



## Dog Owners' Liability Act, R.S.O. 1990, c. D.16

Citation: Dog Owners' Liability Act, R.S.O. 1990, c. D.16  
Information about this text: Consolidation: Amended by: 2000, c. 26, Sched. A, s. 6.  
URL: <http://www.canlii.org/on/laws/sta/d-16/20030327/whole.html>

Version downloaded by CanLII on 2003-03-27

**Warning:** This document predates the last update of the collection. It might have been modified or omitted since this last update.

### Dog Owners' Liability Act

R.S.O. 1990, CHAPTER D.16

**Notice of Currency:**\* This document is up to date.

\*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the [Table of Public Statutes \(Legislative History\)](#).

Amended by: 2000, c. 26, Sched. A, s. 6.

#### Definition

##### 1. In this Act,

"owner", when used in relation to a dog, includes a person who possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor. R.S.O. 1990, c. D.16, s. 1.

#### Liability of owner

2. (1) The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person or domestic animal. R.S.O. 1990, c. D.16, s. 2 (1).

#### Where more than one owner

(2) Where there is more than one owner of a dog, they are jointly and severally liable under this section. R.S.O. 1990, c. D.16, s. 2 (2).

#### Extent of liability

(3) The liability of the owner does not depend upon knowledge of the propensity of the dog or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages. R.S.O. 1990, c. D.16, s. 2 (3).

**Contribution by person at fault**

(4) An owner who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person's fault or negligence caused or contributed to the damages. R.S.O. 1990, c. D.16, s. 2 (4).

**Application of *Occupiers' Liability Act***

3. (1) Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this Act and not under the *Occupiers' Liability Act*. R.S.O. 1990, c. D.16, s. 3 (1).

**Protection of persons or property**

(2) Where a person is on premises with the intention of committing, or in the commission of, a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable under section 2 unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of persons or property. R.S.O. 1990, c. D.16, s. 3 (2).

**Proceeding against owner of dog**

4. (1) If it is alleged that a dog has bitten or attacked a person or domestic animal, a proceeding may be commenced against its owner and the proceeding is one to which Part IX of the *Provincial Offences Act* applies. 2000, c. 26, Sched. A, s. 6.

**Interim order**

(2) When a proceeding has been commenced under subsection (1), the Ontario Court of Justice may, pending a determination of whether an order should be made under subsection (3) or pending an appeal of such an order, make an interim order requiring the owner to take measures specified in the interim order for the more effective control of the dog. 2000, c. 26, Sched. A, s. 6.

**Final order**

(3) If, in a proceeding under subsection (1), the court finds that the dog has bitten or attacked a person or domestic animal, and the court is satisfied that an order is necessary for the protection of the public, the court may order,

(a) that the dog be destroyed in the manner specified in the order; or

(b) that the owner of the dog take the measures specified in the order for the more effective control of the dog. 2000, c. 26, Sched. A, s. 6.

**Examples, measures for more effective control**

(4) Some examples of measures that may be ordered under subsection (2) or clause (3) (b) are:

1. Confining the dog to its owner's property.

2. Restraining the dog by means of a leash.

3. Restraining the dog by means of a muzzle. 2000, c. 26, Sched. A, s. 6.

**Automatic restraint order**

(5) If a dog whose destruction has been ordered under clause (3) (a) is not taken into custody immediately, the owner shall restrain the dog by means of a leash and muzzle until the dog is taken

into custody. 2000, c. 26, Sched. A, s. 6.

#### Considerations

(6) In exercising its powers to make an order under subsection (3), the court may take into consideration the following circumstances:

1. The dog's past and present temperament and behaviour.
2. The seriousness of the injuries caused by the biting or attack.
3. Unusual contributing circumstances tending to justify the dog's action.
4. The improbability that a similar attack will be repeated.
5. The dog's physical potential for inflicting harm.
6. Precautions taken by the owner to preclude similar attacks in the future.
7. Any other circumstances that the court considers to be relevant. 2000, c. 26, Sched. A, s. 6.

#### Order to prohibit dog ownership

5. When, in a proceeding under subsection 4 (1), the court finds that the dog has bitten or attacked a person or domestic animal, the court may make an order prohibiting the dog's owner from owning another dog during a specified period of time. 2000, c. 26, Sched. A, s. 6.

#### Owner to prevent dogs from attacking

6. The owner of a dog shall exercise reasonable precautions to prevent it from biting or attacking a person or domestic animal. 2000, c. 26, Sched. A, s. 6.

#### Offence



7. A person who contravenes subsection 4 (5) or section 6 or contravenes an order made under subsection 4 (2) or (3) or section 5 is guilty of an offence and liable, on conviction, to a fine not exceeding \$5,000. 2000, c. 26, Sched. A, s. 6.

© Queen's Printer for Ontario, 2004.

This is an unofficial version of Government of Ontario legal materials.

---

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada