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**Official Report
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(Hansard)**

Thursday 27 January 2005

**Journal
des débats
(Hansard)**

Jeudi 27 janvier 2005

**Standing committee on
the Legislative Assembly**

Public Safety Related to Dogs
Statute Law Amendment Act,
2005

**Comité permanent de
l'Assemblée législative**

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

Chair: Bob Delaney
Clerk: Douglas Arnott

Président : Bob Delaney
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 27 January 2005

Jeudi 27 janvier 2005

The committee met at 0958 in the Holiday Inn, Barrie.

**PUBLIC SAFETY RELATED TO DOGS
STATUTE LAW AMENDMENT ACT, 2005**

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

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

The Chair (Mr. Bob Delaney): Good morning, ladies and gentlemen, committee members. Welcome to this hearing on Bill 132, an act to increase public safety related to dogs. This is the standing committee on the Legislative Assembly. We will be conducting hearings through the day today.

**AMERICAN VETERINARY
MEDICAL ASSOCIATION**

The Chair: As our first deputant, is there a representative present of the American Veterinary Medical Association? Please come forward.

Good morning. The procedure is really very simple and very informal. You have 15 minutes for your deputation this morning as an organization. Individuals have 10 minutes. What I'd like you to do is begin by stating your name for Hansard. The time is yours, and welcome to the committee.

Dr. Bonnie Beaver: My name is Bonnie Beaver. I am a veterinarian. I am a board-certified veterinary animal behaviourist. I'm a professor at Texas A&M University, and I chaired the Task Force on Canine Aggression and Human-Canine Interactions for the American Veterinary Medical Association.

My dog is a Welsh corgi. I have not had what you're calling a pit bull, so I have no dog in this fight, so to speak. However, I certainly have a concern about public health and animal welfare, and that's the reason I asked to address this body. I do have several colleagues who

have dogs that you're calling pit bulls, so I am certainly very familiar with these types of dogs.

Dog bites are the number one public health problem in the United States. We have four million to five million people bitten every year. About 10% of them will require medical attention, about 1% of them will have to be hospitalized and, tragically, there are between 15 and 20 deaths every year. We also know, tragically, that about 50% of the children in our country are bitten before the age of 18. So this is a public health concern. I want to commend you as leaders in the provincial Legislature on your concern for public health relative to dog bites, because it is a problem.

We want to decrease the incidence of bites—that's important—but as long as dogs and people live together, we can never totally eliminate dog bites as a problem. We do, however, want to be fair to the dogs and to their owners in any method that's used to decrease these bites.

There is a tendency to ban breeds as a result of a severe tragedy. It is a need to react. Unfortunately, it only causes a reaction; it does not affect the incidence of dog bites. Multiple scientific studies have shown that dog bite rates are not decreased by breed-specific legislation; they are simply a reaction. Why? There are several reasons for that. First of all, a dog's tendency to bite is governed by five things. The first is heredity, but the other four are owner- and victim-related. They include early experience of the dog, later socialization and training—or lack thereof—the health of the animal and the victim's behaviour. So more appropriately, dog bites are really an owner and victim problem, not a dog problem.

Dog breed data are terribly inaccurate. Most data studies come from media reports, and the media is extremely biased in what they report. They're very quick to report a dog as a pit bull, but the number four dog bite problem in Canada is from golden retrievers. That doesn't show up in the media on page 1.

Dog breed identification is extremely problematic because dogs are often identified as purebred, especially by the media, and that's where data are taken from, when in fact they are not purebred. I do commend Canada for having the requirement of being chipped or tattooed to prove purebred status.

Follow-up studies showing that most of the incidences are purebred are wrong. They are in fact not purebred; they are mixed. Going back to the literature—the newspaper reports—we have had "pit bulls" that are in fact pugs, boxers or bull mastiffs.

It's also concerning that there are a number of dogs that are not included on that list if this truly is an effort to decrease dog bite incidents. The number one biting dog in Canada is the German shepherd. That is not on the list. The number two dogs are Rottweilers and cocker spaniels. Those are not on the list. What about the Presa Canario? That's a pit-bull-looking breed. And what about dogs like the various mastiffs?

The definition of pit bull is not a very good one because pit bulls are not a breed, and what is outlined in the proposed bill is very incomplete as far as physical description. If you cross a Rottweiler with a yellow Labrador, you could get a dog that very easily would be called a pit bull. And what about mastiff crosses? Most of these dogs—greater than 50%—are in fact mixed breeds. Breeds cannot be separated in physiological, medical or genetic ways. We're working on the genetic component, but it's still a long way from having any meaningful value.

We also do not have good population data on biting dogs. If I took 10 Welsh corgis and had one bite, I would have the same bite ratio as if I took 1,000 Jack Russell terriers and we had 10 bites. You know which one the media would single out.

Licensing and registration data also do not give us an accurate picture of the number of dogs in various breeds.

It's also important to know that dog breed reputations change over time, as does their popularity. Cocker spaniels have been vicious, nice, vicious and nice, and now in Canada are not really very good. Dobermans have come and gone; Dalmatians have come and gone. So the law would constantly need modification in order to account for breed changes.

If you ask the postal workers, they're not concerned about the dogs you have identified as pit bulls; they're concerned about the little dogs. More workers' compensation claims come from little-dog bites than from big-dog bites.

The scientific literature on dog bites concludes that breeds vary over time, breeds most represented are popular at the time, and no one breed is represented in proportion to its actual population.

Contributing factors to dog bite incidences are related to owners. We find that dogs that have more likelihood to bite have no licensure, are not current on vaccinations, are not neutered, are male and are chained in the yard.

The victim's behaviour also affects dog bites. We know that boys aged five to nine years are twice as likely to be bitten as girls the same age. Males are more likely to be bitten than females. Bites occur more in the summer and on weekends, and 85% of dog bites occur in the dog's home. Some 62% of adults are bitten by their own dog. Does that tell you how they act toward that dog? Those bites are usually not reported. Some 75% of children are bitten by a neighbour's or a friend's dog.

There are proven ways to reduce dog bite incidences. We know that current laws are usually more than adequate to take care of these needs. We also know that by adding public education, particularly in the schools, we can decrease the incidence.

The AVMA program, of which I will leave you a copy, completed by our task force, is one technique that can be used, if adopted. These techniques have been shown to reduce the dog bite rate significantly in the state of Nevada. Calgary also has an outstanding program that is a model for any city that truly wants to reduce the incidence of dog bite attacks.

I, the American Veterinary Medical Association and the American College of Veterinary Behaviorists, of which two of our diplomates are located here in Canada, are more than willing to assist you in any way we can in helping to set up programs that will truly have an impact in reducing the incidence of dog bites.

1010

The Chair: We have about a minute and a half of questions for each party, beginning with Mrs. Munro.

Mrs. Julia Munro (York North): Thank you very much for coming here and for bringing the kind of information and data to this committee that, frankly, I think we sorely need to come up with good legislation.

I had just one question that I wanted to ask you. In both Canada and the U.S., we have seen the tendency to go toward breed-specific legislation. However, it seems to me that there has been a history of that not being a way to go, particularly in the U.S., and you identified that at the very beginning of your presentation. I just wondered if you could comment on any rethinking of breed-specific legislation in the U.S.

Dr. Beaver: If you look at those at the higher levels who are very involved in legislative-type activities, they are beginning to realize that this isn't an answer. The problem is that they can't get good data. The data that they can get shows that these types of actions are a reaction instead of a truly meaningful approach to solving a problem. The numbers of bites do not change when a community enacts that type of legislation.

Mr. Peter Kormos (Niagara Centre): Thank you, ma'am, for coming. In the Toronto Sun today, Bob MacDonald makes a very persuasive argument calling for a ban on pit bulls after, as he says in his column, an attack by three of them on a four-year-old boy in Ottawa. Bob MacDonald, the Toronto Sun columnist, then goes on to encourage this government to proceed with its ban on pit bulls. What Mr. MacDonald, in the Sun, neglects to note is that it wasn't pit bulls that attacked the boy in Ottawa; it was bull mastiffs, which aren't covered by the legislation at all.

All of the scientific evidence that has been presented to date, both pre-committee and during this committee, has objected to and in fact rejected breed-specific bans as a solution to dog bites, but for Professor Alan Beck at Purdue University, who provided a quote to the government, in effect giving his seal of approval to this legislation.

What do you know about Professor Beck and his support, if it is in fact support, for breed-specific bans?

Dr. Beaver: This is a recent change in his mind. For many, many years he had followed and condemned breed-specific bans. It has been surprising to those of us

who know him and who know the materials to which he has access. They are the same as the materials to which we have access. Every one of us who has been actively involved in this area is very surprised and has not had a chance—this has come out, literally, within the last few weeks.

Mr. Kormos: Has this been along the road to Damascus?

Dr. Beaver: I have no idea where he's coming from.

Mr. David Zimmer (Willowdale): I suppose one interpretation of his change would be that he has finally seen the light.

Dr. Beaver: He would be one of a very small minority who deal with this dog-bite issue—not breed-related issue; dog-bite issue—literally on a daily basis. His work is in a slightly different area. His has to do with the human-animal bond. It's not dog-bite-specific.

Mr. Zimmer: Purdue University's faculty of veterinary science is a distinguished faculty in the U.S.?

Dr. Beaver: They're the same as all of the other 28 veterinary colleges.

Mr. Zimmer: It's a distinguished university.

Dr. Beaver: Thank you. Then Texas A&M is distinguished as well.

Mr. Zimmer: Purdue University is, along with Texas, a distinguished faculty.

Dr. Beaver: That's up to everyone to decide. They're accredited like all other U.S. and Canadian schools.

The Chair: Thank you for your deputation and your time this morning.

GEORGINA KENNEL AND OBEDIENCE CLUB

The Chair: Is there a representative here from the Georgina Kennel and Obedience Club? Please come forward.

Thank you for joining us this morning. We have 15 minutes for your deputation. If you leave any time remaining, it will be divided among the parties for questions. For the purposes of Hansard, please introduce yourself with your full name.

Ms. Dawn van Nostrand: My name is Dawn van Nostrand, and I'm presenting this submission on behalf of the Georgina Kennel and Obedience Club—I'll refer to it from here forward as the GKOC.

The GKOC is a non-profit organization whose mission statement is the promotion of proper canine care, education and representation within their community and at large. Founded in 1990 by a group of purebred dog enthusiasts and breeders, the club has grown to become a respected body within the town of Georgina and the Canadian established purebred dog fancy. The Canadian Kennel Club granted the GKOC full recognition in 1991.

In keeping with our mandate of education and canine care, the GKOC runs obedience classes which are open to all members of the community and their dogs. We have an annual all-breed conformation and obedience show in November. As a gesture of goodwill and com-

munity spirit, the club donates the admission receipts from the show to local charities. Our membership has also participated in events around the town helping to further positive canine representation, including the annual Keswick Santa Claus parade, the Sutton agricultural fair, local business openings, elementary school visits and therapy dog visitations.

It will come as no surprise to the members of the committee that the GKOC does not support this legislation. We know that you have heard and will hear many groups and individuals who feel the same way we do. We feel strongly enough about this issue that we wanted to add our voices.

The current membership of the GKOC represents a number of registered breeds, from toy breeds to retrievers to large herding breeds. We do not have members who own the prescribed breeds cited in this legislation. That, however, does not make this legislation acceptable to us. The legislation has an impact on the whole community of dog breeds and their owners, and we are members of that larger group. There is no guarantee, if this bill passes, that our breeds will not be targeted sometime down the road or that the list of censured breeds will not grow as pressure from segments of the public who use media politics is put on the government to have other breeds added to the legislation.

During the many years that our members have been participating in dog shows, we have certainly had the opportunity to be around those CKC-recognized breeds that are now listed under the description of "pit bull" in this proposed legislation and have never found these particular breeds to be any more dangerous than the other breeds participating in the shows. Any dog in the wrong hands could potentially be a dangerous dog. Stronger legislation aimed at the owners of dogs that harm or threaten the public or other animals makes sense. Targeting a few breeds—in the case of pit bulls, a non-breed—will not effectively deal with the owners of dogs that are trained to be dangerous or dogs that become dangerous through lack of responsible pet ownership.

The legislation also effectively downloads the responsibility of policing and dealing with decisions as to whether or not a particular dog is indeed a pit bull on to our already overburdened and underfunded municipal governments and their animal control agencies.

Education is a key component to addressing the issue of dangerous dogs. Yet this legislation fails to ensure that programs and funding for them will be put in place to ensure that members of the public receive appropriate education in dealing with dogs of all breeds. Education and public safety go hand in hand, and yet this is not addressed at all in this legislation. There are many factions of the public who need to take responsibility for the control of dangerous dogs, and the legislative framework must support their ability to do so.

Breeders need to take the responsibility for breeding dogs of good temperament and screening potential owners so that their puppies are placed in the correct homes. They must stress the need for proper socialization

and training and responsible ownership to their puppy buyers. Puppy mills, backyard breeders and puppy brokers must have stronger enforcement against them to curtail their ability to sell ill-bred dogs to an unsuspecting public.

Owners must take responsibility to ensure that the dogs they purchase are of good temperament and that the breed they choose is correct for their lifestyle. They need to take the responsibility to learn as much about their chosen breed as possible and to make sure the dog has received proper socialization and that the socialization continues from the day it enters their home. Owners must take the responsibility of training their dog to be a good canine citizen. This includes ensuring that their dog will not be a potential threat to the community by using appropriate means of restraint where needed.

Parents must take the responsibility of teaching their children to respect dogs and to understand that just because one dog is friendly, it does not mean they all are. Life is not scripted by Walt Disney. If they are also dog owners, they must ensure that young children are properly supervised around dogs at all times. How many dog bites could have been prevented if only the parents had taken the time to teach their children how to respect a dog's space?

1020

Communities and municipalities must provide increased dog safety education to the public, particularly at the grade school level. They need to take a stand against irresponsible dog owners. This government must provide them with the funding and infrastructure support for these programs and for enforcement.

This government will not prevent dog attacks by passing breed-specific legislation. Breed-specific legislation has been tried elsewhere and failed. In fact, there are now 12 American states that have repealed breed-specific legislation because it is ineffective and unenforceable.

What this government should do is pass reasonable and enforceable dangerous-dog legislation, not outlaw specific breeds. The GKOC has the following recommendations for the committee:

(1) The problem of dog attacks is best dealt with through a comprehensive program of education, training and legislation encouraging responsible ownership of all breeds. This government must refrain from enacting provincial animal control legislation that is breed-specific and instead implement a comprehensive prevention strategy that mandates public education, stronger enforcement of existing bylaws and stiffer penalties for irresponsible owners.

(2) The existing Dog Owners' Liability Act should be strengthened and clarified by making the following amendments:

—Define severe physical injury as meaning a physical injury to a person that results in muscle tears or disfiguring lacerations or that requires multiple sutures or corrective or cosmetic surgery.

—Mandatory destruction of vicious dogs: Dangerous dogs should not be sent to research facilities where their presence poses a threat to those who handle them.

—The meaning of "provocation" must be clarified so that there is a distinction between a provoked and an unprovoked attack. Thus, an attack is not considered unprovoked if the person attacked was wilfully trespassing on the premises occupied by the dog's owner; was committing or attempting to commit a crime; was teasing, tormenting, abusing or assaulting the dog; or if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

—Persons found guilty under the act will have a mandatory lifetime ban from dog ownership imposed upon them as part of their sentence.

—Further, the maximum fine of not more than \$60,000 contemplated under Bill 132 subsection 18(2) for a corporation should be applied to individual owners. In addition, the jail term of not more than six months in subsection 18(1) should be increased to not more than two years.

—Responsible dog owners must have safeguards against malicious accusations aimed at their prosecution or the removal of their dog.

As dog fanciers and responsible dog owners, we of course applaud the efforts of the government in trying to protect public safety through legislation. If Bill 132, in its focus on a specific breed, is the most appropriate means for enhancing public safety, then logically this formula could be applied to other pieces of legislation designed to protect the public. Let's explore that further: Every year lives are lost, people are injured, property is destroyed and the judicial system is tied up because of people who drink irresponsibly and then drive. Using the formula of breed-specific banning, the solution here would be to ban all persons who drink from living in the province of Ontario. The government could go one step further and ban alcohol. There are segments of the population that would absolutely support such a prohibition. We are certain that such action will not be taken by the government any time soon, and for a myriad of legitimate reasons.

We do not seek to trivialize the pain and suffering of those who have had a personal tragedy as a result of someone who acted irresponsibly by drinking and driving. We also understand why those who have suffered personal tragedy because of dog attacks want their safety guaranteed and that they think that banning a specific breed will do this. It will not. The example used above simply points out that when you take a flawed idea and apply it to a similar situation—in this case, public safety—the error in the concept becomes unmistakably clear.

The members of the GKOC are not animal rights activists. We come from different cultural backgrounds, walks of life and political affiliations, bound by our love of dogs. We are also residents and taxpayers in the province of Ontario, and we urge the committee to listen

very carefully to individuals and groups like ours who oppose Bill 132 and then implement recommendations that you hear. That way Ontarians can feel secure that their government has truly enacted legislation that will protect them from dangerous dogs. To do any less simply turns this process into a mummer's farce which gives a rubber stamp to a legislative decision that has already been made.

The Chair: Thank you very much. We have time for one brief question, and it would be Mr. Kormos's turn in the rotation.

Mr. Kormos: Look, I think it's important—please listen carefully. We've got to understand that if one had a choice—at least if I had a choice, I'd far sooner be bitten by a chihuahua than a pit bull. I suppose the young woman in St. Catharines yesterday who was attacked by two vicious dogs while she was walking down the street—St. Catharines is part of the area that I represent, along with Jim Bradley. A woman was viciously attacked—lost huge chunks of flesh—by two vicious dogs running loose, and was sent to the hospital. It was only because of the intervention of some standers-by that she was rescued. I suppose she would have preferred that it was a chihuahua or two chihuahuas that attacked her rather than the two Dutch shepherds that viciously attacked her.

Is it fair to make those observations? Not all dogs are equal. In the case of the young boy up in Ottawa, the bull mastiff was clearly far more powerful than a tiny, little lapdog. In the case of the young woman yesterday in St. Catharines who was viciously attacked by two vicious Dutch shepherds, which I'm told are similar to German shepherds, again, she would have far more readily repelled an attack by a little Mexican hairless. Is that fair?

Ms. van Nostrand: I think, as has already been stated by one speaker, when you have people in the public and certainly the way it's reported out, it's much more sensational to hear about the bigger dogs attacking. By their size alone, when they attack, they would do more damage.

I have had quite a bit of experience with the rescue community, all breeds. I have probably transported over the last five years close to 250 dogs. I've been bitten twice. Actually, it was all on the same rescue transport. I got bitten first by a Lhasa Apso and then by a Shih-Tzu. Interestingly enough, at the reverse end of the trip I was picking up a Rottweiler that was just happy, happy, happy to see me, didn't try to bite me, and we rode in very much the same process.

Mr. Kormos: So maybe the government will just want to ban bigger dogs across the board. Maybe that will solve the problem.

Ms. van Nostrand: No, it won't. I have Labrador retrievers. Some people see them as big dogs. I have one Lab that is not safe around children. It's my responsibility to make sure, when I take her to the vet or out in public, that she is not anywhere near children and in a position where she can possibly bite them. I can tell you that my little brown dog does not look like the kind of dog that would ever bite anyone, but she's not safe.

The Chair: Thank you very much for your deputation this morning. Is Mr. Peter Archer in the room? No?

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The Chair: Is there a representative of the Ontario SPCA in the room? Please come forward. Welcome to the hearings this morning.

Mr. Michael Draper: Good morning.

The Chair: You have 15 minutes for your deputation. If you choose to leave some of the time remaining, then the time will be divided among the parties to ask you questions. The floor is yours.

Mr. Draper: Thank you. My name is Michael Draper. I'm the chief inspector of the Ontario Society for the Prevention of Cruelty to Animals. I am going to try to keep my presentation brief so I can answer questions.

An introduction to the society first: We're a non-profit organization formed in 1873. The society's statutory object is the prevention of cruelty to animals and the relief therefrom. We enforce the Ontario Society for the Prevention of Cruelty to Animals Act, which is Ontario's general animal protection legislation, along with the Dog Owners' Liability Act, here in Ontario. We operate 27 animal shelters that house over 24,000 animals each year. We also have 31 affiliated member humane societies that enforce animal cruelty legislation and animal control legislation across Ontario.

1030

The Ontario SPCA has a specific concern because we are named in this bill as one of the enforcement bodies, of course. I think everyone here believes in the same goal of reducing dog bites and improving public safety. The society's standpoint is that this bill does not accomplish that task. We support the Ontario Veterinary Medical Association and the Canadian Federation of Humane Societies, as well as our colleagues at the Toronto Humane Society's position that this bill will not work. This bill does not address the root problem of irresponsible dog owners and punishes a whole breed of dog for the irresponsible and negligent attitude of a minority of pet owners.

The bill is poorly constructed. There are a number of issues, and I want to go through each of them with you. As an enforcement officer, I have a number of concerns myself which I want to share.

The vagueness of the new "menacing" section: This is something that was brought about in the United Kingdom, with a number of problems. What is menacing? It will pit neighbour against neighbour. It was shown that this "menacing" section did not work in the UK. Over 50% of the charges related to this in the United Kingdom resulted in acquittals.

The reverse onus of the pit bull section: We're told that will not pass charter scrutiny.

The issue of the appearance and physical characteristics that are substantially similar to breeds in the bill: Entirely different breeds that are not related to a pit bull could be grouped into this section. As was said

earlier, if you breed certain breeds, such as a mastiff with a boxer, you may get a dog that looks like a pit bull.

The burden of proof: We've had issues trying to identify between dogs and wolves, let alone different breeds of dogs. There is no scientific basis on which you could DNA-type a certain breed of dog.

This will cause a number of problems, and we certainly don't believe it will solve the dog bite problem in Ontario. We're also concerned that we'll share the Windsor experience across Ontario, where a number of happy, healthy pit bulls will enter our shelters and have to be euthanized simply because no one wants to adopt them. Windsor experienced a significant increase in the number of pit bulls coming in. Those dogs have not been shown to be aggressive but have had to be euthanized simply because of space and no one wanting to adopt them at this time.

I also question section 6 of the legislation. We came to the government with a number of suggestions, before this bill was drafted, on training dogs to fight other dogs and asking for a prohibition on that. We've dealt with a lot of dog fighting in Ontario. Unfortunately, section 6 talks only about prohibiting the training of pit bulls to fight other pit bulls, not any other dog. There was no explanation offered on why this was pit-bull-specific. The criminals do not care if they're fighting pit bulls, Rottweilers or other breeds of dogs, and they certainly will switch to other breeds if this is enacted.

The same issues are abandonment and straying of dogs. I can't see why these sections are pit-bull-specific. Why would you ban the abandonment of pit bulls or the training of pit bulls for fighting but not other breeds? If this were generally to try to reduce these issues and encourage responsible pet ownership, these would not be breed-specific.

It's very unfortunate that these three sections were seen as breed-specific. It wasn't the society's intent, when we talked to the government, to make these breed-specific issues. It has almost given those who train dogs that aren't pit bulls for fighting a licence to continue to do this. It shows that it's not OK to train pit bulls for fighting or to abandon pit bulls, but that seems to be perfectly acceptable for other breeds of dogs. It's simply ridiculous.

I also want to mention something that's a significant concern. Our staff certainly aren't trained, and neither are municipal animal control officers, on identification of breeds. There is no easy way to identify a pit bull, and that's going to be excessively difficult for enforcement, let alone impossible. I don't want my staff to try to identify pit bulls. There have been a number of cases of mistaken identity in the United Kingdom where dogs have been held for months and years—five to seven years, lingering in shelters—related to these court challenges of identification of pit bulls. That isn't something we want to have happen in Ontario shelters.

Even if this bill passes in any form, there needs to be comprehensive animal welfare legislation in Ontario. I hope the government does not look at this as, "We've solved the animal issue," if something like this passes.

While the Dog Owners' Liability Act attempts to address some of the issues of negligent dog owners, we need changes to Ontario's animal protection legislation, the Ontario SPCA act. Ontario is the only province in this country that does not have a general provincial offence of causing an animal distress, or prohibit the abuse or mistreatment of animals. There is a link between public safety and the mistreatment of dogs or other animals. In my own 12 years of experience, and in the experience of all 205 of our investigators, dogs that have been mistreated or abused are certainly more likely to bite.

I urge the government to amend Ontario's animal protection legislation to address the systemic issue here of animal cruelty. In other words, don't just deal with the system; give us the tools to treat the disease of animal cruelty.

This bill also creates a false sense of security that we've solved the problem by banning pit bulls. I think there are going to be more dog bites, quite honestly, because of this. People think, "Oh, I've solved the problem. There aren't pit bulls out there if we have this." But there are other dogs that bite, of course—many other dogs—and this bill gives some type of false sense of security, really, that we've solved the dog bite issue when we haven't. That's a significant concern.

We also quote statistics back and forth about which dog bites the most etc. Well, it's very unfortunate that the recommendation from the Courtney Trempe inquest that we have a provincial dog bite registry wasn't followed. Then we'd really know what is going on in Ontario dog-bite-wise. Dog bite reports come across my desk every day, and I can assure you that many of them are not pit bull dog bites—most of them aren't—or dog attacks where a dog kills another dog. It's unfortunate that the media have managed to make it appear that most dog bites are related to pit bulls when they're not. I can assure you of that. From the reports that come across my desk, that's simply not the case.

The Chair: Thank you very much. We have about six minutes for questions, and we'll begin our rotation with Mr. Zimmer.

Mr. Zimmer: You're aware that the Attorney General did meet with the OSPCA on September 21 and again on October *[failure of sound system]* exchange in late October 2004?

Mr. Draper: Yes.

Mr. Zimmer: And you're aware that at that meeting the OSPCA made a number of recommendations, including, among others, what should go into Bill 132: search warrant powers under DOLA, increased fines under DOLA, prohibiting the training of pit bulls for fighting, enhanced offence provisions and mandatory sterilization of pit bulls? Those were your recommendations?

Mr. Draper: Not exactly. Certainly I agree about search and seizure, and that is in the bill. Training of dogs for fighting, not simply of pit bulls, is an issue that will not be solved by a breed-specific ban. We need to ban the training of all dogs for fighting.

Mr. Zimmer: And there was your recommendation for mandatory sterilization of pit bulls.

Mr. Draper: Yes, mandatory sterilization of all dogs that have bitten.

Mr. Zimmer: That's in the bill?

Mr. Draper: That is in the bill.

Mr. Zimmer: So, in fact, there was extensive consultation with the OSPCA and a number of your recommendations were incorporated into the legislation.

Mr. Draper: Some of the recommendations were incorporated in the bill, yes.

Mr. Zimmer: Well, five at least.

Mr. Draper: I couldn't say for certain without counting, but yes, a number of recommendations not related to the breed-specific issue were included in the bill.

Mr. Zimmer: As the result of the Attorney General's consultation with you.

Mr. Draper: Yes. I'm not saying the whole bill—

Mr. Zimmer: Thank you.

The Chair: Mr. Tascona?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm not going to be as abrupt with you as Mr. Zimmer was, but certainly you have pointed out a concern. I also spoke to Clayton Ruby about this. He has been retained to deal with the issue of the reverse onus provision in section 19, which I believe is unconstitutional, against the charter. I think he's going to be challenging this legislation if the Liberals go ahead with it, regardless of what the public thinks, and challenge section 19, because—you've identified two things: One is the ability, whether you can identify, but the reverse onus provision basically is that if it's deemed to be a pit bull, then it's up to the owner to prove that it's not a pit bull. Everybody knows the evidentiary problems there. Do you have a comment on section 19? I suspect, though you were cut off by Mr. Zimmer, you didn't support that.

1040

Mr. Draper: It has a whole host of problems; I agree. We've spoken to lawyers ourselves and it has felt unconstitutional. I don't know how you go about proving your dog isn't a pit bull, quite honestly. It's very difficult. As we've said, there's no science-based manner to prove your dog is not a pit bull. Other than science, how do you do it? Certainly veterinarians aren't experts at breed identification; breeders aren't. I couldn't say there's a way to identify that your dog is or is not a pit bull, or is it a mix of a pit bull and something else? There's a significant number of problems related to that section, and the reverse onus: Really, you're guilty until proven innocent. "Yes, your dog is a pit bull. You have to take this precaution." I don't know how you would prove that your dog isn't one.

Mr. Kormos: Thank you, sir, along with others, for coming. I want to thank Joe Tascona—we're in his riding; he's the MPP for Barrie-Simcoe-Bradford—for his hospitality and the hospitality of all you folks.

Let's cut to the chase, because this hasn't been said yet in this whole debate: This is about the fact that the pit bull or pit-bull-like dog has become the dog of choice for outlaw bikers, for street gang members, for drug dealers. It's the macho dog for the witless. There's no secret about how you make a dog mean. Some of them are

legion; you know, you chain it up and then you put the water and food dish just a few inches outside its reach. You beat the hell out of it on a regular basis. We used to, as kids, naively play tug-of-war with our pet dogs, but then you get it into the shaking, so it learns how to shake the hell out of an item, and that revives whatever level of instinctiveness there is in how to kill a rabbit or whatever.

So the problem—you see, I'm old enough to remember when the pit bull wasn't the dog of choice for biker gangs, gang members or drug dealers; it was Rottweilers. Before that it was Dobermans, and before that, quite frankly, it was German shepherds. The German shepherd was the dog of choice for the junkyard operator who wanted a mean, vicious dog to keep out kids like me who used to steal those spinner knobs off the steering wheels.

