bulls—and I use that term loosely because there is no such thing as a pit bull, and from Mr. Martin's presentation it became clear that identification is a huge problem—should be banned, because of their personal experiences and because of what they have read in the media. That's what I would like to address.

Last fall, during the same week that an attack on a chihuahua made headline news in the national papers, the national headlines did not cover the murder of a 70-year-old Peterborough man who was beaten to death in broad daylight by high school students. What was he trying to do? What was his offence? He was trying to get down the alleyway to his home.

Last fall, many dog-bite stories were either minimized or not covered when the breed involved was not a pit bull, and the victims in some cases required extensive stitching like the victims whose statements we've heard. For example, the Chesapeake Bay retriever attack on a young boy in London, Ontario, that required stitches to the boy's face and neck: not covered. The coonhound attack in Sault Ste. Marie that put a victim out of work for a week: not covered. The vicious mauling of a postal worker by a Rottweiler in Orillia: That received minimal media coverage because it happened at the height of the discussions of Bill 132. The attack on a child in Sudbury by a black Lab on October 28: minimal coverage. The mauling of a young child by a chocolate Lab on December 27, which required treatment at two different hospitals: That received minimal coverage.

Why were the pit bull attacks making national headlines when attacks of equal or even greater severity by other breeds were not? The journalists I put this question to explained that when a pit bull bites, it's news, but not necessarily other breeds. No one, they told me, wanted to hear about an attack from a family dog. I wanted to gain some academic perspective on this because I'm a science-type person, so I called up Suanne Kelman, the interim chair of the Ryerson School of Journalism, and put the question to her, why is this making news? What makes news news? "News," she explained, "happens when a story is novel and it offsets the public good." She went on to explain that when the public believes there is a pattern, the story that fits that pattern is news. If it does not fit the pattern, even though it could be a very similar story, it's not considered to be newsworthy.

In other words, if the public believes that pit bulls are inherently dangerous dogs, then the media will report attacks by this type of dog while not necessarily viewing the attack by the Chesapeake Bay retriever as being newsworthy. The logic is circular but its effect is very powerful. The news confirms our perceptions and fears. Clearly, this is a vicious cycle. The paradigm, once established, is difficult to change.

If our society believes pit bulls to be more dangerous than other dogs, it seems that we are also more likely to label biting dogs as pit bulls, whether or not that label applies. There have been several examples of this kind of misidentification. The media reported that an American Staffordshire terrier attacked a newspaper boy in Cambridge. A few weeks later, this identification was corrected by the Cambridge Humane Society. The dog was actually a mutt, a mongrel with likely four or five different breeds in its heritage. The letter from the humane society is in the appendix of the presentation. But only Citytv corrected the breed misidentification. The Toronto Sun ran a story, "Pit Bull Swallows Boy's Ear." As it turns out, I spoke to the animal control officer who had that dog, and she said, "Well, it's definitely a mixed breed." Was it perhaps really an Australian shepherd, as we saw from Mr. Martin's presentation? In the Legislature, the Attorney General attributed a mauling in St. Catharines to a pit bull when the dog was actually a German shepherd, and that boy was in a coma, a very serious victim. In January 2005, we had the report of an attack by three pit bulls in Ottawa, Ontario. They turned out to be bull mastiffs. Toward the end of January, a police report identified two dogs in a severe attack as "pit bull type" dogs. This is the police identifying the dogs. Later, they changed the definition on one of those dogs to a German shepherd. Now, how does someone confuse a German shepherd with a pit bull?

1420

What's more, we've heard the question raised, are pit bull attacks qualitatively different? I think we've heard from victims like Krys Prichard, who received 250-plus-plus stitches, that no, they are not. But if those pit bull attacks were qualitatively different, why is it so hard for the media to distinguish between the pit bull attack

and the bull mastiff attack, and even the German shepherd attacks?

When you contrast the media reports with the actual data, three important things emerge:

(1) Media reports are both over-inclusive and under-inclusive. This is not a new problem. It's just that pit bulls happen to be the current dog of choice in their sights.

(2) Public animal control officers, police officers, veterinarians and journalists are not particularly good at identifying dogs by breed, yet they identify dogs by breed all the time.

(3) When a dog bites or attacks, if it has a short coat, muscular body and blocky head, it's going to be labelled a pit bull regardless of what's actually in its makeup.

In contrast to the public perception of these dogs, we have some Canadian data, and that data says that pit bulls are responsible for less than 5% of serious bites—the OVMA quoted that on the first day of the hearings—and are responsible for less than 4% of all fatalities in this country. You can get that from Karen Delise's data. Now, if we wanted to do something about dangerous dogs, why is this government not looking at huskies, which are responsible for 39% of all such fatalities in this country? I don't want the government to look at any breeds, but it certainly raises the question if this is about public safety.

The point is, preconceived notions are very difficult to displace, and for that, I think we have to take a minute to look at ownership factors. Ontario's urban centres do seem to have a problem with a small number of aggressive and grossly negligent dog owners. Please note that I say "urban" very purposefully, because rural communities have different dog problems. Now, I've asked many of the people I know living in Toronto, professional colleagues, about their perception of pit-bull-type dogs, and in almost every case the people living in the GTA started linking their intimidation not to the dogs but to the people. I heard about men with tattoos and big moustaches and gold chains.

Mr. Kormos: Anybody with goatees?

Ms. King: I'll have to check. Then they started talking about how they were intimidated. I asked them, "If those were Rottweilers, German shepherds, Dobermans, would you be less intimidated?" They said, "You know, I never thought about it like that. No, I wouldn't be less intimidated." It's those people who are wearing their dogs like jewellery who are creating a large part of the public perception problem.

Would Bill 132 stop these people? Would it stop the drug dealers, for that matter, maybe let us go into their homes, using the dogs as an excuse so that you can get at the drug stash? No. These people who are breaking the laws now, that's not going to change, and the Winnipeg model proves this. Even if they don't keep their pit bulls, the Winnipeg data show that they will go to other breeds. There was a 450% increase in Rottweiler bites in one year in Winnipeg after the ban. They'll pick breeds like

Dobermans, Rottweilers, German shepherds, mastiffs, and any other crossbreed that you can imagine.

So when you talk to the experts and look at the data, it becomes clear that the owners and the backyard breeders are the problem, and that these people will simply switch to new breeds if this law passes. This is why places like Italy currently have 98 breeds on their list.

More importantly, I want to ask in particular the party in power, are you ready to penalize 98% of responsible dog owners to go after people and a people problem just because right now they like the kind of dog that's similar to the dog that I like and that thousands and thousands of responsible Ontarians like? Are you willing to do that to go after the 2%? I would think that what has probably surprised this government the most in these hearings is how many "white-collar" families actually own and love these dogs as pets. I'm talking about doctors, lawyers, musicians, teachers, scientists, business owners—everyday, normal family folk who love their kids and act intelligently and responsibly. In fact, if you check the Hansard for December 22, 1987, you'll see that even Ontario's current Premier, Dalton McGuinty, had a pit bull terrier as a child.

Now, there are a couple of quick points—I'm sure I'm getting close to the end of my time—that I would like to bring to your attention.

(1) A breed ban was not an election promise. This was not on the election platform and it never came up during the campaign. There were attacks in 2004, but no more than in other years. There is no verification, in fact, that many of the dogs in these attacks were pit bulls. If this Liberal government is ready to pass legislation based on urban myths, that's pretty disturbing. But I have faith in you. I have faith that this breed ban is coming out, because you have shown a very courageous action in holding these public hearings.

The Chair: You have just about two and a half minutes left.

Ms. King: OK.

(2) The problem, and why we're here today, is that the Attorney General asked the wrong question. Instead of asking the public, "Are pit bulls a breed apart?" he needed to ask, "What is the most effective way to stop serious dog attacks?"

(3) The Winnipeg data are grossly distorted. It is shameful how Winnipeg has been fed to the media as a success case. The Winnipeg data clearly show that bites by all other breeds went up significantly after its 1990 ban. Bites by Rottweilers rose by 450% in a single year, and the city only saw a significant reduction in its serious dog bites and dog bites after it increased staffing and enforcement. That didn't happen for another 12 years: 2002.

(4) What about these 6,000 e-mails that were used to justify the ban? I'm an Internet professional. The fact that the Attorney General is also the minister responsible for democratic renewal has been overlooked in this debate. Bill 132 seems to have been a test case for how the government could get more input from the public through

the use of e-mail. However, several things have been very disturbing. The Toronto Star reported that Michael Bryant's top aide was soliciting signatures for the on-line pro-ban petition. That same petition was started by a member of the Young Liberals, Milton Chan, who has worked for several government ministries. Thirteen people in a row from different cities and ethnic backgrounds submitted identical comments to the pro-ban petition, in two different places. Was a proportion of those comments being generated by computer software that hit a glitch? What does this indicate about the 6,000 e-mails, especially since the minister had stated that he got thousands upon thousands of e-mails from people who wanted to keep their dogs?

If you need one reason—just one—to drop the breed ban in favour of dangerous-dog legislation, it is this: Victims like Courtney Trempe, James Waddell, Ashton Ebinger, and all the other potential victims in this province deserve equal protection from dangerous dogs. The responsible owners deserve protection as well. The public will support you if you stand up for all the victims, and not just the victims of pit bull attacks.

In closing, I urge you to drop the breed-ban portion of Bill 132 and to take the additional steps recommended by experts related to microchipping, education, and enforcement of the laws we have. Look to Calgary. The world's best model is in our country, and it's in Calgary.

Applause.

The Chair: Thank you very much for your deputation today. I remind those who are joining us that it is not the practice within our committee to recognize deputants during our hearings. Thank you, Julie, for coming in.

ALEXANDRA SOLTAN

The Chair: Is Alexandra Soltan here, please? Alexandra, welcome this afternoon. You have 10 minutes to speak with us. Please begin by identifying yourself for the purposes of Hansard. If there's any time remaining, it will be divided among the parties for questions. Please proceed.

Dr. Alexandra Soltan: My name is Dr. Alexandra Soltan. I am a veterinarian from London, Ontario. Thank you for giving me the opportunity to speak to the committee and all who have come here today.

I have over 22 years of involvement with dog training and dog behaviour. I have come here to speak because I believe the Liberals' proposed Bill 132 will not keep the residents of Ontario safe from aggressive dog attacks. It will not decrease the number of attacks presently occurring, but it most certainly will condemn many, many good dogs to death and it will penalize responsible owners.

As a veterinarian, I feel a great responsibility to keep animals safe and healthy, and at the same time protect the community. I do not believe that Bill 132, as written, will do that. We need enforceable dangerous-dog legislation, but the breed of dog does not matter, as many speakers before me have outlined clearly.

1430

I feel for those people who have been victims of dog attacks. It must clearly be a living nightmare for them. Many of those attacks could be prevented by enforcing the leash laws we already have, implementing mandatory spay/neuter for all pet dogs and providing education about responsible dog ownership and responsible dog breeding.

I have had many years of involvement in dog behaviour and training on both a personal and a professional level. I assess dogs' temperaments on a daily basis as I perform my duties as a veterinarian. Dogs have taught me much. Dogs are incredible animals—all dogs, regardless of breed or breed type.

This afternoon, I would like to discuss the bull breeds in the veterinary setting, the problem with identification of breeds and types of dogs, the role of responsible dog ownership to decrease any negative interactions with the public and my personal passion—competitive dog sports.

I have been a veterinarian for 12 years. I have received one bite in all of those 12 years of practice. I have seen many different breeds and types of dogs in the sometimes stressful veterinary clinic environment. I have never once been threatened by a bull breed or bull breed type—not once. If Attorney General Michael Bryant's hypothesis that pit bulls are a breed apart and are inherently dangerous were true, you would think I would see that in my daily work; in fact, it is the opposite. The quiet and gentle demeanour of the bull breeds has in fact endeared them to me. In the large veterinary practice where I work, we have thousands of animals on file. I know of three registered Staffordshire bull terriers—two are owned by the same person—one registered American pit bull terrier and no registered American Staffordshire terriers.

A few dozen puppies a year are registered across the country for those three breeds. They are not any part of the dangerous-dog population that face us today. I see many dogs that would fit the definition of pit bull in this legislation. Most are random-bred dogs without papers, but they are owned by good, caring people and are cherished family pets. This legislation will be a great burden for these people and their dogs. Responsible owners who keep their pets on leash, have them spayed/neutered and have trained them should not be penalized because of the actions of irresponsible owners.

I would like to address the very real problems with breed and breed-type identification. Other speakers have clearly outlined the fact that the pit bull is not a breed and, therefore, has no breed standard and cannot be clearly identified. I have great concern over how it will be determined that a dog fits the definition of "pit bull" as outlined in this proposed legislation. Many dogs do not have registration papers, have come from unknown backgrounds, are rescued or adopted from shelters and their parentage may be known or unknown.

I find it incredible that a dog's physical appearance will be used to predict its behaviour. This makes no sense to me. I have included photos of a dog in my handouts. This dog is a 70-pound brindle and white, shorthaired,

muscular dog with a large head. This dog is not a pit bull, but there is no way to prove this. This legislation could assume that he is one and could change his life forever. This dog's behaviour is exemplary. He is well socialized to people and animals. He is kind toward children. He is well trained, vaccinated, licensed and neutered. He is an active participant in agility trials, disc dog trials and dog demonstrations for the public, and has multiple dog sport titles, which are included in the handouts, as well as his Canine Good Neighbour certificate as issued by the Canadian Kennel Club. He is a random-bred mixed breed, a cross between a boxer and a Labrador retriever. But wherever this dog goes, he is assumed to be a pit bull. If he was in a shelter, under this proposed legislation he would not be adopted out. He would be euthanized or used in animal research, and that would be a great shame.

