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Wednesday 25 April 2012

**Journal
des débats
(Hansard)**

Mercredi 25 avril 2012

**Standing Committee on
Regulations and Private Bills**

Public Safety Related to Dogs
Statute Law Amendment Act,
2012

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Loi de 2012 modifiant des lois
en ce qui a trait à la sécurité
publique liée aux chiens

Chair: Peter Tabuns
Clerk: Tamara Pomanski

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 25 April 2012

Mercredi 25 avril 2012

The committee met at 0802 in committee room 1.

**PUBLIC SAFETY RELATED TO DOGS
STATUTE LAW AMENDMENT ACT, 2012**

**LOI DE 2012 MODIFIANT DES LOIS
EN CE QUI A TRAIT À LA SÉCURITÉ
PUBLIQUE LIÉE AUX CHIENS**

Consideration of the following bill:

Bill 16, An Act to amend the Animals for Research Act and the Dog Owners' Liability Act with respect to pit bulls / Projet de loi 16, Loi modifiant la Loi sur les animaux destinés à la recherche et la Loi sur la responsabilité des propriétaires de chiens en ce qui a trait aux pit-bulls.

The Chair (Mr. Peter Tabuns): The Standing Committee on Regulations and Private Bills will now come to order.

We are here for public hearings on Bill 16, An Act to amend the Animals for Research Act and the Dog Owners' Liability Act with respect to pit bulls. Please note, for members of the committee, that written submissions received on this bill are on your desks.

MS. ANNA MACNEIL-ALLCOCK

The Chair (Mr. Peter Tabuns): I'll now call on Anna MacNeil-Allcock to please come forward. Ms. MacNeil-Allcock, you have up to 10 minutes for your presentation, and up to five minutes have been allotted for questions from committee members. Please state your name for Hansard and begin.

Ms. Anna MacNeil-Allcock: Good morning. My name is Anna MacNeil-Allcock. Thank you for this opportunity to speak to such an important issue.

I have worked with dogs for 22 years now, from wrestling with them in an animal hospital to assessing their behaviour in animal shelters. I have also worked privately with the owners of aggressive dogs for a number of years.

As for my experience with pit bulls, I have shared my life with pit bulls for 17 years now. I have owned them, I have adopted them out, fostered them, assessed them in animal shelters, and I have studied them. Pit bulls were the topic of my master's thesis in the animal welfare

program at the University of British Columbia, and today I bring to you the results of that study.

It will come as no surprise to you that the early pit bull literature falls terribly short of our needs. Most, if not all, of the studies used to support breed-specific legislation are flawed and misleading. I will come back to some of these studies at the end of the presentation, if I have time.

Our study is titled Aggression, Behaviour, and Animal Care Among Pit Bulls and Other Dogs Adopted from an Animal Shelter, published in the Animal Welfare journal in 2011. This study was designed to gather much-needed information, focusing on details about their behaviour, the people who own them, and the lifestyle and environments of pit bulls. That's why I'm here today in person. I can't think of a more relevant piece of information for the discussion today, and I would like to describe to you what we did and what we found.

The BC SPCA allowed us to use their main branch for our research. We gathered two groups of dogs together as they entered the shelter. As 82 dogs entered the shelter, we placed them in either the pit bull group or the "other" group. We matched the groups as closely as possible in size, age, and coat length. We followed them through the animal shelter and into their adoptive homes, recording behaviour of the dogs and gathering details about the owners and the environment.

The pit bulls were identified using physical characteristics, the same way that they have been identified here in Ontario since 2005 for the purpose of Bill 132. You have heard or will be hearing compelling and accurate arguments about the difficulty of visually identifying a pit bull or any other breed, and I agree with that. Therefore, the pit bulls in this study represent the population of dogs that will be targeted if Bill 132 is not overturned.

In the study, we measured aggression at three different points in the journey. First, we recorded how many dogs were euthanized at the shelter for showing severe aggression, like attempting to bite a staff person or a member of the public. Second, we recorded how many dogs were adopted out and then returned to the shelter with reports of aggressive behaviour. Here is what we found: We found no difference in the number of dogs euthanized at the shelter due to aggression, and there was a significant trend for the other dogs to be returned to the shelter with reasons of aggression.

The third measure of aggression was recorded in the adoptive home. For the dogs that were adopted out and

not returned to the shelter, I went to their homes. I interviewed the owners and I took notes on the behaviour of the dogs and the environment, especially 10 of the most common areas where dogs show aggression. Questionnaires were used to guide the interview and gather information on the owners, the environment and their relationships with the dogs. It's important to keep in mind that none of the participants were informed that this was a pit-bull-specific study.

In regards to the owners and lifestyle, what we found about the owners was not what we expected. When we asked if they had hoped to adopt a pit bull, most admitted they had not intended on adopting a pit bull. They had intended on adopting a different breed, but were charmed by a pit bull. Some were hesitant. One person even went to other shelters looking for a different dog, but had fallen in love with a pit bull and came back to adopt him. These owners were, in fact, average dog owners who just happened to have a pit bull. They represent a new profile of the pit bull owner, one that has not been acknowledged in science until now.

As for the lifestyle, the environment was the same for both groups. I was pleasantly surprised at every visit. All of the dogs had been acquired for companionship. They lived indoors, they were left alone less than four hours a day, had regular play time, exercise and park visits, and they were truly a part of the family. So the first important message is that a large population of diligent and responsible pit bull owners does exist.

Although it was unexpected to find that the lifestyles were the same between both groups, it provided a great opportunity for us to test the genetics of the dogs. Having both groups in the same environment neutralized the environmental effects and thus any differences found between the groups could potentially be pinned to the dogs themselves. With this in mind, what did we find? Were there differences in behaviour between the two groups?

Of course, not all of the dogs had aggression. This represents the dogs that had no reports of aggressive behaviour. For the dogs that did have some aggression problems, we categorized them into owner, strangers and animals. There was a significant trend in the number of other dogs that were aggressive to their owners. None of the pit bulls were aggressive to their owners. Aggression towards strangers and animals was the same for both groups.

I also asked specific questions about six other typical aggressive triggers: children under 12, skateboards, joggers, while eating, when stepped over, and when moved while sleeping, and there was no difference between the groups.

Most important: dog bites. There were six bites by the other group, four of which broke the skin. There was one bite by a pit bull which did not break the skin.

Fact 2: Pit bulls adopted to good owners showed no evidence of increased aggressive behaviour.

0810

We also found that pit bulls had three very desirable qualities that increased the strength of the human-animal

bond. Of course, we've already talked about how they were not aggressive to owners at all; they were significantly more likely to sleep on the bed or in near proximity to the owner; and they were significantly more likely to cuddle, which is what we consider leaning, touching, tactile connection with the owners, seeking out physical attention. All three of these things in particular have been associated with a strong human-animal bond.

Neidhart and Boyd show that the behaviour of the pet is actually what determines the strength of the bond, more than the characteristics of the owner or the lifestyle of the owner. So pit bulls behave in ways that facilitate a strong human-animal bond.

What does it matter? What is a human-animal bond? We've all heard about the benefits of pet ownership—better health, lower stress—but these benefits only occur when the bond is strong, which then leads to happy and healthy people who spend money in the community.

For example, strongly attached owners are more content with their dog's characteristics; they will overlook undesirable behaviour; they are less likely to relinquish pets due to housing issues; they regularly visit veterinarians and buy pet insurance; and finally, they enjoy walking and spending time with their dog. This is a pretty good description of a responsible owner. These are the folks who stand to be targeted by any breed-specific legislation.

Fact number 4: Average pit bulls adopted by average owners are beloved pets and beneficial members of the social partnership.

To summarize, a large population of diligent, responsible pit bull owners exists; our studies showed no evidence of increased aggression in adopted pit bulls; they behaved in three ways—

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Anna MacNeil-Allcock: One minute left.

They behaved in ways known to facilitate a strong human-animal bond; and they are a beneficial and beloved member of the family.

I'll just talk a little bit until the end. "How to prevent the first bite" was a question that was asked a number of times last week. I personally feel that the Calgary model is an excellent model. It focuses on responsible pet ownership rather than the dogs themselves, and I think our study shows that's the best step to take.

Identification—microchipping and licensing all dogs: I feel that microchipping is a really important aspect because it's actually following the dog itself from the beginning to the end. You're able to then keep track of the history of that dog from owner to owner, and that's what we want to be able to do. Thank you.

The Chair (Mr. Peter Tabuns): Thank you. This round of questioning will start with the official opposition.

Mr. Randy Hillier: Thank you very much, Anna. That was an excellent presentation. I trust you got excellent marks on your master's thesis. By the way, when did you complete that thesis?

Ms. Anna MacNeil-Allcock: I didn't complete the thesis; I did the study. I did all the research, and then I moved on to a job. I got hired in Oregon, and I just flew away.

Mr. Randy Hillier: Okay. Obviously, you've been interested in studying pit bulls and dogs. Are you aware of any jurisdictions where there has been a breed-specific ban that has demonstrably reduced dog aggression or bites?

Ms. Anna MacNeil-Allcock: No. I've known of legislation in British Columbia that came in and then ended up going out because it was of no use. They usually end up going towards an owner-focused model.

Mr. Randy Hillier: I will say that your study on the dogs being on the beds and cuddling, having two pit bulls or dogs that—they certainly do enjoy that a lot more than—

Ms. Anna MacNeil-Allcock: Yes, it's their natural habitat.

Mr. Randy Hillier: Yes, absolutely.

Listen, I don't have any other questions because I do think you've covered a good breadth with that study and have shown that, by their nature—maybe one other question. You said that only one dog with a pit bull characteristic had bitten, as compared to, I think, six from the other—

Ms. Anna MacNeil-Allcock: The other group?

Mr. Randy Hillier: But it didn't break the skin, so I guess that somehow defeats that media hysteria of the locking jaw.

Ms. Anna MacNeil-Allcock: Right. I can speak to that, just for a minute. Dr. Lehr Brisbin is a research scientist in South Carolina. He has actually dissected and measured the skulls and muscle tissue of a pit bull skull and found that there was no difference. He also states that there has never been an actual test of the pressure strength, the jaw pressure. That doesn't exist and probably would be impossible to do. And the locking jaw, there's no such thing. Maybe there's training for bite and hold, which the police do with their German shepherds. That's a common thing.

The Chair (Mr. Peter Tabuns): Thank you for your presentation.

Ms. Anna MacNeil-Allcock: Thank you.

DOG LEGISLATION COUNCIL OF CANADA

The Chair (Mr. Peter Tabuns): I'll now call on Dawne Deeley, executive director, Dog Legislation Council of Canada, to come forward. Dawne?

Good morning, Ms. Deeley.

Ms. Dawne Deeley: Good morning.

The Chair (Mr. Peter Tabuns): You have up to 10 minutes for your presentation and up to five minutes have been allocated for questions from committee members. Please state your name for Hansard and begin.

Ms. Dawne Deeley: Good morning. My name is Dawne Deeley. I live in Sidney, British Columbia, and I

come to you today as the executive director of the Dog Legislation Council of Canada. For 22 years I have been a member of both the Finnish and Canadian Kennel Clubs. Eighteen of those have seen me breed Karelian bear dogs under the Tsar Shadow prefix, which is permanently registered with the CKC.

In 2005 the President of Finland, Her Excellency Tarja Halonen, declared I be awarded the Cross of Merit of the Order of the Lion, one of her country's highest civic honours, for devotion and duty shown in preserving and maintaining this breed.

I have owned American pit bull terriers for over 30 years. I'm a United Kennel Club dog show judge and an international member of the Kennel Club of Great Britain. Additionally, I am involved with the following organizations:

- treasurer of the Canadian Kennel Club Foundation;
- life member of Suomen Pystykorvajärjestö, Finland's parent body for native hunting spitz dogs;
- board member of the Belgian-based World Dog Press Association and masthead columnist for Dogs in Review magazine;
- vice president of both the American Staffordshire Terrier and Swedish Vallhund Clubs of Canada;
- member of Dog Writers Association of America;
- member of Canadian and American national fox terrier clubs;
- member of the Norwegian Elkhound Club of Canada, the Morris and Essex Kennel Club and Lower Mainland Dog Fanciers.