So it seems to me that we'd better be a little more candid about what's happening here, that the pit bull is capable of being as mean a dog as any, just as the Doberman is, just as the shepherd is, quite frankly, just as the chihuahua is. But let's be fair: A vicious chihuahua isn't as significant as a vicious golden retriever, a vicious pit bull, a vicious German shepherd etc. I think we'd better start being a little more candid about what's motivating this and about the fact that the argument against breed-specific banning is because if we take away the pit bull, that same witless, illegal biker, illegal gang member or drug dealer is going to pick yet another dog and make it mean as hell in an effort to amplify their witless machoism. Is that fair, based on your experience?

The Chair: Can you please make your answer very brief?

Mr. Draper: There's a certain segment of society that will always have a dog for illegal purposes; the drug dealers and such have a dog for protection.

Mr. Kormos: You're so much more diplomatic than me.

Mr. Draper: It makes no difference to them whether it's a pit bull, a Rottweiler—any large dog that has teeth. This is to protect their drug business. We're in homes with the police all the time, taking dogs out because of drug issues. Any of those dogs aren't pit bulls now, actually. They're other breeds of dogs.

Mr. Kormos: Don't name them. You'll put them at risk.

Mr. Draper: There's that segment of society that has dogs for all the wrong reasons. They neglect them, they abuse them, they train them to fight, and they don't care whether they're pit bulls. They'll find any breed they can, any dog they can, and make it vicious.

The Chair: Mr. Draper, thank you very much for coming in today.

PETER ARCHER

The Chair: Is Mr. Peter Archer in the room? Please come up.

Mr. Peter Archer: Members of the committee, I apologize for not arriving on time. We had a power outage in Elmvale, and I have a litter of newborn pups

under a week old. I was ready to do whatever I could. I was going to stick them in my shirt and come here to the committee, but I thought it might be disconcerting to see my shirt moving around and I know there were supposed to be no dogs here, and they would probably have their own little voices to add to what I have to say.

The Chair: It was easy enough to switch the order around. You're here now, and welcome. You have 10 minutes to speak before us today. If you use the entire time, there won't be time for questions. Any time you do leave, we'll divide among the parties for questions. It's your time. Welcome, and please proceed.

Mr. Archer: Thank you very much. As I said, my name is Peter Archer. My profession is an architect and I have a busy practice here in the Barrie area. That's my practice. My hobby, and actually my passion, is in the ownership, showing and breeding of dogs. I'm not a dog therapist, I'm not a dog behaviouralist; I'm simply—and people in the audience might shudder as I classify myself as this—a small-time backyard breeder. I don't hesitate to say that because I believe there are different classifications for backyard breeders. I'm here to bring what observations I have to the committee and hopefully can be of help with this bill.

Do I think dangerous-dog legislation is required? The answer is, yes, I definitely do. Dog attacks horrify the general public, as well as dog breeders and people involved in the dog fancy. We are particularly disturbed by that because we know and love our dogs.

In our society, a dog is an integral part of the picture of the family. You often see the traditional picture of the traditional family with the mother, father, two children, dog and cat. Some of the members of this committee might date themselves, as I do, but when I was in grade school and first learned to read, I learned *See Spot Run*. I don't know if they still teach that now, but I know they did in my day and age.

When we read about vicious dog attacks, we have to ask ourselves what has happened. In my opinion, the media and, to a certain extent, this legislation would lead us to believe the problem is with a specific breed—pit bulls—but I have to address the question, what is a pit bull? I believe many other people will have addressed that far more than I, and I will leave that to them. Is it an American Staffordshire terrier? In my opinion, no. This breed is a breed I've seen many times at dog shows. I've been impressed with this breed. I've been impressed with the fact that they are placid and easygoing. This has been my experience. If BSL is passed, however, this breed will no longer exist.

So, in my opinion, what is the problem? The problem is the human factor, as you have often heard. But I do not believe it is just one single factor in the human factor; there are multiple aspects to the human factor.

As I said, I live, show and breed dogs. I've not mentioned the breed of dogs I show. I show a dog called field spaniels. Field spaniels are very, very rare. There are only 30 in Canada, about 2,000 in the States, possibly about 5,000 worldwide. To those people who know field

spaniels, field spaniels are noted as a dog still with working instincts, but they're also primarily noted for the quality of their temperaments. These are dogs that bond to a family; they don't bond to one individual—

The Chair: If I can interrupt you for a moment, please, Hansard asks that you sit back just a touch from the mike.

Mr. Archer: I also forgot my glasses this morning in the rush out the door with the heat. So if I have to sit there and go back and forth like this, hopefully you'll understand.

Field spaniels could be a potentially dangerous dog. They are 40 to 60 pounds. However, as I said before, these dogs are noted in the dog fancy for the quality of their temperaments.

An interesting little fact to note about the history of the field spaniel is that this is the foundation breed of spaniel which cockers were bred from. Some cockers in the past have had a bad reputation for biting—they're a smaller dog—and the reason this happened, in general opinion, within our breed is that about 120 years ago in a litter there would be small dogs under 25 pounds that were classified as cockers and over 25 pounds that were classified as fields. Fields lost in popularity because there were changes made to the breed standard and cockers gained in popularity. Cockers were bred specifically for—they were very popular. Their numbers increased. I don't believe that care was really taken with temperament. The cocker breeders that I know now take very, very good care of temperament in their dogs.

1050

As I said before, I have a litter on the ground. Actually, there are approximately 100 field spaniel puppies born in North America per year. I now have 12 puppies, and they're all under 10 days old. I don't have all 12 in my house; that is not responsible breeding. One litter is in Iowa with my friend—I took it down there—because she can take them and give care and attention to these dogs. We're not just talking about medical care. We're talking about socializing, handling the puppies, bringing children in to see the puppies. I'm doing the same with mine.

When I mention bringing children in to see puppies and to socialize the puppies, that to me is a very, very important factor. It's an important factor from two points: the dogs learn how to deal with children and learn to appreciate children; on the other hand, I'm also given the opportunity to instruct children on handling and care and how to deal with puppies as well. I think that's a two-pronged and very, very essential part of the proper raising of dogs.

Now, I mentioned that I'm a backyard breeder and that there are other types of backyard breeders. The other type of backyard breeder has a couple of dogs inside just to breed for some cash. There's no attention paid to health, temperament or structure for these dogs. In general circumstances, the dogs are not properly socialized.

The other thing I should note is, in the proper breeding of dogs, one has to take care of breeding temperament. As I said, field spaniels are noted for their temperament.

My dogs, in particular—it's a brag—are noted within my breed for the quality of their temperament. I'm jealous of that, and I intend to keep that. So it's very, very important that you breed for those things. Most of the pups in a litter will go as pets, so it's very, very important that the puppies that go out are temperamentally quite sound.

Then there's the other type of backyard breeder who has a dog and decides to breed it with a dog down the street. "Let's show the children"—

The Chair: Mr. Archer, just for your information, you have about two minutes left.

Mr. Archer: OK, that's fine. I can do that. These people, to me, are irresponsible breeders.

There's another type of breeder, and that's puppy mills. We all know the situation with puppy mills: Dogs are kept in appalling conditions, are not socialized and are not checked for health standards. They're strictly bred for profit.

Then there's the pet shop sales of puppies. Pet shop sales of puppies, again, are profit motivated. Where's the guarantee? Where's the breeder support?

I think one of the most important things that can be achieved is public education, and this is something that hopefully some of this legislation can address. Puppies are cute, but puppies grow into dogs. What happens whenever a puppy is improperly trained or does not have the proper socialization or people don't know how to deal with it?

There are three illustrations I would like to point out to you that I've researched. I've talked to a local canine behaviour consultant. In one circumstance, she was called in by an owner. It was a mixed-breed dog. The dog was aggressive. It was food-guarding.

The Chair: Mr. Archer, you should sum up right about now.

Mr. Archer: OK. There were three circumstances of fear of biting, and none of these dogs were pit bulls.

To me, the answer is in education and enforcement. We need education of the public: what to look for in a breeder and in a pup; how to raise and treat a pup to be a good dog; where are the resources to help when needed? We need to train children how to understand and know about dogs. That can happen in the family and in the public system. The public needs to know how to act around strange dogs. Possibly another option could be that there could be some sort of insurance premium given for taking things like the Canine Good Neighbour program.

Enforcement is also crucial—fines—and we need to act more severely against animal cruelty.

The Chair: Thank you, Mr. Archer. That concludes the time that you have. All of us who are rapidly greying baby boomers understand the day that obviously you've had so far, so thank you so much for coming in.

Is there a representative present of the Grey Bruce Pet Hospital? Please come up.

Mr. Kormos: While this woman is seating herself, Chair, one, we've heard a couple of times now about 12 American jurisdictions, 12 states that have "repealed"—that's the language used—breed-specific bans. Perhaps

we could get an overview of what those states are and some understanding of what motivated the repeal from legislative research.

Secondly, Professor Alan Beck: In view of the comments made about the various positions he's had on breed-specific bans by Dr. Beaver, could research please obtain for us an anthology of the scholarly writings that have been published by him on or about the subject of breed-specific bans?

Finally, I'm wondering if legislative research would contact at least the Insurance Bureau of Canada, because they might have interesting information on insurance payouts vis-à-vis dog bites in view of the civil liability under the existing Dog Owners' Liability Act, and this might corroborate or refute the submissions put to us about which dogs are more inclined to bite, if there is any dog that's more inclined. It would also indicate whether or not the types of people who own pit bulls even bother getting insurance.

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

GREY-BRUCE VETERINARY ASSOCIATION

The Chair: Good morning, and welcome. You have 15 minutes in which to make your submission to the committee. If you leave any time remaining, it'll be divided among the parties for questions. The floor is yours.

Dr. Deborah Boyd: Thank you, Mr. Chairman and committee members. My name is Dr. Deborah Boyd. I'm here today wearing three different hats. First, I represent the Grey-Bruce Veterinary Association. We're veterinarians, many of whom practise companion animal medicine on a daily basis, who have hundreds of years of collective experience in dealing with dangerous dogs and who oppose breed-specific bans as a means to increase public safety and control dangerous dogs.

Second, I come as a breeder of purebred dogs: Gordon setters. As a breeder, I'm alarmed by the actions of our provincial government to limit the rights and freedoms of its citizens to breed purebred dogs responsibly. The proposed legislation seeks to eliminate dogs whose only crime is to have physical characteristics similar to a mythical entity the government has labelled "pit bulls."

Finally, I come as an advocate for the dogs themselves that are affected by this legislation. I take my job as a veterinarian seriously. I have made a promise to protect the health and welfare of my patients. Veterinarians are akin to pediatricians in that it is our responsibility to voice the concerns for those that cannot speak for themselves.

There are three points I would like to make today:

The first one, which you've heard over and over again, is that pit bulls are not a specific breed of dog. So exactly what is it you are proposing to ban?

Second, there are no bad dogs. Dogs are amoral. Moral judgments are based on our perceptions, and these perceptions are wrong and need to be changed.

And finally, we already have the tools and resources to increase public safety with respect to dangerous dogs; we just need to give them more bite—

Mr. Kormos: So to speak.

Dr. Boyd: —so to speak.

One of the biggest problems with the proposed legislation is the definition of a pit bull. There is no such breed as a pit bull. “Pit bull” is a generic expression, a hot-button term that generates an emotional response of fear and revulsion. It is a term used to describe something that is fierce, tenacious and aggressive. The very term conjures up images seen on TV of a muscular dog with powerful jaws attacking defenceless people. Everyone may have a clear idea of what he or she means by the term “pit bull,” but one person may be referring to an entirely different animal than the next. One might well call our Attorney General a pit bull because of his fierce belief that pit bulls are a breed apart. He has grasped hold of this belief and he won’t let it go.

Bill 132 makes it sound as if this mythical breed, the pit bull, really exists. Yes, clearly identifiable breeds are cited in this legislation—the Staffordshire terrier, the American Staffordshire terrier, the pit bull terrier and the American pit bull terrier—but to lump them together as a single entity would be like saying a tangerine is an orange, or maybe more appropriately, considering the intent, comparing a butter knife to an AK-47. That was a comparison that was read in Parliament from an e-mail submitted by Melvin and Joan Beech. The purebred dogs listed in Bill 132, when bred and raised responsibly, pose no greater risk to our society than any other breed of dog. I will address this point later in greater detail.

1100

The bill uses these breeds to give physical form to this creature called a pit bull by saying the amendments apply to any “member of a class of dogs that have an appearance and physical characteristics that are substantially similar to” the purebred dogs listed in the preceding clauses. By this definition, then, the American bulldog, the boxer or many of the mastiffs—just to name a few—and crossbreeds of these dogs, could potentially be banned. So how can Mr. Bryant state categorically, “... and this legislation makes it very clear, that we are addressing pit bulls. The ban will be applied to pit bulls and only to pit bulls”?

Am I suggesting, then, that people who have been seriously maimed or killed were attacked by mythical creatures? No, absolutely not; these people were attacked by dangerous dogs. What I am suggesting is that the government is using the generic term “pit bull” to label these dogs and that the definition of a “pit bull” has been created to cast such a large net with holes so big as to make it unenforceable and ineffectual. In doing so, a vast number of innocent dogs and stakeholders will be ensnared in its lines. Bearing this in mind, for the balance of my statement I am going to refer to dangerous dogs, not use the label “pit bull” and not perpetuate the pit bull myth. Pit bulls are not a breed apart. They are not a breed at all.

There is an excellent publication written by Jean Donaldson, called *The Culture Clash*, that addresses the relationship we have, as humans, with domestic dogs. In this book she talks about another myth, the Lassie myth, that promotes a distorted view of dogs. This view would have us believe that dogs think abstractly and are morally good. It suggests “that dogs that bite have character flaws and are qualitatively different than dogs that haven’t bitten.” This is known as an anthropomorphic view of dogs, that they are really just like us except that they have four legs. As difficult as it is for all parties in this debate to swallow, “we need to strip dogs of their status as honorary humans.”

It is time we abandoned the Lassie myth and replaced it with authoritative knowledge of dog behaviour and animal learning: “The science of animal learning teaches us that dogs are hard-wired to be predators and programmed to develop strong social bonds to facilitate survival.” They have an instinctual repertoire that includes searching, stalking, rushing, chasing, biting, holding, killing and guarding. In other words, biting is a natural, normal dog behaviour. Biting and threatening displays are how dogs communicate their intentions and “defend themselves from any perceived threat they cannot or opt not to flee from.”

Dogs will tend to do what has been successful in the past. A dog learns that barking aggressively at passersby will cause them to go away. But what happens when the person decides instead to take the walkway up to the front door? Barking isn’t sufficient, and the dog must escalate his aggression or run away from that perceived threat to him or his possessions. “Dogs are unaware that they have been adopted into a culture where biting is considered a betrayal of trust and a capital offence.”

Jean Donaldson goes on to say, “Normal dog genetics should produce an animal with ‘bite or flight’ as the wired-in program for both conflict resolution and for increasing the distance between themselves and anything that spooks them. Dogs, like most animals, are extremely aware of and constantly manipulating social distances. There are only two ways to do this: Move yourself away or get the other guy to move away: plan A or plan B. Getting the other guy to move away is the function of aggression.”

To accept biting as a normal behaviour will require a fundamental shift in our view of domestic dogs. The next-biggest hurdle is to accept that the dog decides what is spooky or threatening. A major element of the culture clash between dogs and humans is differing perceptions of what constitutes a threat. How often have you heard someone say that the attack was totally unprovoked? This is because the number one bite provoker in domestic dogs is some variation on a behaviour that we as humans consider non-provocative or even friendly, behaviours which affect social distances, such as approaching or reaching out with the hand: “We are mired in the belief that the friendly intention behind this gesture is read and understood by all dogs.” What’s important to understand is that bites are rarely cases of abuse or deliberate train-

ing but failures of omission: Not enough was done to get the dog prepared for life in a human environment. I believe if we were to examine carefully the many reports of dog attacks, we would find the cause to be unintentional and a function of lack of proper socialization. Dogs can be trained to be responsible, but they cannot be responsible for that training.

So what does Bill 132 do to promote the desired outcomes: that all dogs are adequately socialized and that dog owners and non-dog-owners are better educated? How does characterizing dogs as dangerous based on their physical attributes and eliminating them protect the public from dogs that lack the necessary social skills to be good canine citizens? How does it achieve the necessary paradigm shift to reduce or eliminate this culture clash? Well, it simply doesn't.

So then how do you legislate responsible dog ownership? To me, that is the challenge of the current Legislature, and not just with respect to dangerous dogs. Government can ultimately change how its citizens behave in three ways: It can provide them with information and programs to behave responsibly, it can reward responsible pet ownership, and it can punish irresponsible pet ownership.

Suggestions to accomplish these tasks are numerous and readily available. In June 2001, the American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions published an 18-page report entitled *A Community Approach to Dog Bite Prevention*. I believe you'll be getting a copy of that. Dr. Beaver spoke about that earlier. This report supports the mandatory reporting of any medically attended dog bite to a human or a domestic animal, or any dog bite resulting in a report to an animal control or law enforcement agency. Accurately defining victim demographics to identify populations at greatest risk for bites and defining dog and owner characteristics associated with these incidents facilitates effective program planning and proper targeting of both control measures and educational efforts. Defining high-risk geographic areas at city, county or neighbourhood levels would provide that limited resources for animal control and public education could be appropriately deployed. Availability of baseline data will also allow the assessment of the impact of specific elements of the bite prevention program and give more informed direction for further legislative change. Accurate and complete reporting of dog bites is an essential first step in an effective bite prevention program.

How do we reward responsible dog ownership? It's perhaps a little more challenging concept, but what about reducing the cost of licensing fees for dog owners who can provide a Good Canine Citizen certificate, such as the program currently offered by the Canadian Kennel Club?

The Chair: Just for your information, you have a little less than two minutes if you wish to sum up.

Dr. Boyd: OK. Many municipalities already provide for a reduction in fees if the dog has been sexually altered. Maybe an upward adjustment in licensing fee

schedules could be made to make these choices more enticing.

There are already provisions in existing legislation to deal with dangerous dogs. What is lacking is a clear legal definition of a dangerous dog. Without a concise definition, enforcement is impractical. Identification and regulation of dangerous dogs carries with it serious implications and needs to be overseen by the judicial system. The public needs to be aware of the gravity and liability of owning a dangerous dog. Repercussions regarding irresponsible pet ownership need to be explicit, and penalties for failure to meet these responsibilities decisive.

We have the tools to develop an effective strategy to deal with the issue of dangerous dogs, and there are a lot of people willing to offer their guidance and expertise to ensure that it is effective, affordable and enforceable. All that is needed is the political will to see it through.

I am not an expert in the political process, nor am I so naive as to think there aren't political forces driving the passage of this bill. Banning so-called "pit bulls" is at the heart of Bill 132. What brought me here today was my genuine belief that breed-specific legislation is not fair and does not work. What brought me here today is my belief that when intelligent, reasonable people are presented with all the facts, they will make an intelligent and reasonable decision. All I ask, on behalf of myself and my colleagues of the Grey-Bruce Veterinary Association, is that you give what I have said your thoughtful consideration. I hope you will agree that these amendments will not substantially increase public safety and will recommend that Bill 132 be withdrawn in favour of a more comprehensive act that "bans the deed and not the breed."

The Chair: Thank you very much. As there isn't sufficient time for questions, that would conclude your deputation this morning.

Is Maria De Zorzi in the room? OK.

Is there a representative of the Canadian Kennel Club in the room?

Interjection.

The Chair: I'm sorry; my agenda is one version out of date. Is there a representative of the township of Clearview?

1110

TOWNSHIP OF CLEARVIEW

The Chair: Welcome. You have 15 minutes for your deputation this morning. If you have time remaining, we will divide the time among the parties for questions. The floor is yours.

Mr. Wesley Prosser: My name is Wesley Prosser. I'm here on behalf of the township of Clearview. For those who are not familiar with Clearview township, it extends from the southern boundaries of Wasaga Beach-Collingwood down to the northern boundaries of Dufferin county and from County Road 124, previously Highway 24, over to approximately Angus. We're home to about 15,000 people who have a passion for dogs.

I've been the bylaw enforcement/canine control for the township for approximately three and a half years, and prior to that I spent 33 years as a police officer for the province of Ontario. It may not surprise you that my issues relate to enforcement. We'll maybe take a little break from pit bulls, as my issues relate to all dogs.

I believe that in Bill 132 there are some positive things to assist enforcement relating to vicious dogs, but perhaps they need to go a little further. My first issue relates to the fact that we have to be aware that currently the Dog Owners' Liability Act is silent on enforcement. It's left open to whoever decides, or does not decide, to take action. In some instances bylaw enforcement officers take action, and in other municipalities they do not. They leave it up to the police. This means you have inconsistent application on dog bites, and at times, I've seen matters go before the courts where things are dealt with solely under bylaw and the justice is powerless to issue an order under the Dog Owners' Liability Act because there has been no application made.

We operate in a township that is policed by the Ontario Provincial Police, and we have a protocol agreement where all dog bites, regardless of where they're reported, whether to the OPP or to ourselves, are handled by me. I have been quite active in the application of the Dog Owners' Liability Act.

A concern comes in section 12, which recognizes police officers, bylaw enforcement officers and others as peace officers for the purposes of enforcement. Section 13 allows these people to apply to a justice of the peace for a warrant to seize a dog where it's considered necessary. It would only be in the most extreme cases that this is done; it is not something that would be done in every instance of a dog bite. The term "in the interests of public safety" is defined in subsection 13(3), and where the justice feels that the interests of public safety are satisfied or can be satisfied by the issuance of a warrant, he or she may do so.

Once the dog is seized, section 17 requires that it be delivered to a pound, and then the act falls silent. One must assume that the next step would be a hearing under the Dog Owners' Liability Act. I think this would be the logical assumption.

In the absence of further direction under Bill 132, one must look to the Provincial Offences Act for direction as to what you do when you seize something under a warrant. Section 159 of the Provincial Offences Act deals with a justice's options and allows a justice to order something to be returned, or detained for up to three months.

When you come to a jurisdiction like Clearview township, we get court once a month. At the last court we had, on the 21st of this month, they were setting cases for trial for June 2005. So you start to see the issue that if we take a dog owner to court under the Dog Owners' Liability Act, we don't have the opportunity of having a hearing the following week. We can wait five or six months before we have a hearing. Very obviously the question comes, who is going to bear the cost of keeping this dog

in a pound for the next six months? The cost for large dogs will generally run \$25 to \$30 a day. Should the township have to bear the cost of keeping these dogs in a pound when, in some instances, the dog that did the biting doesn't come from that municipality and the victim of the bite doesn't come from that municipality, but it just happens to occur within that municipality?

I believe this should be looked at more specifically and that powers should be granted to a justice to make a determination as to who is going to pay the cost. Obviously, the number one choice is that the owner of the dog should be paying the bill. From the municipality's standpoint, since this is provincial legislation, the number two choice is that the province should pay the bill.

One of the difficulties is that you could have a variety of jurisdictions dealing with a dog bite. It shouldn't matter which jurisdiction seizes it—whether it's police or bylaw, for example—when it comes to who pays the bill. The township would like further work done in that one area under Bill 132 to clarify these matters.

The second issue that presents some concern is what happens after a hearing. Currently, it provides for options for the justice to issue an order. The orders are dog-owner-specific, by name. It says, "This person must do certain things with the dog in the future."

A few things have happened in dog attacks. One is that dog owners who understand the situation very quickly give the dog to someone else. The question becomes, can you take the owner of a dog to task over something that occurred before they become the owner of the dog? Obviously, you can't put any requirement on a dog owner who didn't own the dog. So what happens there becomes very vague.

The second and more pressing issue is that once an order is issued to a dog owner as to how they must control the dog in the future, if they give the dog away, the order dies. There is nothing to say that the order must follow the dog. When we consider that we're now talking about orders that have been issued by the court because the dog has shown a willingness to attack and/or bite—the position being that very often the court does not wish to order the dog destroyed because it is a family pet. But if the owner is going to get rid of the dog, then perhaps the most appropriate method of dealing with a dog that is known to be a threat is to have the dog put down, because the dog can very easily be passed off within the community and become a threat, and then the officials must go around the whole route again—get them into court, go through a hearing—all to deal with a dog that is known to be a threat.

So the two areas under Bill 132 that our township is asking for further attention to be given are: clarification of the responsibility for paying the costs once a dog is seized under the bill and is placed in a pound pending a hearing; and how is the dog going to be controlled prior to a hearing if someone wishes to give it away to avoid any responsibility, or once they've been placed under an order, they decide to get rid of the dog by giving it away or selling it rather than accepting the responsibility that goes with the dog?

I also have copies of resolutions. I will be leaving resolutions from our council supporting this position as well as copies of this presentation for the committee.

Mr. Chairman, I'm now open to any questions.

The Chair: We have about four and a half minutes for questions. We'll begin with Mrs. Munro.

Mr. Kormos: On a point of order, Chair: I'm wondering if the parliamentary assistant is comfortable addressing either of those two issues immediately, to indicate whether they remain at large or outstanding as indicated, or whether they are in fact addressed.

The Chair: I think the parliamentary assistant can address that at the appropriate time, when the order passes to him.

Mr. Kormos: I wonder, then, if there's unanimous consent for the government to go first so that the parliamentary assistant can address these.

The Chair: I will do my best to ensure that the time is allocated equally.

Mr. Kormos: Is there unanimous consent for him to go first?

Mr. Zimmer: I'm here to listen to the evidence of the deputants and to ask questions. I, myself, am not a witness here.

The Chair: Mrs. Munro.

Mrs. Munro: I just have one question with regard to the kinds of issues that you have raised. You talked about what happens in terms of responsibility when a dog has bitten and the process that happens with that. I wanted to know if you're concerned about liability issues for you, as an enforcement agent, or your municipality, on whose behalf you are working, with regard to identification of a particular animal, because we've heard so much about the questionable nature of being able to make an identification. I just wondered if you had concerns with regard to the liability around that identification process as it is in the bill.

1120

Mr. Prosser: My liability concerns on behalf of the township relate to whether or not we've taken appropriate action to prevent another bite from that dog, now that we know that it's dangerous. That's why we are very strong on the application of the Dog Owners' Liability Act.

As far as any liabilities with regard to the dog identification, from our perspective, no, because I see that as being an issue that the court must resolve, not the municipality.

Mrs. Munro: As I understand the proposed legislation, the authority is given to you as the agent making the determination that this is in fact a pit bull.

Mr. Prosser: We would present to the court our interpretation of the breed, and very often the interpretation of the breed, if the dog is licensed, comes from what the owner has told us. Otherwise, it would go to the appearance of the dog, but that is not an issue that has caused us particular concern, so much as these other issues. There are a variety of minor issues in the acts.

Mr. Kormos: Thank you kindly, sir. You talk about having provincial offences court once a month?

Mr. Prosser: That's correct.

Mr. Kormos: We talked about this a little bit on Monday, back at Queen's Park, in terms of a shortage of justices of the peace and/or courtroom space. What's the circumstance up here?

Mr. Prosser: I would suggest that it's justices of the peace rather than courtroom space, because the courtroom may sit open many of the days.

Mr. Kormos: But that Wakestock was being held in your jurisdiction—

Mr. Prosser: That was Wasaga Beach, not our jurisdiction.

Mr. Kormos: Next door. I just wondered whether that put some additional pressure on the—

Mr. Prosser: Wasaga Beach is the playground to Clearview.

Mr. Kormos: So let's talk about justices of the peace. We brought that up because, as a provincial offences issue, and responsibilities being imposed on municipalities, access to JPs is critical. So do you have concerns not just in terms of the adjudication by a JP in a courtroom but also about access to JPs for the purpose of the preliminary matters, obtaining search warrants etc.?

Mr. Prosser: I don't have a particular concern. I believe we have good access to justices of the peace in order to approach them for warrants and so on. One day a week is set aside specifically, but other days, we can contact the JP. The greater problem is that when we deal with matters of public safety, we don't have regular courts, because a JP court does not normally deal with matters of public safety.

Mr. Zimmer: You've raised a number of concerns that municipalities might have, but just let me read a quote to you from Roger Anderson, the president of the Association of Municipalities of Ontario: "AMO appreciated an opportunity to advise the minister on how to implement the province's pit bull ban in a manner that is practical, effective and affordable for Ontario municipalities...."

A quote from a large-city mayor, Mayor Miller in Toronto: "I support the province's swift action" in this. "It is a province-wide issue and therefore the best solution...."

A mid-sized city here in Ontario, the city of Kitchener: "Every Ontarian, in every city across Ontario, deserves the same level of safety that we have in Kitchener. That's what this legislation would do."

Small-town Ontario, Wawa, Mayor Morrison: "I commend the McGuinty government for moving forward quickly on this very important initiative." It's "in the best interest of all the people, in every town, city and community across Ontario."

So there seems to be, notwithstanding your township, some pretty broad support out there in the municipal world for this.

Mr. Prosser: I would suggest that, yes, and if Bill 132 is read by administrators and politicians within municipi-

palities, they may get a different flavour than someone who's at the grassroots level of enforcement. Whether or not they were consulted before they made their statements, I have no way of knowing. If you're talking about some of these major municipalities that will have courts going on on a regular basis, it may not be an issue. I mean, if you're in a municipality with once-a-month, it can be an issue.

Mr. Zimmer: What about Wawa, Ontario, way up north, small town?

Mr. Prosser: I will say what I said before. The mayor could very well read Bill 132 and not realize some of the issues that may be present from an enforcement level, that if they don't consult with enforcement officials, they may not understand some of the pitfalls that they're faced with in trying to enforce the legislation.

The Chair: Thank you very much, Mr. Prosser, and thank you for coming in today.

Is Maria De Zorzi in the room?

DIRK EMDE

The Chair: Is Mr. Dirk Emde in the room? Please sit down and make yourself comfortable. Did I pronounce your name right?

Mr. Dirk Emde: Yes.

The Chair: Mr. Emde, you have 10 minutes to bring your thoughts to the committee. If you leave any time free, then we'll divide it among the parties to ask you questions. The floor is yours.