This dog happens to be my dog. His name is Badger and he loves life. He loves people and loves to play dog sports. There are thousands of dogs just like him that will die if this proposed legislation is passed. In fact, many have died already. The deaths are occurring. Their deaths will be the responsibility of the Ontario Liberal government. Killing healthy, adoptable dogs is not something I wish to be a part of. Their faces would haunt me. It goes against every moral fibre of my being.

Since Michael Bryant's press conference on October 15, 2004, I have received a number of negative comments about my dog Badger when we have been in public. Badger has been a part of my family for over three years now and these comments have only come since the announcement of the proposed ban. This does not make me feel safe. In fact, I find these comments very threatening.

Badger is a good dog. He is a kind and gentle dog. His physical appearance alone does not determine his temperament, and this is true for any dog of any breed or breed type. Badger has done nothing wrong. He has a responsible owner—me. As a responsible owner, I feel I should have less restrictions placed on me as a dog owner, not more restrictions. I have done everything I can to ensure that my dogs are welcome members of my community. I place a very high value on the benefits of training and socialization.

If the Ontario Liberal government's goal was to draft good, enforceable, aggressive dog legislation to protect the public, why did they not conduct these public hearings prior to drafting this legislation? I do not believe experts were consulted. If they had been, we would not be here today. We would have that good legislation and the public would be safer.

There is not one major dog organization that supports breed-specific legislation. How did Michael Bryant come up with this legislation? I have seen so many facts and statistics that have shown BSL will not work. I would like to see what facts and statistics the Attorney General used to draft this legislation. Show me your experts.

It has been mentioned that Calgary has a pretty impressive record when it comes to dog licensing and aggressive dog controls. Since this system has been

proven to work, should we not look at that? Should we not look at all the places where BSL has been tried and has failed?

The Chair: Alexandra, you have about three minutes.

Ms Soltan: Thanks.

I have been active in competitive dog sports for over 20 years. All of my dogs have participated in different dog sports, from obedience, conformation, dog sledding and agility to disc dog competitions. It is my passion and I thank my dogs for indulging me in these activities. Much of my free time is spent with my dogs at agility trials, both here in Ontario and in the United States. It is a large part of my life. I refuse to attend events in Kitchener-Waterloo because of their restrictions, including last year's regional agility championships. I stayed home with my dogs. Everybody else got to play.

This legislation will not allow certain dogs to continue in these dog sports. It is impossible to catch a Frisbee or wow the crowd in an agility competition with a muzzle on. These dogs are highly trained. They are among the most socialized of all dogs. The public loves to watch dogs—all dogs—have fun. Badger brings a smile to everyone's face when he competes. This legislation will effectively stop some dogs from having the opportunity to participate in these activities. I would ask that the breed-specific parts of this legislation be dropped so that all dogs can participate freely in these events.

As I sit here today speaking to you, I will conclude by stressing a number of my greatest concerns.

I hope the Ontario Liberal government thinks about everything that has been presented before them during these meetings and rewrites this legislation. There are many people, myself included, who are offering to help in the writing of good, enforceable, aggressive dog legislation that is not breed-specific. Use these resources in a way that will help keep Ontario citizens safe from aggressive dogs, regardless of breed or breed type.

Look at the programs that have worked in other areas: education for dog owners and breeders, mandatory spay/neuter of all pet dogs. Enforce existing leash laws, and reward owners who vaccinate, license, microchip, spay/neuter, socialize and train their dogs.

Please realize that breed identification will be next to impossible for mixed-breed, unregistered dogs. Many dogs will be condemned to death based solely on their physical appearance. Please keep Badger's pictures in your mind.

Remember that the registered purebreds such as the Staffordshire bull terrier, the American Staffordshire terrier and the American pit bull terrier are not the dogs involved in these dog attacks. These registered dogs are few in number in this province and are generally owned by breed fanciers who care deeply for their chosen breed.

Please do not prevent me and my friends with bull breeds from participating in training classes and dog sport competitions. I have spent years training my dogs to work with me in these endeavours and to be welcome members of the community. Please do not punish me

because of the way my dog looks and not the way he acts.

As a veterinarian, I am deeply concerned with public safety and with the wonder of the human-animal bond. We need to foster this bond, not break it apart. Bill 132, as written, will break the human-animal bond, and that is unforgivable.

If Bill 132 is passed with the breed-specific sections left in place, as a voting citizen of Ontario I will never forget on voting day which party enacted this legislation. There are many others who feel the same way as I do. In the many, many hours I have spent researching Bill 132, I have lost complete confidence in the Ontario Liberal government's ability to serve my interests fairly.

Thank you very much for your time.

The Chair: Thank you, Alexandra. That concludes the time. Unfortunately, you won't have time for questions.

1440

AIMEE ROBINSON

The Chair: Is Aimee Robinson in the room?

Mr. Kormos: On a point of order, Chair: While this person is seating herself, I say this to the parliamentary assistant: You pull the breed-specific portions of this bill and New Democrats will commit to passing this bill in one legislative day on our return to Queen's Park, the time split equally three ways. If you're serious about dangerous dogs, we can have this bill passed in one day. Pull the breed-specific sections.

The Chair: The merits of the offer notwithstanding, it isn't a point of order.

Aimee, welcome this afternoon. You have 10 minutes to discuss with us. Please begin by stating your name for the purposes of Hansard. If there's any time remaining, it'll be divided among the parties for questions. Go ahead.

Ms. Aimee Robinson: My name is Aimee Robinson, and I live in Chatham, Ontario. I am also a volunteer with the Chatham-Kent OSPCA. I am leaving a package with you that I will be referring to here and there and I hope you have time to read it very thoroughly in your leisure. It's quite extensive, actually.

I have come here today to try and restore my faith in my government, and the Liberal Party especially, for which I have voted for the last 10 years. If Bill 132 passes as is, the last vote will have been my last.

I have come here to discuss the alternatives to breed-specific legislation. Anyone who has thoroughly investigated breed-specific legislation will know that it does not work.

First of all, breed-specific legislation and Bill 132 have been brought forth by media hype and the public fear and stereotyping of the breed, pit bull. Pit bulls have been shown in the media as bloodthirsty, aggressive killers. This leads to many reports in newspapers and on TV incorrectly reporting a dog attack as a pit bull attack.

For example, recently, in November 2004, newspapers reported another attack by a pit bull that "crashed through

a front door" and attacked a paper boy and his mother. The Attorney General seized this incident as another reason to ban pit bulls. This dog was not a pit bull but in fact a mutt made up of several breeds, such as a whippet, a Great Dane and a Dalmatian. Also, this past January, three dogs in Ottawa identified as pit bulls attacked two young boys while one boy fended the dogs off with a shovel—again, not pit bulls. If the public does not follow up on these stories, they just keep thinking it was another pit bull attack. Even if a dog that bites has a portion of pit bull in him, like the dogs in Chatham back in June who attacked the postal worker, he is automatically deemed a pit bull. What about the Lab, shepherd or spaniel breed that is within him? There are even accounts of news anchors staging dogfights to increase TV ratings.

These occurrences also reinforce the misidentification that occurs on a daily basis with this breed. You don't hear about the other breeds attacking, because that doesn't sell newspapers, but there are many other attacks occurring by different breeds, and we have heard some of those today. I've also included a list of just some of these attacks in the handout that I've left with you. Other breeds do attack and these attacks are just as horrific, like the one recently where a collie and Rottweilers were implicated. Why don't we hear about the pit bulls that save lives, like the ones used for rescue at ground zero in New York or the ones that helped the rescue team at the space shuttle disaster? What about the Seeing Eye dogs that are pit bulls or the ones that assist narcotics officers? People don't realize the greatness of these dogs when they can't see beyond the discrimination.

Placing the onus on the owner to prove their dog breed is impossible. In most cases, especially mixed breeds, there are no papers, no bloodlines, and some owners aren't even sure of the breed they own.

Pit bulls are loyal, affectionate, protective and devoted. All of these characteristics have been misused. The perception is that only criminals, drug abusers and gangsters own these breeds. Is this the truth? There are many pit bull owners like myself who have taken the time to understand the qualities of this breed, owners like myself who may be educated enough to understand the responsibility to the community because of the breed they own. Yes, all dogs bite, anything from a Shih Tzu to a Great Dane. Those who wish to own a larger breed of dog, any breed, need to be educated in responsible ownership.

Let me give you an example of typical public perception of a pit bull. In my office at work the other day, a customer asked me how someone like myself could "own a dog like that." "What made you choose a breed like that?" he asked. "Do you have children at home? I never imagined someone like you would own a dog like that." After picking my jaw up off the floor, I replied that he was simply basing his thoughts on the stereotypical images promoted by the media, and mentioned that perhaps he should research this, as this type of thinking was part of this public hysteria.

There are hundreds of reports of people and their dogs being physically and verbally abused due to this public

hysteria. Some of these dogs are not even pit bulls but are being mistaken for them. Again, this proves that this breed is misidentified daily. People and dogs are having cans, bottles and rocks thrown at them. People are being spit on and dogs are being kicked and threatened to be shot. How can anyone say that public hysteria is not a problem here? Now people are being stereotyped as well.

There is no point in mentioning statistics. They are not very accurate. There are too many variables, like privacy laws, and the stats are just not recorded regularly and accurately. Only 10% to 20% or less of dogs are licensed. With pit bulls, the number is even smaller. We don't know the true population of breeds. Without that information, stats are not reliable.

I question the success of the Kitchener-Waterloo ban. They say the number of pit bull attacks has decreased. That would only make sense, since now there are fewer pit bulls in the community. What about the dogs that are still attacking in Kitchener-Waterloo? What about the dogs of other breeds that viciously attacked before the ban? I ask, why was this pit bull that crossed 10 kilometres roaming free? Where was his owner?

The Chair: Aimee, you have about two and a half minutes left.

Ms. Robinson: We need to reinforce some of the impacts of Bill 132 in Ontario. Animal shelters are being overrun with dogs being turned in because of Bill 132. Michael Bryant said this wouldn't happen and he was wrong. People are turning in their dogs because they don't want to deal with Bill 132 and they don't want to be harassed. The financial impacts on these institutions are huge. The Chatham-Kent OSPCA reports a huge increase so far of these dogs being turned in—over 80% more; so does the Windsor OSPCA. First, Bill 132 attempts to force them to enforce a law that they disagree with and are not willing to enforce, and now the other impacts are just surfacing. Stress on the staff is excessive. What is happening is against all that they stand for. They are euthanizing perfectly lovable, adoptable dogs.

The city of Chatham wanted to pass a bylaw banning the breed without even having an inkling of the true population or realizing that this affected their statistics. You can walk door to door and count the number of pit bulls in Chatham, and not including the ones being hidden for fighting purposes, I can guarantee a count of thousands of dogs. As of this past summer, only 30 pit bulls were licensed in the city.

According to research in the paper *Financial and Social Implications of Breed Specific Legislation*, presented to the Legislative Assembly in New Brunswick, there will also be an impact on Ontario's tourism. Approximately \$1.04 million a year will be lost.

Many places have made reports and recommendations to eliminate or to not proceed with breed-specific legislation, such as: 2001, Halifax and Ingersoll; 2003, Mississauga and Edmonton; and 2004, Cambridge and the province of New Brunswick. After careful and in-depth research, New Brunswick decided against breed-specific legislation because it was proven too costly, socially and

financially, and there was no evidence to support the success of breed-specific legislation. They decided to focus on penalizing irresponsible owners and breeders of all breeds.

The Chair: Aimee, you have about one minute left, if you want to sum up.

Ms. Robinson: I'm just about done.

New Brunswick plans to penalize puppy mills and backyard breeders, require spaying or neutering of companion animals, increase fines and impose a lifetime dog ownership ban on owners found guilty of criminal charges under the law. New Brunswick realized that breed-specific legislation fails to recognize many factors that contribute to aggressive dog behaviour, such as inadequate socialization, training, poor health, injury, abuse and mistreatment. New Brunswick is focusing on education, prevention, responsible dog ownership and commitment to enforcement. The cost of implementing effective education programs is substantially less than the cost of BSL. Two examples are BEAT—Be Aware, Educate and Teach—in Alberta, and PAWS—Public Awareness Works—in New Brunswick. In Alberta there are three designated animal officers in charge of education.

Ontario's taxpayers' money will be better spent on promoting responsible dog ownership, education, increasing penalties, stronger enforcement, stopping backyard breeding and funding animal services that will help to enforce and administer these laws.

The Chair: Thank you very much.

Mr. Zimmer: Mr. Chair, just before the next witness, I'd like to read in a statement, about 30 or 40 seconds, on a point that I'm going to describe as personal privilege.

The Chair: Does this pertain to a question? Because otherwise it would be out of order.

Mr. Zimmer: It pertains to some evidence that was heard this morning.

The Chair: It would be in order if the point is raised again, but we didn't get to you in the rotation. I'm sorry.

1450

RONALD BROWN

The Chair: I'd like to know if Mr. Ronald Brown is in the room. Mr. Brown, welcome this afternoon. You have 10 minutes before us. Please begin by identifying yourself for Hansard. If you leave any time for questions, it will be divided among the parties.

Mr. Ronald Brown: I'm Ronald Brown from Cambridge, Ontario. I feel like I've come to a formal wedding and I'm the only who's not wearing a tuxedo. I just got here about an hour ago, but am I the first one to be for the ban? It seems that everybody I've heard is against it.

Mr. McMeekin: The third one.

Mr. Brown: First of all, I would like to thank the committee for allowing me to take the opportunity to speak on behalf of myself and also my wife, who was the victim of a pit bull attack approximately 15 years ago.

We both would like to see a complete and total ban on pit bulls in Ontario.

This breed of dog seems to have an inherited need of some kind to not only attack, but the total instinct to kill by first wounding, and then clamping on to the throat of a victim, be it a human or another animal. It seems they will hold on to the throat until they are almost killed by a person. They are like a loaded gun, and when something inside them pulls that trigger, there's not much you can do to stop the attack.

My wife loved all dogs, but after this attack she could hardly bear to look at any dogs. She ended up going to a psychiatrist, who tried to fix the problem, but to this day I don't think she is comfortable around too many dogs.

