

The Legal Side of Dog Ownership

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So, you have a dog that considers the mailman a good source of dietary fiber? Although we're not nutritionists we do know that "Fido" could be the cause of a visit to Provincial Court.

As a pet owner, you are responsible for using reasonable care in the restraint of that pet to ensure visitors to your home, neighbours or people in the park, for insurance, are not harmed. As dog owners ourselves, we know what you're thinking: "my Fido would never hurt a flea!" Just keep in mind that regardless of your respect and admiration for the friendly qualities that your pet possesses, most municipalities require that Fido be fenced in or leashed at all times.

If your dog bites a person or another animal, there can be several consequences. First, the victim may report the incident to your local Animal Control division. Some municipalities have by-laws, which allow representatives of Animal Control to handle the matter. For instance, the City of Toronto has a by-law, which allows for the automatic issuing of a muzzle order – A LIFE SENTENCE, NO PAROLE!

Many municipalities, however are solely governed by the Provincial Offences Act, and upon a complaint being made, the matter is taken up before a judge of the Provincial Court. You will receive a summons and be required to appear at a hearing. The judge will hear the testimony of the victim and of an Animal Control representative and you will be given the opportunity to speak on your dog's behalf. If the judge finds that your dog did bite the complainant, she/he will determine what order will be made. The judge could issue a muzzle order, or restraint order requiring your dog to be fenced, chained or leashed at all times (violation of which would lead to a \$2,000.00 fine). The worst-case scenario is where the dog is found to be dangerous and uncontrollable and ordered destroyed.

Assuming you and Fido get through this whole experience with the minimum sentence, there still may be the concern of a lawsuit. The victim may decide to sue for damages. If you were sentenced by a judge in the Provincial Court, liability will have already been established under the Provincial Offences Act and this could be used as evidence in a civil proceeding. In the case of a private action, damages are only limited by the extent of the injuries and the effects on the victim. Practically speaking, it is not likely that someone who was nipped by your dog will experience enough adverse effects to warrant a lawsuit.

However, keep in mind that Fido takes his victim as he finds him. If the victim is a hemophiliac, allergic to dog saliva, has a weak heart (or is a temperamental prize winning show dog), THE DAMAGES COULD BE SIGNIFICANT!

THE VERDICT: Keep “Fido” on a leash or fenced in, and supplement his diet with an alternative source of dietary fibre!