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## So, what if breed-specific legislation is passed?

By P.E. James



THE DEBATE over breed-specific legislation targeted at so-called dangerous dogs (i.e. pitbulls, Rotweillers, etc.) has been ongoing since 1991 when England passed the Dangerous Dog Act that prohibited specific breeds of dogs. Most recently, as reported in this newspaper on Jan. 4 and 6, and the flurry of letters in response, the debate is raging in the district of Guysborough. Unfortunately, the debates are limited in focus and only look at the quandary of whether or not specific breeds of dogs should be banned. Bigger questions that have not yet been answered or debated are most challenging and ask: What happens when the ban is introduced?

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The Municipality of the District of Guysborough is planning to add Rottweilers to its banned-dog bylaw.

In the district of Guysborough example, even if Warden Lloyd Hines gets his breed-specific legislation, he won't achieve his stated objective of improving public safety unless he is able to answer the below questions.

How many dogs are we talking about?

The HRM stated recently that the city's dog population was conservatively estimated to be over 75,000. Of these 75,000, only seven per cent are licensed. Even in this tiny sample, the number of responsible owners who self-identified as owning dangerous dogs (pitbulls, Rotweillers, etc.) was approximately five per cent. Taking the same ratios and applying them to Guysborough, it can be estimated that the district, with a population of 10,000, has an estimated dangerous dog population over 100.

Can you really tell the breed of a dog?

U.S. sources cite that approximately 50 per cent of domestic dogs are of pure breed. Even so, there are no blood tests that will

determine a dog's breed, and it is highly unlikely owners will self-identify the breed of their dog if doing so will be an admission of guilt. In fact, such admissions are likely unconstitutional as it would be self-incrimination. Of even more concern is that if breed-specific legislation is introduced, it is unclear how municipal officials will identify breeds of mixed dogs which comprise some 50 per cent of the canine population. Confusing the issue even further when it comes to breed identification is that the Canadian Kennel Club (CKC) does not recognize the pitbull as a breed in Canada. As such, by definition, pitbulls in Canada are of mixed breed.

If banned dogs are identified, what will you do with them?

Even if an animal-control officer identifies a banned breed, it is unclear what action will follow. Does Guysborough plan on putting down all banned dogs? If this is the plan, the cost of putting down a dog is conservatively \$30 a pooch. This expense does not even budget the costs of animal-control, legal, veterinarian and kennel services, and other resources. If this is the plan, appropriate dollar resources, conservatively in the tens of thousands, need to be identified. If the plan is not to put down banned dogs, it is unclear what options other than "doggy death rows" are available.

What about animal cruelty laws?

With the Canadian Parliament in the process of passing Bill C-15B, Cruelty to Animals legislation, which will amend the Criminal Code of Canada, will breed-specific legislation be constitutional? One major component of the legislation is that dogs, and other animals, will no longer be considered property. Though not yet law, the bill, in moving animal crimes out of the property section of the Criminal Code, will protect animals because they can suffer, not just because they are someone's property. As such, Bill C-15B moves in the direction of establishing animal rights.

In addition, the new legislation will prohibit any action that will cause "unnecessary pain, suffering or injury" to an animal. If animals have rights, on what defensible grounds can a bylaw ban a dog, regardless of any wrongdoing? In the U.K., where the Dangerous Dog Act was passed in 1991, numerous legal challenges on similar grounds have been ongoing for years. The costs of such legal challenges are immense.

Doesn't banning one breed introduce even more dangerous breeds?

In the U.K., the banning of certain breeds of dogs has led to the situation where new crossbreeds of even more dangerous dogs, such as American bulldogs crossed with Irish Staffordshires, have emerged. These new dogs have been described as "nasty and really vicious." In the German state of Hessen, as a result of such cross-breeding, more than 40 different dog breeds have been restricted, but also dogs that are categorized by size, including dogs more than 40 centimetres (15.7 inches) in height and 20 kilograms (44 pounds) in weight.

Passing a bylaw is the easiest step, but it does not have any impact unless a program to support the legislation exists as well. For example, the HRM has a scavenger bylaw, but it has done nothing to eliminate blue bag bandits. In fact, I would argue that since the bylaw was passed in the winter of 1999, the opposite has happened. The number of blue bag bandits has drastically increased.

In creating bylaws, the biggest hurdles are the ones that follow creation of a bylaw. If a bylaw is to be effective, the above questions must be answered prior to any breed-specific legislation being passed.

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