



Canadian Kennel Club

Your Responsibilities in Case of a Bite Incident

If your dog bites someone or another dog, the first thing you need to do is take control and remove your dog from the situation, (leash it if it is off leash; put it in your car if your vehicle is available; or if you are in your own home, put the dog in another room) so you can calmly proceed through the next steps.

- Check on the victim. If immediate medical attention is necessary, call 911.

Be cooperative and offer personal information such as phone numbers and home address, as well as information about your dog's latest vaccinations. Get the same information from the other person involved.

- Get names and contact information from anyone who witnessed the attack and ask them to immediately document all they can remember of the incident.
- Contact your breeder, trainer and veterinarian so they will be able to provide documentation on the dog's "normal" behaviour. Also they will be able to advise you on ways to prevent another incident.
- The victim has the right to call Animal Services who may investigate the incident further. For Animal Services to proceed with an investigation, the people involved (and the witnesses) have to be willing to provide statements or testify in court.

The role of the Animal Services Officer, in the case of a reported bite incident, is to find out if the dog that did the biting is "vicious or dangerous". They are most concerned with public safety.

The issue of whether the dog was "**provoked**" or "**had reason**" to bite will be investigated by the Animal Services Officer. They will interview witnesses as well as get information from you and the victim regarding the bite incident.

The definition of "**provoked**" will be different depending on where you live, since each municipality and province sets its own standards and definitions. Check with your local Animal Services office, municipal and provincial legislation to find the definition in your area.

There are variations from province to province, and within each municipality, on the definitions of "**vicious**" and "**dangerous**". For example, in some areas when a dog is classified as dangerous or vicious it may be confined or kept to strict rules like muzzling in public. In other areas of the country, it may have to be euthanized and its' owner can be fined and/or prevented from owning dogs in the future. Please check with your municipality to determine the ramifications of having your dog deemed "**vicious**" and/or "**dangerous**".

For example, Saskatchewan has enacted Canada's only province wide Dangerous Dog legislation. Sentencing is costliest there, with up to a \$10,000 fine and/or six months' imprisonment for any of the following:

- Owning a dog that has attacked, bitten, injured or killed without provocation.
- Not respecting court orders for keeping a dangerous dog.
- Owning a dog for the purpose of fighting or encouraging a dog to make unprovoked attacks on people or domestic animals.

There may also be distinctions made between the words "**dangerous**" and "**vicious**". For example, a dog that threatens a person but does not inflict actual physical injuries may be classified as "**dangerous**" in one area, whereas in other municipalities that is not the case. In some places, a dog is regarded as "**dangerous**" if the owner of the dog has violated certain animal control rules more than a given number of times. In a sense, the owner is actually the dangerous one, and the dog's confinement or existence is regulated not because of the dog's behavior but because of its potential to create harm in the hands of that particular owner.

In most provinces there are financial consequences for allowing a dog to run loose and threaten and/or attack people or animals. These are usually dispensed as fines (ranging anywhere from \$50.00 to \$5,000.00) through a judge or the Animal Control Services of a particular municipality but can go as far as quarantine, special licensing fees, the use of a muzzle when the dog is in public or ultimately destroying the dog. The owner may also be denied the future ownership of any dogs.

It also may be possible for a victim to launch a civil suit for damages in the case of a bite incident. The section on **Legal Liability** at the end of this document gives some details about lawsuits. It may be advisable to contact your lawyer if there are legal ramifications to the bite incident.

Again, as a responsible dog owner it is imperative that you are conversant with your local municipal and provincial by-laws. Knowing the law may one day save your dog's life.

As the dog owner, you are responsible for the actions of your dog at all times.



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If You Are the Victim

If you or your dog is bitten there are certain procedures you may follow.

For serious bites, go to a doctor and/or veterinarian as quickly as you can or call 911. If you have the opportunity, before you leave, follow these steps:

- Write down information about the dog and the owner. If this is not possible because the dog is a stray, or the person with the dog has run away, try to remember information such as what the dog looks like, or maybe even the dog's name. This may seem strange in the heat of the moment but often an owner will call its' dog's name before s/he runs away.
- Take pictures of the wound/s and document the situation by writing down as many details as possible.
- Talk to witnesses and ask for their contact information. Encourage them to write down details of the incident, since they may be required to attend future legal proceedings. If you are intending to follow through with charges, in some provinces, there must be proof that the attack was unprovoked and people must be willing to testify in court or provide a written statement.
- Contact your local Animal Services department in your municipality (usually listed in the Municipal section of your government pages or through the local police) to report the incident and to get more information on dog bites in general.

In some areas, regardless of the provocation issue, you are eligible to sue the owner of the dog for damages. In that case you will need to contact a lawyer and present all of the information you have gathered.

Legal Liability

In some provinces a victim of a dog bite may sue the owner of the dog who attacked them. For example, in Ontario there is a **Dog Owner's Liability Act**, which states that the person who suffered the damage does not have to prove that the dog's owner was negligent or that the dog's behaviour was in any way caused by the owner. Nor does the owner have to have any knowledge of the dog's propensity for biting people, which he or she required under the previous "**one bite**" rule (a dog was allowed one bite before an owner could be accused of negligence in preventing their dog from biting). The only thing that must be proven under this new legislation is that the dog bit or attacked someone, and the owner is automatically liable for the dog's actions.

The amount of the "**liability**" (i.e., damages paid) may be determined by a number of factors, one of which would be whether or not the dog was provoked. The judge may lower the damages paid if s/he deems that the victim teased or irritated the dog to the point that it became aggressive. To review further details of this legislation, please go to <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/dola-pubsfty/dola-pubsfty.asp>

In any case, it may be important for you as the dog owner to contact your lawyer if your dog has bitten someone and you believe they may sue you for damages. Or if you are in the reverse situation you may be able to sue for damages if you or your dog were injured by another dog.

Always check your local and provincial laws since information and legislation varies from area to area.

Example of the definition of a "dangerous" dog from the Surrey Dog Responsibility By-Law, 1990, No.13880

"**Dangerous Dog**" means a dog which meets any one or more of the following conditions:

- (a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) a dog that, while running at large, has attacked, bitten, killed or caused injury to a domestic animal;
- (c) a dog that, while running at large, has aggressively pursued or harassed a person;
- (d) a dog that, while running at large, has aggressively pursued or harassed a domestic animal;
- (e) a dog with a known propensity to attack or injure a person without provocation;
- (f) a potentially dangerous dog:
 - (i) that has been impounded 3 times within the previous 24 months;
 - (ii) for which the owner has received a municipal ticket for running at large 3 times within the previous 24 months; or
 - (iii) for which the total number of impounds and tickets totals 3 within the previous 24 months.