My next paragraph here was about the Cambridge dog that went through the screen door, but apparently it was not a pit bull, so I'm not going to speak on that.

What we're really here for today is to try and protect our children. Why do we insist on having school crossing guards? Why do we hold their hands in a busy mall? Why do we put them in child car seats? I know you're going to hear from some people that it's the owners and not the dogs that are responsible for these attacks. I don't believe that for a second. Have you ever seen a Seeing Eye pit bull? Apparently the lady has seen a Seeing Eye pit bull but I have never seen one.

Ladies and gentlemen, the pit bulls you see today are the offspring of a breed of dogs trained and bred to do one thing: to fight in a closed ring in an 18-wheel tractor-trailer or a secluded barn somewhere out of the reach of the authorities and usually fight to the death.

Our neighbours in Kitchener-Waterloo, Brantford and I believe Windsor have already banned pit bulls in their cities, and I hope the people responsible for the voting in all of Ontario will also ban them from the province.

I listened to a breeder's claim that banning this breed in Ontario is nothing short of ethnic cleansing. I do not agree with this statement. We are not saying to destroy all pit bulls; we are simply saying that if you insist on breeding them, do it somewhere else, not in Ontario. If you have ever witnessed a pit bull attack, this decision would be a no-brainer.

This bill to ban pit bulls should be called Save Our Children from Unnecessary Terror. I owe it to my children, my grandchildren and also to my great-grandchildren to try to do everything possible in my power to stop these stupid and senseless attacks. If I did nothing and one of my grandkids were attacked and severely injured, I'm afraid I wouldn't be able to get up every morning and look at myself in the mirror, knowing that I did nothing to prevent it.

Again, thank you for listening to me. Please believe me, I am not a dog hater; I've owned many dogs in my lifetime and loved every one of them. Thank you very much.

The Chair: Thank you for coming in, Mr. Brown. We've got time for a few questions, beginning with Mr. Kormos for about a minute and a half.

Mr. Kormos: Thank you for your comments. You've heard the exchanges that have taken place, because the focus is very much on this issue of a breed-specific ban versus the broader dangerous dog. I appreciate your comments, and your patience with all of us for sitting through I think the whole day.

Mr. Brown: I thought that maybe I was all alone here, but apparently there were two other people who were—

Mr. Kormos: There were. Thank you kindly.

Mr. Zimmer: Mr. Chair, may I ask for unanimous consent to put my point of personal privilege on the record that I referred to earlier?

The Chair: Agreed? Agreed.

Mr. Zimmer: Unfortunately, earlier this morning certain statements were made to this committee. These statements included references to fascism and to the final solution. These statements were made in the context of dog safety legislation. Comparisons to fascism and the final solution are deeply offensive to me and to others, to my fellow legislators and to citizens of Ontario. These offensive statements are abhorrent. They trivialize the tragedy of the Holocaust. They have no place in this debate. This language should be condemned. Thank you, Mr. Chair.

Mr. Kormos: If I may, Mr. Zimmer explained his concerns to me prior to him raising this matter. I concur that it's regrettable that people, in the passion with which they approach this particular issue, use such powerful comparisons, which have as their net effect, as Mr. Zimmer points out, the prospect of trivializing the historical reality of these events.

Again, I don't condemn the person using this language; they were doing their best to convey an image. However, I concur in the regret that that type of language and those types of comparisons are utilized in the context of this debate.

The Chair: Thank you. I echo the sentiments and I'm sure none of the deputants meant offence by the comments.

Mr. Levac: On a point of order, Mr. Chair: Mr. Brown made a presentation that, unfortunately, we didn't get a copy of. I would again ask if the clerk could get a copy of Mr. Brown's presentation so that we can use it for study.

The Chair: Mr. Brown, could we make a copy of your presentation for the committee's records, please? If you need it back, we'll give it back to you.

SANDRA LIGHTFOOT

The Chair: Our next deputant is Sandra Lightfoot, who will be joining us by teleconference from Brampton. Ms. Lightfoot, are you on the line?

Ms. Sandra Lightfoot: Hello.

The Chair: Ms. Lightfoot, this is Bob Delaney speaking. I'm the Chair of the standing committee on the Legislative Assembly. You're addressing us here in Brantford, and you're now by telephone before the standing committee. You have 10 minutes to talk with us

this afternoon. If you leave any time, we'll divide it equally among the parties for questions. Please begin by clearly identifying yourself for the purposes of Hansard. Welcome this afternoon, and please proceed.

Ms. Lightfoot: My name is Sandra Lightfoot. I live in Brampton. I'd like to add my name to the list of those who are wanting to have pit bulls eliminated from our society, and I will tell you my little story. But before I get into my little dissertation, I would like to preface this whole thing by saying that I am an animal lover. I've had animals of one sort or another in my possession, right from alligators to pigs to turkeys, cats, dogs; you name it, I've had them, so I've had a vast array of animals around me my whole life.

My story goes back, starting about two years ago. At that time, about this time of year as well, we saw this skinny little frail cat in our yard. It looked like it was next to death. My first impulse, of course, was to go and get it and save it. It was having no part of us, so the next step was then to put food out for it. I attempted to leave water; of course, that was a difficult task. Anyhow, to make a long story short, we did save this little cat. After kilograms and kilograms of food, she came back to fairly decent health. We devised a little house outside of our back door, and she became quite friendly with our family.

1500

Coming into May, in fact it was the Friday before Mother's Day—I'm also a letter carrier, so I encounter numerous dogs, the majority of whom are friendly, because I entice them with little cookies. At any rate, the Friday before Mother's Day, I then mentioned to a veterinarian on my route if he would have a look at this cat, because I said, "We'll either adopt her out or perhaps I'll adopt her myself." He said, "Sure. By all means, bring her in."

On Mother's Day, my sons took me out and I returned in the afternoon. Of course, my first step was always to check to see how our little adopted friend was doing, only to be greeted by my next door neighbour, who said, "Don't go there."

I looked at him rather puzzled. He said, "Unfortunately, you had some unwanted guests while you were away." I was still puzzled and looked at him. He said, "Well, our friendly pit bulls"—there are more than one; I believe there are three or four now at this time; I'm not quite sure—"broke through the trellis of your gate and came in and devoured in a frenzy our little adopted cat."

Needless to say, I was sad, angry, extremely upset, and, by the way, I still am upon telling this story. I reported it to animal control. I wanted to take them to court because I figured this was my property and this was not fair.

Like I say, I'm an animal lover, but you know what? Animal, human—I don't care. We all live by the goodness of the earth, and that's not to destroy or go into a friend's—and the neighbour said, "Yes, it was pretty brutal. They literally tore that little cat apart," and, of

course, I could see remains of fluff and fur and everything else all over the place.

He said, "In all probability, it was likely just as well you weren't there, because knowing you, you would have attempted to save the little thing and they, in turn, likely would have attacked you." My sons heartily agreed, knowing the nature of their mother.

At any rate, I then kind of resettled myself, looked at my gate—yes, the trellis was broken. They'd fired through that thing like it was water. My little friend was no longer in existence. So to make a long story short, they were advised to keep these animals under muzzle when they're off the property, and that's the sum total of what became of it.

I then went and spoke with the wife at one point in time and told her how unhappy I was that nobody had even attempted to apologize to me or make any kinds of amends. I mean, we even had tears, because we'd become quite attached to this wee animal. In fact, she was separated at that time. I'd just come back to the neighbour. She said, "I don't know why they have that animal in the house anyhow. He's bitten everybody in there." At that point in time, the thing lunged at me as I was leaning on the fence, and I said, "I don't like this dog." She said, "Well, they're all of the same ilk."

I have two cats that I keep in my house. My son has put up a fibreglass block on the screen door because we're afraid that these animals will come into my yard—which they have done already—and I'm afraid they're going to come through the screen. My neighbour and I have put up a six-foot fence. He has grandkids and he's as fearful of these stupid animals coming and attacking his grandkids. So he says, "No. I'll put this fence up. I can't be bothered with this."

On other occasions, I have had those dogs come under the fence and appear in my yard again. Again, I called animal control. They came over and, of course, by the time the animal controls get all over here, the people had recalled their animal and said, "Oh, no, he was never there." I stood there and I looked at the animals in my yard. This is a threat to me. So needless to say, I'm not a happy camper, and if people can't control these animals—obviously, I've heard their owners screaming and yelling at them to try to control them—once they start, they're not to be controlled.

I'm sorry, but animal lover or not, there's a place for everything, and that's not in our society. That's my story.

The Chair: Thank you very much for calling in with your deputation today. We've got time for perhaps one very brief question from each caucus.

Mr. Miller: Thank you for talking to us today and for telling this unfortunate story about what happened to you and your cat. One of the questions to do with the legislation that's proposed, Bill 132, is the definition of what a pit bull is, and they've defined a few types of breeds of dogs. In your case, how do you know that the dog is a pit bull?

Ms. Lightfoot: I happen to know it because they breed them.

Mr. Miller: They breed pit bulls. The pit bull is actually not a breed of dog. There are a few different types that, in the legislation, they're defining as a pit bull. Is this a backyard breeder?

Ms. Lightfoot: Yes, that's correct. He happens to be directly attached to my yard. Yes, a backyard breeder, not a registered breeder.

Mr. Miller: So these are not purebred dogs, then.

Ms. Lightfoot: According to them, they are purebred because that's what they're breeding them with, so-called pit bulls. I do not have the proper credentials to go and properly identify them, but in the nature of the animal, they fit the bill. I know there are deviations of this breed and I know it's part of the problem, but I also do know—and I've had other occasions and encounters with these animals. A friend of my son had a dog that latched on to another dog's throat. He broke his fist trying to get that dog to release the dog's throat.

Mr. Miller: In the case of Kitchener, which has a breed ban for pit bulls, in their definition they exclude purebred Staffordshire bull terriers and what they describe as "registered with the American Kennel Club or the Canadian Kennel Club" American Staffordshire terriers. So this dog that attacked you would not be a purebred, then, based on what you're saying?

Ms. Lightfoot: Do you know what? I never—in fact, now the neighbours don't really talk to me, so I can't say whether they have papers or not. I'm not in the position to say definitely yes, or no, they definitely are not.

The Chair: On that note, I want to thank you very much for your time this afternoon. That concludes the time for your deputation. Thank you for sharing your story.

MARGUERITE CHARTER

The Chair: Is Marguerite Charter in the room, please? Welcome this afternoon. You have 10 minutes to present to us today. If you leave any time, it will be divided among the parties for questions. Please begin by identifying yourself for Hansard, and then proceed.

Ms. Marguerite Charter: I am Marguerite Charter from Brantford. Before you start the stopwatch, I would like to thank Mr. Levac for being here because he does have some influence on our own city council. I'm also very pleased to see Richard Carpenter, our councillor, walk in because now we have legislation in our municipality. Unfortunately, I did not know that they were going to hold discussions at city council and I was not given an opportunity to speak. So I hope their ears are open, particularly Mr. Carpenter's. Here I go.

I'm here to present today a different perspective on curbing dog aggression. In the time allotted to me, I would like to focus on the following issues: some causes for aggression; the role of the CKC; the role of the kennel clubs and trainers; obedience training; concerns that I have regarding the SCPA; and the role of the Legislature.

Over the past 50 years, I have been involved with virtually all breeds through training, breeding and 44

years of judging. I have judged from coast to coast in Canada, part of the USA and Bermuda, and these experiences have helped me formulate some opinions that I feel should be addressed in stemming the problem related to aggression.

When a dog becomes popular through the media, and by advertising too, such as the dogs Rin Tin Tin, the Littlest Hobo, Lassie and, of late, the Jack Russell terrier, people believe that the purchase of one of these puppies brings with it the same attributes as they see on TV. We even have crossbreeds now being advertised in the paper. I happened to meet one of these crossbreeds and the owner, and I asked him, "What breed of dog do you have? It's very cute." I was told, "This is a new breed. It's a spaniel-poodle, or called spoodle." We have many of these. I often wonder, what genes do they bring to the table of dogdom?

1510

When the breed increases its popularity, the standards decrease. Indiscriminate breeders see the demand for them and then the dollar signs begin to pop up. These dogs are bred and sold without thought of selective breeding for temperament. Dog aggression is not specific. I had the opportunity of seeing a chihuahua bite a lady in the face, leaving scars. Small children are attracted to small dogs and the consequences can be more severe.

I'm looking at a possibility—we know that all businesses are levied taxes for their operations. Registered kennels pay a tax. Why not levy a tax on backyard breeders? If an owner refuses to co-operate, then penalties should be enforced. Bill 132, under search and seizure, gives a peace officer the authority to execute a warrant. Following this, penalties must be levied. I'm also asking that the citizens of their communities keep an eye open. If they know that these backyard breeders are in operation, to whom should they report this?

The role of the CKC is mandated to promote purebreds. They have no jurisdiction to intervene when non-purebreds are at fault or when some purebreds are not registered with the CKC. They have worked very diligently with puppy mills: fewer and fewer puppies are seen in our pet stores. At the annual meeting in 2004, they indicated that the possibility of allowing non-purebreds to be shown at obedience trials was a very positive step forward. This will open the door for people to become interested in training their dogs.

Let's have a look at our kennel clubs. Most kennel clubs hold obedience training classes, as well as trainers setting up their own establishments. This brings a dilemma: If a dog has shown traits of aggression during and to the end of the 10-week course, what should be done? Perhaps a suggestion to the owner about the seriousness of the problem; suggest another course or we report—but to whom? This has been covered by your legislation under Bill 132 in search and seizure, which gives the peace officer the right to go in and investigate.

Kennel clubs do not have sufficient funds to advertise an eye-catching ad about an open meeting to educate

non-members about the dos and don'ts of ownership, so I'm asking you to encourage these clubs to be innovative, instead of a law that threatens the demise of a specific breed. Members of these clubs are all dog-lovers. They all have the same concerns about aggression and they want to help solve this matter.