Mr. Emde: Thank you very much. Mr. Chair, members of the committee, thank you for letting me appear before you. My name is Dirk Emde. I live in Grey county. I do not own any of the dogs on the Attorney General's hit list. I am, however, a responsible Ontario dog owner who is very concerned about the implications of Bill 132.

I'd like to start out by saying that this province needs urgent action to protect its citizens from all vicious and aggressive dogs. When I heard the Liberal government was going to introduce legislation to address this, I thought, "Finally. It's about time." Imagine, then, my horror when I listened to the press conference by the Attorney General and he announced he was going after pit bulls, not all dangerous dogs.

I'm not an expert on dogs. I don't have reams of facts and figures to show you. I'll let other people do that. I'm here to appeal to your common sense and fairness. That's always been a hallmark of Liberals in the past, and I hope it continues to this day. Common sense, because this legislation will cost untold tens of millions that the cash-strapped municipalities don't have. Fairness, because this legislation targets all members of specific breeds of dogs and their owners, the vast majority of which have never hurt anyone.

I'd now like to list those parts of Bill 132 that confuse and distract from the real problem the most:

(1) Under "Interpretation," it says that "'pit bull' includes ... a member of a class of dogs that have an

appearance and physical characteristics that are substantially similar" to pit bulls.

Why include dogs that may look like pit bulls but are not pit bulls?

(2) Bill 132 uses the word "menacing" without defining what that means.

(3) It goes on to say, "When ... the court finds that the dog is a pit bull," without explaining how a court will do that. Are judges to get special training in dog breed identification, as well as police officers, animal control officers and any others who may be required to identify a dog? Who will pay for training costs?

(4) In section 6, which amends section 5 of the act, the words "pit bull" have to be changed to "a dog dangerous to public safety." Why pick on certain breeds? Let's ban all dangerous dogs.

(5) The clause seemingly designed to assure research labs get lots of dogs to use: Why is that in there? It makes it seem that the Attorney General wants to confiscate dogs to give research labs a constant supply. That can't be correct, can it?

(6) It gets even worse: search and seizure without a warrant? What was the Attorney General thinking?

(7) Then there's a section that is totally unbelievable. If an owner cannot prove his dog is not a pit bull, then it is a pit bull. Wow. That takes my breath away. There are hundreds of thousands of dogs in Ontario that are living peacefully with their owners for whom no proof of pedigree exists. Is the Attorney General saying that they are all pit bulls? According to Bill 132 they are, if someone accuses them of being a pit bull. This alone puts in jeopardy every dog that is not registered. Is the Attorney General planning to get rid of all unregistered dogs?

It seems that the minister, in his haste to protect the public from vicious dogs, wrote Bill 132 without finding out what dogs were causing the problem, without consulting the experts. He spoke to people who had also enacted legislation without consulting experts, so naturally they had to say their legislation worked, even when there is clear evidence to the contrary. He spoke to police chiefs, who are likely to see any dog over 20 pounds as a threat to their officers. He spoke to newspaper editors, who have only one objective: sell print. They are certainly no experts. Now, the problem certainly exists and requires immediate action—a problem actually far more serious than this bill would lead one to believe. Ban pit bulls and the problem is solved? What about dangerous dogs of other breeds?

1130

Before I go on, I'd like this committee to consider why the Attorney General wants to ban these dogs. Surely it is to reduce injury to people. I would think so, and if it is, why doesn't he want to protect all people? Since pit bulls make up such a minuscule portion of overall bites, why is he targeting them? Since Bill 132 is addressing only public bites and only the pit bull incidents among those, it is dealing with a very small percentage of all dog bites, thus missing the vast majority.

The minister quoted news media reports as his inspiration for this legislation, yet these very accounts

show that less than 0.01% of pit bulls have been involved in an incident of biting, leaving 99.9% of them innocent of biting. Is that why he's willing to grandfather them? Despite his "ticking time bomb" statements, he's quite willing to let them stay in homes and research facilities, where they are free to maim and kill children and lab workers when the bomb goes off. Obviously, he knows his own statements not to be true. What will happen when someone is killed by a different breed? Will he add more breeds to the list? Is the ultimate aim of Bill 132 to rid this province of all dogs, since all dogs can kill?

I'd now like to leave the committee with my suggestions to make Ontario safe from dangerous dogs:

(1) Require dog owners to show that their dogs are safe, just as we require people to prove their cars are safe. Do this by having minimum training requirements, and test for them. Weed out unsafe individuals, not entire breeds.

(2) Require all breeders to sell dogs with government-approved training materials so their owners can learn how to provide at least a minimum of training and socialization. Require all breeding dogs to pass a temperament test prior to breeding.

(3) Require all dogs, when walked in public, to be on a leash, unless in an area set aside for off-leash activities. Require municipalities to strictly enforce this at all times.

(4) Require all dogs that are not shown or bred to be spayed/neutered.

(5) Encourage school boards that all school-aged children receive at least a minimum amount of training in school and at home in how to behave around dogs.

As for muzzles, if the above were implemented, no muzzles would be needed. Well-trained, leashed dogs don't require one; they are under the control of their owner.

In closing, I would also like to say that much harsher penalties should be applied to those who breed or train dogs for fighting, abuse or neglect an animal or allow it to run loose. A fine is not enough, no matter how large. Lots of people won't be able to pay it. People who abuse animals should be charged under the Criminal Code, with real jail time and a lifetime of not owning dogs as penalties. Also, leash laws must be strictly enforced at all times, not only when someone complains.

The Chair: Just as a point of information, Mr Emde, you've got a little less than a minute.

Mr. Emde: OK, I'll hurry.

If the problem of dangerous dogs is looked at with common sense, one quickly sees that breed bans are completely unnecessary and actually counterproductive. We need only to ban dangerous dogs. Anything less is showing disrespect for all those killed or maimed by dangerous dogs other than pit bulls. Let's eliminate vicious dogs of all breeds.

Thank you for the time to present my viewpoint.

The Chair: Thank you very much for your submission. Unfortunately, there isn't time to have questions for you this morning, but thank you for coming in.

GEORGE SCOTT

The Chair: Is Mr. George Scott in the room?

Mr Scott, please come forward.

Mr. Kormos: Mr. Chairman, on a point of order: When Mr. Emde made reference to Liberals being known for common sense and fairness, was he referring to Adscam or to the gun registry?

The Chair: As both of those relate to a different jurisdiction, I'll declare the question out of order.

Mr. Scott, welcome this morning.

Interjections.

The Chair: Would everyone please address their comments to the Chair. Thank you.

Mr. McMeekin: Mr. Chair, he didn't mean public auto insurance, did he?

The Chair: And your comment is out of order as well.

Mr. Scott, you have 10 minutes to address us this morning. If you leave any time remaining, it will be divided among the parties for questions. The floor is yours.

Mr. George Scott: Last summer, my wife and I and my dog were all going for a nice little evening walk, and we were attacked by two pit bulls, not one. I have pictures here of what my poor dog went through, and I still have a hole in my arm. I've been bitten by German shepherds, chihuahuas, and also by poodles. They just bite you and they let go. They don't bite and hold on for as long as they want.

This attack lasted for roughly 20 minutes, and 10 minutes before it happened there were 80 children, with their parents, playing soccer. This could have turned out to be a lot different. During the attack, the gentleman who owned both dogs used his fists and he used baseball bats. A postal worker came over with pepper spray, but nothing worked. The baseball bat was used on the dog roughly 12 times; the dog did nothing.

The owners of these two dogs left, trying to get away without admitting fault. What happened was, there were three witnesses who took down their licence plate number, and they got them. There was only one problem: After my vet bills and being off for six days, I'm out \$3,200, and I can't get anything. I would like to know how you can make compensation to people who have been attacked by these dogs. You can sit here and talk about tens of millions of dollars, but what about the people who are attacked by vicious dogs?

I have a husky, and this thing is just as gentle as a lamb. If it was a vicious dog, I'd put it down. There wouldn't be a question in my mind. Since then, my dog is nervous, very jumpy, and sometimes he's even defensive.

This is the last thing I just wanted to get off my chest: On January 18, this month, I met a man in front of the Wal-Mart store here in Barrie. He had a black and white dog with him. I asked him if it was a pit bull, because I've never seen a black and white one before. He said it was. I asked if the dog needed a muzzle. His response was it didn't because it hadn't bitten or mauled anything yet—yet.

That's all I've got to say. If you've got some questions, I'll answer them.

The Chair: We'll begin our rotation with Mr. Kormos, who has about two and a half minutes.

Mr. Kormos: I trust you're supporting the ban on pit bulls.

Mr. Scott: Totally.

Mr. Kormos: But you've raised a second issue and, again, that's what the debate is about. The debate is about a breed-specific ban versus the broader concept of non-breed-specific but vicious dog ban. Your position is fair enough, as it has been from other people who share it. But you also talk about this dilemma around compensation. There were two people who were purported to be in control or were owners of these dogs?

Mr. Scott: There were no collars on the dogs, there were no leashes, no nothing. They got out of the truck by accident.

Mr. Kormos: But the people in the truck just took off?

Mr. Scott: They tried to.

Mr. Kormos: But they were identified?

Mr. Scott: They were identified.

Mr. Kormos: Were charges laid under any legislation?

Mr. Scott: The only charges I could get brought up were by the city of Barrie, who are going after them.

Mr. Kormos: A municipal bylaw?

Mr. Scott: Yes, sir.

Mr. Kormos: Was action taken under the—this is the Dog Owners' Liability Act, where they could apply to have dogs dealt with?

Mr. Scott: I would imagine it is; I'm not sure.

Mr. Kormos: But do you know whether action was taken under that legislation?

Mr. Scott: The guy who owns the dogs is being charged.

Mr. Kormos: What, if anything, have you done—and I appreciate my inferring that you've gone to a lawyer and you can say, "Well, yes, but who's going to pay for that?" Have you done anything about getting compensated for at least your out-of-pocket expenses in terms of treating your dog etc.?

1140

Mr. Scott: The dog's vet bills alone were well over \$1,700.

Mr. Kormos: Quite right. What, if anything—

Mr. Scott: I've sent the man two registered letters.

Mr. Kormos: And obviously he hasn't come forward to pay.

Mr. Scott: That's correct.

Mr. Kormos: What are you going to do? Do you contemplate doing anything? Do you contemplate suing him?

Mr. Scott: I intend to take him to Small Claims Court. That's the only recourse I have.

Mr. Kormos: Sure. One of the comments we had on Monday, though, from one victim of, quite frankly, an even more tragic attack, more serious than yours, was

that the dog owner hadn't a pot to throw out the window, so it was no sense going after that person. Do you know whether you're in that same position? Do you have any familiarity—if you get a judgment against this person, is it somebody you're going to get any money from in any event?

Mr. Scott: I'm not quite sure how it will work out after it has gone to its conclusion. I have a German shepherd-husky, a beautiful dog. I made sure my insurance company was informed that I do have a dog and that if the dog does something wrong, I'm covered.

The Chair: Thank you. Mr. Zimmer.

Mr. Zimmer: I appreciate your point having to do with the ferociousness of the attacks. I gather you agree and that it's your position, your sense, that attacks by pit bulls are just qualitatively different from those by spaniels; they're just a different order of magnitude.

I think Mr. Kormos hit on the point this morning when even he conceded that if he had a choice between being attacked by a pit bull and—I forget the breed, but it was a small breed—

Mr. Kormos: Mexican hairless.

Mr. Zimmer: Yes—he wouldn't want to be attacked by a pit bull. That's a very important point that tends to get overlooked here: the qualitative difference, in order of magnitude, of an attack by a pit bull. I'd appreciate your further comment on that.

Mr. Scott: I've been bitten by a chihuahua. They just run up to you, have a quick nip and run. They don't even break the skin. If you have a German shepherd and he bites, he usually takes a good one or two. But when you get a pit bull attack—and I went through it for over 20 minutes—they don't release; they just keep biting harder and harder. When they're finished, you have a dog that has holes in it or you have a person who has a hole in his arm.

When I brought him in, the vet said, "You can come back and pick up your dog in an hour." When I called him up, he said, "I had to go back in and operate again." At 3 o'clock in the morning I called him up and he said, "I'm sorry, I have to go back in again. The holes are so deep that they almost penetrated the bone." You have to remember that a dog's skin is not attached to its body, so the deeper the bite goes—it just penetrates more. They don't release; they just hold on. It doesn't matter what you do to that dog, it doesn't let go.

The Chair: Thank you very much. Mr. Tascona.

Mr. Tascona: I appreciate your coming out here today. I just wanted to ask you, do you realize that currently dogs, where they're being defined as pit bulls, whatever that is, are not impacted by this legislation? We're talking about the future. Do you understand that?

Mr. Scott: That's fine.

Mr. Tascona: What we're trying to accomplish here too is looking at a way, because we're having the public hearings—Julia Munro has put forth a bill with respect to dealing with vicious dog attacks, not necessarily just pit bulls. We're trying to find a way to deal with all dogs that would be construed as vicious dogs.

I just want to ask you—because there's another element. I was on the city of Barrie council when we dealt with the Dog Owners' Liability Act and I can understand the frustration that can come from that. But did you go to the police with respect to looking at laying charges there?

Mr. Scott: The police were called. That's how they got the dog owners: from the licence plate numbers on the truck. But what happened was that these two gentlemen were still in the city of Barrie, were contacted and admitted full guilt to the police officers.

Mr. Tascona: Did the police do anything?

Mr. Scott: Nothing; not a thing. If I hadn't pushed the matter with the city of Barrie, you wouldn't even have heard of me.

Mr. Tascona: I understand that, and I totally sympathize with your situation, because it's frustrating. But at the same time, have you pursued it with the police and said, "Are you going to take some action? Are you going to do something?"

Mr. Scott: When I asked the police department for their report, 99% of it was blacked out and I had to pay five dollars for it. All they had at the top was "The city of Barrie police department."

Mr. Tascona: So they're not going to do anything. That's basically what you're telling me.

Mr. Scott: The second report they gave me, after talking to two staff sergeants, was, "Sure, we'll give it to you. You deserve it." That was it. Nothing else. No charges laid against them for taking off on the scene. Nothing. Not a thing.

Mr. Tascona: That really isn't acceptable.

Mr. Scott: Well, that's what happened.

Mr. Tascona: I'd like to talk to you about that later, because something should be done. The police have a role. That's one of the concerns out there from the public: getting a conviction under the Criminal Code under criminal negligence and also dealing with it from a non-criminal point of view, which is the Dog Owners' Liability Act. Those avenues should definitely be there, and it may be that the city of Barrie is not set up to deal with dog attacks properly.

Mr. Scott: After a dog attack, everything goes to public health, especially if you go to the hospital. The two dogs were from Sudbury. I got a phone call from Sudbury public health that both dogs had been quarantined for 10 days because they didn't know if they'd had their shots. Afterwards, they were put down. I never heard anything else from the health unit here in Barrie; not a thing.

The Chair: Mr. Scott, thank you very much for your time and for coming in this morning.

This concludes our morning's hearings. This committee is in recess until 1 o'clock.

The committee recessed from 1146 to 1300.

The Chair: I call the committee to order once again. This is the standing committee on the Legislative Assembly. We're here to review Bill 132, the Public Safety Related to Dogs Statute Law Amendment Act, 2004.

Mr. Zimmer: Mr. Chair, can I just raise a matter? On Monday, we had a discussion, and as a result of that discussion, we issued an invitation to someone from Calgary to give us a written submission. I'm going to ask the committee if they would issue the same invitation to Mr. Tim Dack, the chief operating officer, animal services agency, city of Winnipeg.

The Chair: Mr. Zimmer has moved that the committee issue an invitation to the city of Winnipeg similar to that issued to the city of Calgary. Is there any discussion?

Mr. Tascona: Is it a written presentation, Mr. Zimmer, a written report that he's going to provide to the committee?

Mr. Zimmer: Yes.

Mr. Tascona: When would that happen?

Mr. Zimmer: Right away. Well, next week, I guess.

Mr. Norm Miller (Parry Sound-Muskoka): If I may, it was Mr. Bill Bruce, director of animal and bylaw services for the city of Calgary, that I asked about the other day. Have we had a response from him?

Interjection.

The Chair: The committee clerk advises that he has spoken with him and that the written submission will be received by the deadline.

Mr. Miller: Great. Thank you.

Mr. Tascona: The same would apply to the chap from Winnipeg?

The Chair: Yes.

Is there a need to call for a vote? All those in favour? Agreed? Agreed.

I may also add that anyone at this point is eligible to submit a written brief by the deadline of February 3.

NORTH AMERICAN FLYBALL ASSOCIATION

The Chair: Is there a representative present of the North American Flyball Association? Please come forward.

Welcome to the hearings this afternoon. You get the first word in what looks like is going to be a very long afternoon. You have 15 minutes to present to us. If you leave any time at the end, it will be divided among the three parties for questions. Please begin by identifying yourself for Hansard.

Mr. Glenn Hamilton: Thank you very much. Good afternoon, Mr. Chairman and members of the standing committee on the Legislative Assembly regarding Bill 132. My name is Glenn Hamilton. I'm the secretary of the North American Flyball Association, NAFA, and a member of its board of directors. We've asked to be represented here today to state our opposition to Bill 132. Unfortunately, pressures of business have prevented Mr. Sam Ford and Mr. Lee Heighton from attending.

NAFA is the only registry in North America for the competitive dog sport of flyball. You may have seen flyball on television, at a Harlem Globetrotters' basketball game or perhaps at a Toronto Raptors' half-time

show. National Geographic has aired a documentary on the sport many times. ESPN has profiled the sport on television, as have the Outdoor Life Network and Animal Planet. Flyball is an extremely popular dog sport, uniting owners and handlers in a team relay race where dogs compete head to head, racing just feet apart, without restraint or leashes, relying strictly on the handler's verbal control and motivation for their dogs.

We register over 15,000 dogs, both purebred and mixed breed, including the recognized breeds Staffordshire bull terriers; Amstaffs, or the American Staffordshire terriers; American pit bull terriers, the type of dog commonly referred to as a pit bull; and any number of mixes of these breeds. We recognize all breeds of dogs registered with the Canadian Kennel Club, the American Kennel Club, the Mexican Kennel Club, the United Kennel Club, and the American Herding Breed Association. We allow mixed-breed dogs to compete equally with recognized purebred dogs.

Ontario is an important part of the flyball community, accounting for over 10% of our annual revenue. Three of the five largest flyball tournaments held in the world occur in Ontario. What you, as a committee, recommend as changes to Bill 132 are of direct concern to NAFA and the flyball community throughout not just Ontario but also North America.

This extensive review of dog legislation, the largest and most far-reaching ever held, is unfortunately based on the "inaccurate facts" that are a part of the initial legislation. This could become the model used by other jurisdictions throughout North America and we're concerned about that. Let's all make sure that any legislation is done wisely and with the right goal in mind: to protect the public from dangerous dogs.

I would like to take time to address several of the concerns of the North American Flyball Association. We are here today to speak in opposition to Bill 132 because the proposed legislation does not address the question of controlling dangerous dogs. It is our belief that Bill 132 in its current form will not achieve your stated purpose of reducing dangerous-dog incidents.

In our experience, aggression is not breed-specific. In flyball, dogs race side by side just feet apart. In the 25-year history of competitive flyball, we've raced well over a million individual races and there has never been a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier or any mix of these breeds excused from competition for aggression—not once.

We ask the committee to support the removal of the breed-specific legislative component from Bill 132. This component is based on the conclusion that pit bulls are a breed of dog. They are not. What began as a generic term to describe a large fighting dog has been extended to any dog with a large head. This loose definition cannot be used to arbitrarily segregate a group of dogs and breeds as dangerous.

In the experience of adjudicating our events, we've found it to be much more productive to deal with

aggression on a case-by-case basis, regardless of the breed. If your goal is to identify dangerous dogs, and I believe that it is, you must step outside of the artificial constraint of specific-breed definitions. Legislation must be believable to gain the trust of those it is enacted to protect. By excluding only certain breeds, will the public immediately feel safe again? Many of the recent biting incidents have been described as being caused by a pit bull, yet when the facts are known, it is a breed well outside the breeds listed in Bill 132.

For the public to give you the trust in Bill 132 that you seek, you must remove the artificial limits of breed definition. Identify dangerous dogs regardless of breed. The North American Flyball Association is in agreement that municipalities need dangerous-dog laws and they need to protect their citizens, young and old. The need to punish the irresponsible and negligent dog owners and breeders is the key to success in any such legislation. As long as the law allows irresponsible breeders, trainers, sellers and owners to encourage dangerous behaviour in dogs, the problem will not go away. If the type of dog referred to as the pit bull, or any breed, for that matter, is banned, then these people will simply move on to yet another breed. Even the most docile breeds can be made aggressive through irresponsible caregiving and training. Although bites may reduce in one breed, they will likely increase in another.

The human factor, as stated by many of the presenters throughout these hearings, will always continue to be the problem. The person who breeds an ill-kept dog, or any other animal, for that matter, will find some other outlet for their social dysfunction and they will certainly continue to be a threat to you and me, our children and neighbours. The band-aid solution of breed banning does very little to protect the public and only serves to shift the problem to another breed down the road. Imposing breed bans is not the answer.

We oppose Bill 132 because of the inability to accurately enforce any identification of the listed breeds. When you state that a particular breed is banned and subject to specific limits, you must have a definite means to identify the dog's breed. It is not enough to say that a dog is guilty until proven innocent by virtue of a pedigree. That very requirement within Bill 132 is completely contrary to any legal process that protects the people of Ontario.

One of the keys to successful dangerous-dog legislation is enforcement. Dangerous-dog laws need to be directed at controlling attacks based on the behaviour of the dog, not of the breed. Any new laws that need to be developed in conjunction with stronger animal welfare legislation will ensure that circumstances of abuse and neglect that often contribute to a dog's aggressive behaviour can also be addressed before the attacks begin.

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The Canada Safety Council also suggests that dogs that are well cared for, properly trained and socialized do not pose the same threat as dogs that are abused. Owners of dogs found guilty of dangerous acts should be held

accountable in judicial or civil court for the acts of their animals. It is not the dog that is at fault but the hands that control the dog.

Properly enforced animal control bylaws must also be a priority. The Canada Safety Council reports that in some areas fewer than 20% of dogs are licensed as required. The Toronto Board of Health reports that only 15% of that city's dogs are licensed, and yet Calgary can achieve a much higher percentage.

Bill 132 will download the responsibility for the fate of any dog in question to the animal control officer in that region. An appeal process must be in place to protect the dog from death until the facts can be ascertained. Who will bear the costs of maintaining these dogs during the appeal process? The Toronto Board of Health has recommended that the province of Ontario fund 100% of the costs related to its breed-specific legislation for the next three years.

Extensive training in breed identification for animal control officers would be necessary to enforce the BSL component of Bill 132. Understaffed, underpaid animal control officers become the issue here.

On a personal note, I recently contacted the animal control shelter in Brampton. A friend of mine's dog had left the backyard and was found. I clearly identified the dog I was searching for as a three-year-old Jack Russell terrier mix, white and brown with a smooth coat. Based on that description, they were able to confirm that the dog had been recovered and was safe. The owner received her receipt in the mail after the dog was released, and the Jack Russell terrier mix was clearly identified by the animal control office as a six-month-old field spaniel. There is no similarity whatsoever in the look of a field spaniel and the look of a Jack Russell terrier mix. This is a true story. If this dog had been identified as a pit bull under Bill 132, in all likelihood she would have been euthanized or transferred to a research facility before the owner had the opportunity to correct the animal control officer's error.

One of the goals of our sport and its trainers is to educate dog owners as to their responsibilities in proper socializing and training and responsible dog ownership. This is the direction that the Ontario government needs to pursue. Children under the age of 14 are the most common victims of dog bites and attacks. Educational programs for children should be started at the public school level. Following the guidelines of the Bite Free program designed by the British Columbia SPCA is an excellent starting point. The Canadian Kennel Club, the Canada Safety Council, the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association and the Pet Industry Joint Advisory Council all endorse this program. Responsible dog ownership is the key to reducing the number of dog-bite incidents. Education of the public, including children, is essential.

Our sport revolves around trained dogs and trained handlers. The dog owners are responsible owners, qualified trainers and educated breeders. Flyball is a family-oriented sport with handlers starting as young as four

years old, and some handlers continue in the sport well into their 80s.

We are opposed to Bill 132 and the negative economic impact that the proposed legislation will have in Ontario. Bill 132 has the potential to eliminate the economic benefit that our sport of flyball brings to Ontario. The North American Flyball Association wants to find a method that avoids shutting down our sport in Ontario. In addition to the sport of flyball, Bill 132 will impact many other participant dog activities much like flyball. All dog sports are in danger of being affected to the point where responsible dog owners, with their trained, socialized dogs, will be unable or unwilling to compete in Ontario.

The Chair: You have two minutes remaining, if you want to sum up.

Mr. Hamilton: Terrific. I'm on the last page.

NAFA sanctions almost 350 tournaments annually across North America. In 2004, 950 teams entered our events in Ontario. It is our estimate that involvement in flyball tournaments will generate over \$4 million in revenue for Ontario over the next three years, with much of the revenue going to the travel industry and small towns where hockey and soccer arenas are often rented during the summer months. There is seldom a weekend without a flyball competition somewhere in Ontario from April until the end of September. When not competing, clubs are practising, hosting training classes and being ambassadors for responsible dog ownership in their communities.

With the announcement of Bill 132, competitors are now afraid to come to Ontario. With the threat of breed-specific rules being enacted within Bill 132, they are concerned for the welfare of their dogs and those of their teammates. The NAFA rules, which define flyball as a sport for all dogs, cannot meet the requirements of the proposed breed specifications.

In conclusion, the North American Flyball Association reiterates its opposition to those portions of Bill 132 that are breed-specific. As noted, breed-specific legislation has not worked elsewhere and will not be effective in Ontario. Please listen and involve the expert organizations that are presenting to you throughout these hearings. They are more than willing to support the government in the definition, implementation and maintenance of responsible dog ownership legislation for everyone. Legislation must protect all victims yet also protect dog owners' rights. We will help you, and encourage you to make the right recommendations for Bill 132.

On behalf of the North American Flyball Association, I thank you for the opportunity to speak before you today. I'm happy to answer any questions you might have.

The Chair: Unfortunately, we don't have time for the different parties to ask you.

Interjection.

The Chair: But they're all very nice. They don't put you on the hot seat.

Thank you very much for coming in today and for your very interesting deputation.

PAWS-ITIVELY OBEDIENT

The Chair: Is there a representative here from Paws-ively Obedient? Good afternoon.

Ms. Karen McVeigh: Good afternoon. My name is Karen McVeigh. I've been a dog trainer and behaviour consultant for more than 15 years. I operate my own business, Paws-ively Obedient, from my home in Orton, Ontario. I'm a member of the Canadian Association of Professional Pet Dog Trainers as well as a member of the Canadian Kennel Club. I have worked for the Ontario SPCA as an agent and an inspector, and I have a diploma in agriculture from the University of Guelph.

The proposed amendment to section 1 of the act in Bill 132, defining a pit bull, leaves open the possibility of the inclusion of the entire population of dogs in Ontario, as well as dogs proposed to come into Ontario sometime in the future. For example, where do mixed breeds come into this? Who's going to be proficient enough to determine exactly if pit bull breeding is present in a particular mixed breed? What about breeds like the boxer? The breed can look quite similar to a pit bull or an American Staffordshire terrier, although most do have docked tails and can appear taller and a bit leaner. An average person might mistake this energetic, fun-loving family pet for a restricted or banned pit bull. There are breeds like the dogue de Bordeaux, the Argentine dogo, the bull terrier, the cane Corso, the Neapolitan mastiff and even the bull mastiff which could look like a pit bull. These dogs are not mentioned in the act description. Who would determine whether they fall under clause 1(2)(e)?

The definition of peace officers in section 12 of Bill 132 doesn't seem to recognize the need for some degree of expertise. In my opinion, the OSPCA inspector or agent would be the most experienced in viewing the variety of breeds. But even these peace officers started out as volunteers: someone who loves animals and maybe owns or has owned a dog or cat and wants to help. Would they be the persons distinguishing between the various breeds? I wonder how the registered breeders are going to take to this. In my opinion, police officers should be used for keeping the peace, crime prevention, illegal drug control etc.; that is, they are to perform the duties as set out in the Criminal Code and the criminal statutes of Ontario. If these peace officers are suddenly tasked with the enforcement of a specific breed ban on the canine population of Ontario, they will not be available to enforce the laws they are sworn to enforce. Can we as Ontario citizens therefore expect an increase in violent crime? I wonder how many of them are familiar with dog breeds, or even with handling dogs, for that matter.

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The variety of breeds is a result of the vast uses intended for dogs by us humans.

Retrievers are very high-energy dogs, very intelligent, used for retrieving fowl. Do any of you own a retriever? Then you would know that these dogs have special

requirements for their energy, their intelligence and of course their intense drive for birds.

What about guard dogs? These dogs are used by people for guarding sheep, cattle, houses, for police work etc. Do any of you own some variety of guard dog? I know that all these guard dogs differ depending on their specific breeds, but in general you'd know how intelligent they are and you'd understand their independence and their confidence levels.

If any of you were looking for a dog and you had to choose between a retriever and a guard dog, would you recognize any potential characteristic that you might have to consider for your lifestyle that would influence whether you get a retriever or a guard dog? In my line of business, I deal with a multitude of owners who are unfamiliar with differentiating between breeds and groups of breeds. They don't seem to acknowledge the different breed characteristics before they select a breed. Therefore, my role as a dog trainer is to assist in problem-solving, mainly due to breed frustration.

The Canadian Kennel Club is the primary registrar for purebred pedigrees in Canada. It's been shown that they have approved more than 160 breeds since the 1800s. This does not include the number of breeds given recognition by the CKC but not technically registered by the CKC.

