



## Responsible Dog Ownership: Mitigating Risks of Dangerous Dogs

**Date:** September 7, 2016

**To:** Licensing and Standards Committee

**From:** Executive Director, Municipal Licensing and Standards

**Wards:** All

### SUMMARY

---

As directed by City Council, this report outlines a multi-phased approach to proposing amendments to Toronto Municipal Code, Chapter 349, Animals and includes recommendations for additional public consultation and feedback. This planned approach is intended to consider the public's feedback to support changes that will promote responsible dog ownership, better prevent dog bites and mitigate risks associated with dangerous dogs.

The proposed amendments reflect legislation from other jurisdictions and comments from residents through a survey and public meetings.

An estimated 230,000 dogs live in Toronto, the majority of which co-exist with other people and pets with minimal impacts. Despite this, there continue to be issues with some dogs that put public safety at risk. This report outlines proposed amendments to increase responsibility and accountability of dog owners. The proposed changes are intended to strengthen the City's ability to identify and limit dogs that are deemed dangerous. In total, these amendments will increase public safety and decrease the risk of dog bites.

The proposed amendments include:

- New definitions
- Provisions for owners of a dangerous dog, including muzzling, microchipping, special dog tags, signage, prohibition in off-leash parks and training
- Increased public education
- More humane treatment of dogs, including a three hour maximum that a dog can be tethered outside and prohibition on the use of choke and prong collars on dogs that are tethered
- Increased and continuing fines for those who do not comply

The public can provide feedback to Municipal Licensing and Standards in September and October 2016. Staff will report back to Licensing and Standards Committee before the end of 2016 with a draft by-law.

Legal Services was consulted in the preparation of this report.

## **RECOMMENDATIONS**

---

The Executive Director, Municipal Licensing and Standards recommends that:

1. Licensing and Standards Committee direct the Executive Director, Municipal Licensing and Standards, to report back with a draft by-law amending Toronto Municipal Code, Chapter 349, Animals, that includes, but not limited to:

- a. New definitions of dangerous dog, attack and menace.
- b. Public safety requirements for owners of a dangerous dog to muzzle, microchip, and ensure their dog wears a special dog tag identifying it as a dangerous dog; posting of a warning sign on their property; prohibition in off-leash park areas; and the need for training.
- c. Three hour time limits on tethering.
- d. Prohibition on the use of pronged or choke collars for tethering.
- e. Authority to enter private property.
- f. Increasing and continuing fines for those who do not comply.

## **FINANCIAL IMPACT**

---

There are no financial impacts beyond what has already been approved in the current year's budget.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

---

At its meeting of November 26, 2015, Licensing and Standards Committee received the report headed "Responsible Dog Ownership - Results of Consultation". This report provided the initial research, data and consultation findings and proposed that next steps would include by-law amendments.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS8.2>

At its meeting of March 31, 2015, City Council requested the Executive Director, Municipal Licensing and Standards to report to Licensing and Standards Committee with recommendations on how the City can effectively respond to incidents of dog bites and dangerous and/or vicious dogs. The report was to include: a review of the Dog Owners' Liability Act (DOLA), a jurisdictional scan including the City of Calgary's

approach to vicious dogs, the impact of insurance claims, incidents of dog on dog violence and enforcement of muzzle orders.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC5.4>

## COMMENTS

---

In 2013, an Ipsos-Reid poll estimated that the City of Toronto has over 230,000 dogs. To ensure public safety, owners of dogs must abide by the Provincial *Dog Owners' Liability Act* (DOLA) and the City of Toronto Municipal Code, Chapter 349, Animals. Animal Care and Control Officers in Toronto Animal Services (TAS) enforce the provisions of both DOLA and Chapter 349, Animals.

