

Dangerous Legislation that takes a Bite out of being Canadian, by Selma Mulvey

The controller for a multinational company was at work one day when they came and took his dog. Animal control officers in his GTA city believed that Roy White (not his real name) owned a "pit bull" that was too young to be alive in Ontario. Six police cars arrived, his front door was kicked in, his brother was threatened then and his dog was abducted. A grandmother up the street had her dog seized under threat on the same day.

There are many such stories in the files of the Dog Legislation Council of Canada, a not-for-profit corporation which has been at the forefront of the fight to kill Ontario's breed-specific legislation since it was first proposed in 2004.

The DLCC has been contacted by hundreds of dog owners who don't know where to turn when their pet is identified as a "pit bull". Some give up and allow their dogs to be put to death. Some hire lawyers and go through the courts to save their dogs. Others fight to have their dogs shipped to more enlightened provinces.

Whatever the outcome, it is always painful and leads to cynicism and distrust of government officials over the senseless persecution of a beloved companion.

Think it can't happen to you? Think again.

The three breeds banned by the Ontario Liberals are very rare indeed. There are fewer than 50 CKC-registered American Staffordshire terriers in Ontario and only a few hundred Staffordshire Bull terriers and American Pit Bull terriers (the latter UKC or ADDBA-registered). There are fewer than 1,000 banned purebreds in a province with an *estimated three million* or so canine pets.

Only one of the thousands of people targeted by this legislation owned a purebred dog. It was a 12-year-old Staffordshire Bull terrier that left her front porch and approached the sidewalk when another dog walked by. There was no interaction between the dogs, but she was reported to authorities as a dangerous "pit bull". The owner hired a lawyer, went through the courts and was able to save her dog's life.

I'll let you in on a secret: there is no such thing as a "pit bull". It is a slang term for a shape of mixed-breed dog. According to the Canadian Kennel Club, over 80% of dogs in Canada are mixed breeds. The Ontario "pit bull" ban is legislated discrimination that governs physical appearance, not behaviour. It creates a two-tiered justice system; one for dog owners in general and another for owners of short-haired, medium-sized mutts.

Most of these so-called "pit bulls" are just randomly bred mutts, likely with retriever, terrier or working dog ancestors - the most popular types in Canada. Since purebred animals are marked and registered to an owner in accordance with the federal Pedigree Act, dogs in shelters are almost never purebreds.

How can mixed-breed dogs from different geographical areas with unknown, unrelated ancestry possibly exhibit like characteristics? They can't, and don't.

How can there be all these so-called "pit bulls" when the three very different pure breeds to which they supposedly belong are so rare? There can't be.

How does banning a common shape of dog, which in Toronto, for example, was only responsible for 2 - 4% of reported bites over the years, protect anybody from anything? It doesn't.

What this law does is cast a pall over dog ownership and erode civil and property rights.

In Canada we do not have a constitutional right to the ownership, enjoyment or protection of private property, which includes dogs.

"And then one day the police are at your door with their guns drawn, pushing their way into your house..."

While the DLCC had parts of the law struck as unconstitutional at the Superior Court of Justice, the Court of Appeal reversed that and said, in essence, that the government has the right to ban property, it doesn't have to be able to define it and it doesn't need a valid reason. Furthermore, it can reverse the burden of proving a negative - in this case an impossible one, that their dog is not a breed that doesn't exist - on to a defendant.

This government did not ban a breed when it banned "pit bulls". It banned a very vaguely defined shape because it expected the public to believe that physical appearance predicts behaviour.

As a Canadian, I find this disturbing.

In Ontario, for the crime of owning a dog, any dog, we now have:

- Warrant-less entry into a residence on a pretext
- Restrictions on mobility
- Warrant-less search and seizure in public
- The burden of proving a negative in court
- Over-breadth
- vagueness

Once the great government machine begins to roll over individual dog owners, things are badly stacked against them. The law is rigged to give inordinate power to animal control officers, police officers and even annoyed neighbours who feel like making someone's life miserable by labelling their dog a "pit bull". None of these people are experts on dog breeds or behaviour.



The Dog Owners' Liability Act has been on the books in Ontario since the late 19th century. The problem a lack of will to enforce it. As we heard at the Committee Hearings, especially with the two horrible mauling cases the government managed to dig up and attribute to "pit bulls" (ignoring similar cases involving other shapes), nobody was ever charged under the Act.

"Pit bulls" make a great red herring when you want to whisk away citizens' rights in front of their eyes, since they have been mythologized for over 20 years now. Everybody likes to talk about "pit bulls" and most of it is nonsense.

And then one day the police are at your door with their guns drawn, pushing their way into your house, taking your unoffending mixed breed dog because they want to kill him and there's not a lot you can do about it unless you have thousands of dollars to spend fighting through the courts.

This is un-Canadian and unacceptable.

Please ask your MPP to support Hershey's Law, a private member's Bill that removes the breed-specific sections of Ontario's law. It is being brought forward by MPP Cheri Di Novo, hopefully before too many more innocent dog owners are victimized in Ontario, and before too many more harmless mutts are killed for the way they look.

I urge you to take a few minutes to read Ontario's "pit bull" legislation, imagining it is your dog that is being targeted. It will make you realize just how dangerous this law is and how, rather than contribute to public safety, it actually threatens it.

Dog Owners' Liability Act, 'Pit Bull' regulations are available at:

http://www.e-s.gov.on.ca/html/statutes/english/elaws_statutes_90d16_e.htm#BK10

As for Roy White, his dog and his neighbour's languished at the pound for three months until a prominent vet chosen by Animal Services told them the dogs were not "pit bulls" within the meaning of the legislation. Both owners got their dogs back but not until they agreed to put dangerous dog signs on their houses and to muzzle their pets in public. They also had to agree not to sue the city for damages.

*

Selma Mulvey is a native Torontonion who now lives in Ontario's farm country with three dogs. She is a lifelong dog lover and has become a social activist over the past seven years fighting the Ontario "pit bull" legislation. She is a member of the Dog Legislation Council of Canada and has blogged at Caveat since 2005.