The Canadian Kennel Club is also devoted to the study, exhibition, breeding and advancement of purebred dogs. There are more purebred registries in Canada, but the CKC is the most familiar and most utilized. Under identification of "pit bull" in the amendments, section 19, the act indicates that in any court proceedings it will be up to the owner to prove that their dog is not a pit bull. The Canadian Kennel Club, for example, requires CKC registration for both the dam and the sire in order to register a litter. The puppies are then tattooed or micro-chipped and the papers are administered with proper Canadian Kennel Club registration numbers.

People in today's society are propagating dogs regardless of registration or purebred status. What if you owned a boxer? Being backyard-bred, it's a little on the stocky side, the tail is not docked, but he's been the love of your life for seven years and your typical man's best friend. How are you going to prove that it isn't a pit bull or a mixed breed with pit bull in him?

Dogs, specifically the breed or breeds involved, are rapidly multiplying through puppy mills, unregistered kennels and by people who lack the knowledge and compassion to multiply these animals. The Ontario Society for the Prevention of Cruelty to Animals was recognized to represent the rights of animals, as well as provide protection, control and assistance regarding the needs of animals, on behalf of the Canadian Federation of Humane Societies. The Ontario Society for the Prevention of Cruelty to Animals attempts to condemn puppy mills and unregistered breeders, but their hands are tied by political inefficiencies in the updating of animal cruelty sections in the Criminal Code.

The amendment to Bill 132, section 9(4), and those other sections similarly indicate that dogs determined to

be pit bull types can be held at “a pound operated by or on behalf of a municipality, Ontario or a designated body or to a research facility within the meaning of the Animals for Research Act.” There are multitudes of dog rescue groups, all varying in conditions and regulations. Would this mean, then, that any so-called backyard rescue group could apply under this section?

There is, to my knowledge, a pit bull rescue group. So if I were an active member in this organization and we received a pit bull surrendered to our rescue group due to the Bill 132 legislation, I could keep this pit bull, in accordance with the pit bull rescue group. I would be, or would represent, a designated pound-type organization, would I not?

Subsection 4(1), proceedings against the owner of a dog: What types of qualification would justify someone to determine if the dog falls under subsection (b): “The dog has behaved in a manner that poses a menace to the safety of persons or domestic animals”? In my experience, almost every dog at some point in time or another may possibly fall into this category.

How many people here own dogs? What happens if someone rings your doorbell or knocks on your door, and your dogs start barking crazily like they may attack the door? How would someone like the general public or even a peace officer, as defined in section 12 of the proposed amendment, who doesn't have lots of, let's say, dog experience know whether or not your dog would bite them? Might they not just assume that your dog poses a threat to public safety? Then your dog would fall into this subsection 4(1)b. If your dog isn't defined in the definition of pit bull, you should have no concerns. But what if your dog does bite the visitor? Obviously, Bill 132 won't apply to your dog, since it isn't a pit bull and this is a breed-specific ban. Does this incident just get recorded, or does anything happen?

It was estimated by the Canada Safety Council that there were over 500,000 dog bites per year in Canada, based on United States statistics. I recently received statistics collected by one area, the Wellington-Dufferin-Guelph Health Unit, which reported the number of domestic and stray bites in these counties. If the incidents reported were less than five bites, they would not be presented in this report. There was no report of the breeds involved. This information, required by the reportable diseases information system, does not appear to be clear or substantial enough in data to isolate individual breeds. There was a study done in 1997 based on the breeds that killed one or more persons from 1979 to 1996. Is there more accurate and up-to-date information for breed statistics and bite numbers recorded for 2004?

Subsection 13(1),(a) and (b), pertains to the impracticality of obtaining a warrant in a particularly exigent circumstance, and thus the peace officer may exercise any of the powers of a peace officer. What situation would denote an exigent circumstance and who is to determine such? A dog, a restricted pit bull or similar-looking dog with its owner, on a leash, barking uncontrollably at children playing ball: Most would initially

say that the owner appears to have things under control. But what if, after several minutes, the owner drops the leash and the dog gets loose? Is this an exigent circumstance? But then again, what if the owner commands the dog to be quiet, the dog obeys and off they go, in complete control? No one will really know unless you spend some time on each circumstance. How much time in a day are the peace officers going to be able to spare?

The amendment subsection 20(2)(a) with respect to leashing and muzzling of restricted pit bulls will provide for a lot of assumptions in the eyes of the Ontario public. No longer will anyone be able to walk a dog, compatible or not, in their streets or local parks without people presuming it's a vicious dog. Not only that, but the public, a substantial number being ignorant with regard to dogs, will start questioning who has a restricted dog and who's breaking the law by not muzzling their dog.

The Chair: Just to advise you, you have about three minutes if you wish to sum up.

Ms. McVeigh: Thank you. If an owner does not have control over their canine or if it was recommended by an authoritative figure such as a dog trainer that the dog should be wearing a muzzle and be properly on leash, I suggest the number of calls to the local police office is going to be higher from the so-called concerned residents.

I'd like to commend the Ontario government for recognizing that there is a problem with dog bites, but I strongly oppose a specific-breed ban. I feel that some of the pit bulls, for example, fall into the wrong hands, for the wrong reasons. This specific-breed ban may lure some of these owners into erratic breed publicity through increased illegal breeding and activities, public exposure etc. The Ontario SPCA may become more involved with the government in control of these bite situations, as well as updating report statistics. Why not implement a dangerous-dog act that encompasses any breed involved in a reported dangerous act?

Thank you very much for your time. Does anyone have any questions?

The Chair: We would have time for one brief question, and it would be Mr. Zimmer's turn in the rotation.

Mr. Zimmer: Let me just point out that the definition of pit bull that we have in the proposed legislation is the same as the definition in the Kitchener-Waterloo city bylaw and also the same as the Winnipeg definition. Let me just quote from the chief operating officer, animal services, for the city of Winnipeg:

“Our experience in Winnipeg,” that's with the same definition, “has been one of success. We have seen the number of pit bull incidents decline dramatically since introducing a pit bull ban 14 years ago. I applaud the government of Ontario for their decision to ban pit bulls and deal with this urgent public safety issue.”

What's your reaction to the Winnipeg experience?

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Ms. McVeigh: May I respond, Mr. Zimmer? First of all, I have a copy of Bill 132 in front of me, which I

received from the Legislative Assembly of Ontario. If you look under subsection 1(2), it says:

“Section 1 of the act is amended by adding the following definitions:

“‘pit bull’ includes,

“(a) a pit bull terrier,

“(b) a Staffordshire bull terrier,

“(c) an American Staffordshire terrier,

“(d) an American pit bull terrier,

“(e) a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d); (‘pit-bull’).”

Then going back to what I stated—

Mr. Zimmer: What’s your comment on the Winnipeg experience?

The Chair: You should sum up within about the next 30 seconds, please.

Ms. McVeigh: OK. What I wanted to say basically was, how are people going to determine if the dog is a pit bull or not a pit bull? As far as a specific-breed ban goes, how is someone going to determine what is a pit bull? Are you going to be able to go and look at a dog—a backyard-bred boxer, for example—and know that it is a boxer? Are you going to be able to know that, or are you going to be able to say that’s an American Staffordshire bull terrier or a pit bull?

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

Alice KNECHTEL

The Chair: Is Alice Knechtel in the room? Good afternoon, and welcome.

Ms. Alice Knechtel: Good afternoon.

The Chair: For the purposes of Hansard, please begin by stating your name. As I’ve previously said, you’ve got 10 minutes to make your presentation. If you leave any time remaining, it will be divided among the opposition parties. From here, the time is yours.

Ms. Knechtel: My name is Alice Knechtel and I live in Barrie on Letitia Street. I am the victim of a pit bull. I have a Shih Tzu dog and I walk him every day at about 4 o’clock. We come down Letitia and go through the catwalk. We were entering the catwalk and a pit bull jumped out of a car and leaped at my dog. I was really afraid to bend down to pick him up or do anything to him. The pit bull threw him around, and I hollered some profane language at the fellow and told him to come and get his pit bull. He came and got him, and he was very nice to me. He kicked the dog and took him away, and he came to me and said he was sorry.

I turned around and went back home and called the police. A police lady came and I explained what happened. She told me just to wait at my home, and she went back down to where the people lived. She knocked at the door and when they opened the door, the pit bull was running up the stairs. She took her gun out and said she’d shoot it if they didn’t pull it back, so they pulled it back.

She came back to me and talked to me and I told her that I wanted the pit bull removed. She said she couldn’t do it because my dog wasn’t really harmed; he was just scared. I was really frightened. It could have attacked me too. Anyway, I’m for this bill.

Mr. Tascona, I can’t believe that, after all the attacks that have happened in Barrie, you’re against it. I just can’t believe it. There have been many attacks and there are lots of pit bulls in Barrie—lots of them.

The Chair: I would ask, please, if you have comments, to address them through the Chair.

Ms. Knechtel: Anyway, that’s what happened to me, and I’m for the bill. I want it passed and I want these pit bulls taken away.

The Chair: Are you done?

Ms. Knechtel: Yes.

The Chair: We have a little bit of time for questions, about three minutes for each party. We’ll begin with Mr. Tascona.

Mr. Tascona: Thank you very much, Alice, for presenting. I guess maybe I should explain myself a little bit. The bill in itself will not remove any currently living pit bull, as that is defined, from the streets. So that is not going to change.

What we’re looking for is dog legislation that will protect you and your dog right now, whether it’s a Doberman or a pit bull—because they’re not going to go away. They’re still going to be out in the streets. The reason why we oppose a breed ban is because we want all dogs to be dealt with in the same manner, because they could pose the same risk to the public. That’s what we’re trying to accomplish here: make sure that we put in the necessary tools.

People have been speaking here all day about having better dog ownership, because that’s obviously one of the issues here, and about better training of the dogs.

We’re not against protecting the public. I was on city council when we dealt with dog ownership—the Dog Owners’ Liability Act. It just doesn’t do the job. It has to be strengthened. We want to strengthen the legislation that currently exists to better protect the public. That’s what we’re after.

You’re not going to see any fewer pit bulls living in the streets of Barrie because of this bill; I want to assure you of that.

Ms. Knechtel: I’m sure you will.

Mr. Tascona: But we want you to be better protected. After the three months that the bill has been put in place, pit bulls will not be allowed to be bred in the province. The current number will not change, just for your own information.

Ms. Knechtel: It’s the most dangerous dog I’ve ever seen. It was really frightening.

Mr. Tascona: I don’t doubt that it was frightening for you.

Mr. Kormos: Thank you, Ms. Knechtel. Again, that’s what the debate has been about: whether you deal with this with breed-specific bans, as you’re supporting, or whether you deal with a broader-based vicious dog ban.

Which one is the Shih Tzu?

Ms. Knechtel: They're just little dogs.

Mr. Kormos: Are they the wrinkly ones?

Ms. Knechtel: No.

Mr. Kormos: What colour are they? Are they tan-coloured?

Ms. Knechtel: Some of them are tan. They're all different colours. They're very smart dogs.

Mr. Kormos: They're little dogs, right?

Ms. Knechtel: They're little dogs.

Mr. Kormos: Around what time did this incident happen? I'm not talking about the month. How many years ago? Last year? This year?

Ms. Knechtel: In the fall.

Mr. Kormos: You see, folks, and Ms. Knechtel, this is what concerns me—because I'm reading the law that exists now. Parliamentary Assistant, help me if I'm wrong. It seems to me that if a dog like this pit bull attacks a person or another dog, as the pit bull appears to have done—I don't dispute what you say; nobody's saying that it didn't happen—then, according to the law, the owner of that pit bull should be taken to court to determine whether this dog poses a danger. Again, Mr. Zimmer, help me if I'm wrong. The owner of that pit bull should have been taken to court to determine whether or not that pit bull poses a danger based on the attack that it did.

This dog jumped out of a car window, right?

Ms. Knechtel: No. They pulled up in their driveway and opened the door, and the pit bull leaped, just like that.

Mr. Kormos: Fair enough. So here's a pit bull, unleashed, and motivated by whatever motivates dogs—and it's too bad that we don't still have the doctor here—that runs after and attacks your dog. Maybe it figured it was breakfast; I don't know. It certainly wasn't about to play with it.

Mr. Zimmer, here's a case where, as far as I read the existing law, the owner of that pit bull should have been taken before at least a JP with an application to determine the degree of dangerousness of that dog, with the various remedies provided for in the statute.

Again, I hear you when you advocate for the breed-specific ban. That's what the debate is about. I'm concerned that the existing law isn't being utilized to protect you and your dog from a pit bull that's clearly vicious.

Ms. Knechtel: Exactly.

Mr. Jeff Leal (Peterborough): Thank you very much for sharing your sobering experience with us. Before entering provincial politics, I had an 18-year career in municipal politics in the city of Peterborough. I can tell you that during that time, every week I would get phone calls from people about dogs.

You've been following this issue here in the city of Barrie. Do you have any idea, over a period of time, of the number of attacks by pit bulls here in Barrie?

Ms. Knechtel: Every time you pick up the paper, somebody has been attacked by a pit bull.

There's a man in Barrie who walks his dog in the same place that I do. It's a big dog, and it was really severely—it cost him 500-and-some dollars at the vet.

Mr. Leal: Thank you very much for your comments.

The Chair: Thank you very much for coming in and sharing your experiences today.

1340

BARRIE KENNEL AND OBEDIENCE CLUB

The Chair: Is there a representative here from the Barrie Kennel and Obedience Club?

Welcome to the committee this afternoon. You have 15 minutes to address us.

Ms. Mike Macbeth: I've got my own stopwatch.

The Chair: Well, mine is the official time, so you don't need it. Please begin by identifying yourself for the purposes of Hansard, and continue.

Ms. Macbeth: I thank the committee for the opportunity to speak. My name is Mike Macbeth. I've been breeding, showing and lecturing about purebred dogs for 40 years. I don't look that old, I know. I'm founder and president of the Dandie Dinmont Terrier Club of Canada. I'm a writer on dog matters for several international publications, a columnist for Dogs in Canada magazine and a business writer and journalist by profession. I'm also an all-breed dog show judge, with more than 25 years of international experience. I judge all 164 Canadian Kennel Club breeds and, internationally, over 300 of the very esoteric breeds you'll find around the world. I'm speaking today on behalf of the Barrie Kennel Club, as a member and as one of their 2005 judges.

Many of the presenters will be concentrating on various aspects of Bill 132. Instead, I would like to offer the committee a history lesson.

Throughout history, dogs have been used to assist man in his work and recreation. Back when the Dead Sea was only sick, before there were defined breeds, dogs only came in basic categories, such as guard dogs, shepherds, hounds, terriers, and tiny companion dogs for the ladies. Before poisons and traps, terriers killed the vermin that jeopardized farmers' livelihoods, from rats in the granaries to larger animals such as foxes and badgers. Through selective breeding, different types of terriers fulfilled specific needs, from climate and topography to the size and speed of the rodent. Hounds were used for hunting. Over time, various kinds of hounds and other hunting dogs were developed: larger, faster dogs for hunting with horses, and smaller hunting dogs for hunting on foot. Spaniels and retrievers were used to locate and retrieve game. Every country produced a breed of shepherd to mind, herd and defend flocks of sheep, goats and cattle. Guard dogs have been required by man for millennia. Even today, particularly in have-not countries—and I just got back from judging in Brazil, where guard dogs are desperately needed by the haves against the have-nots—dogs are used to protect families and property. In Canada, guard dogs are used in police work, security and even, as we've heard before, as junkyard dogs.

A watch dog with the ability and temperament to cause injury is the reason we're here today, so perhaps it would be useful to go back in time. "Unleash the dogs of war"—since 700 B.C., that fearful battle cry inspired terror in opposing armies. Fierce Molossian fighting dogs, bred for their strength, tenacity and power, were used by the armies of the Assyrians, Persians, Greeks and Romans. Believe it or not, Attila the Hun used dogs to guard his camps. Why he would need a dog, I don't know, but anyway. During the Middle Ages, massive soldier dogs wore suits of armour. Attack dogs helped the Conquistadores bring down the fleeing Aztecs. Brutality had no boundaries.

In 1522, Aldrovandus wrote that the dogs of war were no different to farm and sheepdogs "except in the matters of their training and teaching." The methods he prescribed to train a guard or sentry dog are employed by modern armies and police forces today.

Blood sports served as human entertainment between the wars. The soldier dogs formed the basis of the aggressive dogs bred for bull and bear baiting in the 16th and 17th centuries. By the early 18th century, popular sports included dog fighting.

Man is a designer. Never content with the status quo, he seeks to improve and refine, whether it be cattle breeds, horses or dogs. A type of dog was developed for fighting in the pits, combining the strength of jaw of the bulldog, used for bull baiting, with the tenacity, game-ness and courage of the terrier, used for killing vermin. It was called the bull and terrier, or pit bull.

By 1900, dog fighting was banned, both in England and the U.S. This barbaric entertainment went underground. There are savage, unregistered rogue dogs used illegally in clandestine dog fighting today, but please remember, it is the irresponsible human being who encourages ferocity. Aggression isn't ingrained; it is trained.

In the meantime, gentle purebred versions of a similar type of dog were developed by conscientious breeders in England—the little 14- to 16-inch Staffordshire bull terrier, known as the nanny dog—and in the U.S., the American Staffordshire terrier. Although quite rare in Canada, they are both popular worldwide. The Staffie bull is both England's and Australia's most popular terrier. I judge in Australia about every 18 months, and I will have at least 200 Staffordshire bulls every time I judge. A 2004 survey conducted by the Canadian Dog Judges Association revealed that Canadian dog show judges had cumulatively judged more than 13,000 Staffordshire bulls and 6,000 AmStaffs, and have never encountered a single growl or any show of aggression.

I've been asked to present for your consideration two letters which I'll submit to you. One is from the chairman of the American Kennel Club, Mr. Ron Menaker, and the other is from the chairman of the English Kennel Club, Mr. Ron Irving. You'll see in the letter that both of them oppose Bill 132.

Why are purebreds more tractable? Purebred dogs are fundamentally different to mongrels. The 164 recognized

breeds bred by Canadian Kennel Club members are regulated under the federal Animal Pedigree Act. There is accountability. Registered, with generations of known ancestors behind them, pedigreed dogs have a reliable, dependable, established heritage. Most are raised by conscientious breeders who participate in Canadian Kennel Club events such as dog shows and obedience trials. Stable temperaments are a prerequisite for these events. The dog will be surrounded by hundreds of other dogs of other breeds and must stand quietly and submit to a full-body examination by judges such as myself; otherwise they won't win a ribbon. And if you'll notice, I have 10 fingers.

Purebred dogs must all conform to a written ideal standard of perfection. Not one single Canadian Kennel Club standard allows a dog to be aggressive—quite the reverse—and Canadian Kennel Club rules state that aggression to people and dogs will not be tolerated. The penalties are significant. There are generations of selectively bred purebreds behind every CKC-registered dog—generations with the excellent temperaments required of champions.

Who are the breeders of dogs in our community? Purebred dogs are intentionally bred. Experienced, responsible breeders understand socialization, nutrition and behaviour and raise their purebred puppies accordingly. But not all dog breeders are competent. Owners of puppy mills mass-produce puppies in appalling conditions for profit. These dogs will be wrenched from the nest and sold before they're properly socialized. The expensive medical and nutritional protocols that legitimate breeders follow will be disregarded. Mr. Archer's presentation to the contrary, most of us refer to backyard breeders as people who are uncontrollable, unaccountable and usually unknowledgeable. Some breed purebred dogs; others breed mongrels or crossbreed hybrids. The profit motive is paramount, to the detriment of the puppy.

Mongrels tend to be mostly a one-time mistake, a random breeding between two willing participants. It's no coincidence that mongrels bite more often than purebreds. How can they be expected to be as reliable, genetically or behaviourally, when litters are raised on a one-time-only basis by inexperienced people?

Then there are the unregulated underground breeders, who deliberately encourage aggression in a pit-bull-shaped, short-coated mongrel with no recorded parentage. There are no consequences, legislation or authorities to control these rogue breeders. They would be expelled from CKC membership. These are irresponsible human beings.

We all agree that the public needs to be protected from any dangerous dogs, including unpedigreed pit bull types. None of us is an apologist for aggression. But I urge the committee not to condemn innocent family pets, whether purebred or mongrel, who have done nothing to deserve such condemnation.

1350

Let's look at the definition of a pit bull. We cannot ban that which we cannot define. What is a pit bull? It's

impossible to accurately define a pit bull, which is a phenotype or shape, not a breed. It is simply a type of mongrel. As it is unregistered, it cannot be defined. Purebred dogs with registration papers can prove their identity, but mutts and crossbred dogs cannot.

An aggressive fighting dog, short-haired, long-legged, with a strong punishing jaw, favoured by the criminal element is a dog we associate with the words "pit bull." But this dog is an amalgam of many breeds introduced to make the dog stronger, more muscular and more tenacious.

Bill 132 seeks to restrict any dog that resembles a pit bull. The legislation is Napoleonic. The onus is on the owner to prove the dog is not a pit bull. But how does the owner of a dog whose heritage is unknown prove their dog is not a pit bull, which is a mongrel whose heritage is unknown?

Genetics can only go so far. Yes, retrievers should bring you back a duck quicker than a pug, bloodhounds will find a lost child faster than a Scottie, and German shepherds will probably take down a fugitive quicker than a chihuahua—although, if you know anything about chihuahuas, fortunately they can't reach anything. All breeds have purpose and follow a form with function, but it is the raising, training and environment that determine a dog's temperament far more than genetics.

And this is the crux of the problem, ladies and gentlemen: The public, including all of us who love dogs, have the right to be safe from all dangerous dogs, regardless of shape, colour, size and length of hair. Target the disposition. Bill 132 condemns a dog for its appearance. Penalize a dog for its temperament, not its shape.

The Chair: Just to inform you, you should be looking at concluding. You have about three minutes.

Ms. Macbeth: Thank you.

Now to the problem of language and identification: As a professional writer, I know the power of words. "Pit bull" is an evocative description. It has entered our lexicon as a synonym for aggression, danger, jaw-clenching tenacity. It isn't the strong bulldog determination of a Winston Churchill; it is fearful, explosive, unpredictable. "Pit bull" has mutated from a noun to an adjective. "Pit bull" is shorthand for "dangerous."

Committee, there would not be the dozens of people applying to speak to this committee if the legislation had substituted the words "dangerous dog" for "pit bull." It's so simple. Any dog that attacks should be penalized. Since almost all attacks are perpetrated by dogs that are not on a leash, why are we not mandating that all dogs—not certain breeds, but all dogs—be leashed when walking in public? Respectfully, if the Dog Owners' Liability Act had been properly enforced, would we have needed Bill 132? It has teeth, but it's barking up the wrong tree.

So who should be penalized? Bill 132 correctly attempts to rid our community of aggressive dogs owned by, in many cases, the criminal element or macho wannabes. Perhaps "pit bull" is as much an unfair stereotype as the tattooed and leather-clad skinheads who own them. But those individuals who use dogs as weapons,

who flout the gun laws and the drug laws, will ignore Bill 132. They should be the target of the legislation and be heavily penalized.

It is the human being who is ultimately responsible for their dog's behaviour. Kindness and tenderness create stable temperaments. Experienced breeders produce well-socialized, gentle dogs. Any dog can be provoked into aggression, whether purebred or mongrel.

There's a song that goes: Bless the beasts and the children / For in this world they have no voice / They have no choice.

Puppies born to the wrong individuals, puppies sold to the wrong individuals, have no choice. They become what their owners want them to be. But, ladies and gentlemen, you have a choice. Don't target the shape of a dog. Penalize inappropriate behaviour and convict the real offender who created such behaviour. Punish the irresponsible human being.

I thank you for your attention.

The Chair: Thank you very much for having come here today and for your very thoughtful brief. Unfortunately, we don't have time for questions.

Ms. Macbeth: May I ask one? How do I submit the two letters from the—

The Chair: That's easy. The clerk will get them from you and we'll copy and distribute them. Thank you again for having come in today.

BEST BEHAVED DOG ACADEMY

The Chair: Is there a representative here from the Best Behaved Dog Academy?

Mr. Kormos: If I may, just a comment: There is an alternative to the unequal distribution of wealth in Brazil to guard dogs for the wealthy.

The Chair: Until that's a matter before the committee, I think we'll defer.

Welcome to the committee this afternoon. You've got 15 minutes to address us. I think you've been here long enough to understand the ground rules. Any time you have remaining will be divided. The time is yours. Please begin.

Ms. Laura Belisle: Thank you. My name is Laura Belisle. For the past year I have been the co-owner of Best Behaved Dog Academy in Barrie. I have been an obedience instructor for the past 11 years, having gained my training with the Lakeshore Dog Training Association in Pierrefonds, Quebec.

I became involved in obedience when my first dog, a cocker spaniel-poodle mix, which was an impulse purchase at a local pet store and was not given any obedience training, began to show signs of antisocial behaviour and tendencies to snap at people, including myself. Over the 12 years that I owned her, I was extremely cautious and avoided situations that would result in any unpleasant incidents. Her behaviour worsened with age and when she was 12 she attempted to bite my two-year-old daughter. I had her euthanized at the veterinarian's the same day and I vowed never to allow a situation like

that to happen to me again. I was your typically uneducated dog owner and started my next dog in obedience a week after her purchase from a reputable breeder. With this unpleasant experience, I learned how important the proper training and socialization is for any dog regardless of breed or size.

We moved to Ontario in 1999 and I began teaching for the Barrie Kennel Club in the year 2000, before forming my own partnership with Best Behaved Dog Academy in 2004. I am currently a member in good standing with the Canadian Kennel Club and the Shetland Sheepdog Club of Canada. I am a founding member of the Irish Red and White Setter Club of Canada and I am still an associate member of the Lakeshore Dog Training Association.

One of my dogs was the first of her breed in all of Canada to earn an obedience title. I was also awarded the Top Obedience Dog award from Dogs in Canada in 2000 and 2001.

I feel the breed ban will do nothing to stop the rising occurrences of dog-related aggression because negligent and/or criminal dog owners will simply find another way to acquire the dogs they favour. The dog may be removed, but the problem—the owner—remains, and with it all the potential for another mishap. Irresponsible dog owners go virtually unpunished for their negligence. The dog is put to sleep and they will get another dog, possibly with the same consequences. We must focus on the owners, not the dogs themselves. The owner of the dog must be targeted and held accountable. A breed ban will not inhibit negligent or criminal dog owners from acquiring another dog—tougher laws aimed at the owners will.

If a negligent or criminal owner is prohibited from owning dogs, pays a high fine or is jailed, the problem is stopped at the source. They no longer own a dog; therefore, the potential for an aggressive dog incident is greatly reduced.

Owning a dog is not a liability but an enhancement to our lives. Dogs are wonderful companions and have many uses in our society. Guide dogs aid the blind, service dogs aid the handicapped, volunteers use their dogs for pet therapy, rescue dogs aid in disasters, just to name a few of the hundreds of ways dogs can help us and enrich our lives. Dogs teach children responsibility and respect for other living things. They provide comfort and unconditional love for their owners.

1400

Dog ownership has evolved over the years and dogs are now primarily seen as family members. They travel with their owners, attend daycare facilities and participate in many other dog-related activities now, more than ever before. Education of the public on the subject of responsible dog ownership should be a priority in all communities. Perhaps offering a discount on a dog's licence if owners take obedience classes or earn Canine Good Citizen titles would encourage owners to register their dogs with cities and encourage owners to attend obedience classes and become better educated about their canine companions.

Although responsible breeders already recommend obedience classes to their puppy buyers, rather than spending taxpayer dollars on enforcing breed-specific legislation, which will not solve the problem, I suggest that municipalities work with their local shelters and Canadian Kennel Club representatives to offer educational programs for new dog owners. Puppy buyers should be encouraged to take obedience classes to socialize and better understand their canine companions. Local shelters should require or offer obedience classes as a condition for adoption.

In my 11 years of teaching dog obedience, I have dealt with many breeds of dogs and many different handlers. I have seen knowledgeable handlers and I have seen handlers who have no idea how to deal with their pets. I have seen well-behaved dogs and uncontrollable dogs. I have seen shy, timid dogs gain confidence and uncontrollable dogs learn restraint. I know from experience that it is the uneducated, irresponsible or criminal owners, not the dogs, who cause or even enhance, whether knowingly or unknowingly, unwanted behaviour in their canine counterparts.

For example, a student arrives for the first week of class, and their dog is jumping up, pulling on the leash and barking uncontrollably. The owner speaks soothingly to the dog and pets it to try to settle it down, mistakenly reinforcing the pet's behaviour. They are then taught that the dog does not receive a reward for unwanted behaviour—the reward being the soothing words and the petting—but is instead rewarded for being quiet once the dog has focused on the owner and has stopped barking and jumping. This is one of the ways people reinforce negative behaviour without even realizing that they're doing so.

Obedience classes can be extremely beneficial to dogs and owners alike. Owners learn to understand and correctly deal with their dog's behaviour in a variety of ways through different exercises. Owners learn to encourage and teach their dog acceptable behaviour and to discourage any unwanted behaviour. They learn how to teach their dog to behave properly around other dogs and people of all ages.

Puppy classes are structured around the all-important aspect of socialization. The puppies learn to interact with a wide variety of dogs and people in a positive and controlled environment. In the basic classes, older dogs of any age not only learn to behave around other dogs and different people, but they also learn confidence in varied group situations and learn to respond to their owners in this environment. Confident owners and their confident dogs learn to react calmly as a team to different situations, environments and stimuli.

Obedience classes are readily available in most areas. Prices are generally reasonable. There is such a wide variety of training methods available, and most sessions run for six to eight weeks. Some obedience schools and clubs provide homework; others don't. There is something for everyone's tastes or preferences.

