

February 18, 2016

***VIA EMAIL:**

**Anne Buonaiuto
OSPCA Executive Offices
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To Whom It May Concern:

RE: OSPCA Efforts to Execute Dogs in Chatham

I am writing on behalf of Animal Justice, a national organization dedicated to securing legal protections for animals.

Animal Justice has learned through news reports that the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) has filed an application at the Chatham courthouse to execute 21 dogs seized in October 2015 from an alleged dog fighting facility near Tilbury. A copy of the OSPCA's application alleges that the dogs are "pit bull-type dogs" and seeks a court order that the dogs be executed pursuant to section 4 of the *Dog Owners Liability Act*.¹

The OSPCA has no legal obligation to take the exceedingly rare step of seeking the court-ordered execution of these dogs. As you are aware, in the case of pit bulls, the court has no option other than to grant your request for their execution.

It is concerning to us that in your public statements, you claim the fate of the dogs is up to the court.² In reality, the OSPCA has the discretion not to seek execution of the dogs, but the court does not have the discretion to refuse your request if the dogs are pit bulls. Your decision to bring this application will effectively impose an automatic death sentence on these dogs, whom themselves are the victims of an alleged dog fighting operation. Their fate is in your hands.

Animal Justice understands that to date the OSPCA has not made public any information that would justify your decision to execute the dogs, nor have you released the nature of the evidence that you intend to rely on to support your application. OSPCA spokesperson Inspector Brad Dewar commented in a news story that the application is being brought

¹ <http://www.chathamdailynews.ca/2016/02/17/division-growing-on-how-to-deal-with-pitbull-dogs>

² http://ontariospca.ca/media-centre/media-releases/1133-update-on-the-alleged-dog-fighting-case-in-tilbury-ontario.html?_ga=1.141463927.419873683.1417997066

for public safety reasons and, paradoxically, the interests of the dogs.³ It is unclear how it could be in a dog's interest to be killed.

Animal Justice reminds you that there are many alternative non-lethal options available to assist the dogs while keeping the public safe. Although pit bulls are banned in Ontario, we are aware that reputable dog rescue and rehabilitation operations in other Canadian provinces and in the United States have already expressed the willingness to step in to assist in efforts to rehabilitate the dogs. Our understanding is that these offers of assistance have been ignored.

Dogs from similar fighting operations have been successfully rehabilitated. In the highest-profile example, NFL player Michael Vick was convicted of dog fighting-related offences in 2007. Of the 51 pit bulls rescued from Vick's operation, only two were euthanized for medical reasons and nearly all of the remaining dogs were rehabilitated and rehomed with families and animal sanctuaries. None of the Vick dogs have been reported as injuring humans since their rescue, and many of them have even become therapy dogs.

As the agency with statutory authority to enforce animal protection laws in the province of Ontario, the OSPCA has a responsibility to protect the best interests of animals and to act with transparency at all times. Animal Justice requests that you withdraw your application to execute the dogs, release details of what, if any, behavioural assessments were done for each of the dogs you wish to execute, and allow them to be assessed by independent experts with experience in dog fighting cases.

Dog fighting is a tragedy; it causes innocent creatures to suffer tremendously for the sake of perverse human entertainment, which is why Ontario has outlawed the practice. Please remember that the dogs you seek to execute are the innocent victims of the brutality of an alleged dog fighting operation. These dogs should not be made to pay the ultimate price for the immoral and illegal actions of human beings when there are other options available to protect both the animals and public safety.

We appreciate your attention and reply.

Yours sincerely,



Camille Labchuk, BA, JD
Barrister & Solicitor
Executive Director

³ <http://www.chathamdailynews.ca/2016/02/11/dog-fighting-ring-matter-back-in-court>