

**The Ethical considerations of the breed ban in Ontario, Canada**  
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*Introduction*

On the 26<sup>th</sup> of October, 2004, the McGuinty government introduced Bill 132 to amend the Dog Owner's Liability Act (DOLA) in Ontario, Canada. This bill was passed by the Legislative Assembly as the Public Safety Related to Dogs Statute Law Amendment Act, 2005 on March 1<sup>st</sup> 2005. It received Royal Assent on March 9<sup>th</sup> 2005. It was in fact an outright breed ban, and the breed in question was the pit bull. According to Attorney General Michael Bryant: "People want to be protected from the menace of these dangerous dogs, some of these dogs are nothing but a loaded weapon waiting to go off and so we are taking action to make our communities safer."

Ontario's pit bull ban came into effect August 29<sup>th</sup> 2005, placing restrictions on existing pit bulls, outright banning new pit bulls and toughening the penalties for owners of any dogs that pose a danger to the public. Amendments to the Dog Owner's Liability Act prohibit individuals from owning, breeding, transferring, importing or abandoning pit bulls. The dogs that were in the province prior to the law passing or those born within 90 days of the ban were "grandfathered" in. Pit bull owners in the province prior to the legislation passing had until October 28<sup>th</sup> 2005, to comply with the new law by ensuring their dogs were spayed or neutered as well as muzzled and leashed whilst out in public. They are allowed to be without muzzles or leashes only in their own enclosed properties, or on enclosed property occupied by someone who consents to having the pit bull without muzzle and leash.

There are some exceptions to the rules; pit bulls may compete in dog shows and flyball tournaments, but only if certain organizations sanction the events. For dog shows, the Canadian Kennel Club, United Kennel Club, American Kennel Club, or American Dog Breeders Association must have sanctioned the event in writing, and the only flyball tournaments that pit bulls can participate in are those sanctioned by the North American Flyball Association. Pit bulls may also be exempt from neutering or spaying if a veterinarian decides it is physically unfit to undergo anesthesia.

Under the amendments to the DOLA a pit bull is:

A pit bull terrier

A Staffordshire bull terrier

An American Staffordshire terrier

An American Pit Bull terrier

Or any dog that has the appearance and physical characteristics substantially similar to any of these dogs.

*For the ban on Pit Bull Terriers*

The breed was developed from the British Staffordshire terrier, which upon its' arrival to the United States was modified by American breeders to be heavier and have a broader head to do better in dog and pit fights. They are well known for their tenacity and

accompanying strength.

These facts alone are capable of making the average person think twice about the need to propagate a breed for whose primary purpose, dog fighting, is no longer legal in the majority of US states.

A study by Merritt Clifton, the editor of *Animal People*, on dog attacks on people in the USA and Canada from September 1982 to November 2006 found that the breed most involved in dog attacks on people was the pit bull terrier with an astounding 1110 attacks on people. Of those 1110 attacks, 495 were on children, 397 on adults, with 104 resulting in death, and 608 resulting in maiming. The study found that the pit bull terrier seems to differ from all other breeds in its' propensity for attacking adults almost as frequently as children and for having far less inhibition about attacking people who are larger than they are. They were also noted for giving little if any warning prior to the attacks. The author concluded that any law strong enough and directed enough at preventing the majority of life threatening dog attacks must discriminate heavily against pit bulls, as well as a few other select breeds. Merritt Clifton pointed out that the temperament of the dog is not the issue but rather the actuarial risk. Every dog breed other than pit bulls and Rottweilers has a low risk for life threatening or permanent disfiguring injuries in the event of an attack. The actuarial risk for a dog attack resulting in death or maiming by pit bulls and Rottweilers is "off the charts" according to Clifton.

Pit bull stories in the news are very rarely of the heart-warming kind, on Tuesday October 2<sup>nd</sup> 2007, a 42 year old woman was mauled to death by her pair of pit bulls in her own backyard in Middleburg, Florida. This pair dogs had been raised by the owner, Tina Marie Canterbury, and had never bitten anyone before. The dogs were destroyed, but not until after attacking her son and lunging at a deputy that was first on the scene.