I bring this to your attention not to brag of my personal merit, but to prove in part that I have "made my bones" in the world of dogs, both in Canada and abroad. If it's experience you want, it's in this chair.

I am fortunate for the decades spent with, around and in the constant company of any manner of breeds. It has given me the opportunity and privilege to travel widely to nations such as Finland, where American pit bull terriers and their owners walk the streets unfettered by muzzles and unchallenged by authorities, or Serbia, where specialty conformation dog shows for American Staffordshire terriers draw entries in the hundreds, far more than in the United States. In doing so, the chance to observe and evaluate regional, national and international dog legislation is always there for me.

I didn't come here to talk about pit bulls or maulings or thousands of dead dogs, because there's a lot of emotion attached to that and that's something I would like to strip away for a minute so we can speak logically and rationally about why we, as a society, create legislation in the first place.

We use dog laws for two things. First, we want to prevent dogs from being a public nuisance: Don't allow your dog to jump on people; don't let them soil where they're not supposed to; don't let them destroy other people's property. It's pretty simple and generally, nobody has a problem with these things.

We also use dog laws to try to prevent dog bites. The terminology can be confusing, but that's pretty simple

too. We're trying to stop dogs from biting people and pets, period.

Even breed-specific legislation has the ultimate aim of public safety, the right of every person not to feel the teeth of a dog on their arm, their leg or their face.

But—and we always have a but—the question we need answered is this: Does breed-specific legislation reduce dog bites? In 1991, when the UK enacted one of the first country-wide breed bans in the world and Winnipeg took up the cavalry charge here in Canada, nobody really knew the answer to that. In 1993, when Holland enacted theirs, it was still very much up in the air. The experts railed against breed bans because experience led them to believe that these types of laws didn't make any sense. Yet there wasn't proof one way or the other, and it was easy for governments to fall into the trap of trying to satisfy public lust for revenge and the media's clamouring for something—anything at all—to be done right here and right now.

0820

Two decades later, we have much more information than ever before. Now, throughout the world, we are seeing dramatic changes in approaches to dog legislation. In Canada, the premiere example of this was presented last week by Calgary's Bill Bruce. His numbers are not only astounding in their effectiveness, they are, quite bluntly, the best numbers you will find anywhere in North America. This city of a million people has done what dozens of other cities and countries have championed, but never actually accomplished. They reduced dog bites—not by a little; by 80%. And that's made in Canada, eh?

Last week you heard about Winnipeg, but not for the same reasons. That city has had a breed ban since 1991 and originally touted their success at ridding themselves of the pit bull problem. Yet their total bites did not go down and, in a number of instances, actually increased until 2002. At that point, they opted for the Calgary licensing and education model. As soon as they did that, bites dropped by 28% and stayed there.

In 2005, my hometown of Vancouver, BC, repealed their six-year-old breed-specific legislation because it has not reduced dog bites. In 2011, Delta, BC, repealed their 15-year-old breed-specific legislation because it has not reduced dog bites.

Breed-specific laws are also being retracted outside of Canada. Last week, Mr. Berardinetti mentioned that Italy had taken a restrictive approach to what he referred to as “naturally aggressive” breeds. They certainly tried. Initially, they targeted 93 purebreds and a couple of mixed varieties. They then added further restrictions to 17 of those. However, in April 2009, Italy completely removed all breed-related restrictions. The reason? Because in six years, they'd seen no reduction in dog bites.

On June 9, 2008, the Dutch Minister of Agriculture removed all restrictions and bans. Their reason? I'll say it again: in 15 years, no reduction in dog bites. Fifteen years—that's a decade and a half. It's a long time, and this province is halfway there.

This was confirmed by a government study, by the way, that concluded the physical traits of a dog—its appearance—did not predetermine its temperament.

Early this year, Ohio, one of the jurisdictions the Ontario Liberals consulted when drafting Bill 132, completely rescinded the automatic designation of “pit bulls” as vicious dogs. Toledo's dog warden, Tom Skeldon, a star witness in the Ontario government's court case in 2007, was forced to resign amid huge public outcry over his unprecedented killing of adoptable dogs and puppies.

In Norway, the Norsk Kennel Klub is currently in conversation with that government over the objective of removing their breed bans.

Finally, in what is likely to be one of the biggest strikes of all, the UK Legislature is preparing to abolish one of the oldest breed bans in the world. England's Dangerous Dogs Act has been reviled as one of the most draconian, discriminatory and destructive pieces of legislation worldwide. Thousands of dogs have been destroyed, millions of pounds have been wasted and, according to the Kennel Club, dog bites have not been reduced but in fact continue to rise. Are you starting to see a trend?

Current member of Parliament Caroline Nokes openly criticizes both the former government and the media, saying, “Banning the pit bull terrier in 1991 was a huge mistake; creating a picture to the general public that certain breeds of dog are dangerous and others not is hugely irresponsible.” The private member's bill proposed and supported by Lord Redesdale condemns breed-specific legislation on the grounds that a dog's behaviour is influenced more by environment, training and the responsibility of its owner, rather than by genetics or phenotype.

Supporting this is research by Bristol University, which found bull breeds, including the currently banned American pit bull terrier, are no more likely to be aggressive than any other breed.

It is important to note also that Ontario's legislation was modeled almost in its entirety on UK policies, which leaves one to surmise by virtue of uneducated guess that it would be just as ineffective.

So what can we do? The Kennel Club of Great Britain, together with interested groups and various politicians, has developed a list of suggestions aimed at creating a new dog control bill, which would better serve the public through responsible dog ownership. Implementation would come through avenues in the form of dog control notices. Though the format would vary, the content can be tailored to the specific situation and could encompass anything from yard fencing to the completion of an approved temperament test. This would result in fewer mistaken identity cases with a subsequent drop in unsubstantiated accusations. Any dog which is the recipient of a dog control notice would be subject to mandatory microchipping to ensure that it can be identified in the future. Local authorities would be required to keep records, thus easily identifying repeat offenders. If the

person on whom the notice is served fails to comply, he could be liable to prosecution and could face anything from monetary fines to imprisonment. However, it is imperative that the rights of owners be addressed and that authorities issuing such notices be required to ensure they know what they're talking about in relation to training and control.

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Dawne Deeley: Thank you.

A trigger-happy law enforcement officer or self-aggrandizing animal control officer does nothing other than make an unpleasant situation even more problematic.

Much of what has been suggested in Great Britain has already been implemented in Calgary, and we know how that works.

In closing, if you look at the numbers, the decision is easy. The eight jurisdictions mentioned above experienced no reduction in dog bites using breed-specific legislation, yet Calgary accomplished an 80% reduction in bite incidents using a simple, well-designed and properly executed program of education and enforcement.

Please, I beg you not to keep doing the same thing when it has already been proven over and over not to work. Don't dig your heels in for the sake of making more ruts and say "I'm right" when the numbers dictate otherwise. Find a new way. Please support Bill 16. Thank you.

The Chair (Mr. Peter Tabuns): Thank you. This round of questioning will go to the third party. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you very much for your testimony here today.

In response to the thousands and thousands of petitions that we have presented in the House around this bill and bills that have preceded it on the same topic, we heard from the Attorney General a pretty standard answer. The Attorney General has said, "Well, dog bites have gone down in pit bull breeds." I'd like to know what your response is to that.

Ms. Dawne Deeley: I would like to know if the Attorney General can actually identify a pit bull breed. I suspect that the blanket identification procedures that are used to cover most pit bull breeds also enmesh an awful lot of dogs out there that are not pit bull breeds. To me, that's just smoke and mirrors.

Ms. Cheri DiNovo: You mentioned the UK and other countries. I know in the United States—I was watching the Westminster dog show. Staffordshire terriers were highlighted, there was a category for them, and the American pit bull is a category for them as well. Maybe you could comment on some of the American examples.

Ms. Dawne Deeley: If you're referring to purebred registration statistics, as an apprentice United Kennel Club pit bull terrier judge, I can tell you that we're looking at registration figures in six figures. This is one of the United Kennel Club's—it's in the top 10 of their

most popular breeds every year. Even though they do not release public registration figures, I can assure you that we're talking about tens of thousands of dogs, and you don't see tens of thousands of bite statistics cropping up just because you have these pit bull terriers. Some of the most successful dogs in the American show world right now are American Staffordshire terriers. They are routinely shown. I can go to any show down in the United States on any given weekend and see several of them. You don't see those dogs showing up in bite statistics.

Ms. Cheri DiNovo: One of the images that seems to have been seared into the public imagery on this issue is, of course, the young thug with a pit bull with a black leather collar. Of course, we've seen dogfights where, if you're looking at the pit, you're seeing dogs that look like pit bulls. This is the image, I think, that many people have of the pit bull owner and the pit bull venue.

We've heard from across the aisle some concerns like "Dogs are bred for certain activities, and the pit bull has been bred to fight." I was wondering if you could comment on that.

Ms. Dawne Deeley: My response to that would be, guns can kill people, as well, but just because I'm licensed to have restricted firearms doesn't make me a gun-running terrorist.

Ms. Cheri DiNovo: I also wanted to point out—and I don't want to put words in your mouth—that other dogs, like German shepherds, for example, that have been used in law enforcement have been given some of the same training, and some of the same breed characteristics have been looked for in other large dog breeds other than pit bulls.

Ms. Dawne Deeley: I think if you were also to look at statistics in regard to fatalities, you would see that pit bull terriers—you've seen these figures many times; I don't need to reiterate them—and their ilk do not figure in these statistics. There was just a case, two days ago, I believe, in North Carolina, where a child was eaten by a mixed breed dog, retriever mix. Of two fatalities that occurred in Canada recently, neither one of them was the same breed and neither one of them was a pit bull terrier dog.

0830

So I know that the media—and I don't use this in any disrespect—and politicians tend to pick and choose situations to serve specific aims, and the pit bull terrier and these breeds have been the victim of that.

Ms. Cheri DiNovo: And just a last question: I know that we've received thousands of emails and thousands of names on petitions. Just in your experience, what does the average pit bull owner, Staffordshire terrier owner look like?

Ms. Dawne Deeley: I'm right here.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

Ms. Dawne Deeley: Thank you.

AWESOME DOGS

The Chair (Mr. Peter Tabuns): Our next presenter is Yvette Van Veen. Yvette, could you please come forward? You have up to 10 minutes for your presentation. Up to five minutes have been allocated for questions from committee members, but my guess is you know that by now.

Ms. Yvette Van Veen: I've heard that.

The Chair (Mr. Peter Tabuns): Could you state your name for Hansard?

Ms. Yvette Van Veen: Yvette Van Veen.

The Chair (Mr. Peter Tabuns): Please begin.

Ms. Yvette Van Veen: Thank you to all the committee members for taking the time to be here today regarding Bill 16.

I'd like to take a minute to explain my role and position in the pet industry. For over a decade, I have worked as a dog behaviour consultant, currently certified through the International Association of Animal Behaviour Consultants. As a pet writer, my work appears in newspapers and magazines. I am also the author of a child dog bite prevention book. I am a dog owner, having always owned mixed-breed rescue dogs. But the most important role I have is that of being a mother.

When the McGuinty Liberals tabled the Dog Owners' Liability Act, reputable experts opposed the legislation. Experts called for effective measures with a proven track record of success instead of breed banning. We people who wanted a Calgary-based model were vilified, with some saying we love dogs more than children. This was the furthest thing from the truth. We have always been on the side of public safety. Experts, including myself, warned the Liberal government that breed ban legislation would be ineffective. We have seen breed bans fail in many other jurisdictions, dismissive of injuries and aggressive behaviour in all other breeds of dogs. The law fails to prevent injuries.

