

FOR IMMEDIATE RELEASE: ZEUS LIVES ANOTHER DAY

On December 11, 2006, Justice Stroud of the Provincial Court of Nova Scotia determined that Zeus – alleged by municipal authorities to be a “Pit Bull” – would not be ordered destroyed pursuant to a Guysborough municipal By-Law. The Court found Zeus’ owner not guilty of any infraction of the By-Law and wrote:

I feel compelled to comment further on the by-law, which I believe is laden with difficulties from an enforcement point of view. To begin with, I agree with the Defendants’ arguments that it is vague and over reaching and is based upon fiction as opposed to objective or scientific standard.

In his addendum released January 12, 2007, Justice Stroud added:

In my view, the reference to a breed of dog or dogs as intrinsically dangerous in the absence of a clear legal standard to determine the existence of or characteristics of the breed meets the constitutional test of vagueness and, since there is a potential for deprivation of liberty by virtue of s. 25 of the by-law, I believe it infringes s. 7 of the Charter and cannot be saved by s. 1.

The local Nova Scotia by-law is similar to Ontario’s *Dog Owners’ Liability Act* in its attempt to identify the following particular breeds as inherently “fierce or dangerous”: “Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler or any dog of mixed breeding which includes any of the aforementioned breeds.”

Attorney General Michael Bryant has sought to uphold Ontario’s “Pit bull ban” against the same allegation; that it is vague and unconstitutional for its violation of s. 7 of the *Charter Rights and Freedoms*. The parties have fully argued the Application and are awaiting Justice T. Herman’s decision.

IF FURTHER INFORMATION IS REQUIRED, PLEASE CONTACT CAROLINE WAWZONEK AT RUBY & EDWARDH 416-964-9664