In 2015, TAS responded to:

- 1,556 calls about a dog at large where the dog was not licensed
- 616 calls about a dog at large where the dog was licensed
- 1,049 incidents of dog bites (754 dog to human bites and 295 dog to animal bites)
- 431 reported dog attacks or menacing behaviour
- 107 pit bull investigations
- 27 cases where the owner had failed to muzzle their dog when required

### **Phase 1 of Responsible Dog Ownership Review - 2015**

ML&S reported to Licensing and Standards Committee at its meeting of November 26, 2015 on the results of its public and stakeholder consultations and jurisdictional scan.

ML&S held five public consultation meetings, where approximately 60 people provided input. ML&S staff also consulted with the College of Veterinarians of Ontario, the Ontario Veterinary Medicine Association, University of Guelph Veterinary College Behaviour Department, North Toronto Veterinary Behaviour Specialty Clinic, dog trainers, dog walkers and Toronto Humane Society.

ML&S developed a comprehensive online survey on dog behaviour and dog owner responsibilities. The online survey was posted on the ML&S website from August 21 to October 30, 2015. It was also circulated through Councillors, businesses, stakeholders, neighbourhood dog and residential associations and social media. More than 2,500 responses to the survey were received.

The **key findings from the consultations** were:

- Owners need to be held accountable for their dogs
- By-law needs to be written in clear language
- Education and outreach efforts including materials about the by-law and dog behaviour would be beneficial
- Increase enforcement penalties and fines

The **key findings from the survey** were:

- 95% of respondents were aware that the owner is responsible for their dog's behaviour including when their dog bites
- Of the respondents who made a complaint, 47% complained about a dog at large, 21% complained about a dog barking, 22% complained about a dog biting another domestic animal
- 46% of respondents indicated that they stay away from certain areas where dogs are dangerous or aggressive
- 60% of respondents would like to see owners subjected to higher fines when their dog bites
- 46% of respondents think that there should be a special licence for a dog that has bitten
- 64% of respondents think that muzzling is sufficient
- 44% of respondents think that a sign should be posted if a dog has bitten and severely injured a person or another dog
- 79% of respondents would like the City to increase public awareness and provide information about dog safety and dog owner responsibilities

ML&S conducted a jurisdictional scan of municipalities in Ontario, Canada and North America to compare their regulatory approaches to dealing with incidents of dog bites and dangerous dogs. Municipalities included Barrie, Brampton, Caledon, Mississauga, Ottawa, Vaughan, Waterloo, Calgary, Vancouver, Victoria, Chicago, and New York City. Areas of review included definitions, licensing requirements, public protection, fines and appeals.

Calgary has similar provisions in their Responsible Pet Ownership By-law as in Toronto's Chapter 349, Animals, including the requirement for:

- Dogs to be licensed and wear a licence tag at all times
- Dogs to be on-leash at all times, unless posted signs indicate otherwise, or are in a securely fenced private yard
- Dogs to be under control in designated off-leash areas, meaning they must be in sight of their owners and respond to sight or sound commands

Calgary's By-law also includes a definition for vicious animals, a licensing category which applies to owners of vicious animals and has additional requirements for the owner to adhere to, as well as higher fees for licensing and higher penalties for non-compliance with the by-law. A number of other cities reviewed have similar provisions.

## **Phase 2 of Responsible Dog Ownership Review - 2016**

On June 23, 2016, ML&S hosted a public consultation meeting to propose by-law amendments for public feedback. Approximately 25 people attended this public meeting and another 20 residents submitted their feedback by email.

The proposed amendments for feedback included:

- Provisions to hold owners accountable for their dog's actions and to prevent their dog from biting, attacking or posing a menace

- New definitions, including a definition of dangerous dog
- Dangerous dog tags
- Provisions for owners of a dangerous dog
- Increased and continuing fines for those who do not comply

The amendments outlined in this report were developed from the feedback received during the initial consultations and survey, reflect legislation in other jurisdictions and the comments from the June 23rd public meeting. The proposed changes emphasize responsible dog ownership and help ensure public safety.

## **Proposed Amendments to Chapter 349, Animals**

### **Provisions to hold all owners accountable to prevent their dog from biting, attacking or posing a menace**

Promoting responsible dog ownership and holding dog owners accountable for the behaviour and actions of their dog will help mitigate risks to public safety and help reduce the number of dog bite incidents.