It fails people like Kori Lyn Edwards, a little girl who was killed by the family dog. And who can forget the shih tzu that removed part of a Home Depot employee's nose? In another incident, Janice Roberts was rushed to the hospital with severe injuries after being attacked during a routine walk. News stories tell how emotionally traumatized the experience left her, afraid to venture any distance from her home. In Ottawa, a three-year-old toddler was transferred to Toronto Sick Kids, the bite to her face was so severe. The dog in question was a golden retriever.

There are many more incidents since the Dog Owners' Liability Act came into effect. None of the attacking dogs have been banned breeds.

Supporters of breed bans, specifically the ban on pit bulls, a slang term that now inspires fear, point to pictures of people who have been mauled by "pit bulls." I ask those people to look at pictures of Kori Lyn and the other victims. Breed-specific legislation provides a false sense of security.

And statistics tell us that dog bites have not gone down in frequency. For example, Toronto has three sets

of statistics. Two come from Toronto Animal Services. One set of numbers widely quoted states there were 847 bites in 2006 and 446 in 2011. These numbers are widely quoted in the media to show the ban is working.

The second set shows a very different picture, stating there were 426 incidents in 2006 and 537 in 2011. Bites are up.

Given the discrepancy, it is best that we look to Toronto Public Health, the third set of numbers. Toronto Public Health investigates breaks in the skin to people caused by dogs. In 2006, public health had 914 incidents. In 2010, they reported 1,027, up by over 100.

Other areas of the province show similar trends. The following municipalities were forthcoming in providing their data sets. The last reporting year provided by the municipality is used in each example: York, 2006, 456, up to 464 in 2010. Ottawa: 2006, 515 investigations of suspected bites, up to 586 in 2010. Middlesex-London Health Unit: 296 bites in 2006; as of October 2011, already at 298. Halton: 324 in 2006, 401 in 2010. Bites are up in each and every area, and the increase may very well be worse than what these numbers indicate.

As a professional in the pet training industry, I am noticing an alarming trend. Dog owners are convincing victims not to report bites, and by the time owners seek assistance, their dog has bitten multiple times, yet there is no record of aggressive behaviour on file with animal control or public health. Punitive measures have created a culture where pet owners fear the law, and it is creating new problems.

We need to prevent aggression, and this is done by learning which factors are tied to increased aggression. A key part of dog bite prevention is the veterinary community. A published survey by the University of Pennsylvania found that 50% of dogs with behaviour problems had an undiagnosed medical condition.

And peer-reviewed research from around the world shows that environmental factors, not breed, determine aggressive behaviour. Some of these factors include living outdoors rather than indoors, tethering and chaining, overly restrictive leash use, lack of early socialization, yard size, owner attitude and lack of bonding, and confrontational training methods. One of those studies by Erika Mirkó, published in *Applied Animal Behaviour Science*, states: "As far as aggressiveness is concerned, no specific variation could be observed between any of the breed groups."

But owners are at a disadvantage. A research study in the *Journal of the American Veterinary Medical Association* states that "dog owners frequently had only limited knowledge of dog behavior and often were unaware of factors that increased the risk of dog bites to children."

Most owners are not irresponsible. They don't have access to accurate and timely information. This happens because the pet industry is unregulated. Owners are vulnerable to dangerous practices.

Breeders follow voluntary codes of conduct. Sub-standard breeders flood the market with dogs that are

physically ill and undersocialized. Breeding is not about allowing two dogs to mate. Breeders care for puppies during a critical period of development. Dogs placed too early—prior to eight weeks of age—have poor bite inhibition. When they bite, they often do more damage. Environments that fail to provide socialization create dogs that are fearful of humans and thus become a bite risk. This is not a problem of genetics; it is substandard care—care well below what the CKC recommends.

Pet training is also unregulated. A 16-year-old kid can call himself a trainer, behaviourist or dog psychologist. Experts can advise owners to use techniques that research shows are unsafe. One study in Applied Animal Behaviour Science states that “dogs subjected to physical reprimands scored significantly higher on aggression subscales.”

Research from the University of Pennsylvania states that many techniques often suggested by trainers, media, television shows, books, sales clerks in stores and the Internet can trigger an aggressive response. Some techniques trigger aggression in greater than 40% of dogs—a significant risk. According to the study, “confrontational ... interventions applied by dog owners ... were associated with aggressive responses.”

Manufacturers of pet training products are aware of the risks. One manufacturer clearly states their product “may result in a fearful or aggressive response to a person or other animal” near the dog.

So I caution the government that scientific, peer-reviewed evidence needs to be heeded to ensure that owners are directed toward strategies that reduce aggression rather than increase it.

How do we prevent the first bite? Remove the breed ban. It is not working. Then listen to science, because reliable information is available. Calgary offers a great model upon which to base Ontario law. The province can create an umbrella that provides uniform guidelines that all municipalities can follow, while allowing some flexibility to meet the needs of individual communities. But do communicate with municipalities. They need processes by which to escalate fines to the provincial level if they are to adopt the Calgary model.

0840

I ask that the provincial government take ownership of unregulated sectors of the industry. Deal with irresponsible breeders and an unregulated training industry. Utilize existing provincial organizations to help educate families. Health units already have communication with new parents through newsletters. They have a forum where they can educate new parents regarding active supervision.

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Yvette Van Veen: Thank you.

Basic safety measures should be encouraged, but again I urge caution. Current research recommends further testing of various child safety programs to ensure effectiveness and safety.

Create literature that animal control agencies can provide to new dog owners at the time of licensing.

Owners cannot change their behaviour if they do not know how to prevent dog aggression.

If all levels of government and industry experts work together, we have the opportunity to make a difference on a scale that has never been previously achieved. More importantly, we can reduce the number of dog bites and attacks in a way that breed ban legislation has failed to do.

The Chair (Mr. Peter Tabuns): Thank you. This round of questioning goes to the government.

Mr. Lorenzo Berardinetti: Thank you, Ms. Van Veen, for your presentation. I agree with a lot of what you had to say. The theme that I think is coming out of all the presentations last week and today is that the focus should be on the owner and not on the dog—training the owner so that it doesn't become aggressive. For example, Cesar Millan has a TV show, and he goes into someone's home and teaches the owners how to keep a dog in proper order.

So if there was to be a new bill or something besides the Calgary model, I just wanted to get your comments quickly on focusing on the owner versus on the dog. Do you think the focus should be on the owner?

Ms. Yvette Van Veen: I don't think it's necessarily either. If you don't have an education system that gives accurate advice—and we know that a great percentage of the training techniques that are used cause aggression; in fact, a new research study shows that training was tied to an increase of aggression, especially with certain techniques. So should the focus be on the owner? I think you need to do a systemic solution.

If you cherry-pick, then I think you run the risk of not having the success you should have, and you might create problems where they don't need to be. So yes, the owner needs to be educated, and most people will follow that advice, but it needs to be the right information. You don't want to steer people on the point of dangerous information.

Mr. Lorenzo Berardinetti: So if new legislation came in, it would have to mention something about how to properly train the dog, maybe in the regulations attached to the bill. Okay, I understand that.

My colleague has a question, but I have to ask one final thing. I'm being naïve, but when I first went to school back in the 1970s, I remember the focus was on German shepherds. Everyone was afraid of German shepherds. Then, later, the focus was on Doberman Pinschers, and that seemed to fade away. Now the focus is on pit bulls, which is kind of strange. I walk past Doberman Pinschers, and no one's afraid. So I guess you folks are saying, don't pick on one breed, because it could be the Doberman Pinscher breed, it could be the German shepherd breed.

Ms. Yvette Van Veen: Yes, I hear what you're saying. I think the minute I knew that the breed ban was not going to work was when a reader of a column called in and said to me: “If I take my really aggressive pit bull terrier and cross it with something fuzzy, will I get really aggressive fuzzy puppies that will get past the ban?” That

type of attitude, I think, is what is leading into these breeds changing. So unless you want to get behind and keep playing catch-up—now we're going to get this breed and this breed and this breed—you're never going to catch up, and while you're trying this strategy there are too many injuries happening that could have been prevented if we just did the right thing in the first place.

Mr. Lorenzo Berardinetti: Thank you. My colleague has a question.

The Chair (Mr. Peter Tabuns): Mr. Coteau.

Mr. Michael Coteau: Thank you very much, Mr. Chair. A quick question: Do you support microchipping of pit bulls?

Ms. Yvette Van Veen: Do I support microchipping only pit bulls? No. Do I support the chipping of all dogs? Yes. And the reason is this: When you have owners who start to get behaviour problems, sometimes they struggle placing those animals into shelters. They don't necessarily take surrenders all the time. People feel bad putting the dog down, or maybe they don't have the skills to fix the problem. So then what happens is those owners take those dogs and they place them on Kijiji or they dump them into the rural areas of the province where those dogs are running free. They're intact; they're breeding; they're mating. Those dogs, had they been chipped—if that dog has a bite history and that's coded into the chip, a potential new owner can check those records rather than take a dangerous dog and put it with children. Or if there is a rescue that's picking up feral dogs, which is something I have a lot of experience with, to be able to chip it and see that this dog already has a muzzle order on it, that's valuable information. And also in terms of going back on the owner and saying, "You've abandoned this dog." That is a criminal offence under the OSPCA Act.

Mr. Michael Coteau: And the education piece, is it for all dogs or just some dogs?

Ms. Yvette Van Veen: All dogs. I mean, as you've seen, you've had children killed since the Dog Owners' Liability Act came into effect in Ontario, so why would we exclude breeds and dismiss those incidences? Those injuries should be prevented as well.

The Chair (Mr. Peter Tabuns): Thank you for your presentation.

Mr. Michael Coteau: Just clarity on the last piece, Mr. Chair—

The Chair (Mr. Peter Tabuns): No, I'm sorry. We've come to the end of the time, and we've got a whole stack of people.

Ms. Yvette Van Veen: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you.

STAFFORDSHIRE BULL TERRIER CLUB OF CANADA

The Chair (Mr. Peter Tabuns): Could I have Clive Wilkinson come forward, Staffordshire Bull Terrier Club of Canada. Mr. Wilkinson, you have 10 minutes for your presentation, and up to five minutes of questions from the

committee. Could you please state your name for Hansard and begin.

Mr. Clive Wilkinson: My name is Clive Wilkinson. Thank you for this opportunity to speak before this committee. I would like to introduce myself. I am a retired teacher with 34 years' experience in the elementary schools; a soccer administrator with experience at the local, provincial and national levels; and a youth soccer coach for 52 years. I am proud to say that Staffordshire bull terriers have been important members of my family for 67 years. When the ban began, we had eight in our family; now we have three. My life has revolved around family, dogs and children.

I am also president of the Staffordshire Bull Terrier Club of Canada. This is a Canadian Kennel Club registered breed club founded in 1965, representing the interests of purebred breeds across Canada. Our members voluntarily follow a strict code of ethics and promote sound breeding practices and responsible ownership.

We actively oppose breed-specific legislation. We do not believe that any breed or breed type is more naturally aggressive or dangerous than any other. The club supports equitable public safety laws based on sound science, not on mythology. We support public education as a means to reducing dog bites. We support Bill 16.

In Ontario, when our government passes a law to improve public safety, citizens and lawmakers alike should be confident in the expectation that the law will indeed fulfill its promise. Legislation passed to improve public safety should always be founded on the best research, science, and expert help available.

In 1976, Ontario passed mandatory seatbelt use in cars. This good law is estimated to have saved over 8,000 people. In 2009, Ontario law banned the use of cell phones while driving. Health and Safety Ontario now reports that cell phone driver deaths are down 47%. It is illegal to drive while impaired in Ontario. Drinking-and-driving fatalities are down 29%. These laws, responses to real dangers, and based on scientific investigation, have indeed fulfilled the promise of improved public safety.

