

Bill 132

Questions and Answers

When does Bill 132 take effect?

Bill 132 takes effect on August 29, 2005. (All dates in this document are in the year 2005).

What is a "pit bull"?

For the purposes of Bill 132, the law defines a "pit bull" as a pit bull terrier, a Staffordshire Bull Terrier, an American Staffordshire Terrier, an American Pit Bull Terrier, or a dog that has an appearance and physical characteristics that are substantially similar to those dogs.

What is a "restricted dog"?

If you own a dog that falls into the category described above and you owned that dog prior to August 29 or if your dog is born in Ontario before November 27, you own a "restricted dog". Restricted dogs are permitted in Ontario provided they are muzzled, leashed, and sterilized.

What is a "prohibited dog"?

If you own a dog that falls into the category described above and it was born in Ontario after November 26 or brought into Ontario after August 28, your dog is a "prohibited dog" and may be **subject to confiscation, destruction, or both**. Only a pound or research facility may own a prohibited dog in Ontario.

How do I know if I own a restricted dog?

Unless you own a purebred registered dog with a recognized pedigree, you cannot know for sure what breed of dog you have. If you have doubts about whether or not you own a restricted dog or whether your dog could be identified as such, it is suggested that you adhere to the Regulations Regarding Pit Bull Controls in Ontario.

If your dog is not a restricted or prohibited dog but it is identified as such, the onus is on you to prove that the dog is not a restricted or prohibited dog.

What do I have to do if I believe I own a restricted dog?

You must muzzle and leash your restricted dog whenever it is not on your property, unless it is on a property occupied by someone who allows your dog to be unmuzzled or unleashed. Your dog must not be able to escape from the property. You must sterilize (spay or neuter) your dog before October 28.

Ontario dog owners should note that restricted dogs that are outside the province longer than any three (3) month period will become prohibited dogs and may be subject to confiscation and destruction.

Can I give my restricted dog to someone else in Ontario?

You can give, but not sell, your restricted dog to another person in Ontario. Your dog must be the only restricted dog that they own or, if they already own one or more restricted dogs, they can't have more than they had on August 29. You may also give your dog to a humane society or rescue group that might be allowed to adopt it to another person residing inside or outside the Province of Ontario. You may also surrender your dog to a pound, keeping in mind that they may sell it to a research facility or destroy it.

What if my restricted dog has puppies?

Under the new legislation, if your restricted dog has puppies after November 26, it is an offence. You could face fines or jail time for this offence and the **puppies must be surrendered to a pound**. This also applies to puppies of purebred registered show dogs of the restricted breeds.

What happens if I am convicted under the new law?

If you own a restricted dog and are convicted of any offence under the new law, your dog must be destroyed.

Regardless of your dog's breed, if you are convicted of an offence under the new law, you may be fined up to \$10,000 and you may receive a sentence of up to six months in jail. A corporation may be fined up to \$60,000.

Can I visit Ontario with a prohibited dog?

Except for show dogs and flyball dogs that fall within a very narrow set of criteria, you are **not allowed** to bring a prohibited dog into Ontario after August 28.

If you are visiting Ontario with your dog and a peace officer identifies it as a prohibited dog, you must provide proof that your dog is not. If you cannot, then you may face fines or jail time and your dog may be confiscated and destroyed.

Owners of all dogs are subject to the law regarding a dog being a menace towards people or domestic animals.

Can I show a restricted or prohibited dog in Ontario?

Ontario residents with restricted dogs and visitors outside of the province with prohibited dogs may show their dogs provided they conform to stringent qualifications.

All dogs must be purebred show dogs registered with the Canadian Kennel Club, the American Kennel Club, the United Kennel Club or the American Dog Breeders Association.

An approved dog show must be a conformation show, an agility trial, an obedience trial, a tracking test or an earth dog test AND must be sanctioned by the Canadian Kennel Club, the American Kennel Club, the United Kennel Club, or the American Dog Breeders Association.

If you visit Ontario to show your dog, your dog is permitted in the province for a maximum of 14 days.

If you are an Ontario resident and your dog is a purebred, registered show dog, it is exempt from the sterilization requirements but cannot be bred in accordance with the provisions set out in the Regulations Regarding Pit Bull Controls in Ontario. There are further restrictions regarding exemption. For more information regarding the Regulations, please visit the website listed at the end of this document.