Let's move on to training. When obedience exercises were set out, much thought was given behind each step of the way. In our obedience rules and regulations, the purpose points out what each training objective is. The basic objective of obedience trials is to produce dogs that have been trained to behave in the home, in public places and in the presence of other dogs.

Dogs are pack animals and only survive when they have a leader. Training instills in the dog that the owner is the leader. During the training period, the dog-leader relationship develops and the purpose of obedience training is fulfilled. A dog's behaviour mirrors that of his environment.

Let me give you an example of a well-trained dog. A judge on a tracking test in Thunder Bay, following a German shepherd on a 20-foot lead, was out on the track when a bear ambled across his track approximately 10 feet from him. The handler very quietly said, "Stay." The dog stopped. It did not growl, did not bark, did not snarl, but stood there until the bear disappeared. Then the handler gave him the command to seek. He went on and did his business—to great success, let me say.

Locally, a dog got into serious problems in 2003, and our local paper reported the incident. The owner was ordered to muzzle and to attend obedience classes. When he was interviewed by a reporter, this is what the owner said: "He has been an excellent canine citizen of Brantford ever since."

The Chair: Marguerite, you have about two minutes remaining.

Ms. Charter: While writing this presentation, CBC News reported another attack in Toronto, at which time the medical officer of health and a vet stated that public education would be an answer to their woes.

As you are experiencing, when something is mandated, there is criticism. Likewise with obedience. I've often heard over the years that people do not believe in training because it is harsh. It is the nature of a dog to want to please, and child psychologists maintain that punishment is harmful in shaping human behaviour. The same is true about dogs.

Everything we have in life has a cost. Sometimes things are needed and some are very frivolous. The fee for training is usually around \$100 for 10 lessons, and this cost of owning a well-behaved dog far exceeds the cost and time spent for training.

Over the time of my judging, I have had the pleasure of judging people who need a cane, crutches or a wheelchair. Some have been deaf, some have been blind and one was a deaf-mute. A 92-year-old lady handled a Kuvasz, a very large dog, in my ring, and a seven-year-old handled her pet toy poodle. All these people trained

their own dogs and are having fun, and now can go out into the community and say, "See what I've got?"

This brings me to you.

The Chair: You should sum up very quickly.

Ms. Charter: I would ask the government to flood the news media about the advantages of training. A well-mannered dog is an asset to the community. To legislate training for all dogs is probably impossible. However, I'm sure that this can be overcome in some manner.

I will cut out much of the SPCA. I have great concerns about that, because in Bill 132 you have increased their workload. Financially, how are they going to keep this? I would like to see you come out and—

The Chair: On that point, I'm sorry, I do have to stop you.

Ms. Charter: Just one moment, please. I am cutting out. I am saying education, education, education: education for owner, for breeder and, of course, for the four-legged animal that cannot talk for himself.

The Chair: Thank you very much for having come this afternoon.

Mr. Levac: Point of order: Mr. Chair: I'd obviously like to thank the deputant, but I would also ask again, for purposes of study and feedback, to get a copy of Ms. Charter's presentation.

The Chair: Is it possible to have the clerk copy your notes?

Ms. Charter: Not for the clerk to copy it, because it's all over the place, but I will have it typed out for you and bring it to your office.

Mr. Levac: I'll make sure I dispense that to the members, because we are here to listen.

The Chair: Thank you for coming this afternoon.

1520

ELLIE ROSS

The Chair: Are Ellie Ross, Petra Hell and Judy Rich in the room? Did I get the pronunciation of your names right?

Ms. Petra Hell: My name is Petra Hell.

The Chair: Welcome this afternoon. You have 10 minutes to speak with us. Please begin by introducing yourselves for the purposes of Hansard. If there's any time remaining, we'll divide it among the parties for questions. Please proceed.

Ms. Ellie Ross: Thank you. My name is Ellie Ross. I'm the owner of Wag 'n Train in Kitchener, which is the largest dog daycare and training centre in Canada. I've been training dogs, horses, elephants, cats, you name it, for the past 15 years and I've been a behaviour counsellor for five years, a consultant to the K-W SPCA, Canada Post and the city of Kitchener. I'm a member of the Canadian Association of Professional Pet Dog Trainers, the Canadian Kennel Club, the Agility Association of Canada, the Pet Industry Joint Advisory Council, the Golden Retriever Club of Canada, the Greater K-W Chamber of Commerce, the president of the North American Dog Daycare Association, the host of Pup Talk on

CKCO television and the host of the Canine Minute, a Talon Productions canine educational series.

I have been involved with training and teaching everything from dogs to elephants for many years. I have been a regular behaviour consultant as well as having trained the staff at the SPCA. Canada Post has sought out my input on the ever-growing problem of their carriers being bitten, which, by the way, is the number one reason why they have time off work. The city of Kitchener has utilized me as a consultant in reviewing some of their animal control bylaws, the dangerous-dog bylaws and, most recently, to mandate the dog daycare industry.

I also field questions almost daily from people who call with behaviour problems, asking if there's a quick fix or a magic pill. No. In most cases, they've never taken their dogs for any type of training. Yes, I do train dogs, but my biggest job as an instructor is to teach people how to train their dogs, and this by no means is a simple task.

People get dogs for different reasons: Some are for hunting and retrieving, some for participating in various sports like obedience, flyball, agility, tracking, pulling sleighs, water sports and field trials. And then there are those who just want a dog for a watchdog or the desire to feel protected. Some want a dog for company or maybe to assist in chores like a service dog. There are some who want a dog just because it's the thing to have around, like a status symbol.

How many of these different types of dog-related reasons, be it sports or hobbies, need training? They all need training. I would be asking the person that would like a Rottweiler for a status symbol, "Why?" The latter two persons should not be allowed to have a dog. Education is the most effective and proactive approach we could possibly take to address this problem today. If people realized that the majority of dogs trained to be guard dogs are most likely to bite their own family, would they pursue this? If people understood how cruel it is to isolate their dog, which is a pack animal that desperately requires company for its mental stability, to chain him up in the yard, would they do it? If parents knew to teach their children that hugging a dog was unacceptable behaviour, as this is one of the most common reasons for a bite to the face, would they do it?

I've participated in dangerous-dog hearings and have seen the graphic pictures of children who were victims of a dog bite. I've seen the parents and the owners of the dog that inflicted the wounds and I believe that all three—the parents, the child and the dog owner—all of their actions would have been different and the outcome wouldn't have been the same had they only had a little bit more knowledge. It's one thing to take your dog to school where you learn to teach it to sit and lie down. We need more than that.

The government has implemented so many effective programs to educate the public on everything from our heritage to our health. This is without a doubt a health and safety issue, not a breed issue. Did you know that in the United States, someone is treated for a dog bite every

four minutes? A great deal of these could have been avoided had a little bit of knowledge been passed on.

My 15 years of experience in dealing with dogs and people has taught me many lessons. The simple fact is that dogs are animals and will always be animals. Domestic animals are owned and controlled by people like you and I. We choose to train them and to love them. We can also abuse and mistreat them. We can choose to let them run loose and out of control or we can choose to keep them safe by keeping them in our homes, fenced in our yards, crated or penned in dog runs or cages. In other words, dogs and pets are at our total mercy. Why would we look at specific breeds? Indeed, there is a need to toughen up laws and penalties for those who choose not to contain, control, socialize and train their dogs. I, along with many of my associates and colleagues in the fields of training, showing, trialling, agility, obedience, tracking, flyball and field sports, all agree that we could support tougher penalties to curb aggressive behaviour and make life safer for our fellow citizens.

I truly support Mr. Bryant's desire for change and I sincerely applaud his efforts to acknowledge this growing problem in our province. We do have a problem. We need to find a solution, but the solution needs to be effective. I see the present proposal as a door leading to many more problems that most of you are not even aware of or have not had the foresight to look ahead to. It will drive a number of these dogs underground, which will then have no social skills, making them even more dangerous to visitors to their homes. Just imagine how dangerous that animal will be the day it finally breaks out and enjoys momentarily its freedom until it meets up with an unsuspecting stranger. I have seen this happen many times in the city of Kitchener. I have seen it happen in the United States. I travel extensively with all of my dogs and I have been to many cities and states where there are breed bans in place. BSL drives these breeds underground and leads to secondary problems. In addition, it makes the breed more desirable to many. It will lead to crossbreeds that cannot be identified and, worst of all, the importation of dogs that have a far more notorious reputation will be on the rise. What scares me the most is that the solution will indeed worsen the problem. Please, I am begging you to address this as a dangerous-dog bylaw and not BSL.

I, like many others, have my own pit bull experience. I have known them to be the most heroic of dogs to save human life and I've also witnessed them literally tear the face off of my closest friend. I've seen clips of dogfights at the peak of a fight. In the peak of the fight, when the fight was to be broken up, the dogs were roughly manhandled and removed from the ring by none other than a human. The dog did not make any attempt to bite the person whatsoever. The breed was not specifically bred to have aggression toward humans. On the flipside, golden retrievers were bred to retrieve birds. I have two goldens, one that will retrieve birds, balls, sticks all day long, and the other who will watch it land and look at you

as if to say, “Well, you threw it away. I guess you just don’t want it.”

I’m not going to stand here today and tell you that I like pit bulls or that they are safe as pets, but I’m also not going to stand here today and tell you that you should only buy a golden retriever if you want a safe pet. I will say that all dogs bite. All dogs have the potential to do damage, some more than others.

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

Ms. Ross: If we don’t take a similar approach in our other laws—for example, statistically, uneducated single white males with a criminal record under the age of 30 are likely to reoffend. Do we banish them legally from society? No, we rehabilitate. We educate our children, and we implement social programs to reduce the likelihood of the offender reoffending and our children from falling prey to them. Why are we suddenly taking a different approach with dangerous dogs when history has shown us that this approach is not effective?

What we would like to see and what we would propose that has already been seen by several MPPs, our health minister and our Solicitor General, is that we have a series of one-minute, ready-for-broadcast educational videos that, in conjunction with a dangerous-dog bylaw, will result in people being accountable and taking responsibility. Seventy-four per cent of dogs that end up in shelters never had the opportunity to attend training. We have to, at the very least, consider this to protect our children, our community and even our pets.

Dog licensing is a form of revenue for communities, but what do people get for their money? They get a tag, a chance that if their pet runs stray, the tag could be the ticket home. While that’s valuable, licensing could go way up if people were getting more for their money. A portion of dog licences should be directed to education, and it is estimated that only one in four dogs in southern Ontario is licensed. This has no secondary problems attached to it and this approach has a proven history.

We assert that the present proposed legislation would be a facile and ineffectual approach that will not protect your constituents or enhance your public safety.

The Chair: We would have time for one brief question. Going once? Ms. Munro.

Mrs. Munro: I would just like to thank you for bringing your perspective to the committee, and I think that in looking at the problem with breed-specific and the importance of ownership, we’re all—certainly as someone who put forward a private member’s bill to deal with that—sensitive to that issue. I guess it’s a bit like the people who see the difference between the drunk driver and the car. We don’t ban the car; we go after the drunk driver. I think it’s this kind of logic that is probably part of your presentation as well.

Ms. Ross: Thank you.

The Chair: Thank you for coming in this afternoon.

1530

KENT JONES

The Chair: Is Kent Jones in the room?

Mr. Kent Jones: Yes, I’m Kent Jones. I’m from London, Ontario.

The Chair: Welcome, Mr. Jones. If you’ve been here for a while, you’ve got the gist of it.

Mr. Jones: Yes, I’ve been here for quite a bit, most of the day.

I see I’m vastly outnumbered here by the opponents to this legislation. It appears they’re pretty well organized and pretty vocal. Well, I can’t afford that luxury. I’m just an ordinary citizen speaking out for the silent majority.

I drove here from London today because I felt so strongly in favour of this law that I had to speak out. I have nothing to personally gain from this legislation being passed other than the knowledge that I can again take my family and my kids to public places without the fear of these dogs and their aggressive nature intimidating us.

These dogs were bred for one purpose, and one purpose only: to be aggressive and to fight other dogs. This is the inherent trait of this breed. Just like the pointers are bred to point, and what do they do? They point. Retrievers are bred to retrieve, and what do they do? They retrieve. Sheepdogs are bred to herd sheep, and what do they do? They herd sheep. Pit bulls are bred to attack, and what do they do? They attack.

These dogs are predictable. As we’ve heard countless times, over and over, there are more bites from lapdogs such as poodles, chihuahuas, Jack Russells, etc. than pit bulls. Of course there are. That’s because there are vastly more numbers of these breeds in public. But I can’t remember the last time I heard of a poodle ripping a kid from his mother’s arms and ripping his face off.

I would rather be attacked by a cocker spaniel every day for a month than one of these pit bulls even once. If I’m attacked by a poodle or a Pekinese, I can pick the thing up, throw it across the street and be on my way. Comparing bites from these breeds to bites from pit bulls is like comparing apples to oranges. It’s absurd.

I have some facts here, and this is from an organization that advocates on behalf of these dogs. It’s Pit Bull Rescue Central: www.pbrc.net. This is in their own words: “Pit bulls have been selectively bred for hundreds of years to fight other dogs. Even in dogs not recently bred from fighting lines, the urge to fight can arise at any time. And not to emphasize this fact would be negligent. It’s a mistake to think that the fighting gene can be trained or loved out of these dogs.”

Another point: “Good-intentioned but ignorant owners who obtain a pit bull, convinced that the dog’s temperament is ultimately influenced by how you raise them, do tremendous damage to our dogs, as well as the community in which we live.”

A final statement: "This is not the type of dog you should get if you're looking for a pet to take to the dog park or to the lake on Saturday afternoons."

Again, this is a group that advocates on behalf of this dog.