Almost seven years after the breed ban came into force, public agencies from across the province are reporting that bite statistics are not going down, and in many cases are increasing. The breed ban is not working. The public is not safer. Ontario has a choice: It can continue to bury its head in the sand and ignore this fact, or it can put in place laws and programs that have been proven to work.

0850

No breed is naturally aggressive. Two detailed studies done in Germany prove this. One investigated aggressive behaviour of 347 dogs belonging to banned and non-banned groups. The dogs were tested for their temperament. The results of this study proved that the assumption of a difference in dangerousness between the categorized dogs in the Dangerous Animals Act and those not included is not justified. The second study compared 491 dogs of the pit bull type with a control group of 70 family-owned golden retrievers. The conclusion stated,

“Therefore, assuming that certain dog breeds are especially dangerous and imposing controls on them cannot be ... justified.” Consequently, the breed-specific legislation was withdrawn.

For purposes of enforcement of the ban these past seven years, dogs have been identified purely by phenotype—appearance and behaviour. New DNA testing shows that this method of identification is unscientific. DNA testing is now proving that 75% of dogs identified as pit bulls are actually a mix of dozens of breeds with little or none of the banned breeds in them. This means that three quarters of dogs that have been seized and euthanized may have been identified incorrectly. Identification by phenotype is not accurate. If it looks like a duck and quacks like a duck, it may not necessarily be a duck after all. Ontario deserves better.

Would simple consistent enforcement of existing licensing and leash laws prevent the majority of bites in Ontario? Certainly the results in jurisdictions like Calgary prove that this would be the case. Furthermore, studies show that putting the emphasis on irresponsible owners and developing educational programs for all has reduced serious dog bite attacks and has made the public safer. You cannot legislate common sense, but you can educate it.

When we say that Staffordshire bull terriers are a breed apart, this is not just the biased opinion of dog owners; it is actually true. The Staffordshire bull terrier and the American Staffordshire terrier are CKC-registered purebreds. As such, the federal ministry of agriculture declares that they are “breeds apart” and “of value to our society.” They are relatively rare breeds in Canada. In fact, there are only 113 of these dogs in Ontario.

When university researchers in the United Kingdom, where there are over half a million Staffordshire bull terriers, were asked to rate the 10 best breeds for children, they selected the Staffordshire bull terrier based on its “bomb-proof” nature. They found the breed “tolerant to the point of martyrdom” with children.

Most importantly, when the researchers in Germany studied aggression in several breeds, they found the same level of inappropriate displays of aggression across all the dogs in the studies, with one “notable” exception. None of the Staffordshire bull terriers displayed any type of aggression whatsoever. We therefore dispute any claims that our breed is naturally aggressive.

Ontario’s pit bull ban is not fair and just. The ban is unfair to thousands of smooth-coated mutts. It is also unfair to innocent purebred dogs whose CKC registration papers, microchips or tattoos make them automatically guilty with no recourse under the law. Ironically, being an owner of a purebred dog puts you in the most vulnerable position of all.

Law intended to work for the welfare of all succeeded only in criminalizing thousands of law-abiding owners and making us fear the very law and agencies meant to protect us.

In closing, as president of the Staffordshire Bull Terrier Club, I am obligated to recommend our breed to

you. Bred for sound temperament, they love people, live to please us and are a trusted pet around children. We are outraged that the “nanny dog” has been banned. We are equally outraged that any dog—

The Chair (Mr. Peter Tabuns): You have one minute left, sir.

Mr. Clive Wilkinson: —who is substantially similar to our wonderful breed has been banned as well. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. Questions now go to the official opposition. Mr. Hillier.

Mr. Randy Hillier: Thank you very much, Clive. Wonderful to see you here to deliver that presentation.

We’ve been hearing from so many thoughtful people—this is our second day of hearings now—and what we can conclude is that the evidence demonstrates that bites are up where there is breed-specific legislation. The evidence is that breed-specific legislation does not work and the evidence also shows that we can’t identify this dog, whatever this dangerous dog is, accurately. We can’t. What is a pit bull and should they be—as you’ve mentioned in your presentation, there’s a variety of breeds within all these pit bull terriers. We also have the Staffordshire terriers, which also get thrown into the “dangerous dog” mix.

The evidence is clearly in front of us all, and I think we’re starting to see some recognition by the government as well that there ought to be some changes to the existing legislation.

To identify a dog other than by descriptors—smooth coat, broad shoulders—on the DNA testing, even at that, can you expand what would be involved in DNA testing?

Mr. Clive Wilkinson: Well, first of all, quite an expense. They either take a swab from the inside of the mouth or take a blood sample. Then it’s sent off and it can take several weeks to come back. I’m no scientist; I’m just an elementary school teacher. They then, because of taking the blood types of all specific breeds of dog, can compare what is within the samples that they have. It literally in some cases is dozens of different breeds.

Mr. Randy Hillier: Absolutely. The Staffordshire terrier club would never go to that length to determine if a dog was—you use the lineage to determine if it’s a registered—

Mr. Clive Wilkinson: In one of the tests that the Germans carried out, it’s said they put the dogs through five levels of temperament testing. Fluffy bunny starts, but then level 1 starts the aggressive tendencies like pulling on the lead, jumping, whatever else. They say that definitely the first two levels of aggression can be easily changed by training the dog and going to a proper dog training school. If a dog continues to show aggression beyond that, then you start looking at the muzzling of the dog. Finally, level 5, if nothing else works, then it should be euthanized. I don’t think anybody sitting here would ever advocate having a dog that was dangerous.

I mentioned my involvement in teaching and soccer coaching. It also involved, 100% of the time, that my dog was involved with the children. I would never, ever bring a dog of any type near a child where I thought there was going to be aggression. As a school teacher, I used to see dogs come in to the playground and three things happened: One third did nothing, one third of the children chased the dog, and one third screamed. I spent my time during that day going around the classrooms, educating children on how to approach a dog and whatever else. Simple programs in schools can inform the children of how to behave properly with any dog.

0900

Mr. Randy Hillier: What I see as one of the great unseen consequences of the present legislation is that it takes away the requirement for people to think and to be responsible. We've got this legislation out there that says, "We've banned the dangerous dogs in Ontario. There are no more dangerous dogs here." So we, as individuals, no longer have to think when we approach a dog, or we no longer have to think about when we own a dog. The banned ones, the dangerous ones, are gone, and there's no more thinking required when you have a total and complete ban, is what we have.

Mr. Clive Wilkinson: We stated in the last hearings that people would now think they were safe, and they're not.

The Chair (Mr. Peter Tabuns): Mr. Wilkinson, I'm going to have to thank you for your presentation and go on to the next presenter.

Mr. Clive Wilkinson: Thank you very much.

AMERICAN STAFFORDSHIRE TERRIER CLUB OF CANADA

The Chair (Mr. Peter Tabuns): I now have Cathy Prothro from the American Staffordshire Terrier Club of Canada. As you know, you have 10 minutes for presentation, and then we go to five minutes of questions. If you'd state your name for Hansard and please begin.

Ms. Cathy Prothro: My name is Cathy Prothro and I'm from Dartmouth, Nova Scotia. I'm the founding president of the American Staffordshire Terrier Club of Canada. I'm the secretary-treasurer of the Dog Legislation Council of Canada. I am the Am Staff club representative for the Banned Aid Coalition. I am the liaison for Clayton Ruby's office for the constitutional challenge. I'm a life member of the Canadian Kennel Club. And I have owned Am Staffs since 1978 and bred under the Barbary Coast prefix. I am an international specialist for the American Staffordshire terrier and have judged them at national shows worldwide.

I'm just going to give you a snapshot of what has happened if you have owned one of the proscribed breeds under Bill 132 since its inception.

Ontario: twice the size of Texas, three times the size of Germany, five times the size of the United Kingdom; home to a breed-specific legislative ban covering the largest geopolitical area in the world, a ban that

discriminates not by action or deed but by physical appearance, a ban that targets American pit bull terriers, American Staffordshire terriers and Staffordshire bull terriers, and haunts any pure or crossbred canine bearing a substantial physical resemblance to one of the aforementioned.

The 2004 brainchild of the province's Attorney General, Michael Bryant, the now-infamous Bill 132 was conceived as a vote-grabbing safety measure, a poorly designed and ill-appointed law geared to target the public's visceral fear of dog attacks. Implemented in August 2005, retribution against innocent canines and owners was swift. Walking your pet without a muzzle now meant risking seizure without warrant. Visitors and residents alike who travelled without certified documentation faced the spectre of breed misidentification looming around every corner. Pets that showed natural protective tendencies within the boundaries of their home turf could then be turned in on the suspicion of being menacing. This last was particularly frightening, because simple barking at passersby could be interpreted as threatening. Law enforcement, animal control and various other agencies with no training in either animal behaviour or breed identification were now given carte blanche in the evaluation process. Failure to pass muster on any of the above could and did result in a one-way trip to the officials' choice of humane society, pound or research facility. There were few second chances then, and nothing has changed except for what we're doing here today.

This ban has raised both the conscience and ire of dog lovers from British Columbia to Prince Edward Island. It's not just a pit bull issue. It's a Rottweiler issue. It's a Doberman issue. It's about boxers and bull mastiffs, bull terriers, Neapolitan mastiffs, Boston terriers, Great Danes and vizslas. Are you surprised? These are but a handful of breeds that have come under scrutiny and endured public censure following the implementation and subsequent overbroad interpretation of Attorney General Michael Bryant's bill.

From the beginning, concerned groups and individuals questioned the feasibility of a legal challenge, a challenge directed at the violation of constitutional rights, yet still allowing for the punishment of those who wilfully put animals and people in harm's way. Prominent trial and constitutional lawyer Clayton Ruby was immediately retained. With help from the American Staffordshire Terrier Club of Canada, the Golden Horseshoe American Pit Bull Terrier Club, the Staffordshire Bull Terrier Club of Canada and Advocates for the Underdog, a coalition was formed, spearheaded by and including the Dog Legislation Council of Canada, and aptly named Banned Aid. This group was to play a prominent role in the ensuing months, bringing the plight of Ontario's dogs to those who otherwise might never have considered the gravity of the situation.

We have come this far, and it is in large part due to the faith of our members, our friends and allies, individuals who possess the same gritty determination hallmarking the breeds this bill seeks to eliminate.

I have just given you a snapshot of owning an alleged pit bull in Ontario since August 29, 2005.

I would like to thank the MPPs for the opportunity to present here today in regards to Bill 16. I am here today not only in the defence of American Staffordshire terriers, but also in defence of all dogs and responsible owners who were unjustly penalized when Bill 132 came into effect.

Included in my package is a synopsis of the American Staffordshire terrier, a study from university professor Dr. Irene Sommerfeld-Stur, Institute of Animal Breeding and Genetics, University of Veterinary Medicine in Vienna, and Dr. Sommerfeld-Stur's affidavit as an expert witness in the constitutional challenge to Bill 132. Also included in the package is Dr. I. Lehr Brisbin's affidavit as an expert witness, also for the constitutional challenge—and in Dr. Brisbin's study and affidavit, he debunks the locking-jaw theory.

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

Am Staffs have been bred since 1936 as companion dogs and stock dogs, and they are shown in conformation. They compete in obedience and agility trials. They're flyball dogs, St. John therapy dogs, search-and-rescue dogs, hearing ear dogs, and in Europe are used as Seeing Eye dogs. How, then, did Am Staffs get on the AG's hit list of proscribed breeds? Why the Staffordshire bull terrier and the American pit bull terrier, for that matter, both registered breeds, both with the same track record?

It is evident that Bill 132 has included anything similar in type to what it considers to be a "pit bull." This word does not denote a breed, but rather is a generic term used to describe any short-coated muscular dog, a term that could be equated to most mongrels and, in fact, which encompasses so many breeds and crossbreeds that they're too numerous to mention. You'd have to be a canine psychic to figure it out.