### *Against a breed specific ban*

Canada does not in fact have national data on the canine population, dog related deaths and injuries and which breeds do the most harm. The study by Merritt Clifton did not break up the attacks by state, province or even country making it difficult to see what exactly was going on in different areas. Dog bites are a common reason for an emergency room visit, yet there is no mandatory reporting of these bites. Information that would be important such as ownership, breed, spay/neuter status, or history of aggression is similarly not available. Statistics like those presented by Merritt Clifton, although useful in part by looking at breeds involved did not look at spay/neuter status, prior acts of aggression, or the sheer number of dogs of that breed present in the country.

The National Companion Animal Coalition in Canada does not support breed specific bans as an effective tool to protect the public from vicious or dangerous dogs. They rightly state that there is no objective method of establishing lineage of cross bred or pure bred dogs that are not registered with a national kennel club. There are a lot of municipalities that do not have access to qualified persons that could accurately perform breed identification. The amendments to the DOLA state that the onus of proving the dog is not a pit bull lies with the owner of the dog, which leaves a large loophole in the breed ban. As a dog owner myself, I can easily argue the ancestry of both of my mixed breed

dogs and find photos to support my arguments. The law states that in offence proceedings the prosecution must prove its case beyond a reasonable doubt, and in absence of evidence to the contrary, a veterinarian's certificate attesting that the dog is a pit bull is evidence of that fact. Once again, this is incredibly open to misrepresentation; there are a number of breeds that can arguably look somewhat like a pit bull. The Doge de Bordeaux for example, could be thought to resemble a pit bull, and yet in terms of dog attack figures in the US and Canada, is one of the safest breeds to own.

Dangerous dogs exist in every breed and breed cross, and dangerous temperament and behavior are products of many factors other than just breed. All dogs share the same basic psychology, above all they are animals first, then dogs, then whatever breed they happen to be. A breed ban will ultimately result in the exclusion of some dangerous dogs and the inclusion of dogs that are not dangerous.

The type of people that seek out and acquire the so-called dangerous dogs will not abandon their search for the ultimate guard animal/status symbol because of a breed specific ban. As has been proven, they will merely seek out other breeds and train them to be more vicious. As an extreme example of this, after breed specific legislation was passed in France, Barbary apes were smuggled into the country to act as watchdogs. These apes have strong limbs, sharp teeth and short tempers as well as having a tendency to attack people on the head! After the UK banned pit bulls in 1990's a study showed that that the number of dog bites remained the same although the number of pit bulls had steeply declined.

In terms of media reports, it would seem there is a bias in the reporting of pit bull attacks on people. It has been proven that in some instances the media are quick to implicate a pit bull in a dog attack without verifying the facts, merely as a means of grabbing headlines. The Sun newspaper in Toronto finally printed an article that demonstrated that not all pit bulls are violent killers, last year a pit bull out for a hike with its' owner placed itself in harms way by getting between it's master and a black bear. It sustained a lot of injuries, but it ultimately saved the owner from the brunt of the attack.

### *Conclusion*

I find it hard to justify the breed specific ban, not only because of the difficulties in actually enforcing it with a breed that is not easily defined in terms of breed standards and is often defined by conflicting standards, but also because I find the problem to be more complex than just the breed of dog involved in attacks. We seem not to know any more than just the breed type involved in attacks; we need to correlate that with the type of owner, the age and gender of the dog, the history of aggression of that dog, and any other circumstances that may prove to be relevant in a deciding in a course of action. There have been many valid suggestions put out by many different qualified people; after 8 year old Courtney Trempe was killed by her neighbors' Bullmastiff in Stouffville, Ontario, the Coroner's jury made 36 recommendations. Not one mentioned a breed ban. Instead, they focused on requiring dog owners to take a course in responsible pet ownership, making dog bite prevention programs part of the school curriculum and

creating a provincial dog bite reporting agency.....little has been done in terms of pursuing the recommendations.

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