I'm getting really sick and tired of all these "responsible" owners and breeders who, every time one of these dogs attacks, is laying blame and pointing fingers everywhere but where it lies. We now have a woman in London who's refusing to muzzle her pit bull after it attacked a woman in public, because, as she states, "it was provoked by the way this victim was walking."

I think these owners should take a good, long, hard look in the mirror. All these so-called responsible owners would have known years ago when they bought this breed what it was capable of. They would have known exactly what the disposition of this breed was. If they were so responsible then, they would have done the right thing, muzzled their dogs in public, and we wouldn't be here today. These people have set their own dogs up for failure.

As for the breeders, these people are in the business of breeding these dogs for one reason and one reason only, and that's the money. These dogs are no less a commodity than anything else marketed for the public consumption. Like any producer of any product, you assume a high degree of liability that your product is safe and will not be injurious to its end-user. If it is, you're liable. It's no less with these dogs. If all these responsible owners of these dogs that attack aren't at fault, then the onus must be placed on the breeders, for it is the inherent traits bred into these dogs.

The arguments in defence of this breed are just getting more and more ridiculous as we go. You've heard the woman comparing the passing of this law to genocide and ethnic cleansing. This is unbelievable. These people know no bounds and will stop at nothing to further their own agenda. This comparison is ludicrous. I would be embarrassed and ashamed to even be associated with this group and their philosophy.

Another argument that keeps arising is that breed-specific banning doesn't work. Well, the fact is it does work. We need go no further than Kitchener-Waterloo, where attacks from pit bulls have dropped dramatically. If you want to go further afield, all of the most progressive countries in the world have bans against these dogs: Germany, France, Italy, Switzerland, Belgium, Portugal, England, all of Scandinavia, Sweden, Norway, Finland, Denmark, and the list goes on and on.

I would also like to add that I am not a dog hater. I have never had a problem with my neighbour's black Labs, chihuahuas or maltipoos running up and down the sidewalk, chasing my kids, playing tug-of-war or whatever, and I don't have a problem with my friends' and relatives' shepherd crosses and mutts chasing them in the lake. But I do have a problem with people who take their pit bulls to our festivals and Santa Claus parades for no other reason than to strut their machismo and bring them into my neighbourhood, threatening my family.

I believe that you have come this far and it is too late to turn back, or the next time we have an attack, there will be some legal repercussions against this government and not some mere grandstanding by some bought-and-paid-for lawyer in the pockets of the pit bull lobby. So I hope you do the right thing, represent the wishes of the majority of this province and don't succumb to the vested interests of the few who oppose this law.

The Chair: Thank you very much. We've probably got time for a brief question from each caucus.

Mr. Levac: Just my normal point of order to request if we can get a copy, Ken, of the body of your presentation.

Mr. Jones: It's pretty haphazard, but if she wants to try and go through it—

The Chair: You wouldn't believe how skilled Hansard is at making sense of just about anything.

Mr. Jones: I had a hard time myself.

Mr. Miller: Thank you for your presentation. We've certainly heard from all kinds of different dog owners and groups in the last few days, and about other jurisdictions that have dealt with dogs as well. Probably one of the most compelling testimonies was from Donna Trempe, whose eight-year-old daughter was killed by a bull mastiff. She actually testified against the breed-specific part of this legislation. There have been other people who have said that this legislation will in fact not protect the public but will give them a false sense of security because there are other types of dogs and it's not necessarily the dog, but the owner. In other areas that have brought in breed-specific bans, like the city of Winnipeg, for example, which has had a breed ban in place since 1990, there has actually just been an increase in other dogs that have been biting. Have you got any thoughts about that?

Mr. Jones: This lobby seems pretty well organized, and I can see a well-organized kind of misinformation. Who knows why these dog bites went up? I have no explanation for that.

Mr. Miller: Winnipeg banned pit bulls, but there was a huge increase in other types of dog bites, whereas in Calgary they dealt with all dogs, and they had a huge reduction. I believe it was a 70% reduction in dog bites, even though the number of dogs had doubled from 1989 to the present. So wouldn't it make sense to deal with all dogs instead—

Mr. Jones: Yes, I believe that. All vicious dogs should be dealt with under this legislation. But like I just said, all of Scandinavia and all these progressive countries in the world have legislation banning pit bulls.

Mr. Miller: There are also quite a few countries that have had breed-specific bans for many years, like England, and then rescinded it. We had some presenters today talking about Michigan and some other jurisdictions in the States where they brought it in and found it didn't work and have since rescinded it. So wouldn't it make more sense to deal with all dogs versus one breed?

Mr. Jones: I agree wholeheartedly. We have to deal with all vicious dogs. If it has to start with keeping them away from our festivals and things like that, where they

do not belong, where it is a family atmosphere—I brought this up with my own council in the city of London. I had an incident with a Rottweiler jumping at the balloons at the Balloonfest. I had to scoop up my little guy. I saw six other parents scoop up their kids because this dog was going nuts, jumping at the balloons. This kid that was holding him was a 100-pound punk, and he had no control over this dog.

I've got a problem with all aggressive dogs and that they aren't handled properly in public. If there has to be muzzling of all of these aggressive breeds, keep your dogs but have them muzzled when they're in public.

The Chair: Thank you, and thank you for having come in today.

Is Elicia Yule in the room, please? Elicia Yule?

1540

CITY OF BRANTFORD

The Chair: Mr. Richard Carpenter, city of Brantford. Welcome this afternoon.

Mr. Richard Carpenter: Thank you for allowing me to present today. I have provided you with a copy of my submission, as I'm not speaking to all this, of course. My points will be speaking to this document, and you have all been provided with a copy of that as well as my submission.

The Chair: Thank you very much. You've been here for a little while. You understand the ground rules. You have 15 minutes.

Mr. Carpenter: Fifteen minutes, yes. With me I have Carrie Hewitson. We're having very little review from victims, and Carrie has been a victim of a vicious dog attack in our community. Her brother Todd Hewitson is going to be working the PowerPoint. I want to share my time with Carrie.

The Chair: Please proceed.

Mr. Carpenter: Quickly, I want to talk about municipal council. City council has moved and passed a bylaw banning pit bulls from our community, and I want to talk about the process that we went through. First of all, the definition of "pit bull" in our legislation is exactly the same as in your proposed legislation. What I want to talk about is the grandfathering direction. The muzzling and leash regulations are the same as you're proposing.

In council, section 5 allows for grandfathering of pit bulls. Pit bulls that were previously owned were grandfathered to December 13, when the legislation was passed in council, those that are not subject to previous direction orders—muzzling orders and so forth—that haven't been appealed. Grandfathered pit bulls must be muzzled at all times while not on the property of the owner.

While not on the owner's property, the pit bull shall be under the control of a person over the age of 18 and on a leash no longer than three feet. While on the owner's property, the pit bull must be within a building on the property or wholly fenced yard or in a pen that is properly maintained.

The grandfathered pit bull must not have bitten a person or domestic animal. In the absence of mitigating factors, it must not have approached any person or domestic animal other than on its own property in a menacing fashion or apparent attitude of attack or otherwise have shown the disposition or tendency to be threatening or aggressive.

The grandfathered pit bull must have been registered with the city of Brantford and must have been owned prior to the bylaw coming into force on December 13, and it must be registered before April 1.

The animal must be spayed or neutered and certified by a licensed veterinarian. The pit bull must be micro-chipped and certified as such by a licensed veterinarian.

An insurance certificate insuring against liability in the amount of \$1 million: The policy must include the insurer, and the insurer must notify the municipality if the insurance policy lapses or they change insurers or they change coverage.

The owner shall have a sign posted as prescribed by the city of Brantford on its property stating that it has a pit bull on its premises.

"The ownership of a pit bull shall not change," so the ownership of the pit bull is not allowed to be changed. Any notification of the death of the pit bull must be presented to city council. If they move out of the community or anywhere in the community, they must notify us as well, so that we can check to make sure the signage is there.

There are a few suggestions for the provincial regulations that we would suggest you include in Bill 132 for the grandfathering of pit bulls. If your legislation does pass, and I hope it does, we were hoping that you will include these rules for grandfathering so that we can be sure that municipalities can actually track what's going on out there and have some rules to protect our citizenry.

We did not make this decision lightly. We began our review of our animal control bylaw by a resolution of council on December 15, 2003. The committee was comprised of two members of council, our vicious-dog committee, the Brant County Health Unit, Brant SPCA, Brantford police service, our city clerks department and our legal department.

The committee reviewed bylaws from a number of jurisdictions: the municipality of Chatham-Kent; the Town of Innisfil; the city of Stratford; the city of Surrey, British Columbia; the state of California; the city of Winnipeg; the city of Kitchener; the town of Chestermere, Alberta; and the city of Vancouver.

There are four key findings in our report that made up the recommendations. We had classifications of dogs, and I've heard that here today. Restricted dog, potentially dangerous dog and dangerous dog are the classifications.

I've already talked about the grandfathering provisions.

Care of dogs: the proper shelter, securing of the dog, ventilation and proper sanitary conditions for dogs.

Licensing fees and fines were discussed as well, and in the actual bylaw they were increased dramatically.

On December 13, 2004, council unanimously passed this bylaw. It was non-partisan, I must say to all members here.

This bylaw brought into force the pit bull ban. It is important to note that the committee did not recommend a complete ban on pit bulls. The whole committee was not in agreement. The chair of the committee's response to this was that he did not think council had the political will to implement such a ban, because you always hear from the negative and you never hear, necessarily, from the people who support it. You always hear, in the majority of times, from those who do not support what you're doing.

We intend to continue to bring forward the other recommendations the committee had made in regard to the sanitary conditions, the classifications, licensing fees and so on.

Speaking directly to Bill 132, we as a municipality have some concerns. All references in the bill refer to local enforcement officers. While we support the bill, we have some concerns about the cost of this enforcement. We're not expecting you to give us more money. You're downloaded enough. We would rather look at licensing fee increases that would allow such costs to be included in the fee. This may require a review of the Municipal Act and our ability to charge fees, or at least to include the full cost of enforcement as part of the licensing fee. I think someone else talked about that with regard to education earlier.

The grandfathering part of the bill is short on details and we would hope that you would review our bylaw and include these regulations in the final bill.

Section 105 of the Municipal Act provides an option for all dogs under a muzzle order to be subject to appeal, and such appeal would not apply to owners of pit bulls. We would hope that it would not apply to pit bulls, so you'd have to review that legislation, because currently it does apply.

The fact that the provincial bill trails behind bylaws passed by many Ontario municipalities will result in a patchwork of regulations across the province. The bill indicates that the more restrictive legislation will apply. I would encourage you to review the materials that municipalities have supplied you to date, and add to the bill the most restrictive legislation that is currently being applied and apply it consistently across the province.

On one final note, I would like to say that we in Brantford have unanimously passed a bylaw banning pit bulls from our community and would very strongly encourage you, the provincial leaders, to muster up the same political courage and do the same.

I would like to pass to Carrie to speak.

Ms. Carrie Hewitson: My name is Carrie Hewitson. I'm a constituent in Mr. Carpenter's riding. I've provided you with a white envelope with a copy of the medical report of my duration in the hospital as a result of an attack that happened here in Brantford. I've also enclosed a CD. I will warn you: it does contain graphic images of

my attack and my rehabilitation afterward. The CD is there for you to view on your own time.

I'd like to begin, if that's OK.

For those who are not familiar with me or my story, my name is Carrie Hewitson. On December 4, 2003, I was savagely attacked by three pit bulls here in Brantford. By the grace of God, the skill of the doctors, nurses, and ambulance attendants who treated me that night, as well as the generosity of those who donate blood, I survived.

Having nearly lost my life due to a pit bull attack, I look now to the positive things that have to come from such things. There has to be some light at the end of the tunnel or my daily physical, emotional, mental and psychological struggles have all been in vain.

As a result of the attack, I have been left visually impaired and I suffer from permanent nerve damage. I am horribly scarred all over my body. No area was spared, if you fully understanding my meaning. I live my life in constant fear of dogs and even contact with some people. I have problems communicating these fears and insecurities. My self-confidence and self-image are at an all-time low. I am clinically depressed and I suffer from post-traumatic stress disorder. I am unable to continue my education at this time, nor am I able to work. The horrible nightmare that I lived through consumes me and every aspect of my life, sleeping and waking. No one knows, nor can they ever understand, the nightmare that I am still living.

I was outnumbered and out-muscled. There was little the owner of the dogs could do, and help didn't arrive until it was almost too late. I never had a chance to fight back. I've been waiting for this moment—for this opportunity, for this purpose alone—to have my say and finally fight back.

1550

As I try to make sense of my ordeal, I try to make you, the public, aware of the hazards that come with these animals, of the viciousness and damage these dogs are capable of, of which I am living proof. This breed needs to be banned from all municipalities and cities across Ontario.

There are a few areas I'd like you to address.

They are a threat to public safety, causing needless injury and inciting fear in the communities where they live. Failure to take the next step and ban the breed could result in an unnecessary fatality.

I also feel that permitting three dogs of any breed in a household is encouraging a pack dynamic and pack behaviour, which worked in the favour of the three dogs in my attack, adding to their efficiency and brutality. The PowerPoint is now up, if anybody wants to see what happened.

I feel that there should be some sort of compensation for victims and their families hurt as the result of an attack, even when the owner is not charged. Costs incurred from attacks and rehabilitation afterwards can be very expensive. This is an unnecessary strain on the

victim and the family. There are no measures in place to compensate victims. Why?

The proposed fees and fines to owners are too lenient and often non-existent. They need to be increased severely to act as a deterrent to people wanting to own a restricted or dangerous breed, to make an example of those that do, and to force owners to take responsibility for an animal they are supposedly in control of.

The dogs able to remain under the grandfathering clause need to be muzzled and kept on a short leash in public. Tighter, stricter monitoring of registering and licensing needs to be in place. The SPCA, especially, needs to be more aware and more vigilant in enforcing all these laws and policies, with the consequence of higher fines and possible jail time to the owners.