How, then, is it possible to ban something with no legal description or definition? Why are the proscribed breeds named in Bill 132 targeted? Because they look alike? Because they share similar ancestry? These are not good enough reasons. By the government's own admission before the Superior Court of Ontario, their reply to the same questions was this: because pit bull is not a breed. Without legal definition, the three core breeds were added because they have standards and can be legally defined. So the three core breeds—the American Staffordshire terrier, Staffordshire bull terrier, American pit bull terrier—are all recognized breeds.

0910

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Cathy Prothro: They were added because they can be defined.

Breed bans do nothing to stop dog attacks; they do nothing to stop illegal activity; they do nothing to protect the public from irresponsible dog owners. But they do punish responsible dog owners, causing court litigation, wasted tax dollars and impoundment of innocent dogs by criminalizing Canadian citizens.

Non-breed-specific laws for the protection of the public welfare and safety with the degree of precision that characterizes effective legislation—this is why I am here today. Please be rest assured that even if Am Staffs were not proscribed, I would still be here, as breed-specific legislation is an ineffective, costly, knee-jerk reaction to the problem of irresponsible dog ownership.

I would ask the committee to amend DOLA with Bill 16 and to hold people accountable for their canine charges. The city of Calgary developed and implemented the premier dog laws in North America. I would urge the committee to look seriously at Calgary. It is effective and fiscally prudent. Let's work together for Ontario to be the first province in Canada to have a premier law and set precedent for the rest of the country.

The Chair (Mr. Peter Tabuns): Thank you. Questions will go to the third party. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you, Mr. Chair, and thank you so much for your presentation. We heard it in testimony last week and other places that conservatively about 1,000 dogs have been killed under this law. Just recently, we witnessed a hundred sled dogs being killed in an unwarranted way in BC, and criminal charges were laid for their killing. Here we have 1,000 dogs, most of which were not killed because of something they did but because of the way they looked. I'm sure you must know some of those owners or some of those stories. Maybe you could just share what it feels like to have your dog taken and euthanized because of the way it looked.

Ms. Cathy Prothro: Because of the Dog Legislation Council of Canada and what we do, when Bill 132 came in, we were inundated with seizures: "What do I do? People, what do I do? You know, they're taking my dog. They say it's a pit bull; I can't say it's not a pit bull. There's no such thing as a pit bull. How can you prove an impossible? How can you prove a negative?" These stories were day in and day out. And trust me, we went through them for years; we're still going through it.

I mean, there are not a lot of us to handle this stuff, so you can imagine what it did to our own lives, as well. I don't even live in Ontario; a lot of us don't. But I cannot imagine what it would be like to live in Ontario with one of the proscribed breeds. It would be every day, looking over your shoulder and around the corner. People were persecuted and they're still being persecuted.

Ms. Cheri DiNovo: They last presenter talked about the Staffordshire dog, and here I'll just lump them all together, as being the "nanny dog." It was surprising to me to learn that they actually were used as nanny dogs to look after children, that that's their reputation. Maybe you can say something about the nanny dog, which is another term for the so-called pit bull.

Ms. Cathy Prothro: The Staffordshire bull terrier and the American Staffordshire terrier and the bull terrier, the

American pit bull terrier, the miniature bull terrier, are all kind of like your core breeds coming from the bull dog and terrier crosses of hundreds of years ago—a couple of hundred years ago. And you'll find this nanny dog trait in all the bull and terrier type of dogs. But the Staffordshire bull terrier has been nicknamed the nanny dog because basically that's what they like to do—and the Am Staffs will do the same. They like to be with the kids; they'll stick at your feet. I mean, in this day and age it would be nice if you could let a dog babysit your kid instead of the TV, but that's not the way to go about things. I guess the overall statement would be that these breeds were selectively bred for their demeanour around children and their demeanour around people.

Ms. Cheri DiNovo: Now of course we also know that the element in our communities that still supports dog fighting—and I still see pictures on Facebook that dog fighting continues—have used dogs that look like pit bulls in those dog fights. They've also used Dobermans, they've also used Rottweilers, they've also used all sorts of other dogs. Where did this hysteria come from, do you think, around the pit bull? Because we've heard so much testimony. We know it's hysteria now, it's not warranted, but all it took was a couple of media photographs of a dog that looked like an Am Staff to generate this.

Ms. Cathy Prothro: Well, it whipped up media hysteria, creating a climate of fear. I think it's kind of McCarthyism at its finest. Everybody wants to hate something, or dislike something. The media will pick something, and "pit bull" is very sexy, a great buzzword—everybody hates this. So that's basically what has been happening: It's a climate of fear created around hate.

Ms. Cheri DiNovo: Just the last question that I have and that I asked another presenter: What does a pit bull owner look like?

Ms. Cathy Prothro: Pardon me?

Ms. Cheri DiNovo: What does a pit bull owner look like?

Ms. Cathy Prothro: Can we have a show of hands?

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Cathy Prothro: You're welcome. Thank you very much.

ADOR-A-BULL DOG RESCUE

The Chair (Mr. Peter Tabuns): Our next presenter: Emily Ugarenko, Ador-A-Bull Dog Rescue. As you probably know, you have 10 minutes to present. There will be five minutes of questions. If you could state your name for Hansard and begin.

Ms. Emily Ugarenko: Emily Ugarenko. Good morning and thank you for the opportunity to speak. I'm the co-founder of Ador-A-Bull Dog Rescue. My rescue partner, Lisa Burnes, is also present today. Ador-A-Bull Dog Rescue's primary focus is the bull and terrier type of breeds targeted under the current Dog Owners' Liability

Act, but we will help, and have helped, any dog, of any breed, on a case-by-case basis.

I'm 32 years old. I'm a commercial artist by profession. I've apprenticed as a dog trainer with Yvette Van Veen of Awesome Dogs, whom you heard speak earlier. During that time, she held the contract for the National Service Dogs, London chapter. I am the recipient of five awards from the International Positive Dog Training Association, was a columnist for the Canadian Association of Professional Pet Dog Trainers newsletter, Forum, a humane society volunteer, and have sat on the board of directors for the Ontario Rabbit Education Organization and the Canadian Centre for Pet Loss Bereavement. I am a conscious citizen of Ontario, wanting to add my voice and efforts to improving animal welfare and responsible pet ownership.

My rescue co-founder and I have spent the past seven years devoting the majority of our free time to traveling across this province to meet, perform behaviour assessments and save the lives of dogs affected by this current law—close to 300 dogs at last count. In addition to that, we've answered thousands of emails from dog owners in distress, most of whom have owned non-bull and -terrier type dogs, but rather mixed-breed dogs caught up in the "substantially similar" clause of the law.

I'm here to share my first-hand experience of how the current law is not working, how it is sentencing to death innocent dogs of all different unidentifiable mixed breeds. The current laws are punishing good, innocent, responsible dog owners. We have witnessed vast discrepancies in how the law is enforced by animal shelters and animal control centres across this province because they have simply chosen not to or do not have the resources or training and education of what this law actually entails.

When Bill 132 was discussed prior to its passing at committee, Michael Bryant, the Attorney General at the time, stated, "Nothing is more effective than eliminating the animal that is causing the harm over time from the community." The animals we are seeing eliminated from the community are dogs that have done nothing wrong. They have been seized because of their appearance and because of their age; that is, being too young to legally be allowed to be alive in this province. Over the years, we have seen the most interesting, stunning and muttly motley crew of dogs be swept up in these witch hunts: Labs, beagles, German shepherds, Boston terriers, Great Danes, boxers and even a wheaten terrier or two.

To further illustrate this point, when you have a moment I would encourage you to look through the photos that will be supplied in my handout. These are all dogs that were seized or surrendered under what various enforcement agencies deemed to be fitting characteristics of a pit bull, which, may I point out, is one of the most glaring inconsistencies we have witnessed in our rescue work, this whole concept of breed identification.

The majority of shelters and animal controls do not agree with the law. They do not want to see an innocent dog die and they call us for help.

So what have we effectively eliminated from the community? Litters and litters of mixed-breed puppies, dogs that have gone on to be adopted as sound, loving, highly trainable and well-behaved family companions. I believe the committee has received several written submissions from our out-of-province adopters.

0920

Those owners of dogs of questionable behaviour and temperament are not the ones walking them on city streets to continue their urban socialization. They are not the individuals seeking municipal dog licences, and as such having their dogs confiscated in the process. Irresponsible dog owners have simply been pushed further underground. Of all the dogs we've saved, of all the legal cases we have assisted in, none of these dogs has posed a threat to an individual or domestic pet.

The law has been proactive in eliminating canines based on appearance, and as we've heard time and time again from countless experts, appearance is by no means a predisposition to temperament or behaviour and subsequently any future bite concerns.

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

This is also a far cry from what the past seven years have been like for owners of these dogs affected by the law. Both my co-founder and myself have experienced verbal harassment on walks, vandalism to our homes and vehicles, and much emotional distress over being able to keep our beloved pets safe.

For me, all it took was a neighbour who had interacted with my dogs on a weekly basis, always commenting how sweet and well-trained and well-behaved they were, to have it suggested to them that my Labrador retriever cross might be part pit bull, to call local animal control and say they did not want that kind of dog living next door to them. When I questioned the investigating officer they sent to my home about what my dogs had actually done wrong, he told me nothing, but because there was a concern about breed, he had no choice but to pursue me.

The next thing I knew, I was hiring a lawyer to help me prove my dogs' breeds and ages, and repurchase the municipal dog licences I already had. In London, Ontario, when licensing a mixed-breed dog, they apparently don't keep any of your vaccination, spay/neuter or obedience training paperwork on file, but will happily pursue you, issuing full-out fines and destruction orders if your neighbours suggest your dog may be a pit bull.

My dogs had to stay off my property for a month in hiding until animal control told me they felt it safe for them to return, given the climate of intolerance my neighbours had created. I had a woman who lived two doors down from me for three years say that if she ever saw me or my dogs near her home she would have her husband get his shotgun and kill us all. She didn't even

know my name but had previously frequented yard sales in my driveway, commenting on how cute my mutts looked peering out through the windows.

I never walked my dogs in the neighbourhood. From then on, they exercised in my backyard, which had a six-foot, solid wood privacy fence only. I would check my yard daily looking for items that may be laced with poison intended for my dogs, at the advice of animal control.

I moved out of the city of London that year. I walked away from the home I owned and a vehicle I co-owned with my fiancé at the time. Due to the stress of the ordeal, our relationship dissolved. I feared for my life and the lives of my dogs, and my story pales in comparison to those that have landed in the Ador-A-Bull inbox. This is a pretty far cry from happily ever after.

I would also like to touch on Mr. Bryant's mention of enforcement and revenue. He stated: "Lastly, on municipal costs, there are a number of new revenue opportunities that arise from this bill through the provision of fines."

Over the past seven years, Ador-A-Bull has worked with a wide cross-section of OSPCA affiliate branch shelters, humane societies, municipally and privately funded animal control facilities, and rural animal shelters. I can tell you unequivocally that the vast majority are not imposing any fines upon those from whom they are seizing or being surrendered these dogs who fall under the vague description of the current laws. So much so, Ador-A-Bull has several dogs currently residing in Halifax, Nova Scotia, born from several different litters but of the same parents. A backyard breeder known to enforcement in a municipality within greater Toronto whose dogs were given mixed-breed designation prior to the law passing continues to breed and sell their puppies being identified as pit bulls.

So there's the cost to officers investigating the situation repeatedly, the cost to the system to vaccinate, microchip, and spay/neuter these puppies prior to having Ador-A-Bull act as the transfer agency, yet there are no fines being imposed, nor is there any financial gain of annual licensing on these mixed-breed puppies here in Ontario. So no money is spent in the Ontario economy in terms of veterinary care, food, supplies and training courses. Multiply that by the almost 300 dogs our organization alone has transferred out of province and your tally of lost revenue far outweighs the opportunities to gain that were never carried out from day one.