ML&S proposes amendments that every owner of a dog shall exercise reasonable precautions to prevent the dog from biting or attacking a person or domestic animal and behaving in a manner that poses a menace to the safety of persons or domestic animals.

These provisions are similar to other jurisdictions and are intended to prevent incidents from occurring.

### **Tethering**

All owners can reduce the potential for future aggressive behaviour of their dog by limiting the amount of time their dog is tethered. Currently, Chapter 349, Animals does not set a limit on the number of hours a dog can be tethered.

The term tethering refers to the practice of fastening or attaching a dog to a stationary object and leaving the dog unattended. It is used as a method of restraining the dog. Tethering can lead to a dog becoming aggressive or anxious and can cause physical and psychological damage to the dog.

ML&S proposes that dogs must not be tethered for any period longer than a total of three hours every calendar day. Research shows that tethering dogs for long periods of time can influence a dog's behaviour. According to a study in the *Journal of Pediatrics*, dogs that are tethered are nearly three times more likely to bite than untethered dogs. Similarly, the Toronto Humane Society notes that when dogs are chained and isolated from their families they have a greater likelihood of developing psychological and behavioural problems including anxiety and aggression.

In addition to increasing the likelihood of biting incidents, tethered dogs may bark, or destroy property out of boredom and frustration.

These provisions are intended to prevent incidents from occurring.

### **Not permitting tethering using a choke collar, chain or pronged collar**

The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) indicates that tethering a dog using choke collars, chains or pronged collars can bring physical harm to the dog and can be dangerous if the tether becomes tangled on other objects. It also leads to increased stress levels in dogs and dogs becoming more aggressive.

ML&S is proposing that owners are no longer permitted to use choke collars, chains or pronged collars to tether their dogs. These amendments improve the standard of care and mitigate the potential for aggressive dog behaviour.

### **New definitions, including a definition of dangerous dog**

Currently, there is no definition of dangerous dog in the by-law. During public consultations in 2015 and 2016, many residents indicated that Toronto should include a definition of a dangerous dog in its by-law. A jurisdictional scan revealed that other cities define a dangerous, menacing or vicious dog.

ML&S is proposing to define a dangerous dog as:

- A dog that has severely bitten a person or domestic animal; or
- A dog that has bitten or attacked a person or domestic animal and it is the second or subsequent bite or attack on record; or
- A dog that is the subject of a muzzle order under this by-law or a control order under the Dog Owner's Liability Act.

ML&S is also proposing to define "attack" as an act of aggression towards a person or domestic animal causing injury.

ML&S is also proposing to define "menace" as a threat or possible danger to persons or domestic animals.

These new definitions will help the City more effectively deal with dangerous dogs and dog bite incidents.

An Animal Care and Control Officer will continue to investigate an incident within 24 hours of notification of the bite or attack, collect evidence, and determine that the offending dog has been properly identified. The history of reported incidents for the dog will be reviewed.

After the investigation, the Officer may lay charges against the owner and the dog may be deemed a dangerous dog.

## Provisions for owners of a dangerous dog

The following six requirements are being proposed to be included in Chapter 349, Animals for owners of a dangerous dog. The owner of the dog will be issued an order to comply. The requirements will remain in place for the life of the dog and will transfer to the new owner of the dog, if the ownership changes.

### 1. Muzzling and Leashing

An owner of a dangerous dog will be required to ensure that the dog is **muzzled and leashed** at all times when the dog is off the owner's property.

64% of survey respondents identified that muzzling a dog is an adequate way of preventing future bites or incidents with people and/or other domestic animals. Muzzling and leashing have been identified in the jurisdictional scan as best practices for dealing with dangerous dogs. The Ontario Veterinary Medical Association recommends that dangerous dogs be muzzled and leashed when off the owner's property.