I have been teaching obedience for 11 years and I still continue to be amazed at the incredible improvement and

change in a problem dog's behaviour after a mere eight-week session. It is so rewarding to hear an owner who was committed to the class, who worked hard with their dog at home and in different environments, say to me that they had their dog at the vet's office and everyone who worked there was so impressed with how well-behaved their pet was, or when an owner tells me that they had a houseful of guests on the weekend and they were so proud that their dog was well-mannered and a pleasure to have around.

One of my current students is an English springer spaniel, a fairly medium-sized hunting-type dog, who was physically and mentally abused, neglected and left in a shed to starve to death, and was discovered by local residents. When her current owner, my business partner, first took her in, she was completely wild, for lack of a better term. Her behaviour was extremely aggressive, completely fearful; she could not be handled without being muzzled. It was only through constant contact with her, discouraging unacceptable behaviour and rewarding good behaviour, that she slowly learned to trust those close to her. Today she participates happily in class and has taken part in obedience demonstrations for the public. This indicates how proper knowledge and handling and proper training can mould a previously dangerous dog into a happy, working obedience dog.

Rather than consider breed-specific legislation, I respectfully urge the committee to strengthen dangerous-dog legislation so that aggressive dogs of any breed and, more importantly, their owners are severely punished, but tractable and sweet dogs who behave properly and are no threat to the public are justifiably protected.

The Chair: Thank you very much. We have time for one brief question, about 60 seconds a party, beginning with Mr. Kormos.

Mr. Kormos: Were you here when Ms. Knechtel spoke with us about her Shih Tzu that was attacked by a dog that jumped out of a car?

Ms. Belisle: No.

Mr. Kormos: OK. She was walking her little Shih Tzu, doing nothing wrong. Somebody stopped their car in the driveway, opened the door, and what appeared to have been a pit bull jumped out—boom—attacked the dog, the little Shih Tzu, and thought it was dinner. Tell us what's going on here. Tell us what the phenomenon is. Is there anything the owners, short of leashing and having better control of their dog, could have done? That seems to me like, I don't know, instinctive behaviour.

Ms. Belisle: Dogs definitely have the instinct to chase and the desire to chase, some particularly more than others do. This dog, you say, was a pit bull?

Mr. Kormos: OK, let's assume that it is. Help us. What should or could the owners of that pit bull have done?

Ms. Belisle: If the owner possibly had taken an obedience class, perhaps he could have called the dog to come, and the dog would have come.

The Chair: Thank you. A question from the government side?

Mr. Leal: I have no questions.

The Chair: OK. Thank you.

Mr. Miller: Thank you for your presentation. At the beginning of your presentation, you were talking about your experience with buying a dog at a pet store. Do you think the rules should change in terms of pet stores and buying pets, dogs in particular, from pet stores?

Ms. Belisle: Pet stores are rumoured—I don't know that it's a fact and I don't have statistics to back it up—to get a lot of their puppies from puppy mills. As you've heard discussed today, puppy mills are extremely unhealthy environments and the dogs have extremely questionable temperaments and come from extremely questionable conditions to begin with. So if it were the case that every single pet store in Barrie or in Ontario got their puppies from puppy mills, yes, they should.

Mr. Miller: So there should be rules requiring them to come from a registered breeder, and perhaps some training involved with the purchase of any pet as well, that kind of thing?

Ms. Belisle: Absolutely.

The Chair: Thank you very much for having coming in today. As one who grew up in the town and, later, the city of Pierrefonds, Quebec, I thank you very much for your deputation here today.

Ms. Belisle: All right. Thank you.

Mr. Kormos: Do you know him?

Ms. Belisle: No, I don't know him.

The Chair: I think we went to different schools together.

1410

LORI GRAY

The Chair: Is Lori Gray in the room? Welcome to the hearings this afternoon. You have 10 minutes to present to us today. You can use all the time if you wish. If you leave any, it will be divided among the parties for questions. Please proceed.

Ms. Lori Gray: Thank you. My name is Lori Gray. I'm from Alliston, Ontario. I'm a canine trainer, a member of the Canadian Association of Professional Pet Dog Trainers and a member of the Dog Legislation Council of Canada.

First of all, perhaps I could just direct you to the quite thick presentation I have handed out to you. Don't worry, I'm not going to read 133 pages, but there's a lot of information, all fact, included in this manual that you can go through at a later time. What I'm going to do, basically, is just a quick summary.

I would like to open by saying that you, the members of the legislative committee, and the government as a whole have a duty and responsibility to best protect the citizens of this province. The entire country is watching our precedent-setting decisions. We, the citizens of this province and country, deserve the right to have our laws based on fact, not opinion, based on logic and knowledge, not fear and media sensationalism.

The facts speak for themselves. This has been a long debate worldwide. Many of our predecessors have tried

to curb dog attacks by banning breeds, but when the heroics are set aside and the actual numbers are presented, we find that we are left with a steady stream of unfortunate incidents.

Who is responsible? The true culprits are irresponsible owners. It is your responsibility as a dog owner to educate yourself, train your animal, socialize him and give him the care needed to be a well-adjusted dog. Accidents do happen, but the majority of serious attacks involve irresponsibility on the owner's behalf.

Winnipeg seems to be the model that this legislation has been based on. An article in the *Winnipeg Sun* on January 23 this year quotes Tim Dack as saying, "We've had a 50% reduction" in 14 years. Another quote: "It's been going steadily down" to 166 bites in 2003. Another: Bites hit 310 the year the ban kicked in. What he doesn't tell you is that only 2002 and 2003 saw a decrease in actual bites in Winnipeg. I have included an actual Winnipeg bite chart, which is in your manual and is loose. You can pull that out and refer to it. By 1997, seven years after the ban was put in place, total bites went up to 328 from 214 the year the ban was put in place.

Pit bull types of dogs were responsible for 28 bites the year before the ban went into place. The German shepherd and cross thereof, combined, added up to 95 bites the year before the ban. The Rottweiler averages 11 bites per year to present, and in 2002, the Rottweiler was at 22 bites. The German shepherd and cross stayed consistent at an average of 71 bites per year. Something is wrong with that picture.

Some argue it is not about the numbers. "Pit bulls are a breed apart," we've heard. If you ask any victim of a German shepherd, a bull mastiff or a Rottweiler attack, to name a few, if there was less damage done to them than to the victims of a pit bull attack, what would the answer be? Cody Anger, a three-year-old boy, was killed by three Rottweilers and a collie in his own living room on December 28 last year, just weeks ago, in Maple Ridge, B.C.

Calgary is the only city that has had any success in curbing serious dog attacks. Calgary not only makes animal control self-sufficient but also makes owners completely responsible for their animals' actions. Their dangerous-dog bylaw means that owners with dogs designated dangerous pay higher licence fees and higher fines. Calgary also has the highest number of off-leash parks of any city in Canada. Included also in the handout I've given you is a complete Calgary bylaw for you to make reference to.

At a Toronto city meeting on January 17 this year, the Toronto Board of Health determined that only 10% to 15% of canines in the city of Toronto are licensed. I think the word that Mr. Filion used was that he was "shocked."

Enforcement and education seem to be the main elements missing in this piece of legislation. Here are some biting incident facts: Poor training and lack of proper supervision are involved in virtually every case of unprovoked dog aggression in Canada. Most dog bite

victims are unsupervised children. Most unprovoked biting incidents occur while the dog is inadequately supervised. Most unprovoked bites involve a dog with a known history of inappropriate aggression. There is no scientific correlation between a dog's breed or size and its propensity to bite. Dogs of all shapes, sizes and reproductive status are involved in serious dog attacks. Leash laws and muzzle orders do not apply to private property, where most bites occur. Muzzling dogs should only be used when absolutely necessary and only on a temporary basis. It makes a dog, especially an innocent dog, feel vulnerable and anxious, making them likely to develop aberrant behaviours that would never have existed if they had not regularly been muzzled.

The Chair: As a point of information, you have about three minutes remaining.

Ms. Gray: Yes. In my opinion, if anyone feels a sense of security because of Bill 132, they are experiencing a false sense of security. I personally feel less safe, as the backlash of this fear-based legislation has reinforced the uninformed beliefs and fuelled emotion. I have supplied the information package, as this is a very short summary that I have just presented. I urge you to carefully consider all the information and make informed decisions.

I will leave you with this: Responsible dog owners should not be held accountable for the acts of others. In fact, no individual should be held accountable for the acts of others.

Thank you for the opportunity to present.

The Chair: Thank you very much. We have time for one brief question. It's the government's question.

Mr. McMeekin: Lori, I want to hold you accountable for your actions: They're superb.

Ms. Gray: Thank you.

Mr. McMeekin: I appreciate everybody who has made presentations to this committee, but it's obvious that you've gone to some considerable time and expense. I'm going to make sure that the AG sees all of these, but I'm going to draw particular attention, because you've gone out of your way to do the kind of research that some of us have been footnoting as we go along.

I was going to ask you—maybe those who are here want to know, and I want to know—just how much time, energy and expense did you go to, to prepare your brief today? It's exemplary.

Ms. Gray: Let's just say my dogs have been rather neglected lately—a fair amount of time.

Mr. McMeekin: This is like a Ph.D. thesis.

The Chair: You stole my line.

Ms. Gray: I have my Ph.D. in dogdom.

Mr. McMeekin: I really appreciate the work you went to. Thank you so much. It's cogent, well-thought-out and extremely well-presented.

The Chair: I echo Mr. McMeekin's comments. Obviously, I haven't had a chance to read your brief, but it seems to me to be every bit as extensive as some of the drafts of my master's thesis years ago. Thank you very much for having come in today.

1420

GREATER SUDBURY ANIMAL CONTROL
AND SHELTER SERVICES

The Chair: Is there a representative of Greater Sudbury Animal Control and Shelter Services here today?

Good afternoon. Welcome to the committee hearings. You have 15 minutes here today. If you choose to leave some of the time remaining, then it will be divided among the different parties. The time is yours and so is the floor. Please proceed.

Mr. Richard Paquette: My name is Richard Paquette. I would like to thank the committee for allowing me the opportunity to share the thoughts and concerns I have with Bill 132. I have been involved with the dog business for over 30 years as a very successful dog breeder and kennel owner. I am also a licensed Canadian Kennel Club judge of purebred dogs, including the American Staffordshire terrier and the Staffordshire bull terrier. During the past 20 years, I've also acted in the capacity of a contractor, providing bylaw enforcement and animal control services for various municipalities in my area. I currently provide full animal control and shelter services for the city of Greater Sudbury, with a population of over 160,000 residents. In that capacity, I have been involved in all aspects of animal control and have acted as a prosecutor, provincial offences officer, pound manager and animal control officer. My professional capacity and experience gives me a unique perspective as an expert in many fields. I am willing to share this expertise with this committee in an effort to ensure that Bill 132 becomes the important tool that it can be.

For the past few years, I've watched the media reporting surrounding the issue of dangerous and vicious dogs and have always been disappointed with the approach that some in the media have taken toward this subject. I have been a first-hand investigator in many dog aggression attacks by various breeds against humans and other animals which warrant attention, but in most cases only the pit bull or Rottweiler stories are of any interest to the media. This one-sided approach has been very successful in propagating the myth that certain breeds should be banned, and hence we now see a much-needed revamp of the Dog Owners' Liability Act turned into a ban-the-pit-bull solution to all the problems we have with dangerous dogs.

I support any piece of legislation that would give me the tools required to perform my tasks as an animal control officer. Laws are rules by which community peace and order are kept in neighbourhoods. Law enforcement provides an effective, neutral way of imposing restrictions on people's tendency not to respect shared public space. Unfortunately, Bill 132 in its present form is more of a liability than an asset in the performance of my duties. Animal control is a necessary component in providing protection for residents of the province of Ontario. I take my job very seriously and strive to pro-

vide a safe environment for residents to enjoy themselves in, without the fear of being attacked or injured by marauding or menacing dogs.

The reality of the situation is that we have fewer problems with pit bull incidents than we have with all other types of dogs, both purebred and mixed. In Sudbury, we had 213 bite incidents reported to the health unit in 2004. Of that number, only 11 involved pit-bull-type dogs, none of which were purebred.

Mr. Kormos: I'm sorry, Mr Paquette. I was distracted for a moment. Could you repeat that, please?

Mr. Paquette: In Sudbury, we had 213 incidents reported to the health unit in 2004. Of that number, only 11 involved pit-bull-type dogs, none of which were purebred.

Mr. Kormos: Thank you.

Mr. Paquette: Why, then, have the powers that be decided to sour such an important piece of legislation by hijacking it into a ban-the-pit-bull document instead of the important dangerous-dog legislation it should be? The overwhelming majority of stakeholders in this area have made presentations against this legislation in its present form. All have agreed that certain aspects are long overdue and are of merit. I trust that each of you will carefully evaluate the overwhelming evidence you've heard and make appropriate changes to this bill so that it will become a welcomed tool to be used by enforcement agencies to end the problem of dangerous dogs and, more important, their irresponsible owners.

The present tools we have for enforcement are the Provincial Offences Act and the Dog Owners' Liability Act, but these are missing the teeth to take the bite out of the problem. The reality of the situation is that we can only successfully prosecute problem pet owners who have something to lose. These are generally hard-working members of our community who, in some cases by their own doing but in most cases because of unfortunate circumstances, have come before the courts. These generally responsible owners do show up in court and accept responsibility for incidents which result in infractions. They are not the problem. The reality conforms to the 80-20 rule, which has 80% of the responsible owners causing only 20% of the problems. The other 20% of irresponsible owners create 80% of the problems.

Among this smaller group of irresponsible owners is an element who are very savvy with respect to their rights and very knowledgeable about how to beat the system. They ignore a summons to court, and when found guilty in absentia, they ignore the penalties imposed by the courts. They have no assets to collect, whatever fines the courts impose, and are in fact immune to prosecution. There is no consequence for their misbehaviour. The old summary convictions act, which was rescinded by the Provincial Offences Act, allowed for committal warrants which would see offenders go to jail for such things as non-payment of fines. This day and age of political correctness results in most judges basing fine amounts on an offender's ability to pay, because they know the only way to collect fees and fines from those

who do not voluntarily pay them is through a civil action. Suspended sentences are also a common practice for these offenders.

The job of an animal control officer is very difficult and stressful. Many provisions of Bill 132 will only serve to hinder the performance of our duties rather than help. Time spent enforcing aspects of the act with respect to pit bulls will take away from the routine duties of animal control, including investigation and prosecution of owners of truly dangerous dogs. It will also place excessive demands on police officers, who will undoubtedly be required to deal with the small number of unsavoury individuals who harbour these dogs and who will place the greatest obstacles and challenges for enforcement before us.

Identification of pit bulls as defined in the act will be difficult and subject to challenges. As a long-time dog person and dog show judge, I'm very dismayed that two Canadian Kennel Club breeds, namely the American Staffordshire terrier and the Staffordshire bull terrier, have been included in this group. The vast majority of these purebred dogs are bred by dedicated and reputable breeders.

Animal control officers and shelter owners like myself will have a difficult time with the provisions of the act and will see healthy, friendly dogs euthanized only because they had the misfortune to have a specific genetic makeup or look that is pit-bull-like. Many dogs will be arbitrarily euthanized because of what they look like and not because of any act that would justify their death. The least pleasant aspect of our job is the euthanasia of pets. It is mentally difficult now for shelter staff to provide these services for old, sick, injured or suffering animals, let alone the compounded inevitable euthanasia of friendly, healthy dogs. The mental anguish will do irreparable damage to these animal caregivers, result in negative consequences and lead to many outstanding qualified personnel leaving this occupation and career.

Let me relate a plausible scenario that will be played out in shelters and pounds throughout Ontario in the coming years if this bill is passed. A couple struggle with the pressure of owning a pit-bull-like dog and make the regrettable decision to bring their friendly, healthy pet to the shelter for euthanasia. This could be as a result of various factors such as pressure from neighbours, insurance companies or animal control. They arrive at the shelter having already broken the sad news to young family members, who are shattered and too young to comprehend the reasons. The parents complete the paperwork and say their last goodbyes to their cherished family pet. The owners try to be brave, but pain and suffering are seen in their eyes. They leave the shelter in tears and will always reflect on this sad day for the rest of their lives. The shelter worker invariably shares their grief and begins the unpleasant task, which leads to the inevitable trusting look and bewilderment of yet another healthy, friendly pet as it takes its last breath with a lethal, but humane, injection. They place the small

stuffed toy provided by the children into the plastic bag coffin and store it for burial or cremation.

I am proud to be a resident of Ontario and generally support the initiatives of the government, which works hard to provide solutions to the challenges that face us. The changes of Bill 132 are of such a negative and regressive nature as to shatter my faith in government. If this bill is passed in its present form, we will all share the shame of living in a province that demonstrates no tolerance or compassion for our four-legged friends who give so willingly of themselves in so many ways.

Mr. Chair, animal control is third only to fire and police protection in the personal protection of the residents of Ontario. It is an important component in providing a safe environment to live in.

1430

Please remove the negative aspects of Bill 132, which are the references to pit bulls and breed-specific legislation. Please champion the aspects of Bill 132 that impose higher penalties on irresponsible owners and restrictions on identified dangerous dogs. Give me the tools to do my job.

The Chair: We may be able to get in a quick question from each caucus, beginning with Mr. Miller.

Mr. Miller: Thank you for your presentation. Certainly, you have a unique position as the animal control officer and also as a judge.

In the legislation, of course, there's a description of what makes a pit bull. You mentioned that you judge Staffordshire bull terriers and American Staffordshire terriers, which are in the list of the description of a pit bull. Having had a lot of experience with these dogs, can you describe them a bit and can you also explain why you think they're included in this legislation?

Mr. Paquette: I can explain why I think they should not be included in the legislation. The reason is, they have a very friendly and outgoing disposition. Yes, they are fearless, loyal and very powerful dogs. But they are very friendly. If you're going to have an attack by a Staffordshire bull terrier, it's going to be a licking attack, not an attack of any aggression.

Mr. Kormos: Greater Sudbury Animal Control—you work for the city of Sudbury?

Mr. Paquette: I'm a contractor for the city of Sudbury.

Mr. Kormos: I have to understand: In many communities, different organizations do animal control. Am I correct?

Mr. Paquette: We provide the full animal control service for the city.

Mr. Kormos: Who is "we"?

Mr. Paquette: Our company.

Mr. Kormos: Tell me about that company.

Mr. Paquette: Our company originally started as a dog kennel. In the last 18 years, we have moved into animal control and bylaw enforcement. We provide impound services and pound services.

Mr. Kormos: How long have you done that for the city of Sudbury?

Mr. Paquette: Two years for the city of Sudbury, but 18 years for the area municipalities in Sudbury before it was amalgamated.

Mr. Kormos: So a total of 18 years of experience in Sudbury and the Sudbury area?

Mr. Paquette: Yes.

Mr. Kormos: Over the course of that time, how many dogs have you dealt with? I'm not just talking about bites; I'm talking about the total number of dogs you've dealt with.

Mr. Paquette: As an example, last year we took over 1,600 pets into our shelter for impoundment.

Mr. Kormos: So over 18 years—

Mr. Paquette: Quite a few. You do the math.

Mr. Kormos: Your conclusions regarding the inclusion of breed-specific bans are based on those 18 years and those thousands upon thousands of dogs that you've had contact with?

Mr. Paquette: Yes.

Mr. McMeekin: I really appreciate your coming out. I was moved, in your presentation, by your belief in the government and the power of government. You said that you had lost confidence, and I appreciate that. It troubles me when I hear that. I want to restore whatever lost confidence you have. I'm wondering if you could quickly indicate for us specifically what three things you'd like to see changed in this bill.

Mr. Paquette: My problem is that I feel that pit bulls and pit-bull-like dogs represent only 5% of the problem, but the majority of the amendments in the new Dog Owners' Liability Act are overwhelmingly focused on this pit bull problem. I'd rather that you deal with the other 95% of the problem, which are the true, identified dangerous dogs that we have to deal with each year.

Mr. McMeekin: So target more broadly; target the real problem?

Mr. Paquette: Target the real problem of dangerous dogs and get away from this pit bull thing, which, in my opinion, has only hijacked the whole thing and is not really a workable document. I'm going to be bogged down in chasing my tail, so to speak—a dog phrase—worrying about pit bull calls and about people complaining about the perception of a menace, rather than working with the actual dogs that have been identified as causing problems and as dangerous dogs.

The Chair: Thank you for coming in today.

Mr. Kormos: On a point of order, Chair: That's why I was curious about whether he worked for the city or was a contractor—up to this point, the committee has not entertained requests for reimbursement by parties attending here. Obviously, the committee is not doing widespread travel across the province. I'm suggesting that this committee should advise people here today—clearly, here's somebody who came in from Sudbury, I presume at his own expense; he wasn't compensated for it by the city of Sudbury. I'm suggesting that this committee, or the Chair, be authorized to entertain requests for compensation for travel and reasonable compensation for meals.

The Chair: That's not a point of order. The procedures were very clearly discussed and agreed upon during the subcommittee meeting. I presume the clerk has advised deputants of their ability to claim reasonable travel costs should they incur them.

Mr. Kormos: I think the clerk is querying your comment. Why don't we just do it here and now? If you want reimbursement for travel, get a hold of Mr. Arnott, the clerk, before you leave and arrange that adequate, fair compensation be given to you. You deserve it.

The Chair: Mr. Kormos, kindly direct your comments to the Chair and not to the audience.

Mr. Kormos: I apologize for not directing those comments to the Chair, but I was talking to you folks.

SYLVIA HUMPHRIES

The Chair: Is Sylvia Humphries in the room?

Come on up. Welcome to the hearings this afternoon.

Ms. Sylvia Humphries: Thank you. This is a different procedure for me. I'm not really used to this.

The Chair: It's really very informal and there's not much to it. You have 10 minutes to impart your words of wisdom to us. Please begin by stating your name for the transcript from Hansard. If you leave any time, it will be divided among the parties for questions. That's basically it. Please proceed.

Ms. Humphries: I have a cold so I may have to have my husband continue, but I will go ahead.

My name is Sylvia Humphries, and of course we're in Barrie. I am here today as a concerned citizen speaking for the proposed Bill 132 regarding the banning of pit bull dogs and the proposed stiffer penalties for irresponsible dog owners. I am not a dog owner and I don't make my living from dogs.

I would like to first relate an incident with a member of my family and a strange dog. About 6 o'clock on a Friday in November in 1999, my husband and my 12-year-old son went to the Wellington Plaza here in Barrie. They parked beside a pickup truck. The bed of the pickup was covered with a truck cap. There was a large dog inside the back truck cap and it was barking and throwing itself against the back cap window. My husband went to the video store; my son started toward the grocery store. What happened next was unfortunate. The dog broke open the cap window, ran and lunged at my son, knocking him down and biting into his upper thigh. Luckily for us, a motorist stopped, opened his rear passenger door, and he and my son fought off the dog and managed to get refuge in the back of the car. My son's pants were torn and there were six bleeding puncture wounds in his leg. The dog ran loose for several moments until a young woman came out from a store and called the dog, eventually capturing it and securing it in the front of the truck. Witnesses comforted my son and called the police and waited for them to arrive. The woman stayed as well. It was not her dog; it was her mother's.

There was a half-hour wait for the police. The officer took the information and witness accounts. No charges

were laid and we were never subsequently contacted. My husband took my son to the hospital where his wounds were cleaned and a “help sheet” on dog bites was given to them. The concern of rabies was explained. We called the health unit and left a message. We called the Barrie animal care officer and also left messages. The health unit was very helpful to us. They organized a visit to the owner and ordered the dog, a pit bull cross, to be kept at home. Records eventually showed that the dog had all its shots, but the rabies wait was excruciatingly stressful, with little specific information available to us.

When we contacted the owners, we got anger and rage from them. They were furious that their dog was to be kept in and that we would want them to pay for a new pair of pants. Did we know the hardship we caused them? When we contacted a lawyer to pursue a liability claim, we were told that since the dog’s owners were renters, it was unlikely that there was insurance coverage available, and the cost of litigation would far exceed any reward. After two weeks, we heard no more from the health unit, the police or the owner. Our son, now 17, is still terrified when large dogs are around.

We learned the following:

Pit bulls are dangerous.

Pit bulls will attack when not provoked.

There are irresponsible dog owners.

The combination of a pit bull and an irresponsible dog owner creates a known threat to society.

There appears to be no requirement for a dog owner to have training if he or she owns a dangerous dog.

There appears to be no police obligation to lay charges in the case of dog attacks or to provide any follow-up for the attacked person or their family.

One must be a self-advocate to report and to initiate an investigation of the attacking dog. There is no automatic procedure.

There is no tracking system that would tell us if this dog has attacked before or since.

There is no requirement for a dog owner to have insurance.

There are currently no laws which specifically protect a person from this type of dog attack. My son is still traumatized.

1440

To summarize, without warning and without provocation, a dog attacked my son. Pit bulls and pit bull crosses are unpredictable. The owner of the dog did not, in my estimation, exercise reasonable precautions to prevent the dog from attacking or biting my son. The back window latch on the cab of the truck was not secure and the dog was not muzzled.

As parents, we alone were responsible for looking after our son after the attack and making sure he was OK. We are especially grateful that there are regulations in place regarding rabies shots for dogs. This protected my son. Regulations such as the proposed Bill 132 could have prevented my son’s encounter with a vicious dog.

Pit bulls are dangerous, they are unpredictable and they can cause great harm. I wouldn’t necessarily say

there are like lions and tigers, but the relationship seems close. I wouldn’t want to live beside one and I don’t want my children or any other children to be near them. Children and families need protection in legislation. Voluntary compliance is useless. I am pleased to see that the proposed legislation bans pit bulls and hands out much stiffer penalties for owners of vicious dogs.

The Chair: Thank you very much. We will have time for about a minute per—

Applause.

The Chair: For those attending, a show of recognition is not permitted at a committee hearing.

Mr. Kormos, yours is the first question.

Mr. Kormos: Thank you for your comments. Your story is similar to Ms. Knechtel’s, who was here earlier. In her case, it was her dog that was attacked. In this case, it was your son.

Again, there is the issue of the debate about a breed-specific ban versus this broader vicious-dog ban; that’s one issue. The other issue you raise, though, should be of concern to every member of this committee: that the existing legislation—which, as I explained to Ms. Knechtel, just as in her case, in your case—provided for bringing that dog owner to court, having an assessment of that dog to determine whether it was sufficiently dangerous to warrant being euthanized, put down, or other restrictions. None of that was done in your case. It isn’t for you to do; it’s for the public authorities to do.

I just say to committee members that that should be of concern to all of us, especially since all of the contents of Bill 132 similarly require public officials to be doing this work, be it prosecuting and going after owners of bad or vicious dogs or even the seeking out and identification of pit bulls and making sure they’re pit bulls, should the government proceed and pass the legislation. That’s consistent with what we were told earlier by a municipal official about the lack of justices of the peace. We don’t have the JPs, the courts, to go to do these. I find that very, very troubling.

I thank you folks very much. You made reference to, even if you sue the people, if they’re impecunious, you’re sending good money after bad. You can get a judgment and it’s worthless because there’s no insurance; there’s no mandatory insurance. And without Criminal Code charges, there’s no access to the Criminal Injuries Compensation Board.

We talked about that on Monday, friends, and that’s why I believe there’s a need for Criminal Code amendments as well. The dog liability act makes dog owners liable—basically presumed to be negligent, hence liable—for the damage caused by their dogs. We need criminal legislation to make dog owners criminally culpable for the damage caused by their dogs—damage to other animals, damage to people, regardless of the dog breed.

The Chair: Thank you. Mr. Zimmer.

Mr. Zimmer: Thank you very much for your very reasonable and moderate submission. This is probably a good time to just make sure you and everybody else here

understand why in many ways, in most ways, this is a very reasonable piece of legislation. Let me just point out for the record what the legislation contemplates. Essentially, we're saying to a pit bull owner, "You can't import them any more, you can't breed them any more, and anybody who's got a pit bull, if you want to keep it, we're asking you to do three simple things: Keep it on a leash in public, keep it muzzled and get it neutered. Then you can keep that pit bull until the end of its natural life, and the breed will die off."

Like your submission, your deputation, here today—it was a reasonable, responsible one—I suggest to you and everyone here that the legislation itself is reasonable. Spend a few dollars on a muzzle, spend a few dollars on a leash, \$150 or perhaps \$200 to neuter it and you can keep your dog to the end of its natural life. That's a very reasonable obligation to place on pit bull owners, given the great harm they do, and for the protection of the public.

Mrs. Munro: Thank you very much for coming here today to give us an example of the unfortunate circumstances you experienced. However, I have to say that in listening to many of the deputations we've heard today, I think we've certainly heard a message in terms of the limitation of the bill in being breed-specific. When you consider your experience, my question to you is that by limiting it to the breed—it's not a breed, but to the category of pit bull—we're limiting the kinds of opportunities and safeguards that others should have in our community. If your experience had been with a dog of a different breed, would you be here today supporting a breed-specific ban for a breed that you did not suffer from in this particular incident?

Ms. Humphries: As far as I understand, there's one part about public safety in relation to dogs, including pit bulls, and then there's the other part about vicious dogs and the penalties being doubled for them causing harm. I understood that there were two general parts to the legislation.

Mrs. Munro: You're quite right. But I guess our concern, or at least the concern we've heard, is that there is a special status attached to this particular type of breed. In listening to the other presenters, the message has come back that really we should be talking about all dangerous dogs. That was really my question to you: the importance of us as legislators looking at mechanisms, because you certainly provided your own personal experience where the mechanisms in place today are not satisfactory. So we should be looking at mechanisms that would provide the kind of safety and surety for everyone, regardless of the breed.

The Chair: That concludes the time we have allotted for you today. Thank you very much for having come in, Ms. Humphries, and for making your presentation to us.