Not only does this illustrate the law not being properly enforced as it was written, but it shows glaringly how it's not even acting so much as a deterrent to the type of individuals one would classify as irresponsible owners.

Further to that, it's often the representatives of Ador-A-Bull explaining the provisions of the law to those employed in these animal care facilities. They are aware there is a breed ban, but know little more than what they have decided to research themselves. A law was passed with promises of what it would achieve and how it would be enforced, yet those expected to do so did not receive

so much as basic training or familiarization with provincial legislation. The differences we see in rules and regulation in terms of enforcement from city to city are staggering.

Even more concerning was the realization that the type of behaviour assessments Ador-A-Bull performs on any dog entering our program is a rarity in the shelters we visit. Dogs are being adopted out to the general population with no screening for reactive triggers that could pose larger safety issues in terms of bites. We have a law that targets breeds based on appearance but does not mandate a basic safety precaution in terms of general dog adoptions.

The Chair (Mr. Peter Tabuns): You have one minute.

Ms. Emily Ugarenko: Thank you.

In closing and in summary, the current Dog Owners' Liability Act has put good people, responsible owners, regardless of mixed-breed appearance identification, in a sometimes impossible position. Perhaps the most compelling argument with respect to why breed-specific legislation fails is that it simply does not address the issue of irresponsible dog ownership; nor does it provide any tools or programs within communities to ensure any safety when dealing with any dog, regardless of breed, not targeted by BSL. Restricting breeds of dogs does not address the real issues. Only when all dog owners are held accountable for the actions of their dogs will adverse dog incidents be reduced.

My name is Emily Ugarenko, proud dog owner and rescuer, and my Ontario includes all dogs.

The Chair (Mr. Peter Tabuns): Thank you. Questions go to the government. Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I wanted to thank you, Ms. Ugarenko, for your presentation today. Just a couple of questions, because I think my colleague has a question or two as well. I just want to get this straight. For example, people, including yourself, have mentioned that pit bull is not a breed, so I'm going to ask for an analogy so that I can figure this out myself. For example, sometimes I meet a dog owner and I say, "What kind of dog is it?" They'll say, "It's part poodle and part beagle," so maybe what's happening here is that the poodles—let's say they're banned because the enforcement officer doesn't recognize the difference between a pure poodle or one that's mixed in with a beagle so that it's a mixed breed. A lot of dogs are of mixed breed. Are you saying that a pit bull is a mixed breed in the same way?

Ms. Emily Ugarenko: As you heard earlier, there are several registered pure breeds, and then you have that all-encompassing "substantially similar" clause, so essentially any dog that isn't ankle high with a curly coat became a substantially similar pit bull. Again, as I mentioned, if you look on the back page of our presentation that will be handed out, we have seen an incredible cross-section of dogs, and by and large, the number of dogs coming in and out of the shelter are mixed-breed dogs, but as soon as that mixed-breed dog doesn't have a long coat or a fluffy tail, it potentially becomes a pit bull.

Mr. Lorenzo Berardinetti: Thank you. I appreciate that.

The other question I had for you: Do you support the Calgary model?

Ms. Emily Ugarenko: I absolutely do.

Mr. Lorenzo Berardinetti: I guess one more, final question: You mentioned in your presentation that you do some training.

Ms. Emily Ugarenko: Yes.

Mr. Lorenzo Berardinetti: So the focus when you do the training is on the dog owner and not the dog, for example? You have to educate the owner as well?

Ms. Emily Ugarenko: The training I did to be able to go into rescue work was to work part and parcel with both dog owners and dog laws and learn the tools in working with both of them. To have well-trained, safe companion animals in our community, which I touched on again in my presentation, is something—when we walk into these municipally funded shelters, these humane societies, we will have a gathering of staff and volunteers watching us do these assessments, looking for the potential triggers in the dog's behaviour and how they're going to act and react, because this isn't something they're trained in as their job, a municipally funded employee picking up their paycheque, but this is what we've chosen to do as our volunteer work on our time, in terms of looking out for community safety and responsible pet ownership.

Mr. Lorenzo Berardinetti: Thank you. I think my colleague, if there's time, has a question.

The Chair (Mr. Peter Tabuns): Mr. Coteau.

Mr. Michael Coteau: Thank you very much for your presentation, and I'm sorry to hear of your challenges that you went through. It seemed like a very difficult time.

A couple of questions: Do you support the identification of so-called pit bulls by microchip?

Ms. Emily Ugarenko: I support the microchipping of all dogs. Again, as previous presenters mentioned, it gives that ability to trace those dogs through the duration of their life and, whatever potential issues hopefully do not but may arise, hold owners that much more responsible.

Mr. Michael Coteau: And what about educational courses? We've heard from other people that for dogs classified as pit bulls, owners should have to go through an educational course. Do you support that?

0930

Ms. Emily Ugarenko: All dogs have teeth. All dogs can bite. All dog owners should. It's entirely way too easy in this day and age to click on the Internet, drive 20 or 30 minutes, pay a couple of hundred bucks and come home with whatever size, shape or breed of dog you choose—that's it, that's all. The rest is in the hands of the owner.

Mr. Michael Coteau: So you would support amendments to the bill that would make it mandatory for identification and educational courses for all owners?

Ms. Emily Ugarenko: For all dog owners, yes.

Mr. Michael Coteau: Thank you very much.

MS. LORI GRAY

The Chair (Mr. Peter Tabuns): Our next speaker is Lori Gray, if you would come up. You'll have 10 minutes for your presentation and five minutes of questions. Identify yourself for Hansard and please begin.

Ms. Lori Gray: I'm Lori Gray. I am here today presenting to the committee as an individual, although I am a member of the Dog Legislation Council of Canada and the American Staffordshire Terrier Club of Canada.

I would like to take the next few minutes to explain a pivotal point, a point on which the essence of BSL hinges. There are three named breeds on Ontario's banned list. Under the federal Animal Pedigree Act, to be a purebred dog, they must be identified by a microchip or tattoo and be registered with the CKC or another valid registry. The number of dogs registered by breed each year is thus very easy to obtain. Here in Canada, all three breeds are extremely rare, and the American Staffordshire terrier is one of the rarest breeds in Canada. There are so few Am Staffs in Ontario that I personally know each person who owns one. On average, 10 dogs per year were registered annually in Ontario prior to 2005, when only two were registered.

I have included a chart in your handouts using numbers for 2006 from the CKC showing a typical year's registrations. There were almost 9,000 Labrador retriever pups registered, only 104 Staffordshire bull terriers and 45 American Staffordshire terriers nationwide. The American pit bull terrier is not listed, because they are registered by ADBA and UKC; however, in conversation with the Golden Horseshoe American Pit Bull Terrier Club, it was estimated there were 200 to 300 in Ontario.

"Pit bull" is a slang term for a shape of mongrel dog. Until breed banning became an issue, it really didn't matter what people called their mutt. Playing "guess the mutt" down at the pound was fun and entertaining, but now that a dog's life is on the line, it isn't so much fun anymore.

How does one define "pit bull," "husky" or "shepherd"? Well, the short answer is, you can't. Just as two people looking at an abstract painting see different things, different people are going to see different characteristics in a dog. This is true for everyone from animal control officers to dog owners to victims. Even dog judges will tell you that nobody is an expert nor capable of determining the lineage or breed makeup of a mixed-breed dog.

There are two kinds of dogs: purebreds and the rest. If a dog is purebred, there's no guesswork involved. He's marked and registered. If he is a mix, there is only guesswork involved. I have included in your handouts pictures of nine different dogs all determined to be pit bulls in Ontario. You can see how these dogs don't resemble each other, and they also don't resemble any of the banned purebreds.

In response to an election survey we sent out in 2007, former Attorney General Chris Bentley answered a question about the ban as follows: "Courtney Trempe

died" as a result of an attack by a bull mastiff, "an 11-year-old girl suffered serious injuries after she was attacked by two of her grandmother's Dogue de Bordeaux in Uxbridge ... a 25-year-old man was seriously injured after he was mauled by pit bulls.... These incidents, and others like them, convinced us that provincial action was necessary to protect the public from dangerous pit bulls." You see, even former Attorney General Chris Bentley believes mastiffs are pit bulls.

In section 19 of the 2005 DOLA, veterinarians are named as experts able to determine whether a dog is a pit bull. I have brought with me today two letters from two different veterinarians, Dr. Lloyd Fisher and Dr. Pauline Van Veen. Here's an excerpt:

"Not only did the OVMA advise against attempting breed identification of mixed-breed dogs; it is an impossible position for veterinarians to be in. There is no way to objectively prove a mixed-breed dog's ancestry. Veterinarians have to guess, based on appearance. This puts vets, as health professionals, into a very difficult position, amounting to a conflict of interest. 'Pit bull' is a slang term for a shape of mongrel dog.

"Furthermore, targeting dogs based on appearance is not an appropriate strategy for dealing with dangerous dogs. There is no scientific evidence to support the belief that dogs are dangerous by breed or appearance."

One of the veterinarians, Dr. Fisher, from Barrie, Ontario, has 53 years' experience and stated he has never had one of the banned breeds as a patient. He also commented that there are plenty of people who refer to their dogs as pit bulls and use the names of the pure breeds, but if a dog isn't registered, it is simply a mixed-breed dog.

Very few people understand what "purebred" means. Many people think that if a dog resembles a breed, it is that breed. Many people, including many owners, believe "pit bull" is a breed. Many people own cars, but few people are mechanics. Many people own dogs, but few are knowledgeable about dogs. The facts prove that the purebreds were never the intended targets of this law. It doesn't make any sense to target fewer than 500 dogs in the entire province.

One of the most common types in Ontario is the short-haired mutt. These dogs are sometimes referred to as pit bulls, not only by the animal control officers but even some owners and members of the public. One of the most common misconceptions is that the short-haired mutt, or pit bull, is genetically related to any of the named purebreds. I think it's safe to say that this is neither mathematically nor physically possible, especially since people who purchase a rare breed for a significant amount of money are not going to let it run loose and engage in uncontrolled breeding.

When other, more popular breeds are mixed and create what we have fondly known as Heinz 57 for generations, the genetics remain a mystery. Genetics are not easy to predict. Ask any long-time breeder how easy it is to

breed for a specific trait. You will get a long answer, and in the end you will know it is not easy at all.

Along with the misconception that the short-haired mutt is related to the purebreds, which I think we can agree is highly unlikely, there are myths describing characteristics among the short-haired mutts. What I mean by this is you will often hear that pit bulls exhibit this or that behaviour or tendency. How can a large group of mutts of unknown lineage exhibit any common traits? If you cannot determine the known genetics, then you are simply guessing, based on a belief that breed and looks mean the same thing and that all dogs of a breed are alike. With pet dogs, which is what the majority are, there is more difference among individual dogs within a breed than there is between breeds. Dogs are more like each other than they are different by breed.

Here is what we know for sure. There is no scientific evidence to support that breed makeup of mixed-breed dogs can be determined. There is no scientific evidence to support that any of the three named purebreds is different from any other type of dog. Urban legend and myth have taken a strong hold, and that is difficult to erase, even when presented with scientific evidence to refute it.

The ban was based on the assumption that bites and attacks are caused by strange dogs owned by a subculture of criminals. This is simply not true. From a report to the board of health on September 2, 1998, by the late Sheela Basrur, then-medical officer of health, according to the former city of Toronto records, more than half of all dog bites occur on the dog owner's property; more than two thirds of biting incidents on public property occur while the biting dog is on leash; more than 85% of the victims know the dog that bites them; more than two thirds of all bite victims are adults; and nearly two thirds of all children get bitten as a result of playing with a dog or as a result of teasing the dog or disturbing it while it's eating.