### 2. Prohibited in dogs off-leash parks

A dangerous dog will **not be permitted in designated off-leash areas in parks**. This follows from the previous requirements that the owner is required to leash their dog at all times when off of the owner's property. This requirement also helps prevent any future bites, attacks or incidents from occurring.

During the consultations, a number of dog owners indicated that dangerous dogs should not be allowed to interact with other dogs in off-leash parks and they were fearful that their dog would be attacked.

### 3. Warning signs on owner's property

Owners of a dangerous dog will be required to **post a warning sign on their private property** in a conspicuous location in the form and manner prescribed by ML&S. This will identify a dangerous dog on the property and ensure the public is aware of the dangerous dog and possible risks associated with the dog.

### 4. Dangerous dog tag

Owners of a dangerous dog will be required to have their dog wear a **dangerous dog tag**. This tag will be required to be purchased from the City.

This will identify a dangerous dog and ensure the public is aware of the dangerous dog and possible risks associated with the dog.

### 5. Microchipping and recent photo

Owners of a dangerous dog will be required to provide **proof of microchipping** and a **recent photo** of the dog.

Compulsory microchipping for dangerous dogs encourages responsible pet ownership, by assisting with the identification of owners of dangerous dogs, and increasing owner accountability. Since a licence is not embedded in the dog, it can be easily removed by the owner. If the dog is microchipped, it can be traced back to the owner.

The microchip and the recent photo will help to ensure quick identification of the dog should it be separated from its owner.

## 6. Training

Owners of a dangerous dog will be required to provide to ML&S, **proof of training for the dog and the owner.**

Training is an important tool as it helps the owner be in control of the dog and the dog obey the commands of the owner. It helps to increase the dog's sociability and reduce problem behaviours. Training leads to a better, well-behaved dog. Each owner will provide proof that the dog has undergone training in the form required by the City.

Together, these six requirements will help the public identify a dangerous dog, reduce the risk to public safety of a dangerous dog and reduce the likelihood of dog bite incidents.

## Dog Owners' Liability Act

DOLA is the provincial legislation in Ontario which governs dogs and their owners.

DOLA identifies that the owner of the dog is liable for damages resulting from a bite or attack by the dog on a person or domestic animal.

Using DOLA, if the court decides that an order is necessary for the protection of the public, the final order may specify that:

- the dog be destroyed in the manner specified in the order; or
- the owner take measures specified in the order for more effective control of the dog (e.g., confining the dog to the owners property, posting a warning sign, leashing and muzzling); or
- the owner is prohibited from owning another dog during a specified period of time.

If a dog owner is found guilty of an offence, he or she is liable to a fine of not more than \$10,000 or imprisonment for a term of not more than six months or both.

The proposed amendments to Chapter 349, Animals are intended to complement DOLA and provide additional tools to help the City of Toronto more effectively deal with dangerous dogs and mitigate the risks to public safety. It will lead to more timely actions taken by the City of Toronto. However, it does not preclude the City from using DOLA and the courts to take action.



## **Increasing fines**

A lot of feedback was received from the public to increase fines and penalties for dog owners who were not complying with the City's by-laws. The comments received were that the fines are not high enough to deter bad behaviour. When City Council approves the amendments to the by-law, the City of Toronto will apply to the Regional Senior Justice for higher set fines.

## **Adding the authority to enter onto private property to monitor compliance**

Currently the Animals By-law does not contain provisions for officers to enter onto private property to ensure compliance with the by-law. This provision already exists in a number of by-laws that ML&S enforces. This provision will be included in the proposed amendments to Chapter 349, Animals.

## **Next steps**

ML&S will consider public feedback, during September and October 2016, on the proposed amendments and report back to Licensing and Standards Committee with a draft by-law to amend Chapter 349, Animals.

## **CONTACT**

---

Elizabeth Glibbery  
Manager, Animal Services  
Municipal Licensing and Standards  
416-338-1476  
eglibber@toronto.ca

## **SIGNATURE**

---

Tracey Cook, Executive Director  
Municipal Licensing and Standards