MARIANNE ROBERTSON

The Chair: Is Marianne Robertson in the room? Welcome. Make yourself comfortable. I think you've

been in the room long enough to get the general gist of the procedures. You've got 10 minutes today. If you leave any part of it, it will be divided up for questions. The time is yours. Please proceed.

Ms. Marianne Robertson: Thank you. I come forward as a responsible dog owner. Two of the three dogs in my care are named in Bill 132. I own an unregistered American Staffordshire terrier, which I also refer to as a pit bull, I own a Staffordshire bull terrier, and the third dog is a German shepherd.

1450

I would like to address one point that was raised earlier: whether you'd rather be bitten by a Mexican hairless or a pit bull. Dog bites of any kind should be viewed as unacceptable, and we need to change public perception: Aggressiveness in a small-breed dog can be just as serious as in a large-breed dog.

A second point I'd like to address is drug dealers and the like moving on to other breeds. Are people who operate without regard to the law all of a sudden going to say, "Oh, pit bulls—illegal"? No, I don't think so. If the purpose of Bill 132 is to extinguish the pit bull breed, it is not going to be effective in doing that. These people will always have access to getting a dog of their choice. Banning the breed will only heighten the appeal of the dangerousness of these dogs to these people.

I compete with my dogs in agility and flyball, and have done so since 2002. To compete, a dog must have obedience training and continued practice and training in the chosen sport. The other thing is that the dog must be socialized, able to get along with strange people and strange dogs under a variety of conditions. To get there, I have participated in the following classes with my dogs: puppy socialization, beginner obedience, off-leash obedience and advanced obedience to prepare for the Canine Good Neighbour test.

The Canine Good Neighbour test was passed in 2003 by both of my dogs which are named under Bill 132. The certificates issued by the Canadian Kennel Club state: "By participating in and passing these tests, you have helped to ensure that our most favoured companion, the dog, is accepted as a valued member of the community." My dogs passed that test easily.

Has anybody seen an agility competition, with the jumps, the tunnels, the A-frame—the super dogs? There are over 10,000 dogs registered with the Agility Association of Canada. Of those dogs, there are four American Staffordshire terriers, 29 Staffordshire bull terriers and one pit bull terrier—that's mine. The dogs I've just listed have earned titles with the Agility Association of Canada. My dog is the only pit bull terrier in Canada with an Agility Dog of Canada title, an Advanced Agility Dog of Canada title and a Novice Agility Dog of Canada title.

Flyball, which I also participate in with my dog, is something you have to truly be there to really understand what it's all about. It is loud and it is exciting, but our pit bull type dogs are able to perform successfully under these stressful conditions. My pit bull is the 18th-ranked

pit bull in the North American Flyball Association. She has 2,471 points and earned her title of flyball dog champion.

Did you know that there are over 15,000 dogs registered in flyball? There are 223 pit bull type dogs in flyball and many, many more crossbreeds. Staffordshire bull terrier crosses are especially popular because they are small and fast. Ontario is one of the largest and most active regions in flyball, with 57 active teams. Every year, there are 25 to 30 tournaments in Ontario, and the largest tournaments host over 100 teams. Teams come from as far away as Michigan, New York, Vermont, Texas and Nova Scotia.

Travelling teams will spend approximately \$1,500 per tournament on travel, accommodations and food. The largest tournaments will result in more than \$100,000 of spending in the economy for that weekend. Banning pit bull type dogs will directly result in teams not coming to Ontario to compete and not spending their money here.

My indication is that if this bill is passed, pet-friendly hotels will not accommodate pit bull type dogs. I called a couple of hotels that we used for our flyball tournament to find out, and early indications say no. Despite assurances, there are too many what-ifs in the minds of owners, and this is why I do not compete in Kitchener.

To date, I've spent almost \$7,000 on dog training, with the various classes and agility equipment and on-going lessons. I don't call it spending; I call it an investment.

Bill 132, as it is worded, will effectively end our competitive careers. Our dogs cannot practise or compete while leashed and muzzled. In fact, an improperly fit muzzle can kill a dog if it cannot pant properly to cool down, not to mention that a muzzle will provide a false sense of security if it's fit improperly and is therefore ineffective.

The provisions of Bill 132 providing exemptions in conjunction with dog shows are not clear. In clause 20(2)(d), "the Lieutenant Governor in Council may make regulations," which are not suggested or defined in this bill.

Bill 132 will change the social atmosphere in which we live with our dogs. It will make it impossible for the restricted pit bulls allowed under this bill to ever overcome negative stereotypical images. People will treat muzzled dogs differently, even if the dog was never a threat to begin with. It makes travelling with our dogs difficult in Ontario because of limits on accommodations and an unknown risk of seizure in a strange place.

Bill 132 encourages doggy profiling. It is basing a law on the inactions or actions of a few and assuming all are similar, and we're not. It sends us the message that all you think these dogs are good for is animal research, and they're not.

The Chair: Just to inform you, you have about two minutes remaining.

Ms. Robertson: In conclusion, I would like to say that alternatives to Bill 132 do exist. I've included a couple of examples for reference, such as California's potentially

dangerous dogs and vicious dogs act and Calgary's dangerous-dogs bylaw. Both of these pieces of legislation do not name specific breeds and look after the dangerous dogs, not just pit bulls.

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

Mr. McMeekin: Marianne, you strike me as a responsible dog owner.

Ms. Robertson: I am.

Mr. McMeekin: You've made quite a cogent presentation. Do you feel, as a responsible dog owner, that this bill targets you?

Ms. Robertson: I feel restricted for no reason by this bill. Why? Why me? Why should I feel threatened by next door neighbours who can make a complaint about my dog, and my dog will be seized for no reason? I'm very afraid for my dogs. I love my dogs very, very much, and this bill concerns me.

The Chair: Thank you very much for coming in to give us your thoughts today.

BRACEBRIDGE ANIMAL HOSPITAL

The Chair: Is there a representative here from the Bracebridge Animal Hospital?

Welcome. You have 15 minutes to present to us today. Please begin by stating your name for Hansard. If there is any time remaining, it will be divided among the parties for questions. Please proceed.

Ms. Michelle Holmes: Thank you. My name is Michelle Holmes. I'm a registered veterinary technician at the Bracebridge Animal Hospital. I also instruct puppy socialization classes and clicker training obedience classes, and consult with clients on behavioural problems.

I am here today because I disagree with Bill 132. I am also here to give a voice to those colleagues, clients, friends, family and acquaintances who could not be here.

There are an estimated 3.7 million dogs in Canada, and they all have the potential to bite, no matter what breed they are. In my puppy socialization classes, I teach bite inhibition, so that if a dog is ever put in a situation where it feels the need to bite, it will not apply pressure that can cause a more serious injury. There are many things we can do to lower the risk of dog bites, such as encouraging reputable breeders, proper socialization and obedience training, spaying and neutering, and education. Unfortunately, children are the most common victims, which calls for us to educate our children on how to approach strange dogs and the importance of responsible ownership.

1500

Ultimately, I believe responsibility should rest with the owner. There should be significant fines for people whose dogs have been involved in a bite incident. Something that our country is lacking is that it is not mandatory to report a dog bite. We as a province should be setting up criteria to identify dangerous breeds, requiring them to be spayed or neutered, muzzled and leashed in

public, and posting signs around their property, regardless of what breed they are. Another thing we should be enforcing is licensing dogs, the same as we are required to license a firearm.

I ask myself what the cost of enforcing such a ban would be to the province and I think that this money could be better used in areas such as education, health care or finding homes for our homeless, just to name a few.

One of the many reasons I am opposed to breed bans is that "pit bull" is not a specific breed, but rather a general term used to describe a number of breeds and crossbreeds. Who will decide whether a dog is a pit bull or a pit bull cross? On several occasions I have been asked if my purebred black Labrador retriever is a pit bull cross. How would one prove their dog is not a pit bull or pit bull cross, especially when many dogs are adopted from the thousands of homeless animals at SPCAs, humane societies and rescue organizations, as the history of these dogs is next to impossible to trace? In my opinion, banning a breed is like banning a particular race or religious group from this province. These pit bulls are beloved family members.

Another question I ask myself is, if this legislation is passed, who will be responsible to destroy these innocent animals that are left in limbo? I know that at our animal hospital we will refuse to euthanize a young, healthy, well-tempered animal for our own ethical reasons. I myself, along with many of my colleagues, refuse to take part in a euthanasia that is required due to this legislation. If we did ban pit bulls, then these irresponsible owners will move on to another breed and the dog bite statistics for that breed will rise.

The Ontario Veterinary Medical Association has looked at whether breed bans have been effective in other jurisdictions. In Winnipeg, serious attacks by pit bulls have decreased substantially since pit-bull-type dogs were banned, but serious attacks by other breeds such as Rottweilers are on the rise. So where do we draw the line? How many breeds do we need to ban before we realize it is not the dogs but the owners? In my experience, having done two high school co-op placements, volunteered and worked at the local SPCA, two years of school for a veterinary technician, teaching classes and three years working in animal hospitals, I have not had a problem with any of these pit-bull-type breeds, but that is not to say that I never will. I have had problems with other breeds but I do not believe any of them should be banned.

Tomorrow evening I will be instructing a puppy socialization class. In that class, I will have an American pit bull cross and three Staffordshire terriers that will be attending. These are examples of responsible owners. An example that aggression is not breed-specific is that last week I assisted to euthanize an 18-month-old cairn terrier with severe dominance aggression and a four-year-old collie who had become unpredictable and broke the skin on the owner's hand. These are also examples of responsible ownership as these people recognized their

dogs as dangerous and made this difficult decision, but in the end prevented something more serious from happening.

An example of irresponsible ownership is that a few months ago we had a golden retriever puppy who was very dominant and escalated to a severely aggressive six-month-old puppy. This puppy should never have been placed in a home with children, especially because the breeder recognized this puppy as the dominant one of the litter. When I recommended to the owner that this dog be returned to the breeder, the breeder took it back and after a short time convinced the owner to take the dog back. The breeder and owner are at fault in this circumstance and put these children at risk. This is why education is so important. There are great educational programs through St. John Ambulance therapy dogs and Doggone Safe, a non-profit organization working to prevent dog bites, that should be implemented into our school systems.

The media does like to exploit pit bulls as dangerous dogs. But what about dogs like Norton, a five-year-old American Staffordshire terrier cross from Waterloo who was credited with saving his owner's life after awakening one of his owners to alert him that his wife was having a severe reaction to a spider bite? In 1999, Norton was inducted into the Purina Hall of Fame. Or what about Petey, a two-year-old American Staffordshire terrier who was rescued from a local humane society and now brings joy to many residents at a retirement home with regular visits as a St. John Ambulance therapy dog?

Maybe we should also be focusing our energy and time on amending laws that consider dogs to be property. What about the unimaginable cruelty that some of these dogs endure at the hands of people, yet they remain loyal and devoted to us? If this legislation is passed, these pit bulls will be a great loss for our province, as some of the words used to describe them are "courageous," "intelligent," "tenacious" and "spirited."

I would like to say that I do sympathize with anyone, young or old, who has suffered a dog bite or a dog attack, as it is something that can haunt you forever. However, as has been said, we should punish the deed, not the breed.

Thank you for taking the time to listen to what I had to say. I hope you will take some of what I had to say and look to responsible ownership as opposed to banning breeds.

At this time, I have some pictures that I'd like to pass around.

Mr. Kormos: Tell us what these are.

Ms. Holmes: Sure. This is an example of an irresponsible owner. This is a litter of six Staffordshire puppies that came into our local SPCA after their mother was allowed to run at large and was decapitated by a snowplow. These puppies were two weeks old when they were brought into the local SPCA. If the local SPCA had not taken them in, these dogs would not have survived. These puppies had to be fed every two hours. Fosters with the SPCA have been working very hard with these dogs. They've been socializing them really well early on and

three of these puppies will be in my puppy socialization classes.

Mr. Kormos: Is this dog with the droopy ears a pit bull by association?

Ms. Holmes: I guess, because he's associating with the others.

Interjection.

Ms. Holmes: Yes, that's a basset hound who's associating with these.

The Chair: Please address comments through the Chair or to the Chair.

Mr. Kormos: I apologize, Chair. I regret that.

The Chair: I know you do, Peter.

Ms. Holmes: If anyone has any questions at this time, I'm more than happy to answer.

The Chair: Mr. Miller.

Mr. Miller: Thank you very much, Michelle. You come from my hometown, so I'm glad I get an opportunity to ask you a few questions. You've obviously had a lot of experience, and you talked about being against a specific breed ban as part of this legislation. I note that in Italy there are 92 breeds that are currently banned. I don't know whether this is opening the door to that, but we could be heading that way.

In this specific legislation, they basically ban a pit bull, which as you've pointed out is not a specific breed. Then they name the Staffordshire bull terrier and the American Staffordshire terrier as being a couple of the breeds that are part of that—as being called pit bulls. Have you had much contact—obviously you've had some—with those breeds, the Staffordshire bull terrier and the American Staffordshire terrier?

Ms. Holmes: Yes, we have a number of clients who have these dogs. The clients we see on a regular basis are responsible owners. Friends of mine personally also have an American pit bull terrier, and we have a number of Staffordshire terriers that come through our clinic.

Mr. Miller: Are they particularly vicious types of dogs?

Ms. Holmes: No. One I would refer to—her name is Fudge—if you ever met her, is like a Lab in a Staffordshire terrier body. You wouldn't know it. She's a happy-go-lucky, fantastic dog. We've never had a problem with this dog, even at times when we are taking blood samples or having to sedate her or anything like that.

Mr. Miller: Why do you think the government is banning these specific breeds if your experience with them is that they aren't vicious?

Ms. Holmes: I think there are incidents that have occurred through irresponsible ownership with these particular dogs that we're classing as pit bulls, so we're looking toward the specific breed. But it's not the specific breed, it's these owners.

The Chair: Thank you. Mr. Kormos?

Mr. Miller: I have more questions, but he's cutting me off.

Mr. Kormos: After listening to the woman before you, who calls her dog a pit bull, I'm wondering if all of a sudden there will be thousands of owners of bull

mastiffs, variations on bull mastiffs and anything but pit bulls, should the legislation pass. Since there's no genetic test and since the Attorney General can't pick one out of a lineup, we know what that means.

Ms. Holmes: Exactly.

Mr. Kormos: Were you here when Ms. Knechtel was here? Her Shih Tzu was attacked by, I believe, a pit bull or what was identified as one—

Ms. Holmes: Yes.

Mr. Kormos:—and we had a woman whose young son was attacked. This pit bull got out of the back of a truck, and boom, leaped on this kid. You're a technician. What's going on here? How do you explain these dogs? In both these instances, they happened to be pit bulls. It was German shepherds that attacked a young woman in St. Catharines yesterday and sent her to the hospital. It was bull mastiffs that attacked the four-year-old kid in Ottawa, notwithstanding what the Toronto Sun says. How do you explain this? What's going on? What's wrong with these dogs, if anything? I presume there's something wrong. I don't want these dogs around.

Ms. Holmes: I think it's the owners. There's this status that you get with owning one of these pit bulls. There are responsible owners—and there are many of them—but unfortunately they get flooded over by these people who aren't great members of society to begin with.

1510

Mr. Kormos: Maybe if we just passed a law saying that all pit bulls have to wear pink bows, then the macho bikers wouldn't want to walk with them.

Ms. Holmes: Yes, perfect.

Mr. Kormos: Think about that: We could feminize and take away the macho quality of the pit bull, and boom, there goes the biker gang member/drug dealer market.

Ms. Holmes: Perfect.

The Chair: On that note, thank you very much, Mr. Kormos. Mr. Zimmer?

Mr. Zimmer: I just want to follow up on something Mr. Miller referred to and that came up in the morning and indeed in your comments; that is, the suggestion that this legislation is the first step on the way to adding 25, 30, 50 or 100 different breeds. If you read Bill 132 carefully and clearly, you'll see there's no provision in that bill that authorizes or gives the government any power to add breeds of dogs to the list by regulation or otherwise. The legislation is limited to the breeds in the definition. So the idea that it's the thin edge of the wedge is incorrect.

Ms. Holmes: Who's to say there wouldn't be another proposed bill that would list other breeds? Another example they looked at with the OVMA is that in France they banned a number of breeds, and they started to import Barbary apes as watch animals, who attack people with sharp talons and teeth and that sort of thing. Who's to say what we move on to? We'd ban a breed and move on to something else.

Mr. Zimmer: There is no provision in Bill 132 for anything other than in that definition.

Ms. Holmes: And why do we ban—like I said, this is like trying to ban a particular race or religious group from this province. There are a certain number of dogs that are considered—

Mr. Zimmer: Because they're qualitatively different in the danger when they attack people and/or other animals. They're just qualitatively different.

Ms. Holmes: I have never, ever been attacked by a dog such as a pit bull type of breed. I have been bitten by a chihuahua, but we don't seem to be concerned about those. I've had a chow come at me; we're not concerned about those.

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

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

Mr. Zimmer: So does a mosquito.

The Chair: Thank you very much for your deputation this afternoon and for your thoughts, which very clearly provoked some interesting debate here.

SANDY BRIGGS

The Chair: Is Sandy Briggs in the room?

Ms. Sandy Briggs: First of all, I would like to say that I am representing Near North Animal Control and EPS Training Associates as well as myself. That was not included on the list. It was just my name on the list.

The Chair: Thank you. Welcome to the committee. I think you've been here for a little while, so you've got the gist of the rules. You have 10 minutes for your presentation. Please begin at your convenience.

Ms. Briggs: My name is Sandy Briggs. I'm a life member of the Canadian Kennel Club and the Labrador Owners Club and do the animal control for three townships near North Bay. I have been involved with dogs in many different capacities for over 50 years. I have been breeding dogs since 1960, and not only judge dogs in obedience trials, temperament tests and retriever field tests, but also instruct classes in obedience, tracking, agility and retriever field training. Over the years, we have trained hundreds of our dogs and dogs belonging to other people.

I would like to go on record as being strongly opposed to Bill 132 in its current wording. I feel that the Calgary vicious-dog bylaw or the bill proposed by MPP Julia Munro are a much better choice for the control and management of aggressive, dangerous and vicious dogs. A copy of the various sections of the Calgary bylaw is attached to your packets.

I started training dogs in 1961 and have been instructing training classes since 1966. During the years that I have been instructing, judging and exhibiting, I have seen many different breeds and types of dogs, in all sizes and shapes, with many varied temperaments. I have personally been bitten by a Labrador cross and a small mixed-breed mutt. Both incidents required medical attention. I have been threatened by many dogs of various descriptions, including a chihuahua, Rottweiler,

Doberman, shepherd, Dalmatian, Pomeranian, golden retriever, springer spaniel, Chesapeake Bay retriever, Akita and a variety of crossbreds. My contacts with the purebred pit-bull-type dogs included on the banned list have all been positive.

When it became illegal to spare the rod on children and as society became more permissive, many kids failed to develop any respect for anything or anyone. Parents expect teachers to give their kids manners and an education, but teachers have their hands tied by law and cannot threaten them with failure. Kids are taught in schools that if they are slapped or threatened by any adult, they can call the police, claim abuse, and the police will lay charges.

These first couple of generations that have been raised with a you-can't-touch-me attitude are the young adults of today. In many cases, they are dog owners. Some have not achieved any respect for themselves. How can they be expected to get respect from and give respect to an animal? Dogs have to respect their owners and the owner must be the pack leader. Without a human pack leader, the dog will become the pack leader in a home and in some cases will terrorize the family. These dogs are often dumped at shelters, put down, abandoned in the country or given away for someone else to sort out.

Dog-training methods have changed from the "teach, correct and praise" method to training only with positive motivation and no physical corrections. Not all dogs want to please all of the time any more than we can please everyone all of the time. When a dog lunges at another dog, a quick jerk and strong verbal correction will achieve a more lasting effect than just telling the dog, "That wasn't nice."

We regularly see children misbehaving, running around, screaming and even yelling at their parents in restaurants, shopping malls and other public places. Are children banned from public places? Minors are a problem in many areas and some tease and abuse dogs tied up or fenced in. In many cases, they cannot even be given a warning by the OPP because they are under age 12.

In the 15 years that we have been doing the animal control in our area, 99% of the dogs that have created a problem, either threatening to bite, actually biting or causing physical injury through their aggressive behaviour, have been crossbreds. Some owners want a dog that gives them a macho-type status. Aggressive behaviour from the dog is a big joke to many of them and they have no idea how to control the dog except by yelling at the dog or threatening him. They then pass the blame for the dog's behaviour to anyone but themselves.

We have been to court with several owners whose dogs have created injury, and seen the court tell the owners to keep the dog tied up at home, only to have the dogs running at large again within 48 hours. The courts must deliver a stronger message when the animal control officers, bylaw officers and OPP take these dogs' owners to court and win convictions. A vicious or dangerous dog label would do this.

Identifying one specific type of dog and saying that they are all bad, aggressive, nasty, liable to bite or attack

is the same as saying that cars are the cause of accidents, rather than the person behind the wheel. We don't ban transport trucks from Ontario when tires come off and kill people. We don't ban cats that scratch people or wolves that kill livestock. Red Corvettes, whose owners get the most speeding tickets in Ontario, are not banned. Assuming that all dogs of one type have the same personality, mentality, IQ and manners is illogical and discriminatory. The royal corgis in England have made headlines several times for nipping but are not banned in England and are a popular breed worldwide.

The pit bull ban in England has been lifted because it was found to be unenforceable. How does the Ontario government plan to effect and enforce such a bylaw? Who is going to train people, and pay them, to enforce it? There is no positive way of identifying a breed of dog. There is no DNA test that will say, "This is a Rottweiler" or "This is a Great Dane." The CKC requires that purebred dogs be identified by tattoo or microchip before being registered, and some shelters chip dogs that are adopted. The government requires all cattle to have ID tags so that they can always be traced back to their home farm in case of BSE or any other problems found in the animal during its lifetime. These tags, chips and tattoos do not identify the breed or type of animal; they only give a means to trace their breeder or owner.

The CKC is internationally recognized and respected for its integrity. Purebred dogs in Canada are covered by the Livestock Pedigree Act. Reputable breeders belong to the Canadian Kennel Club and abide by its code of ethics and rules regarding registration.

Responsible breeders of purebred dogs spend billions of dollars a year in purchasing breeding stock, entry fees for competitive events, equipment, training supplies, dog food, veterinary services, insurance, air travel, motels, restaurants, vehicles and fuel. Money is spent getting the dogs' genetic clearances. Event-giving clubs will get less revenue with which to pay hall, arena and ground rentals and hire judges, and will have less to use to offer educational seminars, do public education and organize clinics.

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Most responsible, reputable breeders need a second income to support their hobby, putting every cent they make from puppy sales back into their breeding stock. Many have devoted a lifetime to developing their bloodlines and ensuring good temperament, soundness and breed type.

Media hype ensures that dog bite stories get covered far more thoroughly and repeatedly than any other story. Sensationalism creates sales. Sensationalism tends to distort the truth and not give all the facts. Because serious car accidents are daily occurrences, they don't rate the same coverage. The story may not make the front page, except in a local paper. A driver who hits and kills a deer or moose might get mentioned in the news, but the story draws more attention and follow-up if there is an orphaned fawn.

In the past, we have had waves of Rottweiler-type dog attacks. We have also seen a wave of shepherd-type dog attacks. Places that have put specific-dog-type bans in place have not reduced the number of dog bites. The number of bites is just credited to other types of dogs, and in some cases the number of bites has actually increased since the pit-bull-type dog has been banned. By banning or restricting one type of dog, the buyers and suppliers will simply switch to another type of dog.

Many people cannot identify a dog by its breed and often only know the most common breeds.

The Chair: For your information, you have about two minutes left.

Ms. Briggs: Any short-coated, medium-sized black dog is a Labrador to many people. The type of dogs covered in Bill 132 include dogs from 30 pounds to 80 pounds or more, from small to big in height, with different characteristics, many of which also appear in cross-breeds.

A pit bull is not a specific breed, and by lumping purebred, registered dogs of similar type in with them, a major disservice is being done to the responsible and reputable breeders of the purebred dogs, who put a lot of money into the local, provincial and Canadian economies.

The Dog Owners' Liability Act and the dangerous-dog bylaws that many municipalities already have need to be tightened up and enforced more strongly with universal penalties from the courts. The well-written, enforceable vicious-dog bylaw from Calgary is not breed- or type-specific. Place the blame where it belongs: on the individual dog, regardless of breed, type, size, colour or sex. Under Canadian law, we are innocent until proven guilty. Even nuisance and stock-killing wild animals are given a second chance with relocation.

I have also attached the Ottawa dog bite statistics for the last five years, the last couple of pages of the package I gave you. They have combined some breeds. They list shepherds, and then they list other things, but the top two breeds for bites in the last five years up there are shepherds and Labrador retrievers. Pit bulls are not at the top.

Thank you very much for your consideration. I don't think I've left you any time for questions, but I'm willing to answer any if you have any.

The Chair: Actually, you have just enough time for one quick one from Mr. Kormos, if such a thing is possible.

Mr. Kormos: Hey, I'm the guy with the punch lines, OK? Thank you, Chair.

Thank you kindly. Again, you're an animal control officer up around North Bay?

Ms. Briggs: Yes, I am. That's right.

Mr. Kormos: How many years?

Ms. Briggs: I started with Powassan and have done it for 15 years.

Mr. Kormos: Fifteen years? How many dogs have you handled in the course of 15 years as an animal control officer?

Ms. Briggs: Hundreds.

Mr. Kormos: Hundreds over the course of 15 years? Were you here when the Sudbury animal control officer talked about pit bulls?

Ms. Briggs: Yes. I know Richard.

Mr. Kormos: Oh, maybe you're in collusion. But were you here when he talked about pit bulls biting but they being the smallest of minorities, nowhere near the top of the list?

Ms. Briggs: That's right.

Mr. Kormos: Do you have any experience—

Ms. Briggs: I've had one incident with a pit-bull-type dog.

Mr. Kormos: Maybe they don't have any pit bulls up around North Bay.

Ms. Briggs: Yes, we do. I have had one incident in 15 years. All the others have been crossbred shepherds, huskies, collies.

Mr. Kormos: Not shepherds.

Ms. Briggs: Yes, shepherds.

Mr. Kormos: Rin Tin Tin?

Ms. Briggs: Yes. Now, I want to clarify this: When people say "shepherd," it is not necessarily a purebred, registered shepherd. It's something that's black and tan, has prickly ears and a long tail.

Mr. Kormos: Because it was two Dutch shepherds, very vicious, that attacked that young woman yesterday in St. Catharines.

Ms. Briggs: But it's the same thing as the Labrador. People say if it's short-coated, black and medium-sized, it's a Labrador. It could be anything.

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

MAUREEN PYKE

The Chair: Is Maureen Pyke in the room?

Hi, Maureen. Welcome to our hearings today. Maureen, you've been here a little while. You get the general gist of it. You've got 10 minutes to make your presentation to us. If you leave any time, it will be divided among the parties. Please proceed.

Ms. Maureen Pyke: I've got my watch. I'd like to leave time for questions.

There have been, and will be, a number of experts who will present my shared opinion that breed-specific legislation is not effective. I'm going to take this time to tell you about my breed, the Staffordshire bull terrier.

The Staffordshire bull terrier is a rare breed in Canada. There are 932 registered Staffordshire bull terriers in Canada, of which 660 reside in Ontario. With an estimated 1.5 million dogs in Ontario, they don't even register on the radar.

"Staffordshire" is a very confusing name when used to distinguish between dogs. The Staffordshire bull terrier is not a Staffordshire terrier, it is not an American Staffordshire terrier and it is definitely not an American pit bull terrier. Just because dogs have "Staffordshire" in their name does not make them related or similar, any

more than it makes a German shepherd related to a German shorthaired pointer. Both names include a reference to location, not character.

The Ontario Legislature must make its own informed decision on what is a pit bull. It is certainly not good enough to say Winnipeg or Windsor or Kitchener defined the pit bull a certain way. Lack of familiarity and knowledge are the only reasons for the inclusion of the Staffordshire bull terrier in Bill 132. It is simply not based on fact.

So let's look at the facts. For that I've created a top 10 list of reasons to exclude the Staffordshire bull terrier from Bill 132:

(1) The Staffordshire bull terrier is the most popular terrier in the English-speaking world outside of North America. There are an estimated 250,000 Staffordshire bull terriers in the United Kingdom. The breed is also the number one terrier in Australia, New Zealand and South Africa. It would be hard to believe that all those people worldwide could be so wrong about a breed. It is only here in North America that they are the best-kept secret in the dog world.

(2) There has never been a documented unprovoked bite in Canada by a CKC-registered purebred Staffordshire bull terrier. The best indicator of future behaviour is past behaviour. The purebred Staffordshire bull terrier has a zero unprovoked bite record in Canada. You don't get any better than that.

(3) The Staffordshire bull terrier is known around the world as the "nanny dog" for its love of children. I've included photos for you of our beloved nanny dogs at work.

(4) The Staffordshire bull terrier is one of only two breeds recognized by the CKC in its breed standards to be good with children, and that's out of 164 breeds. Staffordshire bull terriers are absolutely required to be good with children to meet the standard of the breed. In the United Kingdom, this breed's country of origin, it is the only breed to have the words "totally reliable" in its breed standard.

(5) A study by Southampton University in the United Kingdom concluded that the Staffordshire bull terrier is one of the top 10 dogs to have in your home if you have children, and is the number one terrier with children. The study looked at over 162 breeds and described the Staffordshire bull terrier as happy, outgoing and with a wicked sense of humour. They went on to say that Staffies really do represent a bomb-proof dog with kids.

(6) The Staffordshire bull terrier is not a pit bull. The Staffordshire bull terrier is recognized by the Canadian Kennel Club as a distinct and separate breed. The Canadian Kennel Club is the only organization legally empowered in Canada to recognize purebred dogs. The CKC has repeatedly gone on record to state that the Staffordshire bull terrier is its own distinct breed and not part of any umbrella group.