It is quite rare to encounter a loose stray or violent dog owned by a person wishing to intimidate. In actual fact, it is the undertrained, undersocialized family pet that is commonly the culprit. Novice owners are often to blame in not recognizing canine behaviour and in lacking the skills to problem solve and intervene at an early stage.

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DOLA, as it was, was a good piece of legislation and I support the stiffer penalties that are incorporated in the 2005 amendments, including jail time. There is recent evidence that DOLA, as it was, works. In the case of Kent versus Laverdiere, 2011—

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Lori Gray: —thank you—dog breeder Heather Laverdiere was charged under DOLA when her grandchild was mauled by her non-pit-bull-type dogs. A significant cash settlement ordered her to pay restitution to her granddaughter for injuries sustained during the attack.

The 2005 DOLA amendments created a climate of fear and oppression when there should be fair and equal

treatment under the law for all citizens. There are many factors that lead to a dog-bite incident, but breed is not one of them. If the desire to act preventatively exists, Calgary is a proven winner. It is also worth mentioning that even though DOLA has been in place since the late 1800s, it was rarely used until the breed discriminatory portion was added. Now it is being actively used and applied.

The dogs targeted under this law are family pets. They're just dogs, not some hyper-exaggerated mythical creature with super powers.

The most glaring flaw with this legislation is that, to date, scientists agree there are no dangerous—

The Chair (Mr. Peter Tabuns): Thank you, and I'm sorry to say I'm going to have to go to questions. Mr. Hillier.

Mr. Randy Hillier: Thank you very much, Lori. On your presentation, I hope every member of this committee has looked at your presentation and the pictures in it, along with the presentation from the previous presenter, Emily, and the pictures in it, and seen what a wide spread of dogs are captured under this legislation.

Ms. Lori Gray: Absolutely.

Mr. Randy Hillier: And I know everybody who was involved in bringing in that original Bill 132 had a mental image in their minds of the pit bull, the dog that was going to be banned in Ontario. They had an image of the snarling, growling, chained-up, aggressive dog. And then you take a look at the pictures and see the dogs that have been captured, the ones that have been euthanized, the ones that have had to be exported, to be rescued out of the province.

The consequences that have happened to people—again, there's that mental image that legislators may have had of that aggressive dog and that criminal-type person who may own the dog or the irresponsibility of it, and again we see that who is actually being affected by this legislation is not that mental image whatsoever. It's everyday people and it's any and every Heinz 57 dog in the province that isn't long-haired that is subject to this. Looking at these pictures, especially number 8 and number 9, for anybody to think—

Ms. Lori Gray: But it's a subjective situation, and the people who are doing the identifying don't necessarily have training in dog behaviour or dog breeds, so it's left up to opinion. I'm sorry, but when it is opinion and your dog's life, your family member's life, is on the line and it's up to you to prove that it's something that doesn't even exist, it's insane.

Mr. Randy Hillier: And under breed-specific legislation, it can be no other way. It must be subjective. It cannot be scientific or objective.

Ms. Lori Gray: And the dogs that you can prove what they are, the registered purebreds, there's less than 500 in the province. There's two—in fact, I have an interesting number that was given to me this morning. Toronto Animal Services has 177 Staffordshire bull terriers licensed and 105 Am Staffs, but there's only one in Toronto. That just goes to prove to you right there, misidentification is a huge, huge, pivotal problem.

Mr. Randy Hillier: Thank you very much, Lori.

Ms. Lori Gray: Thank you.

The Chair (Mr. Peter Tabuns): Thank you.

MS. SELMA MULVEY

The Chair (Mr. Peter Tabuns): We'll go on, then, to our next presenter. Selma Mulvey, would you please come forward. Selma, as you know by now, you have 10 minutes to present. There will be five minutes of questions. Please state your name for Hansard and then please begin. Thank you.

Ms. Selma Mulvey: My name is Selma Mulvey. I'm a member of the CKC and the DLCC. I've blogged at Caveat since 2005, and I'm a columnist for Cottage Dog magazine. I'm here today as an Ontario dog owner.

My initial reaction to this legislation was that you couldn't do that to people. Eight years later, that conviction is intact.

Many dogs have suffered, but overall it's people who are being affected in Ontario. Dogs are just a "tool in the toolbox," to quote a former Attorney General.

Dog ownership is universally legal, albeit regulated much like automobile ownership. Laws should govern human behaviour as precisely as possible. The trick is to control the core group without unduly curtailing the freedoms of everyone else. With but one exception, this law has only affected everyone else: people with unoffending mixed-breed dogs. That's because there's no such thing as a "pit bull."

I will tell you a few stories about what's going on out there. I could tell you many more. Keep in mind that people love their dogs, whether they own a fancy purebred or the ubiquitous short-haired mutt. One's own is always the most beautiful dog in the world. These cases involved family pets that hadn't bitten or attacked anyone, although in one case that was rumoured. With my handouts in the middle are pictures of these dog owners.

Madonna English is a registered nurse who contacted me in 2009. Her partner, Rick, also a health care worker, was walking two puppies when Mississauga animal services charged him with owning illegal "pit bulls." Fortunately, Donna had proof that their parents were not on the banned list. Thanks to Councillor Carolyn Parrish, this was handled behind the scenes.

A registered nurse in Ontario can lose the right to practise if convicted of an offence where jail time is a possibility. In this case, owning puppies of the wrong colour made jail time a possibility.

I got a call last fall from some people from Montreal who were visiting their son. They said they'd been hassled by animal services in Brampton about owning an unmuzzled "pit bull," but they made a fuss on the street, walked away and returned to Quebec the next day with their dog.

Canadians have a right to freedom of movement within Canada, yet with no warning at the border, Ontario prohibits entering the province with a mongrel dog in tow.

I met Chris Blaides and his dad, Anthony, last summer. Their gate was open, and their two dogs ended up at Toronto Animal Services North, threatened with imminent death as illegal "pit bulls." They'd allegedly bitten another dog, but to date there has been no proof of that. Chris had taken his two baby puppies to TAS in 2008 and licensed them as American bulldog mixes, which is how he bought them. He still has the original paperwork, yet last summer his dogs came up as "pit bulls" in the system. Had he licensed them as "pit bulls" in 2008, they would have been seized.

Prominent American bulldog judge Robert Martin met us at the facility to assess the dogs. In Robert's written opinion, the dogs did not have the characteristics of American bulldogs but also did not have an appearance that was substantially similar to any of the breeds banned in Ontario.

Chris had a letter from his vet saying they were not "pit bulls." TAS remained adamant that the dogs had to die. Our lawyer said that if they won in court, the crown would appeal, and if they lost, there would be costs which could be \$50,000 to \$100,000. The Blaides family had to allow their beloved pets to be killed because they didn't have \$100,000 to fight a single animal control officer's incorrect and biased identification of their dogs. That is what it costs taxpayers every time the crown tries to prove that an unoffending mutt is a "pit bull."

Canadians have a charter right to a fair trial and a presumption of innocence. This law presumes guilt and gives no direction on how to prove your dog is not a breed that does not exist. There is no provision for an appeal process to dispute the opinion of a peace officer, which, in *Rogier v. Halifax*, the Supreme Court of Nova Scotia found unfair.

Despite many legal precedents stating that animal control officers cannot qualify as experts in court, this law allows them to identify people's pets as "pit bulls" and kill them without a hearing.

Danny Truong contacted me in December 2008. When his puppy Bowser was eight months old, Danny took him to a neutering clinic. They found Bowser too exuberant to handle, phoned Mississauga animal control and reported Danny for owning an illegal "pit bull."

At his first court appearance in January 2009, the justice of the peace said, "This is a very serious crime, sir." That day in court, we heard about drinking and driving, theft, breach of probation and more, but the judge saw fit to point out that owning a short-haired mutt was the only serious crime that day.

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In January 2011, when we finally got to trial, the crown reviewed our expert evidence and agreed that Bowser was not a "pit bull." Danny was overcome when he realized he could keep Bowser, after two years of living in fear for his pet's life.

How is treating people this way improving public safety? Why are we wasting people's time and money and teaching them to distrust authority? What is the message we are sending to new Canadians, who come here for a better life?

Simona Hoskins contacted me just a few weeks ago. Her dog got out of the office when a door was left open. Frantic, she called TAS for days until she found Missy on the website. They said, "Oh, that's your dog? She's so sweet. Come and get her." When Simona arrived at TAS Etobicoke-East Mall, she was met by a supervisor who told her she owned an illegal "pit bull" that had to die. With the help of a lawyer, Simona was able to get Missy released and they both flew to Edmonton on April 12. Incidentally, she had no trouble licensing her dog as a lab-shepherd type out there. People there didn't say anything about "pit bulls."

Simona wanted me to tell you she is an orphan who grew up on the streets of Romania. She came to Canada in 1992 and is proud to be a Canadian, working and paying taxes. She's left Ontario to save her dog's life, but she is not going to let this go. Based on what I've seen, I believe her. So Ontario has lost another honest, hard-working taxpayer, because, make no mistake, dogs are family.

Canadians are protected against self-incrimination, yet Simona had to sign a paper saying Missy was an illegal "pit bull" or they wouldn't give her back.

There is a commonality to these stories. Most of the people captured are first-time dog owners. We all make mistakes; that's how we learn. A mistake such as having your dog bolt out the door shouldn't result in an automatic death sentence.

DOLA was ignored for years, but since 2005 it has been an all-out witch hunt. Even though no peace officer, shelter, pound, rescue group or kindly stranger must decide if a dog is a "pit bull," they all do it, all the time.

As a dog owner, I want negligent people shut down, because they cause anti-dog sentiment. I get that not everyone loves dogs as much as I do. It's their right to feel that way.

I believe that leashing in public is the single most effective means of preventing negative encounters, but more education is needed. I see all kinds of splashy ads for gambling, but I've seen nothing about safety around dogs, not even a notice in utility bills telling people to ask before touching a dog.

I'd like to see mandated training in the case of nuisance owners, but remember, dog training is an unregulated industry. Anyone can hang out a shingle. Some popular TV shows use harsh, outdated methods which scientists oppose because aggression breeds aggression.

We need a publicly accessible provincial bite database so we can measure our progress.

This law makes owning a dog probable cause for warrantless entry and search and seizure in public. It gives some dog owners fewer rights than others for superficial reasons. It puts the burden of proving an impossible negative on to a defendant. It takes good dogs out of good homes and kills them.

Like most Canadians, I am liberal in outlook. There is nothing remotely liberal about the "pit bull" ban. It's time to right the wrongs, to pass Bill 16.

In order to build a culture of responsibility, you have to treat people as responsible. Raise the bar and people

will rise to meet your expectations. It's not about the shape or colour of the dog; it's about the behaviour of the owner.

I applaud the willingness of all three parties to work with the experts to fix this mess. I'd like to especially thank Randy Hillier, Cheri DiNovo and Kim Craitor for standing up for the responsible dog owners of Ontario who want to see an end to this senseless discrimination.

I have a couple of housekeeping points. There are a couple of errors in the bill. "Pit bull" is still in the definitions, and there's a paragraph at the end about the Lieutenant Governor's right to legislate around "pit bulls" on unincorporated territory. Both of those references should be removed.

We've been showing a movie called *Beyond the Myth*. It's a documentary—

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Selma Mulvey: Thank you. It's a documentary about how people are affected by BSL. We have the rights to show the movie in Canada. The producer will send any politician a free copy of the movie on DVD. So if anyone would like a copy of that to watch at home, a picture is always worth a thousand words, as you know.

To the wonderful transcriptionists, if possible, please put quotation marks, single or double, around "pit bull" where I use it, since it is a slang term.

With that, I conclude my remarks. I'm amazed I made it.