I know many of you feel that emotion has no place in this argument. However, I speak not only with emotion but from experience as well. I am a young woman of 24 years and no one—no one—should have to endure what I went through and am still going through. I was lucky. Can you imagine a young child or an elderly citizen in your community having to go through what I did? The next person might not be so lucky. It might be somebody you know; it might even be you. Please don't let my attack be in vain.

The Chair: Thank you. We have time for one very brief question from each caucus.

Mr. Zimmer: I don't think there's anything that I can say or ask. You've spoken very eloquently. I think there's a lesson that we'll all take from your submission. Thank you for being brave enough to come here and tell us about it.

Mrs. Munro: I would like to echo those sentiments. Throughout the hearings we have heard a number of people who have nightmares, to have to relive and to bring those stories, those experiences, to this committee. It's very difficult, I appreciate, for you, and it certainly is for us as legislators in understanding how serious the issue is. I want to thank you for having the courage to come here today and make your presentation.

Ms. Hewitson: Thank you. This isn't easy.

Mrs. Munro: No.

Mr. Kormos: I appreciate your being here. I read the earlier part of the medical report that suggested that you knew the home and the owner of the home in which—because it says you were visiting a friend.

Ms. Hewitson: That's just the medical report. They hadn't spoken to me at that time.

Mr. Kormos: That's why I'm raising it. What was the circumstance? Was this an ambush?

Ms. Hewitson: I don't know. The SPCA of Brantford deemed it an unprovoked attack, so I did nothing to bring it on.

Mr. Kormos: No, I asked if it was an ambush—you didn't expect the dogs to be there. What was the follow-up? What was done under the Dog Owners' Liability Act?

Ms. Hewitson: Nothing has been done.

Mr. Kormos: No prosecution under the Dog Owners' Liability Act?

Ms. Hewitson: Nobody has been charged; nothing has been done.

Mr. Kormos: Do you know who the owner of the dogs is? Do the police know?

Ms. Hewitson: Yes.

Mr. Kormos: Is the person litigable in terms of being capable of being sued? Does the person have assets? No assets? That means probably no insurance coverage either, which is where you're left totally out—so no contemplation of criminal negligence charges, which we heard were utilized in other cases, so that a victim can access criminal injuries compensation.

When did this incident happen?

Ms. Hewitson: December 4, 2003. It was a Thursday.

Mr. Kormos: OK. I am shocked by the ferocity, the viciousness of the attack, but I'm also shocked by the incredible lack of—you've been all alone, perhaps short of the advocacy of your councillor. I'm shocked by the lack of participation by law enforcement people. Incredible.

Mr. Carpenter: I think there's a lack of knowledge by law enforcement in this issue altogether. Our law enforcement didn't know the process, it's clear.

Mr. Kormos: Under the Provincial Offences Act, of course, we're barred now, right?

The Chair: Thank you very much, all of you, for having come in today. Thank you especially for your very moving words.

Mr. Levac: On a point of order, Mr. Chair: An earlier deputation may have implied that Councillor Carpenter did not listen to what was going on regarding this issue, and I would like to make sure that the record is clear that Mr. Carpenter is a very well-known listener as a councillor and I would not want the statement earlier to imply that he doesn't listen.

The Chair: Thank you.

Mr. Kormos: I thought she was talking about all of us at the provincial Legislature.

The Chair: Peter, everybody knows what a good listener you are.

ELICIA YULE

The Chair: Is Elicia Yule in the room, please? Welcome this afternoon. The ground rules are really very simple. You've got 10 minutes to talk with us this afternoon. If you leave any time, it will be divided among the different parties to ask you some questions. Please begin by stating your name for Hansard.

Ms. Elicia Yule: Elicia Yule. As you can see on the front cover, I'm actually from the city of Hamilton. So I printed out from the Internet the bylaw for the city of Hamilton for you to look over, and on the second page, if you wish, you can read along with me.

Our dog was attacked by the same pit bull twice. The first instance was when our Bandit was playing with his ball at the side of the fence and the tip of his ear poked

through the fence and the pit bull next door bit it off. He went to emergency, since it was after hours, and had the tip cauterized, since they couldn't reattach the tip.

The next instance was only 10 days later, when the pit bull broke through our at least six-foot-high fence/gate and attacked Bandit, this time making his armpit look like a human's. He had to have surgery and stitches, again at emergency because it was Sunday. It took four of us—my husband and myself as well as the owners of the pit bull—to get the pit bull off Bandit.

Because the law states that a dog is to be put down after two attacks on another animal, the pit bull was picked up on Monday and destroyed. We did get paid back for the emergency visits—both trips—by the owners of the pit bull, but still Bandit wouldn't go in his own backyard for a few months after, until he knew he was going to be safe.

The female owner of the pit bull came to our door to pay us and Bandit was hiding between my legs, shaking; he was so scared of her, even. When he goes on walks, he has his guard up around other dogs, until he knows they won't hurt him. He's scared of other dogs, all other dogs. Now, is this fair that he has to live in terror every time he sees another dog? He may be a dog himself, but it's still not fair to him.

No one sees the terror in his eyes like we do. No one saw the terror in his eyes like we did while he was being attacked. The most frightening for us was the pit bull just wouldn't let go, no matter how hard we hit the pit bull trying to get him off Bandit. We didn't know if he had him by the throat; fortunately, it was his armpit.

The male owner of the pit bull had the nerve to say that Bandit bit his dog as well, on the nose. The SPCA said it was self-defence.

Numerous times we have seen pit bulls on the loose running around and I have called animal control to come and round them up. Whether they've been able to catch them or not is something I've never known. Numerous times we see children or young teenagers walking these dogs and we know that they would never be able to control them if they were to attack someone or some animal.

Something has to be done about these vicious animals, as they are a menace to society. Our vet won't even have pit bulls for patients because he doesn't trust them and knows that they have a mental problem. He doesn't know if they would turn on him or other people or other animals in the office at the same time and he just doesn't want to take the risk.

1600

Making these dogs illegal would make our streets safer for all living things. They get lockjaw, and we know first-hand exactly what that means. They do not give up or give in until who knows when. In the last instance in Toronto, it took 16 bullets to stop those two pit bulls. There's definitely something wrong with them and they do not deserve to live in our society, much like humans who behave in the same manner.

I do not take Bandit for a walk for fear of pit bulls, because I would not be able to protect Bandit, or myself for that matter. My husband even rushes home if he sees one for fear of an altercation. My aunt was once attacked by a pit bull while trying to prevent the pit bull from attacking her dog. The pit bull got away from the 10-year-old child who was walking it at the time. My aunt never found out who owned the pit bull. In another instance only a few weeks ago, my niece decided to take her dog to her dad's for the weekend. During this stay, his pit bull attacked her dog. Her father had his pit bull put down.

That's it.

The Chair: Thank you for coming in this afternoon. We've got a little bit of time for questions, probably about two minutes per party, beginning with Mr. Zimmer.

Interjection.

The Chair: Ms. Munro?

Mrs. Munro: Thank you for coming here today. I wanted to ask you if you had been here long enough to kind of get a flavour of the kinds of presentations that we have been hearing.

Ms. Yule: No. I just came here from work. Sorry.

Mrs. Munro: I certainly appreciate you doing that. But one of the things we've heard from other presenters is the whole issue of dangerous dogs and the question of other jurisdictions where they have done the breed-specific ban and then found that people feel safe now because that breed is banned, but those owners move on to some other breed. So it doesn't necessarily guarantee that in fact the streets, the parks etc. are safer.

I guess my question to you is whether you've considered that we should be looking at banning dangerous dogs as opposed to dogs that have a certain appearance; that we should be looking at the whole issue of dangerous dogs? Have you thought about that?

Ms. Yule: I would definitely say dangerous dogs, yes. Even Rottweilers are—

Mrs. Munro: Yes, because obviously there are many examples. We certainly heard deputants give experiences that would support that. I just wanted to ask you—

Ms. Yule: Yes, I could actually share an experience with a Rottweiler too. It was one down the street owned by a canine unit. My husband was out walking and their dog had gotten loose out of their yard and came charging after Bandit, who was on a leash. My husband kicked the dog in the head, to no avail; the dog wouldn't stop. I actually contacted the SPCA because the owner of the dog, a canine unit security company—my husband had said to him, "My wife's 90 pounds. If she was out walking the dog, there'd be no way she'd be able to fight him off." He said, "Oh well, the dog's insured for \$1 million."

Mrs. Munro: That's great comfort.

Ms. Yule: Isn't it?

Mrs. Munro: Yes. Anyway, I really appreciate you coming today and I appreciate your comments with re-

gard to the need to perhaps expand beyond breed-specific.

Ms. Yule: Yes, pit bulls are definitely the most vicious, but I believe there are other ones as well.

Mr. Kormos: Thanks, Ms. Yule. This incident happened approximately when?

Ms. Yule: This happened in 2000.

Mr. Kormos: What happened after the first attack on your dog? Your dog had—

Ms. Yule: The tip of the ear.

Mr. Kormos: —the ear bit off.

Ms. Yule: Yes. I called the SPCA and made a report.

Mr. Kormos: And what did they do?

Ms. Yule: They just made the report on the dog; that was it.

Mr. Kormos: They didn't take that dog's owner to court under the Dog Owners' Liability Act to determine whether the dog was a vicious dog and should either be put down or have other restrictions put on it?

Ms. Yule: No, all they told me was that there would have to be two attacks on an animal before it would be put down.

Mr. Kormos: Did they tell you what their authority was for that? I don't know what law they're reading.

Ms. Yule: I'm not sure.

Mr. Kormos: You see, this is what rots my socks.

Ms. Yule: That's why I had stated that the law states it has to be two attacks on an animal.

Mr. Kormos: Again, in my view, a gross disservice to you, because that owner should have been brought before a J.P. under the Dog Owners' Liability Act in the first instance, to assess the level of dangerousness of this dog. Somebody else said that just a few moments ago—Councillor Carpenter. If we have animal control personnel who don't even understand the law and are giving bad advice and not serving people well, that's scary stuff.

What kind of dog is Bandit?

Ms. Yule: He's a husky-shepherd.

Mr. Kormos: I don't know how big that is.

Ms. Yule: About that big.

Mr. Kormos: But what does that mean?

Ms. Yule: Medium. He's 60 pounds.

Mr. Kormos: The pit bull is gone now?

Ms. Yule: Yes.

Mr. Kormos: What kind of dog do they have now?

Ms. Yule: None. They've moved away, actually.

Mr. Kormos: They compensated you for all your out-of-pockets?

Ms. Yule: Yes, just the emergency visits. It was \$600-some-odd.

Mr. Kormos: So they had the means, obviously. You didn't have to litigate.

Ms. Yule: No. Well, I told them I was going to if I had to.

Mr. Kormos: Of course you did, and you would have, I presume.

Ms. Yule: Oh, definitely.

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

TONY SHELDON

The Chair: Is Mr. Tony Sheldon in the room?

Mr. Sheldon, welcome this afternoon. If you have been here for a little while, you understand that you've got 10 minutes to speak with us. If you leave any time, it will be allocated to the parties in rotation for questions. Please identify yourself for Hansard and proceed.

Mr. Tony Sheldon: Tony Sheldon. During the last few weeks I have been following this in the newspapers and realized that a lot of people are lining up to support the pit bulls; I think the veterinarians and pit bull owners. I guess I'm here to speak for another group of people. I'm here to speak for my children, grandchildren, nieces and nephews.

The first issue I wanted to talk about was some type of registry. I've tried to get information on this by searching the Internet for Canadian sites specifically and, from that, I've found the Public Health Agency of Canada, PHAC, Web site. It refers to the CHIRPP, or Canadian hospitals injury reporting and prevention program, database. The CHIRPP chart shows no fatal injuries, but has the following note:

"Fatalities counted by CHIRPP include only those patients who were dead on arrival at the emergency department or who died in the emergency department. They do not include people who died before they could be taken to hospital or those who died after hospital admission."

The main quote from another site, the Canada Safety Council, was:

"Canadian Data Lacking

"Canada has no national data on canine population, dog-related deaths and injuries, or which breeds cause the most harm. In Canada, much of the insurance-related liability is borne by our health care system. Dog bites are a common reason for emergency room visits. Yet there is no mandatory reporting of these bites—not to mention the dogs' ownership, breed, spay/neuter status or history of aggression."

When you go a step further and start looking in the States, the Centers For Disease Control and Prevention, the seriousness of the pit bull or attack dog situations can be seen from American statistics. It baffles me that in all of the newspaper articles I've followed over the years, they never seem to be reported. I just wanted to do a quick summary of a few of them here.

"(1) In 1997-98, 27 people died from dog bites; 19 of them were children under 15. This is clear evidence showing that children are at the greatest risk." That's their quote, not mine.

"(2) During 1979-98, dog attacks killed more than 300 Americans.

"(3) There are 17 deaths and 6,000 hospitalizations annually from dog attacks.

"(4) Pit-bull-types and Rottweilers were involved in more than half of the deaths."

1610

This Web site, I think, shows the importance of keeping national statistics. I would like to see this committee push for a provincial database using Bill 132 and encourage Ontario to lobby for a national registry established by law here in Canada.

Reading Bill 132, I also wanted to comment on the offences listed on page 8.

Section 18(1): As a member of the public, I still do not understand the limits established for offences by Bill 132. For attacks perhaps, but in the death of a child it does not appear severe enough. Will the death of a child, then, be covered by other laws, such as in the United States, where charges of canine homicide have been used? Also, in section 18(2), there doesn't seem to be any liability or penalty for the officers or directors of corporations, although you have a penalty there for the corporation.

The only other point I wanted to mention was the area of a chain of responsibility. When you read about these attacks in the newspaper, this seems to be one of the greatest difficulties in dealing with them; that is, a chain of responsibility: Who has ownership of the dog or who is responsible for that dog? It just seems to be a laughing matter that everybody wants to protect these dogs but there doesn't seem to be anybody who wants to stand up and show ownership or responsibility for them. So I'm asking that the committee give some consideration to those points. Thank you.