(7) At 14 inches tall and 30 pounds, the Staffordshire bull terrier is not a physical threat to anyone. Size does matter. If you'll refer to the photos I've provided, there is

my full-grown CKC-registered Staffordshire bull terrier in a milk crate—this crate—13 inches by 13 inches, and she fits comfortably in here. I'm capable of carrying her under one arm, football style. But I've got to tell you, she prefers to be up here, baby style.

(8) A recent BBC news headline proclaimed, "Soft Staffies Sent to Dog Home." Last week, the BBC reported that one of the largest dog rescue organizations in the UK is "having to cope with an influx of Staffordshire bull terriers after some owners dumped them for not being tough enough." The home's spokeswoman went on to say, "Your biggest risk with a Staffie is getting licked to death." I own Becky, the kissing dog.

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(9) The German government recognizes that it may have acted too hastily in including the Staffordshire bull terrier in its pit bull ban, and the breed lists are now being overturned in Supreme Court.

(10) Italy has now restricted 92 breeds. The Staffordshire bull terrier is not one of them. Italy has restricted Dobermans, bull mastiffs and German shepherds. For good measure they even restrict St. Bernards, collies and corgis, and yes, they restrict pit bulls, but they have not restricted Staffordshire bull terriers—92 breeds restricted, and Italy recognizes that the nanny dog is a distinct and separate breed.

In conclusion, I'm asking the committee to exclude the Staffordshire bull terrier from Bill 132. Please do not punish 660 responsible Ontario dog owners and their children who have made the informed choice to have the Staffordshire bull terrier in their homes. Please do not deny future generations of Ontario families the love and devotion of a nanny dog.

Thank you for the opportunity to speak before you today. I'd like to take questions.

The Chair: Thank you very much. We have time for about one minute per party. Mr. Zimmer.

Mr. Zimmer: Can you just comment on the difference between a Staffordshire bull terrier and the American Staffordshire terrier?

Ms. Pyke: The Staffordshire bull terrier is an entirely British breed. It dates back almost 200 years to the bulldog and terrier. It has been purebred in Britain for 70 years. The American Staffordshire terrier was entirely developed in the U.S.; that's why they've been named the American Staffordshire terrier. The breeds are separate and distinct. I provided you with an article that provides the full history, but basically, even though the dogs were related 200 years ago, you need to understand, that's 70 generations in dog time, and I don't think any of us are related to 70 human generations ago.

The Chair: One certainly hopes not. Mr. Miller.

Mr. Miller: Thank you, Maureen, for coming and making your presentation today. We did have another presenter say that the biggest danger of a Staffordshire bull terrier is being licked to death.

You've presented a lot of very useful factual information, but I wonder if you could talk a bit about what Bill 132 means to you personally.

Ms. Pyke: Bill 132 personally punishes me. I have always said, from the time I first had a Staffie in my life, "I will always have a Staffie in my life." Bill 132 will take that away from me. I am a responsible owner. My dogs are spayed, because I'm not a breeder. My dogs are leashed for their own protection when off their own property, and that's protection from cars and other unleashed dogs, yet Bill 132 is punishing me for making an informed decision, a researched decision, to have a wonderful dog with a wonderful safety record that's good with children. When I'm forced in five years, when one of my dogs passes, to choose another breed, a breed that isn't going to have the wonderful safety record my dog has, that may not be as good with children, that is punishment to me.

The Chair: Mr. Kormos.

Mr. Kormos: Predictably, this probably won't be a question, but many years ago I used to be a lawyer. I practised criminal defence. I can recall being with, more often than not, kids who had been convicted of something and the judge would look at their pre-sentence report and say, "This is an atrocious pre-sentence report. Your father was an alcoholic. You've misbehaved since you were four," and I would say, "Judge, exactly the point. If he had a good background, he'd have far less reason to be in this court."

So what I'm thinking, because we don't know a whole lot about these pit bulls—clearly, dangerous pit bulls are dangerous pit bulls, and the ones we hear about are the dangerous ones, the ones that—

Ms. Pyke: But they are not the majority.

Mr. Kormos: Exactly. What we're hearing about are the pit bulls that do attack people. You speak well for Staffordshire terriers—

Ms. Pyke: I have the perfect—

Mr. Kormos: Hold on. How do we get a handle? You speak well on behalf of Staffordshire terriers. A pit bull being not a breed but just a category—look, if somebody can persuade me that 99.9% of pit bulls are prima facie dangerous, then I'd have to take another look. I think everybody would.

Ms. Pyke: And I would agree.

Mr. Kormos: So how do we approach that?

Ms. Pyke: I absolutely agree, because I believe in dangerous-dog legislation. I think all breeds should be punished equally.

Mr. Kormos: Whether they're pit bulls or not.

Ms. Pyke: Absolutely. The answer to your question is in the Courtney Trempe inquest recommendations. That inquest recommended the implementation of a bite registry in Ontario. That has not happened. It's atrocious that it has not happened. Any law that is introduced needs to be based on facts and stats. We do not have relevant Ontario statistics. We must have them to make an informed decision.

The Chair: On that succinct point, thank you very much for having come in today.

Ms. Pyke: I appreciate your time.

BRUCE TURNBULL

The Chair: Is Bruce Turnbull in the room? Welcome.

Mr. Bruce Turnbull: Thank you. My name is Bruce Turnbull. I run an obedience school and do behavioural consults for a number of the veterinary clinics in my area which are in Elmvale, Midland, Wasaga Beach and Stayner. I actually service a fairly wide area.

I had a great deal of difficulty coming up with what I was going to speak about today because I must admit that this legislation has me quite irate. The extensive media coverage that has precipitated this bill—we really do need to try to put this into perspective. Media coverage on the pit bull attacks and the various dog breed attacks understandably has generated a high level of outrage, fear and to some extent even hysteria. Jill Jones, a lecturer in law in New Zealand, has adopted the term “moral panic” to describe this type of media-inspired climate. The problem with such high-profile media coverage is that it frequently generates a distorted view of reality. Ms. Jones further notes that proposed legislation that is based upon distorted reality will inevitably produce distorted law. She further writes that the problem with moral-panic-inspired legislation is that it not only lacks a rational basis but also tramples on basic constitutional principles and perverts the law of evidence in the process. To my mind, this bill fits her bill.

I would respectfully submit that, for example, the one clause where the onus of proving a dog is not a pit bull will be placed on an owner, in the absence of any viable scientific test or scientific measure, seems to me to be rather ludicrous. I have dealt with a number of dogs and many, many crossbreeds, and a great number of them are not pit bulls or pit bull crosses but exhibit a number of the same physical traits. I have had a number of boxer/Labrador retriever crosses, for example, heavy in chest and what have you, but sweet puppies.

At any rate, I think one of the saddest things about the emphasis that has been placed on pit bulls is that it has distracted us from some real issues we should be addressing: those of responsible dog ownership—although that seems to be getting quite a bit of fair play today—problems of dog aggression generally, across all breeds, and our need to reduce the incidence of bites, but again across all breeds.

In presenting and announcing this legislation, there was so-called evidence presented or a number of statements made in support of this legislation; a lot of rhetoric in terms of things like “Pit bulls are ticking time bombs.” The frequent repetition of such refrains has, to our shame, convinced some sectors of the population that these breeds, as a population, are unstable and pose an inordinate risk to the population at large. However, the frequent repetition of these refrains does not make them true. These assertions run counter to our current understanding of genetics, animal behaviour, psychology and physiology. They run counter to my personal experience and, as far as I can tell, the personal experience of many other trainers.

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In the 14 years that I’ve been dealing with dogs on a more or less professional basis, and that includes dealing with many, many dogs with aggression problems, I cannot think of a single incident in which I felt threatened by a pit bull. By and large, they have been extremely stable—certainly, there were a number of them that were very rambunctious. I cannot say the same for a number of other breeds and other dogs that I’ve had to deal with. By far, the most aggressive dogs that I’ve had to deal with were anything but pit bulls: again, huskies, husky crosses, German shepherds, shepherd crosses and the like.

It has also been claimed that breed-ban legislation elsewhere has been effective, but has it? In England, which has been mentioned as a model piece of legislation, I hadn’t realized that the bill had been rescinded. My understanding was, in fact, that portions had been rescinded but that parts of the law were still in force. However, at last report, there were some indications that things had settled down, but this was largely because the law was not being enforced as vigorously. Indeed, this seems to be a general trend.

In the U.S., many jurisdictions have moved to repeal their breed-specific bans, citing problems with enforcement and escalating costs as the reasons.

In other jurisdictions, people working on the front lines have simply stopped enforcing the laws and have returned to dealing with dog problems on a case-by-case basis, regardless of the breed.

If this bill is enacted, I suspect that we will ultimately be faced with having to make one of three decisions: repeal this law; ignore it and return to the status quo; or follow suit, much as they have in Italy, and just continue to add breed after breed as the bite statistics change.

There are some endeavours that seem to have been quite successful. My understanding is that Calgary has orchestrated a more significant drop in dog-bite incidents than Winnipeg without having to impose any breed-specific legislation.

Another example is that of the community of Dorchester in Boston, which in 1996, in response to increasing problems with vicious dogs—many of which were being deliberately used to intimidate local residents—established a combined task force called Operation Dog Tag, which consists of members of the Boston police force, animal control in the city of Boston and various animal welfare organizations. When conducting an operation, the task force breaks down into teams, each consisting of a uniformed police officer, an animal control officer and a member from one or more of the welfare agencies. This includes members or people who work with the Massachusetts SPCA. What is noteworthy is that all the teams are also supplied with educational material for distribution to all animal owners they encounter.

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

Mr. Turnbull: Thank you. Their mandate is not simply enforcing but also educating. As it has expanded,

the task force now also does proactive work on the prevention of child and domestic abuse, given the correlations between those. According to the information that I received, there was a reported 95% decrease in animal complaints within one year of implementing the task force.

My main concern is with some of the other clauses that don't have to do with pit bulls; I probably should have addressed them, but I'm obviously not going to have time.

I think the one problem we have is that there are too few definitions—for example, what constitutes menacing behaviour? My greatest fear is that dogs show a lot of menacing behaviour or behaviour that can be interpreted as such, and without a clear definition or understanding of dog behaviour, much of which is ritualized or ritualized aggression, we stand the chance of persecuting a lot of dog owners and euthanizing a lot of undeserving dogs.

I think the main thing we do have to understand is that aggression is an instinct; it is within us all. For example, I heard a child psychologist state that there's no animal more aggressive than a two-year-old human; I might add to that a six-week-old puppy. What happens is that those behaviours become ritualized. They become redirected, they become altered in their form.

The Chair: Mr. Turnbull, this concludes the time allotted for you, and I want to thank you very much for having come in for your presentation today.

Mr. Turnbull: I will add that, unfortunately, I do not have a good copy for you, but that will be submitted subsequently.

The Chair: You can easily e-mail it to the clerk, who will distribute it to all of the members of the committee, if you choose to do so at a later time.

Mr. Turnbull: I think my main point is that we should make sure that the law is compatible with normal dog behaviour and normal human behaviour.

RONALD JEROY

The Chair: Is Mr. Ronald Jeroy in the room? Welcome.

Mr. Ronald Jeroy: Thank you, and I'd like to thank the committee for having me today. My name is Ron Jeroy and I'm a resident of Barrie. I'm 59, and I've been in the fire service for 31 years. I'm an avid fisherman, hunter and outdoorsman. I certainly know the value of good dogs and top performance and personality. I have raised dogs to the point where they won Purina Top Dog in Canada and several have their Canadian and American field trial championships, designated by the Canadian and American Kennel Clubs.

I presently own a litter-registered English springer spaniel. I had her spayed at six weeks old, and she is being trained to flush game and retrieve birds, both on land and in the water.

Yes, I am a gun owner, and I registered my firearms before the deadline of January 1, 1999. Although I wasn't

in favour of the registration, the federal government was trying to solve the problem of irresponsible gun owners and it was the least I could do.

Like most dog owners in Barrie, I enjoy walking along the waterfront, where we meet seniors, young families, joggers, fishermen, boat owners, couples and children and, of course, other people with their dogs, who keep them leashed and observe the stoop-and-scoop bylaw. But, of course, we also run into people who do not leash or control their dogs and, when told about the bylaw for leashing, seem indignant and arrogant about the concerns of others. Their pets are aggressive toward other dogs and people. Why would these people not take minor precautions—leashing—against their dogs' natural instincts and aggressive behaviour to dominate another dog?

Sooner or later a problem will happen and it will be at the expense of a small dog or, even worse, a child, before these types of people realize that they are responsible for their dogs. We seem to forget that all dogs are descended from wolves and are pack animals who look at the world differently than people. You are either a member of their pack or a stranger who should be driven off.

I am here and I feel that I am a responsible dog owner and I'll be commenting on Bill 132. Yes, the bill certainly raises a lot of concerns among many dog owners, breeders and organizations that care for dogs. I have followed these concerns in the newspaper and on TV and discussed the issue with people for and against this legislation.

Every person feels pain and anguish for the parents of children and dog owners whose child or pet has been mauled, bitten and even killed by an out-of-control dog. These frightening experiences certainly have affected them physically, mentally and financially, and they are justified for calling for some type of protection from the province.

Bill 132 legislation: To my understanding, there has been an alarming increase in the attacks of dogs on people and their pets, especially by the fighting and guard dog breeds. The ancestors of pit bulls, Staffordshire and American Staffordshire terriers, were bred for fighting, a sport outlawed in most modern countries, but law enforcement officials are still finding these illegal sporting events in North America. How are these operations getting their dogs?

Most descriptions of the above breeds in the Canadian and American Kennel Clubs make special note of the muscular bodies, extremely strong jaws and aggressive nature as a standard of these breeds. Presently there is a disproportionate number of vicious bites caused by these breeds.

Have these breeders kept their animals in the hands of responsible owners? The answer to the question, unfortunately, is no. Have the responsible owners been muzzling and leashing their animals in public? Have they developed an educational program for their customers and new owners of the breed? Again, no.

Who bears the responsibility that comes with ownership of a dog that has the potential to maul, maim and

even kill a person or domestic animal? Police departments are finding these dogs in ever-increasing numbers in chop shops, drug-growing operations and other illegal operations. They are fearless guard dogs capable of inflicting massive bites and are a real danger to police officers who are trying to uphold the law.

1550

The government of Ontario is taking a proactive approach to the problem.

Subsection 1(2) of Bill 132: The bill clearly describes the breeds of dogs that this legislation pertains to and even covers the crossbreeds by stating: “(e) a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d); (‘pit-bull’).”

There are several ads in the Toronto Star advertising pit bulls for sale. The Canadian Kennel Club does not recognize a pit bull breed per se. Therefore, this legislation clearly covers these dogs and the Staffordshire terrier and American Staffordshire terrier. Most people in Canada know the physical appearance of a pit bull, and this legislation covers it properly.

Subsection 1(3) amends to cover civil liability, which then makes the act relate to the ordinary citizen or dog owner.

Subsections 1(4), (5), (6) and (7) describe the proceedings against a dog owner and give a very clear description of the offences covered in (a) to (c). I must identify the second: “(ii) behaving in a manner that poses a menace to the safety of persons or domestic animals.” This clearly applies to all breeds of dogs and clearly covers a number of situations where people and animals are in danger.

Subsection (10) gives the court power to order other restrictions, such as signs, muzzles, leashes, etc.

The other sections of Bill 132 allow the owners of pit bulls and Staffordshire and American Staffordshire terriers to keep their present pets. But ownership requires responsibility. To ensure that these breeds are not bred any longer, there are strict sterilization and ownership requirements, banning importation and covering the enforcement section of the legislation. This ensures that people who own these dogs are responsible. This legislation gives a judge the power to enforce imprisonment and a fine of \$10,000, certainly a discouragement to flaunt the act.

Identification of pit bull: This section makes the onus of proving that the dog is not a pit bull lie on the owner of the dog. This again covers the people who, for some unknown reason, want to test the system.

My summary is that it's too bad that a small minority of owners of dogs causes the problems that every person in Ontario has to live with. Bill 132 clearly puts the onus on the owners to be responsible. To the breeders of these animals, I feel that you are part of the problem by not effectively ensuring responsible ownership of your breed and promoting leashing and muzzling of your animals. To the organizations who say their facilities are over-taxed with these animals from people who are not willing

to take responsibility, who else is better suited to care for these animals?

I must applaud the government's due diligence in proposing this sweeping legislation to protect both the citizens and dog owners of Ontario. I would be more than happy to take questions.

The Chair: Thank you very much. We'll have time for one brief question.

Mr. Miller: You were saying that you own a dog yourself.

Mr. Jeroy: That's correct.

Mr. Miller: And you went through the onus of proof part of the bill, which is section 19. Basically, the onus of proof in this bill means that you're guilty until proven innocent. If I come along and say, “I don't really know dogs that well, but I think your dog looks like a pit-bull-type dog,” how are you going to prove that it isn't a pit bull?

Mr. Jeroy: Simply. As I stated, my dog is litter registered. It's litter registered as an English springer spaniel, and I would show it to you, the registration and the number.

Mr. Miller: OK. In my hypothetical situation, if it weren't a litter-registered dog—it was a mongrel—how are you going to prove that it's not a pit bull?

Mr. Jeroy: That it's not a pit bull?

Mr. Miller: Yes.

Mr. Jeroy: Realistically, I would go on the Web, and you'll get a copy from both the CKC and the AKC of the descriptions of these types of dogs, which basically gives you how much they weigh, the colorations, their bodies and all those different sizes. If my dog fell into that description, then—

Mr. Miller: We've heard that a Staffordshire bull terrier is 14 inches tall, and we've heard that an American Staffordshire terrier is a lot bigger. There is quite a variance—

Mr. Jeroy: Not really.

Mr. Miller: —and it covers a lot of dogs. I don't think you're going to be able to prove it.

Mr. Jeroy: Yes, there is, because if a judge judges the dog on its looks and body, he does not call a bulldog a retrieving type of dog. These people know their business and the breeds of dogs.

The Chair: Thank you for coming in today.

KIM LEBLANC

The Chair: Is Kim Leblanc in the room? Welcome to the committee this afternoon.

Ms. Kim Leblanc: Good afternoon. Thank you for hearing what I have to say, as long as everybody's still awake. I've been here as long as you guys have, so hopefully we can all manage this.

The Chair: We can all take it, if you can. Please start by stating your name for Hansard.

Ms. Leblanc: My name is Kim Leblanc and I'm a resident of Oro-Medonte. Good afternoon and thank you for the privilege of addressing the committee on an issue that is close to my heart. I'm a lifetime dog owner and

student of dogs, a graduate of Dogs, A Hobby or a Profession, and a long-time breeder, exhibitor and judge of purebred dogs. I am the Canadian Kennel Club director for Ontario north, which includes the city of Barrie.

I was a competitive sled dog driver for many years. My husband, Tom, and I organized the Copeland Forest Sled Dog Races, which had the largest entry in the province. It's interesting to note that at our races, there were over 90 teams, which involved in excess of 500 dogs, some of them crossbred. These dogs, along with their owners, spouses, children, spectators and all the accompanying vehicles and equipment, were confined to the parking lot till race time. They were just as excited as at any other race or sporting event. Yes, it was crowded. Yes, it was noisy. No, we did not have any canine-to-human aggression problems nor canine-to-canine ones, despite all the excitement, barking and carrying on, though I must admit there were on occasion a few human-to-human issues, but none of any gravity. The reason there were no incidents of aggression is that these dogs were properly socialized and trained. They were performance athletes. Training forms the basis of good behaviour in both canines and humans.

Good legislation is based on research and input from experts in that area of expertise. The proposed Bill 132 seems to lack both. The statistics do not appear to back up the approach taken by the draft legislation, and I can find no supporting list of experts on which the proposed legislation is based.

Some of the headline experts in this field, the Ontario Veterinary Medical Association, the Canada Safety Council, the Canadian Kennel Club, the Ontario Society for the Prevention of Cruelty to Animals, the Association of Animal Shelter Administrators of Ontario, the many dog trainers, psychologists and behaviourists have attempted to be heard prior to these hearings, but their message seems to have fallen on deaf ears. Is that because the experts were not in agreement with this proposed legislation?

The Canadian Hospitals Injury Reporting and Prevention Program studied 278 dog attacks that required hospital attention. The results: over 88 different types of dogs were involved.

Even if the draft legislation is passed, alleged "pit bull" bites represent only 20% of all bites. Will the public be safe from the other 80%? You will have heard from many experts that the pit bull is a shape or type of dog, not a definite breed. It's a myth. Those of us who understand breeding and heredity know that when genes are mixed, as is in the case of any mongrel, including the pit bull, the resultant puppies may or may not resemble the parents.

Therefore, breed identification will become a huge challenge. The Canadian Kennel Club is the only organization in Canada legally enabled under the Animal Pedigree Act to identify the 165 CKC-recognized breeds and 350 different international breeds, which include the Staffordshire terrier and the American Staffordshire terrier.

May I share a unique experience that will highlight this problem? Several years ago while visiting friends in Cleveland, Ohio, I was asked to evaluate their neighbour's Doberman pinscher. They wanted to know if the dog was worthy of a championship. I was delighted to help; I was the big expert. The dog was presented to me for inspection. He stood before me, clearly a reasonable specimen. Nice coat. Good markings. His ears and tail well-cropped. His tan markings seemed a little too dark for my taste but this was not of sufficient note to challenge his quality. I declared him a pretty good example of the breed.

Chuckling at my pronouncement, my friends proceeded to tell me the dog was half Irish setter. I was stunned. I looked at them expecting them to say that the Doberman was the mother, and it was not. The Irish setter was the mother. So it was pretty clear that, even with all my training as an expert, I couldn't distinguish this Doberman from a mutt, and he was a mutt. The Irish setter characteristics did not display themselves. So how can we expect our local dog catchers to make these assessments?

1600

Who will identify these dogs? Animal shelter staff and veterinary clinic staff need a description to keep their records, but they have no mandate to correctly identify these dogs. Staff turnover can be frequent and many of the caretakers are volunteers. Misidentification will be rampant. Dogs tend to be grouped in families, so it would follow that most dogs with a short, smooth coat weighing between 25 and 60 pounds and muscular will be identified as the mythical pit bull when they are clearly just a plain old-fashioned Heinz 57. For those of you who are a little younger than I am, that's a mutt.

Science has so far failed to come up with a technique using DNA to identify a dog as a specific breed. How does the government think they will apply the legislation to dogs of mixed heritage? Who will fund the necessary research so that the government can enforce this draft Bill 132? What will the government do to battle a legal challenge to this proposed bill, a bill that will be based on the opinions of public servants that could easily be refuted by lack of scientific evidence?

By targeting the mythical pit bull, the proposed legislation is condemning a shape of dog. Bill 132 in its draft form erroneously lumps purebred dogs in with the dangerous rogue dog we all decry. If the draft bill is accepted as written, you will be responsible for eradicating two benign and sweet-tempered CKC purebred breeds.

Do you know someone who's deaf, has severe epilepsy or is blind? Various service dogs have enriched many of these people's lives. Some of them are crossbreeds. What if the dog of choice for a disabled person resembles the pit bull type? Will you deny the disabled the right to a full lifestyle? We already have trained search-and-rescue dogs of this physical style in use. Will you now not allow them to do their job and save lives?

Purebred dogs are identifiable and traceable via their tattoo or microchip identification through our very own Canadian Kennel Club. The CKC and the local kennel clubs provide opportunities to the local communities for education, training and expert advice. Dog experts such as long-time breeders, trainers and judges are available to assist with the identification and evaluation of problem dogs. So far, I have not talked to any here in Ontario that has been consulted on this bill.

Dangerous-dog legislation and education are the keys to success in preventing the continued upward spiral of dog attacks. In light of the recent attack on a hockey coach by an irate father, did we see all hockey dads banned from the hockey rink? No, sir, but junior hockey associations across Canada have been diligently working with coaches, trainers and parents to educate everyone.

Legislators need to get on this bandwagon. Ask the Canadian Kennel Club, ask the local kennel clubs, ask the dog professionals to assist in the provision of public education. We are here and available, and a lot of us already do volunteer work. Provide incentives such as reduced licensing fees for basic obedience and further incentives for those who are willing to participate in educational programs. Responsible dog ownership is a viable solution.

Breed bans historically don't work. Over the course of these hearings, you will hear the evidence. Of course, if there are significantly less numbers of a banned breed, it follows that there will be a correlation in the decrease in bites by that breed.

The registry on guns incorrectly presumed there would be fewer murders on our streets. But the people who own illegal guns are the same anti-social, lawless individuals who strut with intimidating rogue dogs, the dogs we call mythical pit bulls. The irresponsible human, those who encourage aggression in dogs, should be the focus of this legislation.

Another little piece I would like to share with you was passed along to me. In Ontario right now in Simcoe county, it's public speaking for the kids. The speech enclosed is Abby's speech. She's a grade 8 student in the area, and she has a story to tell:

—OK, you're walking your dog. Everything's just fine. You're listening to your Walkman. You look down at your boxer, Daisy. She's so cute. She would never hurt a fly. So you find it weird that when a mother and her child walk by, they stay as far away as possible. But oh well. Who cares, right? You keep walking. All of a sudden a big black van pulls up on the sidewalk in front of you. "BSLP" is written across the side. The speaker-phone on the top of the vehicle screams at you, "We are the breed-specific-legislation police! Put down the leash and walk away. Your dog is a pit bull, vicious and harmful." "But Daisy is a boxer." "Maybe so," they scream, "but she looks like a pit bull."

—All right, so that's kind of a dramatized situation. But just from that, you can see that the BSL is a very broad restriction. They say that pit bulls are banned, but what is a pit bull? There's no actual breed called a pit

bull. So what do the authorities classify as a pit bull? Basically, anything that resembles a mutt-looking large dog. So it's boxers, Staffies, AmStaffs; the list goes on.

—What is BSL and what does it mean for you and me? The BSL is a restriction of certain breeds. The authorities designate certain breeds. So say Daisy would never hurt a fly, but, on the whole, her breed would. She's a victim. It's like guilt by association, except she was born into it.

—Think about this for a second. There are approximately five million dogs in Canada. Out of those five million, there's one fatal bite a year. Out of these bites, none of them that have been from a pit bull is proved to be unprovoked. So yes, maybe one bad bite a year; if it's from a pit bull, the person that got bitten provoked the dog.

She has quite a bit more to say. She feels very distraught that, as a person, she will be restricted from choosing what kind of dog she would like to have. I don't know this child. This was just sent to me from one of the local teachers.

The Chair: Thank you very much for your time today and for your very thoughtful brief. One hopes we never see the spectre of a hockey pit bull in Canada.

MONICA JOHNNY

The Chair: Is Monica Johnny in the room? Welcome. I think you've been here long enough to figure out the rules.

Ms. Monica Johnny: I think so.

The Chair: Please start by stating your name for Hansard, and proceed as you wish.

Ms. Johnny: Good afternoon, ladies and gentlemen of the standing committee. I'd like to thank you for giving me the opportunity to present before you today.

My name is Monica Johnny. I am not a pit bull owner. I am a dog trainer and obedience instructor. I've made my living working with dogs since 1980. I've spent 15 years working in a veterinary hospital as a groomer, trainer and behaviour consultant. I compete in flyball, a dog sport, and I'm also a North American Flyball Association judge.

I do not support Bill 132. I encourage the implementation of a dangerous-dog act that would cover all breeds of dogs and that would respect and acknowledge potential bite victims of pit bulls as well as non-pit-bulls. All dogs are capable of biting. All dogs are capable of an aggressive attack, either on another animal or a human.

I'm quite concerned with many aspects of Bill 132, and I'm going to touch on just a couple of them. Breed identification is one.

There are many square-headed breeds that could easily be mistaken for a pit bull. The onus in this bill is on the owner to prove that their dog is not one. That may be easy for those fortunate enough to have registration papers for their dogs, but many people are not in ownership of purebred dogs with papers. There are many breeds of dogs that resemble the pit bull but are not pit

bulls. If you breed a Labrador and a boxer together, that often looks like a pit bull. How will someone who owns that type of dog be able to prove the dog's heritage? Mixed breeds that have no common ancestry with the pit bull terrier but share similar breed traits could easily be misidentified, and have been.

There are already three breeds listed in this bill. There are endless possibilities as to what these dogs and their crossbred offspring can look like. Identification will prove to be quite difficult.

People have been maimed and killed by breeds of dogs other than the pit bull. This bill would have done nothing to protect those people had it already been in place. Dangerous-dog legislation, as proposed by several of the speakers here, needs to be implemented. Stiff and enforced fines as well as jail terms should be handed out to owners of dangerous dogs. People who continually let their dogs run at large should not be allowed to own dogs.

Legislation needs to discourage people from owning aggressive dogs. Stiff fines and jail terms would make owners think more seriously about housing a potentially dangerous animal.

In society today, many seem to have the impression that a dog is just a little human—dog trainers call that the Disney syndrome. People put human emotions and characteristics on dogs that they do not possess. Dogs are dogs and act like dogs, and we need to know that.

People need to be educated on the proper socializing of puppies. They need to teach the dog to behave in society. Dogs are not Walt Disney characters. They are not automatically perfect companions. They do not speak human, nor do they come pre-trained at eight weeks of age. There is much socializing and training that goes into a responsible canine citizen.

Rather than ban the pit bull types, legislate the owners to train them if they want to house them. Make licensing more expensive for these breeds, and then reduce those licence fees and remove the muzzle clause for dogs that have taken obedience classes or that pass a Canine Good Citizen test.