Can I compete in flyball in Ontario with a restricted or prohibited dog?

Ontario residents with restricted dogs and visitors outside of the province with prohibited dogs may compete in flyball provided they conform to stringent qualifications.

All dogs must be registered with the North American Flyball Association and the flyball tournament must be sanctioned by the North American Flyball Association.

If you visit Ontario to compete with your dog, your dog is permitted in the province for a maximum of 7 days.

There are further restrictions regarding exemption. For more information regarding the Regulations, please visit the website listed at the end of this document.

How does the new law affect all dog owners?

Court proceedings may be initiated against the owner of any dog: if a dog has bitten or attacked; if the dog has behaved in a manner that poses a menace to the safety of persons or domestic animals; if an owner did not exercise reasonable precautions to prevent a dog from biting, attacking or posing a menace to the safety of persons or domestic animals; or if an existing order has been breached.

The court may order: destruction of the dog (mandatory for offending dogs identified as "pit bulls"); sterilization of the dog (mandatory for all offending dogs); control measures including muzzling, leashing, confinement, warning signs; and/or prohibition of dog ownership.

This information was obtained from the Attorney General's web site. Please see the link at end of this document.

What are the expanded powers of search and seizure?

A peace officer may seize any dog in public if it is believed that the owner is or has at any time been in violation of the Dog Owners' Liability Act, regardless of the breed of dog.

If an officer believes that an owner has committed any offence under this law (including simply owning a prohibited dog), a warrant may be obtained to enter any premises to seize the dog and use as much force as is necessary. If the officer believes immediate action is required, he or she may enter any premises without a warrant.

All dog owners, including Ontario residents, tourists and those who wish to show restricted or prohibited dogs should note that there are individual Ontario municipalities that have animal regulations that may contain more restrictive bans and regulations than those listed in the provincial legislation. Where there is a conflict between provincial legislation and an Ontario municipal by-law in relation to controls or bans on pit bulls and other restricted or prohibited breeds, the more restrictive provisions prevail. Hence, dog owners are advised to research existing municipal animal regulations in all of the cities to ensure that they are in compliance with any local requirements.

For more information, please visit the following web sites:

THE DOG LEGISLATION COUNCIL OF CANADA

Promoting responsible and accountable dog ownership, effective and fair dog legislation, and dog bite safety.
<http://www.doglegislationcouncilcanada.org/>

THE BANNED AID COALITION

Challenging the constitutionality of the new legislation in court and raising funds to support this challenge.
<http://www.bannedaid.com/>

THE CANADIAN KENNEL CLUB

The Canadian Kennel Club is the primary registry body for purebred dogs in Canada.
<http://www.ckc.ca/Default.aspx?tabid=30>

TRANSCRIPTS OF THE COMMITTEE HEARINGS ON BILL 132 (JANUARY 24 TO FEBRUARY 10, 2005)

http://www.ontla.on.ca/hansard/committee_debates/38_parl/session1/legassembly/index.htm

DOG OWNERS' LIABILITY ACT OF ONTARIO (2005)

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90d16_e.htm

REGULATIONS REGARDING PIT BULL CONTROLS IN ONTARIO

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/050157_e.htm

ANIMALS FOR RESEARCH ACT OF ONTARIO (2005)

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90a22_e.htm

INFORMATION SHEET FROM THE ATTORNEY GENERAL OF ONTARIO (MARCH 31, 2005)

<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/dola-pubsfty/dola-pubsfty.asp>

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Information in this document is intended to provide the reader with a summary of the key elements of the legislation for ease of reading. It should not be construed as authoritative or as legal advice. For a more thorough analysis of the legislation, please contact a lawyer.

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The Dog Legislation Council of Canada recognizes that the word "pit bull" is often used and misused to apply to many purebred and mixed-breed dogs with varying appearances. Any use of the word "pit bull" by the authors is limited to this document and is used only for the purpose of referring to dogs that may fall under the government's definition as written in Bill 132.

The Dog Legislation Council of Canada would like to express its sincere gratitude to dog owners and organizations worldwide for their contributions and assistance, including their moral support and financial sponsorship, in the fight against Bill 132 and all other forms of Breed Specific Legislation in Canada.

To help finance the legal challenge, please visit the Banned Aid Coalition web site at:
<http://www.bannedaid.com/>

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**Dog Legislation Council
of Canada**

<http://www.doglegislationcouncilcanada.org/>

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