

Personal Injury

Dog owners hold 'strict liability' in attacks



A [deadly pit bull attack](#) in Montreal serves as a grim reminder that dog owners hold full responsibility for the actions of their pets, says Windsor personal injury lawyer [Gino Paciocco](#).

Dog owners are “strictly liable” under the *Dog Owner’s Liability Act*, which means they will almost always be held legally responsible if their pet lashes out and hurts someone, says Paciocco, a partner with [Paciocco & Mellow](#).

“Dogs are wonderful companions but it’s important to know owners hold responsibility for their pets’ actions,” Paciocco tells [AdvocateDaily.com](#). “A dog owner is responsible unless there is some kind of criminal act involved – for example, someone is breaking into your house and the dog defends its owner. There are very few situations when a dog owner isn’t going to be responsible.”

A different situation that could serve to reduce the extent of liability of a dog owner or at least reduce the injured party’s entitlement to damages is when a dog has been provoked by that injured party leading to the attack. This would be referred to as “contributory negligence,” Paciocco says.

A dog owner is defined as any person who possesses or harbours a dog, he says. That includes parents or guardians of minors who own dogs, or someone taking care of a dog.

Pit bulls have been banned in Ontario since 2005, and since then, pit bull attacks have dropped considerably, reports the [Toronto Star](#).

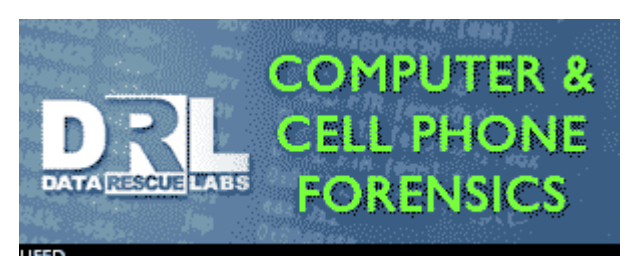
Pit bull bites dropped from 168 in 2004 to 13 in 2014, according to the *Star* report.

Dog bites by other breeds are still common in Ontario and occasionally lead to lawsuits, says Paciocco, who was recently retained by a man who claims a Boxer dog bit him in the face while walking through a park, unprovoked.

Paciocco recommends that dog owners who are often legally and financially accountable for their pets’ actions review their homeowner’s insurance policy to confirm that they are covered for such damages, which is often but not always the case.

He also recommends dog owners take steps to protect themselves against legal action.

“Don’t let them roam off-leash with small children around and be cognizant of your environment,” he says. “Make sure they are well-trained and socialized, and become familiar with the personality of the breed.”



If the dog has a tendency to be aggressive it’s even more important to take notice of situational factors, he adds.

Dog owners should also educate their children to be careful around dogs and refrain from provoking them, he says.

“Dog owners have to make sure their dog behaves safely to ensure the safety of the public, and to avoid the risk of unnecessary litigation.”

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