1610

As an obedience instructor, I have many concerns about the use of muzzles on dogs, and I'd really like to address that issue today. A muzzled dog cannot properly socialize with strangers or other animals. Bite inhibition is a learned behaviour. They need to play-bite and explore with their mouths in order to learn to be gentle. A muzzled dog cannot learn bite inhibition. A dog with little or no bite inhibition is far more dangerous to the public than one properly raised and socialized. Muzzling young dogs under 18 months of age is unnecessary as well as detrimental to their socialization.

A muzzled and leashed dog cannot play Frisbee or ball. Dogs need to have a safe outlet for burning energy. Muzzles sold in pet stores are often inadequate for proper breathing and drinking and are inhumane if left on for long periods of time.

A muzzled dog cannot train for most dog sports or any advanced level of obedience. A dog cannot compete in

competitions or shows, such as obedience trials, rally-O, conformation or flyball, while he is wearing a muzzle. The sport of agility is conducted without even a collar on the dog. This needs to be addressed in the bill.

The legislating of muzzles and leashes on any dogs will discourage owners from training their dogs and competing in dog sports. Why would the Ontario government want to discourage ongoing training when the experts on canine behaviour are in agreement that a trained dog is far less a threat to society than an untrained dog?

Prophylactic muzzling requirements completely miss the boat in terms of their purported goal of reducing dog bites. They only target dogs being walked by their owners in public, where very few bites actually occur. The vast majority of dog bites occur on private property, where muzzle orders are not in effect. Most dog bites occur with an unsupervised dog on the owner's property, usually left alone with an unsupervised child.

I recommend a clause that allows for Ontario pit bulls, as well as pit bull types coming into Ontario, to participate in dog training activities without the lead and muzzle in appropriate settings. This should include dog sport venues, dog training classes, dog clubs, off-leash dog parks, dog sport demonstrations and on the property of friends and family.

In the same way that some humans are more prone to losing their tempers, this too is the case with individual dogs—not individual dog breeds, but individual dogs of all breeds. To this end, we need education. Dog owners, breeders and trainers need to identify these individual animals and teach them to be less reactive and not put them in situations that are likely to adrenalize them.

Dogs found to be of an aggressive nature need to be retrained or euthanized. Owners need to stop making excuses for their untrained and unsocial dogs. Owners need to be taught to recognize a potentially dangerous dog. Heavy fines and possible jail terms will make dog owners think more seriously about their pet's behaviour and the implications of owning an aggressive animal in the province of Ontario.

There were 36 recommendations made in the 1998 inquest into the tragic death of Courtney Trempe, which could, if implemented, drastically reduce the number of dog bites and attacks, especially against our children.

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

Ms. Johnny: Thank you.

Many of these recommendations were regarding educating children and the public as to the behaviour of dogs.

The city of Calgary has implemented a non-breed-specific dangerous-dog bylaw. This bylaw makes owners responsible for their pet's behaviour. Calgary has reduced their dog bites by 70% since the introduction of this bylaw. I urge you to consider adopting a similar bill here in Ontario.

Legislation is needed, but banning individual breeds won't solve the dog bite problem. Educating people will.

I will answer questions if there's time.

The Chair: Thank you. We have time for just one brief question. Mr. Kormos isn't here. Mr. Zimmer?

Mr. Zimmer: This issue of bite inhibition—I gather a breed like a Labrador retriever is thought of as having bite inhibition.

Ms. Johnny: It may be thought of, but no breed of dog naturally has bite inhibition. They learn bite inhibition through biting other puppies. The puppies yelp, and they learn, “My mouth is too hard.” They learn that by putting their mouth on people and their mouth is too hard.

Mr. Zimmer: Perhaps I'm wrong, but I thought that dogs like Labrador retrievers were bred for a soft bite.

Ms. Johnny: They're bred for carrying a bird with a soft bite. That's not related to biting something. That's a carrying action. It's a different thing.

Mr. Zimmer: But isn't that a part of the bite inhibition?

Ms. Johnny: No, it's not. They're bred to carry things with a soft bite.

Mr. Zimmer: What were pit bulls initially bred for?

Ms. Johnny: I'm not a pit bull expert but I believe pit bull terriers were originally bred for bull baiting.

Mr. Zimmer: What is bull baiting?

Ms. Johnny: It's a livestock thing. They use the dogs to control livestock.

The Chair: Thank you very much for having come in today and for giving us your deputation.

ROBIN SUMMERLEY

The Chair: Is Robin Summerley in the room? Robin, welcome.

Mr. Robin Summerley: Thank you very much for the opportunity to present to you. My name is Robin Summerley. I am a resident of Barrie. I'm the president of a firm specializing in computer software for animal hospitals. For the last 21 years, I've worked closely with veterinarians designing solutions for their data needs to run animal hospitals. My specialty is information. I am not a doctor. I can only tell you how trained animal experts classify their information.

There may be only three people in Ontario who can give you the kinds of numbers I'm about to show you. They are my son, who works with me, myself and one of my competitors who's based in this province. The other people who sell computer systems to veterinarians are Americans, and they don't come up here. They don't provide the on-site service that we do, so they don't know the data the way we do.

Background: I think you've already heard from some veterinarians. They deal with animals in stressful situations. They are frequently strangers to the animal, and they have to subject them to some indignities. When they're drawing blood samples or giving vaccinations, they have to puncture skin. This obviously produces pain no matter how skilful the professional is. If the animal is aggressive, it will respond by attacking under these stressful circumstances. If the doctor or staff are at risk,

they have to take precautions. Because of the numbers of animals they see, they cannot remember each one to know whether caution is required.

Our systems allow them, amongst many other things, to code these threats. They have to be coded, as opposed to being documented in plain English, because in many instances the owners are in a state of denial about the animal's behaviour. Should the client see English comments on the computer screen, the relationship between the doctor and the client can become very strained. Because the comments are coded, they are easy to extract and summarize once you know the codes.

During the course of a career, any one veterinarian might see between 20,000 and 30,000 animals, depending on the number of repeat visits they have from any one patient. I have created systems that cover well over a million records, and I have briefly examined some of them from the perspective of this legislation. The research has been done in an anonymous fashion to protect the privacy of both the clients and the doctors. The information can be extracted simply with reference to breed, so that all other identification data are protected.

If the committee is interested, I could access the databases for approximately 100 clinics. What I have done for today is to pick a typical clinic that is partially suburban and has some high-density urban areas and a rural component. It is representative of many of our clinics.

There were three questions on the issue of dog aggression that I analyzed with these data:

(1) How many breeds are there?

(2) How many aggressive animals are there in the total population?

(3) What is the distribution of these aggressive animals into the various breed categories?

Just to let you know, the summary was done with the owning veterinarian's permission. All information has been stripped of any identification that might lead to a conflict with the federal privacy-of-information legislation.

The answers to the questions were instructive. The practice has been automated since 1987, so we have 18 years of data to work with. There are 21,958 individual records. Obviously, these include dogs, cats, rabbits, lizards etc., so we needed to zoom in and just look at the dog records. Of those 21,000, some 10,677 are dogs, 48.6% of the total records.

Looking just at those records, we produced the following numbers: First of all we said, “Breeds—how many are there?” The first cut came up with 2,075 different identifications. This is clearly wrong. Closer examination showed that, for example, there were seven different ways of spelling “German shepherd”; don't ask. Our educational process is not producing literate workers. Correcting for this type of error, with my limited knowledge of the dog world, it looked as though there were some 460 types you could identify. An expert in dog classification would probably bundle about 200 of these into a single category of “mutt”—in other words, a

crossbreed—leaving, plus or minus, some 250 identifiable breeds. In our new systems, we provide a table of 198 different dog breeds to use as a look-up, which individual clinics can modify. So we have several hundred breeds to deal with. From that, I think it's a fair observation that determining breeds is not an exact science in every case, and you've heard the same from other presenters in this case.

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The second observation is that unless an owner spends hundreds, and sometimes thousands, of dollars to acquire an animal from a recognized breeder, it is impossible to certify that a dog is a particular breed. Dogs that are given away or adopted from animal shelters have no papers. In these cases, the proposed legislative requirement that the owner prove his or her animal is not a pit bull is ludicrous.

The third observation from the classification issue of how many breeds there are is that if the legislation were to be passed as is, it would guarantee the death of any large dog put in a pound. This is because when stray animals are placed in the pound, they obviously do not have breed certificates available. They are just put up for adoption as is. After a certain time period, if they're not adopted, they're euthanized. No person in their right mind would go to a pound and take out an animal without paperwork, knowing that they might have to prove that this dog is not a pit bull. So the dog would simply be waiting out its appointed time in death row, regardless of its demeanour.

Dealing with the second question, how many aggressive animals there were, after looking at some 10,000 records we identified 316 flagged as being aggressive or very aggressive. This is about 2.96% of the total canine population. Recently, I read that something like 20% of United States males have criminal records. When you compare that with the 2.96%, you really have to favour the dogs.

The third question we looked at was, if we have these 316 aggressive cases, how do they slot into the breed categories? The total number of aggressive animals is so low that one has to be careful about assigning too high a statistical significance to the conclusions. With this question in mind, if in the complete database there were probably something like 250 to 350 distinct breeds, and I bow to the experts here as to what the exact number is, you can see that between 45% and 70% of the total breeds were represented in the aggressive subset. That's a significant number.

Looking at the aggressive subset, in no case did any one breed's numbers represent more than 5% of the total population of that breed in the clinic's database. Most were much lower. In the pit bull category as defined by the proposed legislation, the aggressive members represented about 1% of the total pit bull population. This distribution supports the premise, as stated by every veterinarian I have spoken to, that owners are the problem, not the breeds.

If the committee were interested, I know I could extend this database by a factor of 10 within a week. The

resulting information would stand up to any statistical test you care to use and would reinforce the conclusions that emerged from this preliminary study.

The Chair: For your information, you have about two minutes remaining.

Mr. Summerley: My conclusions are simple. You do need to pass legislation that protects the public from the unfortunate victims of bad upbringing. You should also make sure that the legislation does not simply move the target of these twisted minds to another breed, to be subjected to cruelty. We need to find ways to stop it at the source.

Our recommendations: The public obviously needs more protection than it presently has, but it's hard, as a non-legal expert, to work one's way through a thicket of legal jargon and make detailed clause-by-clause recommendations. If science means anything to government, then the references to specific breeds should be removed from the legislation and the owners of any aggressive animal should be targeted specifically.

Interestingly enough, farmers appear to be ahead of the public at large. I would like to draw the committee's attention to the Livestock, Poultry and Honey Bee Protection Act, RSO 1990, chapter L24. I believe this was revised as recently as 2003. Leaving the exact interpretation to lawyers, the livestock part of it seems to say that if a dog attacks livestock, the dog is to be euthanized right away, and the owner of the dog is responsible to the farmer for the economic value of the livestock destroyed.

This is an excellent model that has stood the test of time and is welcomed by the victims. Obviously, the economic value of a human life, whether terminated or crippled, is not as easily determined as a farm animal's. However, any dog owner faced with paying stiff penalties to the victim of their pets, and facing jail terms as well, would be forced to think twice about the way they handle their animals.

This legislation would pass the test of time. It is not opportunistic. It deals with a real problem in a comprehensive manner and it gets to the source of the problem.

I leave you with the thought that good legislation is a monument to its authors. Poor legislation is a millstone around society's neck. It foments scofflaws and threatens the entire democratic structure. Thank you very much.

The Chair: Thank you very much, Mr. Summerley. Unfortunately, you've used up your time, which is probably fortunate, because as a former software developer, I'd be dying to ask you questions about your table definitions. Thank you for having come in today.

ANIMAL HOSPITAL OF KITCHENER-WATERLOO

The Chair: Is a representative of the Animal Hospital of Kitchener-Waterloo in the room?

Welcome this afternoon. I think you've been in the room long enough to pick up the ground rules. You have 15 minutes to address us today. If you leave any time remaining, it will be divided among the parties for ques-

tions. Please begin by stating your name for Hansard, and proceed as you wish.

Dr. Gary Goérée: My name is Gary Goérée. I'm a veterinarian. I practise in Kitchener. I was on the dangerous-dog committee in Kitchener from 1995 to 1997 and the pit bull appeals designation committee in 1997 and from 2000 to 2002. I've also served on the ad hoc committee on animal issues for Kitchener.

The four pillars that justified the ban in Kitchener in 1997 were: there was an epidemic of pit bull attacks; pit bull brains were chemically different from other dogs; pit bulls had a jaw strength of 2,000 pounds per square inch; and they were the number one cause of human deaths caused by dog bites.

On that basis, Kitchener council passed a bylaw banning the breed in 1997. I received a letter in February 1997 saying that I had been assigned to the pit bull appeals designation committee. Being the only veterinarian on the committee, I decided to do some background research because I assumed that people would expect me to know what I was talking about.

I went to the Ministry of Health to obtain numbers in terms of how many pit bulls had actually attacked in Kitchener. No one had ever looked at those numbers before. For those of you who don't know, when a bite incident happens anywhere in Ontario, a piece of paper is generated. Any doctor, police officer or hospital must send that paper to the Ministry of Health. So I went through over 1,400 of these bite incident reports and came up with a table of the number of attacks that had occurred in 1995 and 1996 in Kitchener.

That table is on page 2 of the handout I gave you, and you can see that pit bulls were number 8 in the region of Waterloo, right behind poodles. The 17 and 18 pit bull incidents per year represent approximately three out of every 100 dog incidents that happened in the Kitchener area.

With regard to the pit bull brain story, it was alleged that pit bull brains were chemically different. It was said that the release of endorphins caused pit bulls to become almost addicted, since endorphins are morphine-like substances in their brains. When I researched this, I discovered that most of the pit bull brain stories came from newspaper articles which then cited other newspaper articles, which cited other newspaper articles. So I called a board-certified veterinary neurologist, Dr. Susan Cochrane, and I asked her what the story was on the endorphin thing and pit bulls attacking. She had no idea what I was talking about, but she said, "I've only been board certified for four years. Call Dr. Gary Landsberg, who was just certified as a veterinary behaviouralist. He's right up to date on this." So I called Dr. Landsberg and he had not heard anything about the pit bull endorphin brain theory either, although he did tell me that there was a theory that compulsive tail-chasing in dogs could be endorphin, mediated.

1630

With regard to the jaw strength of pit bulls being approximately a ton, once again, I researched the stories

from newspapers, which always cited other newspapers. I discovered that there is not a single study that suggests that pit bulls actually do have a jaw strength of 2,000 pounds per square inch. I think that you could also try to envision how you would even do such a study or how you would try to measure the jaw strength of a biting pit bull. Two thousand pounds happens to be a perfect ton. My conclusion was that the jaw strength theory was another pit bull myth.

The fourth pillar justifying the ban in Kitchener was that it was the number one cause of dog-bite fatalities. There were no numbers in Canada at the time, so these numbers all had to come from the United States. It is true that pit bulls were the number one cause of human deaths in the United States for a certain time period. However, from 1975 to 1980, the number one dog was actually the German shepherd. In the late 1970s to mid-1980s, it was then the pit bull. Later on, the early 1990s, it became the Rottweiler.

The four pillars condemning pit bulls that served as evidence supporting the need for the 1997 Kitchener bylaw seemed to overwhelmingly justify the ban. However, after the bylaw was passed, three of those four pillars were discovered to be either inaccurate or fabricated. That left only dog-bite fatality statistics, which in fact showed a trend toward breeds other than the pit bull. There was not good evidence, therefore, in 1997 that pit bulls were any more dangerous than other breeds of dogs.

I brought this presentation to the editorial board of the Kitchener-Waterloo Record in 1997, and I asked them the question, "Since only three out of very 100 dog bites in this area are pit bulls, why do you only report pit bull attacks in your newspaper?" Their answer was, "Because pit bulls are news."

I brought this information to Kitchener council as well, remembering that this was after the bylaw was passed, and I warned them that if they made public statements regarding the four pillars of the pit bull attack theory, they may be corrected in public. The council thanked me for the information, said they wouldn't say those things again in public, and they kept their ban.

What the ban actually does in Kitchener is it bans a look or phenotype because, as you heard, you cannot definitively say what a pit bull or pit bull cross is. In other words, we are not condemning dogs that had shown themselves to be dangerous or had ever threatened a child; we condemned dogs that looked like or possibly might be a cross of a pit bull or Staffordshire. In other words, on the committee we sat there banning dogs with big heads and short hair. The humane society officer would come in with pictures. If the people could not prove that their dog was not a pit bull, we would then go in camera, outside where the owners couldn't see us, and we would sit there in a back room with these pictures: "The head looks big. Look at the tail. Oh, that hair's pretty short." Then, on that basis only, we would decide whether that dog was too dangerous to live in Kitchener. We would go back into the room, we would look at the owners and we would say, "Either kill your dog or move

out of town.” We said it in a much nicer way, but that is exactly what we did.

I think that it’s possible to do the wrong thing for the right reasons. Kitchener’s pit bull banning bylaw is not a success story about innovative legislation that made children safer; it’s an example of how bad homework can allow bad legislation to be passed.

Kitchener is an experiment that was a mistake because it was not based on fact. This is not a mistake that ought to be repeated province-wide.

Applause.

The Chair: I again remind the audience to please refrain from a show of support during the hearings.

Questions? We have about two minutes per party. Mr. Kormos.

Mr. Kormos: Thank you very much, Doctor. Look, we’ve heard today from people who were victimized, in their instances by what they understood to be pit bulls—and I understand increasingly that that’s hardly a precise term, but pit bulls or pit-bull-like dogs. We’ve heard some atrocious examples of pit-bull-like dogs—mind you, yesterday down where I come from in St. Catharines, a young woman was attacked by two Dutch shepherds, and in Ottawa, a four-year-old boy and a 16-year-old boy were attacked by mastiffs, neither of which is included in the legislation.

I hear your argument, and there are those who have argued the contrary position vis-à-vis pit bulls. Is there a flaw, is there a fundamental error from the point of view of protecting public safety in proceeding with this breed-specific ban? The reason I say that is, among other things, that in the case of the people we heard today who were victims, even with the Dog Owners’ Liability Act—and you’re familiar with that—nobody prosecuted, nobody took the bad dog owners to court so the court could determine the level of dangerousness and decide whether they should be put down or otherwise restricted. That was of great concern. We obviously have very scarce resources when it comes to enforcing statutes. So in the context that under the Dog Owners’ Liability Act these victims have not had the system attend to their needs, is there a flaw in this approach that impedes or impairs? Everybody has an interest here in improving and enhancing public safety. I’m not taking that away from the people who advocate banning pit bulls. They believe that; God bless. I haven’t been convinced; the evidence isn’t there from my point of view. But is there a flaw in that approach?

Dr. Goérée: The basic flaw is that there’s no more evidence that big-headed, short-haired dogs are dangerous than there is that people with coffee-coloured skin are all terrorists who want to blow up buildings. It just doesn’t work that way. The reason we banned pit bulls was because whenever you picked up a newspaper, there was another pit bull attack reported, when in fact the newspapers chose not to tell us about the 97% of attacks that happened. I know that when Mr. Bryant announced this law, he did a photo op with a lady whose child had been attacked by a pit bull. What he did not include in the

photo op was the many children whose faces have probably been torn by other breeds of dogs. That’s a fundamental flaw in the coverage of this type of thing. We will hear about every pit bull attack. Those pictures will be prominent on the front pages of our newspapers, but are buried on page 16 without even a mention of what breed it is when it is another breed.

The Chair: Mr Zimmer?

Mr. Zimmer: Page 2 of your presentation, the breakdown of the attacks, starts off with the German shepherd, through to 19, the chihuahua, but there’s nothing on the chart indicating the severity of the attack, is there?

Dr. Goérée: There are no statistics done in Kitchener—there were no statistics done in Kitchener and there have not been since—on the severity of any of these attacks, pit bulls included.

Mr. Zimmer: The ranking proceeds from 1 to 19; 7 is a poodle and 8 is a pit bull. My second question is, would you rather face an attack by a poodle or a pit bull?

Mr. Kormos: Standard or toy?

Dr. Goérée: Trained or not trained? Actually, the most severe bites I’ve received have been from a cocker spaniel cross and a Labrador cross, so I don’t think your question is fair. But I’ll tell you that I wouldn’t like to receive a bite from any dog.

1640

The Chair: Mr Miller?

Mr. Miller: Thank you for your excellent presentation. You’ve told us quite a bit about Kitchener and their activity in terms of banning pit bulls. Are you familiar at all with what the city of Calgary has done in terms of their bylaw?

Dr. Goérée: No, I’m not.

Mr. Miller: One of the other presenters handed out the actual bylaw to us as part of our material and pointed out that Calgary has reduced dog bites by 70% with a non-breed-specific bylaw. It does things like require much higher licensing. I think Toronto has something like 5% of dogs licensed. In Calgary they have 90% of dogs licensed and they have tighter leash laws. It’s actually quite comprehensive. Do you have any opinion on what sorts of rules would actually work toward reducing dog bites?

Dr. Goérée: This month, I presented to Kitchener council some suggestions in terms of how to toughen up the dangerous-dog aspects of Kitchener’s bylaws. So the answer to your question is, yes, I do have opinions about that. I think you underestimate the ability of a law that scares people if their dogs are going to bite people. If people know that their dog could be taken away from them, they will take precautions in terms of training. I think that’s why dangerous-dog legislation in itself, threatening people in case their dogs are in a situation, will actually work. That’s why I would believe that Calgary’s does work.

The other thing to point out is that since Kitchener passed this pit bull banning bylaw in 1997, we haven’t done anything in terms of strengthening our dangerous-dog bylaws; we didn’t need to because we got rid of the

pit bulls, so why should we worry about anything else? That is part of the problem with this as well. I think you fool people into believing that you've solved the problem when you ban pit bulls, when in fact you haven't solved a thing. The number of dog incidents in the region of Waterloo has not gone down since this bylaw was passed.

The Chair: Thank you very much for your interesting deputation this afternoon.

TRACY DINELEY

The Chair: Is Tracy Dineley in the room?

Welcome. You get the last word of the afternoon.

Ms. Tracy Dineley: That's a hard one to follow.

The Chair: I'm sure you're up to it. You have 10 minutes. If you have any time remaining, it will be divided among the parties for questions. Please begin by stating your name for Hansard.

Ms. Dineley: My name is Tracy Dineley. First, let me thank you for allowing me to come and speak today on this important issue. I have been making my living in dogs for the past 25 years. I am a dog groomer and an all-breed professional dog show handler. At any one time, I have a client list of over 1,000 dogs. I have also been breeding Staffordshire bull terriers, also known worldwide as the nanny dog, since 1984.

I congratulate you on taking steps to ensure the safety of people from dangerous dogs. I think we desperately need a good dangerous-dog law. You have heard from many people in these hearings that breed-specific legislation, which I will refer to as BSL from here on, does not work, and I agree. The statistics from all the places where BSL is in place show this fact. Winnipeg alone showed a dramatic increase in bites from other breeds the year after BSL was in place.

You have to put the onus where it belongs, on the people, the owners, not the breeds. We need to make people accountable for their dogs' actions. They are responsible for their dogs in whole. It is the owners' job to keep their dogs safe, and people safe from their dogs.

It never ceases to amaze me as a groomer how many pet owners I talk to on a daily basis who allow their dogs to hold them hostage in their own homes. These are not educated dog people. These are people who allow their dogs to rule the roost. I am not just talking about large breeds; I'm talking about all breeds, shapes and sizes. These dogs bite their owners; they bite guests who come into their homes; they bite their veterinarians and the groomers who work with them. This is mostly due to the lack of education on the part of the owner to properly raise and train them to be good and safe canine citizens. This is not to say that they are all bad. Most dogs of any breed are good.

Due to being a groomer, I have been bitten by many breeds, and my dogs have been attacked by several breeds while in public. It would actually be much easier to name the breeds that I have worked with personally that have never shown any human aggression. It's a pretty short list.

To answer a question that's been asked over and over again, is there a quantitative difference between a pit bull terrier bite and any other breed? No. Is there a difference between a pit bull bite and a chihuahua bite? Yes, of course. But am I more afraid of a pit bull bite than a golden retriever bite? No. Am I more afraid of a pit bull bite than a bite from a Rottweiler or a Labrador or a German shepherd? No. It has to do with size, not breed. All dogs, regardless of breed, can inflict a level 4 to level 6 bite, as we heard on Monday from Cheryl Smith. So I find it insulting that the government would imply that a level 5 bite from a pit bull is somehow different from a level 5 bite from any other breed. Several breeds have the bite and hold, and I think the media have blown the pit bull bite and the type of bite they have totally out of proportion, with no scientific facts to back it up.

I was bitten by a Rottweiler. It took three people to get that dog off my hand. I was bitten once by a Shih Tzu and passed out. I needed medical attention for both bites. Both bites caused me to be out of work for a week.

Back to my short list of breeds that I have worked with that have never shown me any human aggression. Staffordshire bull terriers are on the top of that list, and this is one of the main reasons I chose them as my breed. They are absolutely the most stable breed that I have ever worked with in any situation. I do not want to spend a lot of time on the Staffie bull, as previous testaments have shown that it would be a crime to condemn this breed. Just the fact that Kitchener, England and France have exempted them speaks for itself. As previous speakers have said, including Diana Fischer, this breed should not be on your list, especially when you have absolutely no statistical information to support doing so. By banning entire breeds, you are punishing all the good dogs and responsible owners, who by far are the majority.

You say, "What's the big deal? All you have to do is spay and neuter and muzzle and leash your dog while you're in public." Well, for responsible owners who enjoy dog sports, it's a very big deal. It will stop those who enjoy competing in conformation shows, obedience, flyball, agility and any other dog sport. Some of these events require the dog to be off leash. In all these events, we could not participate if our dogs have to be muzzled. A muzzled dog cannot pick up a dumbbell in obedience or a ball in flyball. They would not be able to breathe well enough to do agility, let alone go jogging with us. Where does the quality of life go for these dogs and people who have worked so hard to get to the level of training that allows them to compete in these events?

What about the older dogs, 10 to 12 years old, who have never worn a muzzle? Not only is this law going to be difficult to enforce, but it will also be difficult to comply with. It will be very difficult to get an old dog to wear a muzzle. They will fight it until they get it off or pass out, and I've seen this happen enough times. Training a dog to wear a muzzle is best done at a young age. To stress an old dog who truly does not need a muzzle would be heart-wrenching.

I have been bitten by more dogs and more breeds of dogs than all in this room put together, probably. But I

am not a victim. But if this bill passes as is, then you will be victimizing me, as I will be unfairly and unjustly targeted for the type of dogs I have and by what my dogs and I have never done, and you are doing this without any statistical data to back it up.

We must look at who's holding the leash; they are the ones in control. If they aren't, then they have no business owning that dog. We can also look farther. Where did these aggressive dogs come from? Are they registered with the CKC or AKC? Did they buy it from a pet store or out of the newspaper? I would bet you that if you looked into it, you would find that 80% or more of the reported incidences were from dogs not registered with the CKC or AKC or registered American pit bull terriers. And, for that matter, they were not purchased from reputable breeders.

People who pay a lot of money for a dog usually are educated in their chosen breed. They tend to take ownership in a very responsible way. This is not to say that all people who have purchased their dogs through other ways are irresponsible. I believe that, for the most part, they are responsible dog owners. My point is that reputable breeders charge a substantial amount of money for their dogs, in part to weed out those who do not do their homework or who are wanting the breed for the wrong reasons. When you spend upwards of \$1,000 to \$2,500 and have to wait on a waiting list for up to a year for your family pet, you're going to take it seriously. This is a big purchase. You can get a dog for \$200 to \$600, but what are you getting? The people who come to me for a puppy have already done their homework. I do not advertise in the paper, so they have to find me. They already know—

The Chair: Just to inform you, you have about two minutes.

Ms. Dineley: —what the breed's all about and are willing to pay for a quality dog from a breeder who will stand behind what they produce and sell as family pets.

I agree with all the positive suggestions made before me and I urge you to look seriously at the suggestions that have been made, just to cut through some of this.

I would also like to add to some of this. Stop the sale of dogs in pet stores. This will help stop the brokering of dogs from the US and put a lid on puppy mills here. CKC breeders that are members are not allowed to sell dogs to pet stores.

Stop the sale of dogs through newspapers. This will help curb a lot of backyard breeding. It would make it a

lot more difficult for unscrupulous breeders to sell their dogs.

All unregistered dogs must be spayed or neutered. This would also help stop backyard breeders from breeding the dog down the road just because they want to have puppies.

I believe the most important suggestion is public education, especially children. Some of these tragic bites might have been prevented if people were educated on how to interact properly with dogs, and especially how not to. This is the key.

I have actually seen a decline in the past 25 years of training and control of large dogs coming into my shop. Some 25 years ago most large dogs were respectful and well trained, and now, quite honestly, I see the opposite.

In conclusion, all dogs and breeds of dogs can be dangerous, just as all dogs and breeds of dogs can be perfect canine citizens. I believe the only difference between a good dog and a potentially bad dog is the owner.

The Chair: Thank you. You have used up all of your time and it doesn't afford the opportunity to ask questions. I want to thank you very much for coming in today.

I also want to acknowledge everyone in the room for their fortitude. You've all shown patience and good humour and given all the deputants your attention. The briefs today were interesting, informed and incisive. They were diverse, well researched and even passionate.

This committee provides advice to the Legislative Assembly. Taken together, your submissions are a formidable body of advice and knowledge. On behalf of all the elected members and the legislative staff today, I want to thank you for your time, your presence, and especially for your body heat in keeping this meeting room warm on a very cold day.

This meeting is now adjourned. That means you can give yourselves and your fellow presenters a little bit of applause.

Mr. Zimmer.

Mr. Zimmer: Mr. Chairman, I think on behalf of all of us here, including everybody in the room, I've never known anybody who could run a meeting so well. There were 29 presenters, who had either 10 or 15 minutes, and you kept us all on time, including me, and the great challenge, of course: keeping Mr. Kormos on schedule. So thank you, Mr. Chair.

The Chair: Thank you very much.

The committee adjourned at 1652.

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