The Chair (Mr. Peter Tabuns): Thank you very much. Questions go to the third party. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you, Selma, and thank you, really, to the Dog Legislation Council of Canada and to everyone who came and deputed here. Our heartfelt condolences go out to all of those affected by this law. I mentioned before about 1,000—conservative estimate—dogs that have been euthanized not because of what they did but because of how they looked. Clearly from the pictures here, how they looked is all over the map and just left up to individuals to assess, which should never be the law.

I also note that Cesar Millan was prevented from bringing his dogs, the foremost dog trainer in the world—

Ms. Selma Mulvey: Junior.

Ms. Cheri DiNovo: Junior and Daddy. They were not allowed into the province when he came and filled Rogers Centre because they are substantially similar.

I also have a substantially similar dog, an English bull terrier. I suspect the reason that she's not dragged off the highways and byways is because I'm an MPP.

Ms. Selma Mulvey: Oh, you have the Don Cherry dog, except Don Cherry actually had an Am Staff at the time.

Ms. Cheri DiNovo: Exactly. Just to get back to some of the stories, and you've been witness to some of the horrors, my suspicion is, and I just wanted your input on this, that not all dogs that look substantially similar have been targeted. Obviously if they did, there wouldn't be

time to euthanize them even if they kept it going 24/7. Obviously some people get targeted by this law and other people don't. Is there any similarity between the ones that get targeted and the ones that don't get targeted under this law?

Ms. Selma Mulvey: I'm finding a lot of new Canadians are being targeted, and if I may speak frankly, I'm finding a lot of people from visible minorities and people of low income are being targeted. As I like to say, they're not driving down Russell Hill Road looking for off-leash Staffords. You can infer from that what's going on. For a lot of the people, English is a second language. Actually, I've had several people from Montreal. I misplaced those people's names because it was just a one-phone-call thing. But I've had three or four calls from people from Quebec coming to Ontario and getting harassed when they never even thought their dog was a "pit bull." It's a Lab mix, you know?

Ms. Cheri DiNovo: Right.

Ms. Selma Mulvey: I don't know what we're trying to achieve here, but the only thing we're achieving is discrimination. We're certainly not limiting dog bites. We're not targeting a breed, because they're so rare. Most people have never seen them. So I don't know what we were trying to achieve at the time.

Ms. Cheri DiNovo: Right. Also the cost of—say you are one, you're low income, you're a new Canadian, you don't know what's going on. Your dog is taken out of your backyard, which we know has happened. You come home, and the dog is not there. You phone the local agency, whatever it may be, and sure enough they have your dog and it has been designated a pit bull. What is the process then? What is the cost to the individual to have to prove otherwise?

Ms. Selma Mulvey: Well, they have to have a lawyer, because this legislation—to say it's Orwellian is to be kind. So you need a lawyer with this. I've been able to build a little stable of wonderful lawyers who are against the legislation who are helping people at a tremendous discount, but it's still a lot of money. You know how much lawyers make. So they're looking at, oh, \$5,000 for a lawyer. Then, if they lose, of course with the costs, they're going to be on the hook for the costs. It's expensive. That's an amazing deal, because that's like 10 hours of lawyers' time. You know how much lawyers earn.

Ms. Cheri DiNovo: So you're basically guilty until proven innocent with this law?

Ms. Selma Mulvey: Oh, you're definitely guilty, yes. The entire law is completely stacked against a dog owner and it gives an inordinate amount of power to an untrained animal control officer. That officer basically is judge, jury and executioner if the people don't have the money. They can't be accredited as experts in court, but they can grab people's dogs off the street and kill them if they're in that kind of mood that day. The worst part is that under this legislation no one is obligated to do this. This legislation is optional, but everyone is just gung-ho, straight ahead, "We're all huntin' for pit bulls now." I

don't believe that was the intent, but it was the inevitable outcome.

Ms. Cheri DiNovo: Right. We've heard of the kind of grudge, neighbour-to-neighbour stuff that this has engendered. I've heard conservatively around 1,000 dogs have been euthanized, and I hold that up against the 100 sled dogs. They just had criminal injunctions against the chap who killed 100 sled dogs, but here we've euthanized about 1,000 dogs, we think.

Ms. Selma Mulvey: That would actually be very conservative because in the Toronto Sun in 2007 Toronto had killed 500 alone by then. In 2007, 500 dogs were reported by Toronto Animal Services as having been killed due to the ban. So in eight years—well, seven years since enactment—you can figure it's probably a lot higher.

Ms. Cheri DiNovo: So 1,000 dogs killed is pretty conservative.

The Chair (Mr. Peter Tabuns): Thank you.

Ms. Selma Mulvey: I'd say that's very conservative, but they don't really keep the records that way.

The Chair (Mr. Peter Tabuns): Selma, thank you very much.

Ms. Selma Mulvey: Sorry. Yeah, I can talk.

The Chair (Mr. Peter Tabuns): We've run out of time. We've got to go on to our next presenter, who's on the line.

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DR. BONNIE BEAVER

The Chair (Mr. Peter Tabuns): I'll call on Bonnie Beaver to connect in. Bonnie, I don't know if you can hear me.

Dr. Bonnie Beaver: Yes, I can. Thank you.

The Chair (Mr. Peter Tabuns): Excellent. You have 10 minutes for your presentation, and up to five minutes have been allocated for questions from committee members. Please state your name for Hansard, and you may begin.

Dr. Bonnie Beaver: Thank you, Mr. Chairman and honourable committee members. I am Bonnie Beaver. I appreciate the opportunity to address your committee regarding Bill 16. I'm a veterinarian with extensive experience in animal behaviour, including dog aggression. I am a founding diplomate of the American College of Veterinary Behaviorists and currently serve as its executive director.

I was encouraged to address your committee by multiple people from Ontario because of my expertise in dog aggression. It is my intent to briefly present some of the science about dog bites, leaving time for questions from committee members. Additional specifics, as well as the references for them, can be found in the handout that I have provided.

There are three primary points I wish to make, with details presented in the handout:

(1) Pit bull dogs, regardless of how they are defined, are not the dogs reported in Canada for inflicting fatal or

even severe bites. According to the most recent study for the years 1990 through 2007, huskies and husky crosses are. Huskies were involved in 32 of 48 fatal attacks. Interestingly, this was also true in 2004 when the original bill was considered. However, huskies were not included on the Ontario list of bad dogs. Neither were German shepherds, cocker spaniels, Rottweilers, or golden retrievers, the top four breeds involved in dog-bite injuries in Canada at that time.

A 2008 study done by the University of Pennsylvania School of Veterinary Medicine looked at breed differences related to aggression. They concluded that pit bull dogs were more likely to be aggressive, but only to unfamiliar dogs. They were not more likely to be aggressive to people; dachshunds, chihuahuas and a few other breeds, however, were.

Bite statistics are generally unreliable because dog bites are not a reportable condition and the majority of people receiving a bite do not seek medical care. What statistics do get published tend to reflect dog breed popularity, and we know that popularity changes over the years. In general, if there are more dogs of one breed, they are more likely to be represented in the statistics in higher numbers than are dogs which are relatively scarce. Dogs that bite people are more likely to be small breeds, but big dogs are more likely to do damage if they do bite. Thus, it should be expected that any hospital-generated data will suggest big dogs are more dangerous.

(2) Laws that ban certain breeds do not reduce the incidence of dog bites and therefore do not protect citizens any better than no law at all. Your committee has already heard testimony supporting that in the cities of Winnipeg and Calgary, as well as in your own province.

The prospective study done in Scotland compared mammalian bite data for the two months prior to the implementation of the Dangerous Dogs Act, and then again for two months three years later. Researchers reported that in both years, there were 99 patients presented for bites caused by dogs. Prior to the implementation of the law, there were three attacks by pit bull dogs. Three years after implementation, there were five pit bull attack victims. Their top three biting breeds prior to the UK pit bull ban were German shepherds, mixed breeds and collies. After the ban, it was mixed breeds, German shepherds and Dobermans.

The city of Denver, Colorado, imposed a ban on pit bull dogs in 1989, yet between 2005 and 2008 the city euthanized 1,667 pit bull dogs when there should not have been any pit bulls in the city at all. As happened in your province, the incidence of dog bites in Denver did not decrease significantly.

European countries have replaced pit bull bans with dangerous-dog laws that cover all breeds of dogs. This year, in the United States, Ohio became the last state to overturn their law that defined pit bulls as dangerous, because it wasn't working. There are several other factors related to why breed bans do not work mentioned in the handout.

(3) Dog behaviour is significantly influenced by owners, and certain owner-related factors are known to

be associated with aggressive dogs. A certain segment of society will own a dog because it is considered to be an outlaw, part of the concern in Ohio. The amount and type of socialization a puppy undergoes is one aspect that affects how it will relate to people when the dog gets older. It has been shown that biting dogs are more likely not to be licensed, not to be currently vaccinated, to be intact male dogs and to be kept chained in a yard. In other words, irresponsible owners can prime their dogs to become problems.

The saying goes that no child should ever be left unsupervised with a dog, because a child's behaviour can also be associated with dog bites. Children under the age of 12 represent the vast majority of dog-bite victims, especially boys between five and 11 years. You only have to watch a boy of this age in play to understand how their animated, loud play could arouse a dog.

In summary, most dogs are important family members, but any dog can bite. It is better to have laws that regulate issues associated with dog bites that will apply equally to all dogs, rather than to try and single out certain breeds.

Mr. Chairman, I'm sure committee members are now very tired of hearing about this issue, but I am happy to respond to any questions.

The Chair (Mr. Peter Tabuns): Ms. Beaver, thank you very much. I'll turn it over to the government for questions.

Mr. Lorenzo Berardinetti: Thank you, Mr. Chair.

Thank you for your presentation here today. I just have a couple of quick questions. There is a model in Calgary, here in Canada—Calgary, Alberta—that focuses on training and on education as well. I don't know if you're familiar or not with this legislation in Calgary, but would you support the thesis or the idea that dogs have to be educated? I mean, owners have to be educated and dogs have to be trained properly.

Dr. Bonnie Beaver: Absolutely. The Calgary model has served that city very well. In fact, one of the references that you have has my name as the lead author, but it was a community approach to dog-bite prevention done by the American Veterinary Medical Association. I happen to chair that task force, and the outlined program is very similar to the one used in Calgary.

Mr. Lorenzo Berardinetti: Thank you. My next question is, do you think that a pit bull attack would be more severe than an attack by another breed of dog?

Dr. Bonnie Beaver: First of all, a pit bull is not a breed in itself. There are about 13 purebred breeds with physical characteristics that would fit into that particular pattern. In general, it is not purebred dogs that are the problem; it's mixed dogs that have a physical appearance that you are interested in. Because they are a big dog, the seriousness of the bite certainly is going to be worse than it would be if it was a dachshund, for example.

Mr. Lorenzo Berardinetti: Thank you. An earlier presenter provided us with photographs of purebred examples, the American pit bull terrier, the American Staffordshire terrier and the Staffordshire bull terrier.

Those are examples of purebreds. Would you agree with providing those dog owners with special training for those dogs, those three purebreds?

Dr. Bonnie Beaver: Again, I want to emphasize, it's rarely the problem with the purebred-dog owner that is of concern. It really centres around the appearance of dogs that have similar physical characteristics. Purebred owners, simply because of the amount of money they paid for their animal, are going to be very conscientious owners. It's the unconscientious owner, of any breed of dog, that is more likely to have a dog that gets into trouble.

Mr. Lorenzo Berardinetti: Thank you. Those are all my questions, Mr. Chair.

The Chair (Mr. Peter Tabuns): Okay. Thank you all.

Before this meeting wraps up—that concludes the business in terms of presentations—I want to remind the committee that any proposed amendments to the bill should be filed with the committee clerk by 12 noon on Monday, May 7, 2012. Please contact legislative counsel for assistance in drafting amendments. Clause-by-clause consideration of Bill 16 is scheduled for Wednesday, May 9, 2012.

The committee is adjourned to the call of the Chair. Thank you to everyone who came and presented today.

The committee adjourned at 1011.

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