The Chair: Thank you very much. We've got about a minute per caucus, beginning with Mr. Kormos.

Mr. Kormos: You're the first participant who has referred to the US "canine homicide" laws with that language, and I'd appreciate research identifying some of those jurisdictions. Other people have talked about the need for a presumption of criminal culpability, just like provincially we have a presumption of civil liability.

You heard the last two women. For one, her dog was the victim, and the other was an incredible tragedy. No charges were laid, but more importantly, no criminal charges were laid, so these people can't even access the Criminal Injuries Compensation Board.

Mr. Sheldon: I believe the last case was in California that I had been reading.

Mr. Kormos: I think that's a point extremely well made. Obviously, sometimes the sorts of people who are totally irresponsible dog owners are also the sorts of people who you can sue until you go blind and all the lawsuits aren't worth the paper they're written on because they're impecunious, they don't have resources and/or they don't have insurance. But I agree with you on both the individual directors and individual—if people knew they were going to go to jail for what their dog did, then I suspect even people who were usually irresponsible would be a lot more careful about what kind of dog they owned, what they did with it, where they took it etc. I agree with you. I think it's a point well made.

I'm looking forward to the US material you can find for us, hard-worked legislative researcher.

Mr. Zimmer: Thank you for coming in and expressing your thoughts about this and your support for the legislation. What's your general sense in the community that you work and live in from folks out there who aren't here today, just the average person on the street, in the corner store and in the school? What's your sense of their view of this?

Mr. Sheldon: I'm always asking the question and I find the polarity that I think you're finding here and that you're finding in the newspapers as well. There are a lot of people who are really against the banning of pit bulls. They don't want breed-specific laws. Personally, when I look at the damage a pit bull does by locking on, I do not believe these dogs should be in public. Yes, there are some that are pleasant pets, but so often you're running into situations where there's great difficulty.

A personal example—I call it my tiger-by-the-tail situation: I tried to stop in and pick up a morning newspaper in a mall. A pit bull was tied to a post close to the front door. OK, I walk in, no problem. Great. On the way out of this mall, stepping out of the store, I noticed down by the corner a person up with another pet. At that point, the pit bull went ballistic. The young person who had tied that dog to the post had now untied it and was holding on to it and couldn't—the fear was first of all in the lady walking the dog. But then the second situation was the fear in that 20-year-old who was trying to hold that pit bull in a public mall. It was really terrifying. He was doing everything he could to maintain that dog, and actually treating it pretty badly trying to get it under control. It's scary stuff.

Mr. Jerry J. Ouellette (Oshawa): Thanks very much for your presentation. In your presentation, on page 2 it states that pit bull types and Rottweilers were involved in more than half the deaths. How is your feeling toward Rottweilers? Should they be the same?

Mr. Sheldon: No. I really believe that you're doing the right thing in banning the pit bulls, but I think in the last presentation you were talking about dangerous dogs. I think you've got to make sure that the law is strong enough that we're making a point to all dog owners—

Mr. Ouellette: So you're saying that all dog owners—

Mr. Sheldon: All dog owners. I'm sure the way I read Bill 132 that those offences that you're talking about are for all dogs, not just pit bulls. Is that not correct?

Mr. Ouellette: The premise is mostly that the discussions are on pit bulls, mostly the ones listed out in the first pages.

What would you do with a dog that's listed in the dog books—if you can find it there, the German hunting terrier or the Jagdterrier—that's specifically stated as not being recommended as a family dog? "This dog is recommended for single individuals only."

Mr. Sheldon: I guess I've just stated my position: I would ban the pit bulls and I think that the law should be specific enough—I thought the offences covered all dogs.

Mr. Ouellette: What would you do, then—six years ago Friday last I was called to the hospital, to the emergency ward, because my son was being stitched up

from a dog attack. What should happen with that dog? It was a bite in the face and he had to be stitched up for it. That was a basset hound. What do you do in situations like that, and how do you deal with—the point I'm trying to bring out here is that individuals are concerned with dogs and vicious dogs, with the improper care and handling of dogs, but to look at it as breed-specific certainly puts the onus on one type of dog. We're hearing all kinds of examples of individuals who are taking care of their dogs properly and having no problems at all, yet they're going to be punished for the actions of this legislation.

Mr. Sheldon: I know if I were the owner of that dog, I would have that dog put down. I know that, being a member of the public, I would expect something serious done about that dog.

The Chair: Thank you for having come in today.

CITY OF KITCHENER

The Chair: Are Jennifer Sheryer and Ward McAlister in the room?

Welcome. Please sit down.

Ms. Jennifer Sheryer: Good afternoon, committee and Chair. My name is Jennifer Sheryer. I'm here for the corporation of the city of Kitchener. I'm an assistant city solicitor. This is Ward McAlister, who's a representative of our animal control services provider.

Shall we commence?

The Chair: Please proceed.

Ms. Sheryer: We'd like to begin by applauding the proposed changes to the Dog Owners' Liability Act, especially the provisions which increase accountability of owners of all breeds of dogs, the provisions that make a new and specific offence for people who train pit bulls for fighting, the provisions that allow judges more flexibility to customize orders for dogs of any breeds that have shown dangerous behaviour, and also the provisions that allow for grandfathering of dogs that are included in the new definition of "pit bull."

I'd like to speak a little bit about the grandfathering provisions. As a municipality that has been through this process, we saw the benefits of grandfathering. Owners who were able to recognize these benefits came forward and identified their dogs for us. Some owners did not come forward, and we think it's very important to educate dog owners on the benefits of self-identifying with their dogs, and of coming forward and getting the benefits of grandfathered status for their dogs.

We're hopeful that the province will assist with funding or advertising to help let dog owners know what these benefits will be. Another thing we found was that it was important to use our dog licensing records in determining where dogs that met our definition of "pit bulls" were. Many municipalities have licensing records which show the breed of the dog, as identified by the owner, and I think the province will want to definitely coordinate with municipalities and use the resources that we have to help find the dogs that you need to find.

1620

It's also important that there be education to allow the owners of these pit bull dogs that get a restricted status to know what the obligations on them for keeping that dog are. This is another thing that requires education. One thing the province may wish to consider is having some sort of registration process for the dogs that are getting the benefit of the restricted status. Three or four years down the road, it may be hard to disprove a dog existed at the time of the legislation if there's not process brought forward where those dogs are identified at the time.

Ward is going to speak a little bit about enforcement and some of the resources that the municipalities see needing.

Mr. Ward McAlister: Thank you. The enforcement aspect of the bylaw that we're working under, Kitchener-Waterloo, in reality came to, the first year, 1997, when it was enacted, pretty much one employee's time for one year. In a dollars and cents factor, by the time you put insurances, vehicles and everything else, you're looking at between \$90,000 and \$100,000 annually. Of course, over the course of the years, you can take the price of the vehicles and depreciate those down, but the staff costs are still there.

The first year when we were asked to enforce this, we were looking at 60 to 70 appeals in the course of a year. This year here, the year 2004, we've done, I believe, between 15 and 20 dog designations. My staff will not do the designation for the sake of designation. It's taken with quite a bit of thought process going into it: Does it fit the criteria? We have now gotten it down to the point where the majority of ours are upheld by the dog designation committee, which is made up of a veterinarian, city council and someone from the Canadian Kennel Club. So our job is finished when we bring that person and that dog forward. Then it's up to those three individuals or those three groups to uphold it or not. That's just the way it is. We are still now looking at doing roughly 20 a year.

With the breeds that are mentioned in here, one that has come up is the Staffordshire terrier. In Kitchener and Waterloo, we do not have that. So even though we have a mechanism in place in Kitchener and Waterloo to deal with this, it will cause more financial costs on us if we go with the breeds that are mentioned in here. When I'm saying it's \$80,000 to \$100,000 for manpower, that's for Kitchener-Waterloo, roughly 300,000 people. Multiply that by Toronto's, and you can see how much it's going to cost to enforce.

I just want to take you back to the process on how we do it in Kitchener and Waterloo. As I said before, our staff doesn't do it without a lot of forethought on it. We take in all considerations. We almost—I'm not going to say look for reasons not to, but there are some criteria that we do look for in these breeds. The purebred animals, for the lack of better terminology, are relatively easy to identify. But as this one gentleman was saying this morning with the seven breeds by four individuals, I

can see how that can happen. So there is the training aspect. Who's going to undertake the training if it does go across the province? Who's going to pay for that training? So there has to be some financial thought going into this legislation as well—actually, the “who does what.”

Ms. Sheryer: I have a few ideas for amendments or parts of the legislation that you may wish to review that I'd like to go through.

First suggestion: Councillor Vrbanovic has already addressed our city's concern with the province's definition of “pit bull” and how it includes purebred and registered American Staffordshire terriers and Staffordshire bull terriers. I'm also concerned that the definition of “pit bull” does not clearly state whether a dog that is a mixed breed, including parts of one of the listed breeds, would be included, especially where it does not necessarily show physical characteristics of one of the listed breeds. I think it's important to exclude purebred dogs of other breeds that are registered with the CKC from the definition of “pit bull.”

I'd reiterate that the definition the city of Kitchener uses has worked well now for eight years and has proven to be enforceable. I would strongly recommend that you consider using the definition we have in place. I have left, as a handout, a copy of our bylaw, which does include that definition.

Another thing I wanted to mention is that, under section 4 of the new legislation, a proceeding can be brought against an owner where their dog has bitten or attacked a domestic animal, amongst other reasons. If a judge finds that a pit bull has in fact bitten or attacked a domestic animal, subsection 4(8) kicks in. This section requires the court to make an order requiring the destruction of the dog. The concern we have is that there is no consideration here for any mitigating factors. A pit bull that was defending itself in its own yard from the attack of another dog or a young pit bull puppy in that sort of nippy, mouthy puppy stage that bites another animal would be included in this, should a proceeding be brought, and would then be ordered destroyed. Again, I ask that you consider some of the mitigating factors we've laid out in our bylaw as things the committee would consider in a designation or, in this case, that the court may consider in determining whether to order a dog to be destroyed.

Along the same lines, section 13 of the new amended legislation—this is the Dog Owners' Liability Act portion I'm speaking of—allows a J.P. to issue a warrant to seize a dog if satisfied that it is not desirable, in the interests of public safety, that the dog be in its current location. Situations where it is not in the interests of public safety for the dog to be in a place other than a pound or research facility are laid out and include situations, again, where a dog has bitten a person or a domestic animal. I'd have the same concerns with this section, that some sort of mitigating factors be considered so that a dog would not be ordered to be seized under this

legislation if it were simply defending itself or in that sort of situation.

Once this warrant is issued, the dog may be seized and then it must be delivered to the pound. If it's believed to be a pit bull, the poundkeeper must allow an owner who comes forward the opportunity to prove either that it is not a pit bull or that it is a restricted pit bull that has been kept in accordance with the conditions that apply. If this is proven, the poundkeeper can then release the dog, unless he or she believes it will pose “a menace to the safety of persons or domestic animals.” If the dog is not a pit bull, presumably it can be released by the poundkeeper to an owner claiming it during the retention period, the same as for any other impounded dog.

There are a couple of concerns here. One is that the pit bull owner is not allowed any opportunity to be heard on the behaviour of the dog once the warrant is issued and the process is commenced. There is no appeal situation or hearing situation here. Another consideration is that no mitigating factors for the dog's behaviour are considered. Finally, it's not clear what the purpose of the process is for a non-pit-bull dog if, once it's delivered to the pound, the owner can simply claim it in accordance with the provisions of the Animals for Research Act. I think that process may require a bit of study.

Just a couple of other brief issues we have while we're here as the city—

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

Ms. Sheryer: Thank you. As you'll see, in our bylaw process in Kitchener, we deal with dangerous and potentially dangerous dogs, as well as prohibited dogs, which are the pit-bull-type dogs. Part of this is that we designate the dog, and the committee or the poundkeeper, depending on the time in the process, then looks at the dog and determines what conditions should be in place on that dog.

Our concern as a municipality is that, although we look after our own citizens and inhabitants well, if that dog moves across the street to Cambridge, those restrictions are no longer in place. It would be nice if we could have some sort of reciprocal arrangement or authority from the province that allowed us to recognize designations or restrictions placed on dogs by other municipalities and to in turn allow those municipalities to consider restrictions that we've placed on dogs under our bylaws in our city.

One other thing that would be of interest to the city is to have permission to proceed under both the Dog Owners' Liability Act and our own bylaw. As I said, our process works well for Kitchener and allows us to place significant restrictions on the keeping of a dog where warranted, but to be able to also go under the province's act would allow us to have restrictions placed on that dog so that other inhabitants would be protected if that dog moves from the city.

Those are just some issues that we had. Thank you for your consideration of these comments, and I would invite any questions.

1630

The Chair: Thank you very much. We've got sufficient time, unfortunately, for just the one. It's the turn of the government side.

Mr. Milloy: Thank you for coming in from the city of Kitchener. I just wondered if you could give some clarification on the decision to not have registered American Staffordshire terriers or Staffordshire bull terriers as part of the bylaw. The bylaw has now been in effect for seven and a half years. Do we have bite statistics on whether there has been any problem with those dogs that have been allowed under the bylaw?

Mr. McAlister: To the best of my knowledge, no, there haven't been any more problems with those dogs than with any other ones. The question is often asked of me, did we notice another breed come forward, i.e. the Rottweiler or beagle or whatever? No, we have not noticed one more breed taking the place of the pit bull or the pit-bull-type dog when it was moved out of Kitchener-Waterloo. We haven't noticed anything.

Ms. Shreyer: For the other part of your question, the historical decision, I wasn't with the city at that time, but I understand from people who were that the community was consulted and veterinarians were consulted. The purebred, registered Staffordshires that have the breeding, the lineage—from reputable breeders—haven't caused the problems; it was the dogs we've included in our definition that were the problem that seems to have been dealt with through our bylaw.

