

Dog Bites and Lawsuits Go Hand in Hand

Dog bites and attacks are fairly common in Ontario.

Dog owners should remember two things:

1. Buy homeowner's (or tenant's) insurance and, to protect yourself, ensure you have coverage in case your dog hurts someone; and
2. Understand the potential legal liability which arises if your dog hurts someone, by reading Ontario's [Dog Owner's Liability Act](#).

The Importance of Homeowner's / Tenant's Insurance

With the resulting lawsuit seeking damages and injury and loss arising from a dog bite, a dog owner who has homeowner's (or tenant's) insurance usually has the benefit of their insurance company defending them against the lawsuit and also provided coverage in the case that indemnity is required.

If there is no homeowner's or tenant's insurance available, then the lawsuit usually pursues the dog owner's personal assets. This might include a person's home or condominium and their investment assets (i.e. stock portfolio, mutual funds). Unless the dog owner enters into bankruptcy, their assets will be targeted in any lawsuit.

A Dog Owner's Responsibilities Under the Law

There are a number of remedies included in the [Dog Owner's Liability Act](#) from which a Court can choose to implement in the event of a dog attack.

For example, under [Section 4 \(4\) of the Dog Owner's Liability Act](#), the Court may Order any number of actions, including:

- Confining the dog to its owner's property;
- Restraining the dog by means of a leash;

- Restraining the dog by means of a muzzle;
- Posting warning signs; or
- That the dog be neutered or spayed.

The ultimate remedy, of course, is to order the destruction of your dog.

In the [2010 decision of the Ontario Court of Appeal of R v. Huggins](#), the dog owner engaged in 3 ½ years of appeals to avoid the destruction of his pit bull dog, Ginger.

The pit bull became involved in a dog fight with a shepherd/collie in a local Toronto park with both owners present. The pit bull hurt the other dog seriously, during the course of which the owner of the shepherd/collie was also injured, by the pit .

As a result of the 2005 changes to the *Dog Owner's Liability Act*, the Ontario government sought to eliminate pit bulls, over time, from Ontario. As part of those changes, there was a mandatory provision requiring the destruction of the pit bull if that pit bull hurt or attacked a person or another dog.

For more background information on the value of homeowner's insurance, readers can visit:

- [Our January 18, 2010 blog on the McGrimmon v. Personal decision](#) of the Ontario Superior Court of Justice;
- [Our June 17, 2009 blog on the Glassford v. TD Insurance decision](#) of the Ontario Superior Court of Justice;
- [Our May 15, 2009 blog on the Graham v. Coakley decision](#) of the Ontario Superior Court of Justice; and
- [Our March 9, 2009 blog on the Economical Insurance v. Fleming decision](#) of the Ontario Superior Court of Justice.

Gregory Chang
Toronto Insurance Lawyer