

KNOWLEDGE IS POWER

By Kerry Vinson

PROTECT YOURSELF AND YOUR DOG — UNDERSTAND THE DOG OWNERS' LIABILITY ACT

The September/October 2011 issue of *PETS Magazine* contained a very interesting article by veterinary technician and regular contributor Kristina Cooper on the importance of understanding your local dog laws. This topic is of particular interest to me, as I work in the dog behaviour field. In this article, Kristina accurately pointed out that any time a dog attacks, bites, harms or injures another person or pet, the owner of that dog could be fined under municipal by-laws. In addition, she points out that an incident of this nature can also result in charges under the Dog Owners' Liability Act (D.O.L.A.) in Ontario, which can lead to much stiffer penalties, and that these laws are in place to protect the safety of both pets and people. While I am in complete agreement with protecting the safety of the general public, it is important to note that the D.O.L.A. has been subject to misinterpretation in several cases that I am familiar with and have been involved in.

Dog owners in Ontario, and other jurisdictions, need to be aware that their liability goes beyond the bounds of their dog biting someone. Even seemingly minor incidents can be interpreted as menacing behaviour and end up in court, resulting in tremendous financial and emotional burden to responsible pet owners whose dog has never physically harmed anyone.

For example, the language of the Ontario act mandates that the same penalties can be applied to dogs whose behaviour might be perceived as a "menace." Thus, the law can be enforced whether there is an actual menace or not. As the term "menace" can be a rather subjective concept (what one party perceives as menacing may not be so to someone else), there is room for considerable variation in its definition. A particular case comes to mind in

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