Mr. Milloy: Are there published bite statistics from Kitchener?

Mr. McAlister: On pit bulls, we do have them. On other breeds, unfortunately—I was speaking to our medical officer of health, and he does not have the database to indicate from back in 1997. But as to the numbers before 1997, in the two years preceding the bylaw, there were 35 incidents, and since the inception there have been eight, so the numbers have dropped off quite a bit.

The Chair: I want to thank you both for having come in. That concludes the time we have for you today.

TOM KIRBY

The Chair: Our next deputation is by teleconference from Brampton, Mr. Tom Kirby. Mr. Kirby, can you hear us?

Mr. Tom Kirby: Yes, I can.

The Chair: OK. Mr. Kirby, this is Bob Delaney speaking. I'm the Chair of the standing committee on the Legislative Assembly. We can hear you. You're speaking in Brantford before a sitting of the standing committee. You have 10 minutes before us this afternoon. Please begin by identifying yourself and proceed. If there's any time remaining, it will be divided among the parties for questions.

Mr. Kirby: Thank you, Mr. Chairman. Good afternoon, committee members. My name is Tom Kirby. I live in Brampton, Ontario. Thank you for the opportunity

to speak to Bill 132. I appreciate the accommodation of a teleconference.

The committee has heard a preponderance of material largely based on factually gathered evidence by a highly organized faction favourable to every incarnation of pit bull. I have an opposing view, and this is why:

I witnessed a pit bull crush a small dog's head in its jaws. The attack was unprovoked. Two people were out for an evening stroll with their respective dogs—for one of those dogs, the last walk it would ever have. It took ceaseless, brutal punches from the pit bull's owner to get his dog to release the other creature. This occurred in the spring some time ago on Burnaby Boulevard in Toronto. This is a highly populated residential neighbourhood. It could just as easily have been another neighbour's child that was attacked.

The legislation is not about the perceived injustice to dog owners but about maintaining public safety. We have been led to believe that, as a breed, these animals may be trained to be docile around family and friends. We have been told that it is not only pit bulls that bite, that even the most family-friendly breeds are known to have bitten or attacked family and friends. Committee members, this is the point: How can we trust a breed designed by its very nature to be aggressive, to have a tendency to be tenacious and unrelenting? Pit bulls have been bred to be fearsome when confronted and, as any pit bull owner will tell you, are disproportionately strong for their size. How can creatures bred to fight be trusted in public? I cannot believe the argument that the tendencies to be ferocious can be bred out.

The pro-pit-bull lobby will say the breed has received bad press because of a few bad owners, that it is not the dogs but these owners who are at fault. It is for precisely the same logic that civilized jurisdictions have prohibited assault rifles, people owning king cobra snakes and such exotica as is contrary to the safety of the general public.

The rights of the dog owners are being trampled? Nonsense. The rights of individuals to live free from harm are jeopardized every time a pit bull walks by. The frequency and severity of pit bull attacks far outweigh the breed's population. If we are to address this as unconstitutional, I would caution the lobby that, above all else, our Constitution is designed for our safe conduct through life. These dogs are unsafe, unpredictable and should be banned.

These dogs are a lifestyle icon. Pit bulls carry a certain cachet for members of society who wish to make a bold statement. Unlike many innocuous lifestyle pronouncements, the bearer of a pit bull has an awe-inspiring responsibility. How many owners or prospective owners are up to the challenge? How many owners themselves have the experience and training to effectively train such a volatile commodity? And how can we tell on the street if the owner of pit bull X has trained their dog with great care or has trained the dog unscrupulously? Society cannot control the owners of dogs, the same way we cannot control the owners of weapons, yet we can control the access to these things.

No apologies here. This genus was bred to fight, and fight it will. This is not a long evolutionary chain, forged through eons of natural selection, but instead a short, spiked chain hammered out in the crucible of the dog ring ratters and backstreet fight pits.

As part of civil behaviour, sociably responsible citizens must stand shoulder to shoulder and stop the absurd notion that a few people have a right to place my safety and my children's safety in check just because they want a dog.

Having said that, I suppose I represent many individuals who, for various reasons, couldn't speak today or on other days. Thank you, Mr. Chairman and committee members, for your time.

The Chair: Thank you very much. We do have a little bit of time for questions, if you'd care to entertain a few. Ms. Munro?

Mrs. Munro: Thank you very much for being able to join us here this afternoon, Mr. Kirby. Let me assure you that as a member of the opposition and as someone who has proposed a private member's bill, the issue for many of us is the question of dangerous dogs. We have heard from many—unfortunately many—who have had horrific experiences with dogs of different backgrounds. The question I would like to ask you is if you would support legislation that defines a dangerous dog as one that inflicts severe physical injury, regardless of what it looks like?

Mr. Kirby: I would have to support that, Ms. Munro, yes. I would not want legislation watered down, though. I think we specifically have to look at the particulars of the pit bull breed because, from the reading I have done, as I mentioned, they do seem to have a disproportionately large number of very severe attacks.

The Chair: Mr. Kormos?

Mr Kormos: No, thank you, Chair.

The Chair: Mr. Zimmer?

Mr. Zimmer: No, thank you. Nothing here.

The Chair: Mr. Kirby, that concludes your deputation. Thank you very much for your time.

Mr. Kirby: Thank you kindly. Goodbye.

The Chair: Bye, now.

We will wait for a minute or two while our one line connects with our next deputant, who will be joining us by teleconference from London. That's London down the road, not across the pond.

1640

HELEN KEENLISIDE

The Chair: Ladies and gentlemen, please bring this back to order.

Our next deputant, postponed from earlier this afternoon, is Helen Keenlside, who is joining us by teleconference from London.

Ms. Keenlside, are you there?

Ms. Helen Keenlside: Yes, I am.

The Chair: My name is Bob Delaney. I'm the Chair of the standing committee on the Legislative Assembly.

You'll be speaking to us today in Brantford. You're speaking to the standing committee on the Legislative Assembly considering Bill 132, and we're joined by a number of local people in attendance.

You have 10 minutes to speak with us today. Please begin by stating your name, and proceed. If there is any time remaining in your remarks, we'll divide that time among the different parties for questions. Go right ahead.

Ms. Keenlside: Thank you. Helen Keenlside is my name and I'm acting as a concerned citizen of Ontario, a homeowner and as an employee of a major landlord in London, Ontario. I'm the administration manager for Sifton Properties. Sifton built and owns, manages and maintains those same 1,000 townhouses in London. I'm the person who receives and deals with complaints about neighbours, dogs, children, cars, noise etc. We try to maintain a family-oriented neighbourhood, where adults and children can play, walk, run, feel safe and feel comfortable. We also have 600 apartment units in nine buildings. These are mostly occupied by adults, with a large percentage being seniors.

I receive complaints from time to time from people in the apartment units. If a dog is in the building and a person is expected to get on the elevator with a dog, of any size or with a threatening temperament, people have told me they refuse to get on the elevator. They will wait for the next one if they see a dog on there. That's any dog, not just a dangerous breed. Elderly people are often intimidated by dogs. They're afraid of being tripped by a leash or of somehow being knocked off balance and falling.

Back to the townhouses: The adults in the townhouses are intimidated by pit bulls and their owners. They're afraid to complain officially to me, as they are afraid of repercussions, so they do complain from time to time or they come to me after someone with a pit bull has moved out and then they tell me about their fear. However, I'm not able to take any substantial action to remove owners of the pit bulls from their townhouse because the neighbour who is living next door won't attend the tribunal to testify about their fear and intimidation. They're afraid to go to the tribunal to testify, even though it would only be maybe two or three weeks before the pet owner would have to leave.

So this is a Catch-22 that leaves the landlord helpless in taking any meaningful action to maintain a family-oriented neighbourhood where these people can feel safe and comfortable.

I do have just four hopefully quick stories. How am I doing for time?

The Chair: Just fine. I'll give you about a three-minute warning.

Ms. Keenlside: Thank you.

After one pit bull owner moved out, I heard stories about an adult female tenant who was walking with her little white, fluffy lapdog. Suddenly the pit bull appeared, bounding toward them. They were chased into a neighbour's patio area where the owner of the little dog was hoping the neighbour would be home to provide refuge.

By some miracle of fate, the pit bull decided to stop pursuing her and her pet. As it happened, the neighbour where she sought refuge was not home. This story could have had a very different ending. But again, she didn't tell me that until the pit bull and his owner had moved out.

Another instance: A young couple moved in after telling us they didn't have a dog at all. Their application was accepted with that stipulation, but within a few days they brought in their pit bull to live with them. The next door neighbour called me frantic and almost hysterical. In response to that, I discretely—at least, I tried very hard to have a discrete conversation with the new people and asked them to find a new home for their dog as we had not agreed that it could come there and we would not have accepted their application if they had been honest with us. I did not indicate in any way who had complained, but when the young man, the pit bull owner, came home from work that evening, he went door to door and he confronted each neighbour. Everyone, including the person who did complain to me, denied having called me. But needless to say, the lady, who was already terrified, was feeling even more threatened when she called me the next day. However, she was adamant with me that she would move before she would ever take the stand at a hearing with the tribunal or let her feelings be known about the pit bull owner.

A third story: Recently I was in my car. I was just at the corner where my workplace parking lot and the walkway to the city of London park meet. I was shocked to watch a young woman undo the lead from a pit bull. She was walking her dog. She patted the dog on the hind-quarter as an indication it could now go for a run, which it did. This is a walkway where people are often seen walking children in strollers or walking small dogs, or even other large breeds of dog, but on leashes. Other young people often roller blade on that same walkway.

I can't emphasize enough the empathy I felt at that moment for my tenants. There was no way that I would ever consider approaching a pit bull owner, even if she was female and, as a person, would not have been a threat to me personally. I would not have approached her because I was afraid of what the dog may do to me if the dog perceived that I was somehow having a confrontation with the owner. So all of a sudden, I had a personal experience of the fear that a lot of tenants who have talked to me have expressed.

My fourth story: After another owner of two pit bulls moved out, we found the dogs had chewed or clawed a large hole through the basement door. That's not just a pit bull; that can be any large dog, but it does, to me, indicate aggression. There were other major damages in that unit, but this was obviously from the dogs.

I urge you to continue your quest to ban pit bull terriers and maybe even Rottweilers. By their reputation and because of media coverage, where a pit bull does maul, maim and sometimes kill a child, these dogs do frighten people, and I hear from these people fairly often. I also urge you to pass legislation that would require

owners to muzzle their dog if it has ever bitten anyone, and that would be any dog, not just pit bulls.

The Chair: You have just under three minutes left.

Ms. Keenlside: OK. Thank you.

I also urge you to pass legislation that would enable municipalities to use heavy fines as a deterrent to letting a dog run off-lead in a public or unfenced area.

In conclusion, until some meaningful legislation is passed, I'm not able as a landlord's representative to take the necessary steps to protect my tenants and to ensure safety to their children and families. That's because in London there's no municipal bylaw that allows me to protect my tenants from dangerous breeds of animals, at least not at this time.

Thank you. That concludes my presentation.

The Chair: Thank you for appearing with us by teleconference today. We'll have time for just one very brief question. Mr. Kormos?

Mr. Kormos: No, thank you, Chair.

The Chair: Mr. Zimmer?

Mr. Zimmer: Nothing, thank you.

The Chair: Mr. Miller?

Mr. Miller: Thank you very much for participating today. I guess one of the questions I have is your definition of "pit bull." In Bill 132, the bill we're talking about, the definition of what a pit bull is has been discussed by a lot of people, and questioned. How do you describe a pit bull?

Ms. Keenlside: I would expect that it's the American Staffordshire terrier.

Mr. Miller: OK. Because it is described different ways in different places. As you're probably aware, a pit bull is not a specific breed of dog. For the definition, for example, in Kitchener, they've excluded purebred Staffordshire bull terriers or American Staffordshire terriers that are registered with the American Kennel Club or the Canadian Kennel Club. There is a real problem. We've had some people come before us and show dogs that are of mixed breed and had real problems in identifying just what a pit bull is.

You've mentioned other dogs like Rottweilers.

Ms. Keenlside: Right.

Mr. Miller: We've also heard from other jurisdictions that have been very successful in dealing with dog bites. Calgary seems to be the biggest success story in the country. They don't deal with a specific breed; they deal with all dogs and have quite comprehensive rules in terms of leashing, licensing and many other controls. Do you not think it makes more sense to deal with all breeds versus one that's hard to identify?

Ms. Keenlside: I think it's important to address the safety issues for everyone, no matter what the breed is. Even if a tiny little dog has bitten, I think we need to be protected from the second bite, because if it bites a child on the leg, that could cause a fair bit of damage.

When you look at the media reports, I think that's where the fear comes from in people. Over and over again, it's a Rottweiler or this thing called a pit bull. Yes, you're right; it's not a breed. Perhaps Rottweiler, Amer-

ican Staffordshire terrier and Doberman are the three breeds that can kill. As such, with that potential—I don't want to tell you how to write the legislation. All I'm saying is that those particular breeds, the terrier and the Rottweiler, are the breeds that strike fear in people's hearts. That's because of media attention. I'm not blaming the media in any way. I think it's important that they advise us of these things so that we can be careful and protect ourselves.

The Chair: Thank you very much, Ms. Keenlside. That concludes our time for your deputation. Thank you so much for calling in.

Ms. Keenlside: You're very welcome. Goodbye.

The Chair: This concludes our third day of hearings. Though we've heard a broad range of opinions on Bill 132, one constant is that people love their pets with a strong passion. These hearings are advice to the Ontario Legislative Assembly, and I know all of us here are united both in our respect for animals and our desire to listen to the best advice our deputants can bring us. So I want to thank everyone who came today and certainly those of you who came to present to us.

These hearings are now adjourned and will reconvene on Thursday, February 3, in Toronto.

The committee adjourned at 1654.

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