

City hires pitbull lawyer

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The City of Brampton has hired a Toronto lawyer to help defend the seizure of two dogs last month.

Barnet Kussner of the firm **Weirfoulds** is on the case for the city, and that has one of the canines' owners feeling like the underdog. "Personally, I feel like it's David versus Goliath," said Rui Branco, whose family owns Brittany, one of two dogs held by the city since Jan. 13. Weirfoulds specializes in advisory work for municipal and other governments in all areas including contracts, land use planning and development.

Branco said with no other option to try to get the dogs home, he will take the city to court, but no one will win because he has to pay his own legal bills, and, as a resident of Brampton, his tax money will also be used to pay for the city's lawyer.

"The taxpayers lose. I lose, being a taxpayer and also paying for my attorney. Most of all, the poor dogs lose because they are in captivity throughout the proceedings, which I understand can take months."

Branco and Maria Gaspar, whose family owns Rambo, insist the dogs are boxer/American bulldog crosses, but the city has labelled them pitbulls and taken them from their separate homes. The families have not been allowed to visit them at the animal shelter.

Branco is concerned about the dogs' health and well-being because they are being kept away from their families and kept in cages.

"I don't care how much walking or attention the shelter or city says those dogs are getting, they have to be locked up because of liability issues and manpower issues at least 22 hours a day," Branco said.

The families say a city Animal Control Officer seized the dogs without a warrant, adding they were intimidated into turning over the dogs when police arrived on Branco's doorstep.

Attorney General spokesperson Brendan Crawley pointed to the Dog Owner's Liability Act (DOLA) on the issue of seizure. The DOLA indicates a warrant is needed to seize a dog from a home. Seizure without a warrant is possible only if "... it would be impracticable to obtain a warrant because of exigent circumstances...exigent circumstances include circumstances in which the peace officer has reasonable grounds to suspect that entry into any building, receptacle or place, including a dwelling house, is necessary to prevent imminent bodily harm or death to any person or domestic animal."

Dogs can also be seized in a public place under DOLA: www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90d16_e.htm.



In the doghouse:. Brittany, left, and Rambo, standing on a barbecue on the back deck of his Brampton home before he was seized by the city.