

# The St. Catharines Standard

## Families win dog-eat-dog battle;

Wed Apr 21 2010  
Page: D4  
Section: News  
Byline: TAMARA CHERRY, QMI AGENCY;  
Dateline: TORONTO  
Illustrations: DAVE ABEL QMI Agency

Rambo, right, and Brittany can stay with their owners after it was determined they are not pit bulls.

Brittany and Rambo are home -- and for the record, they're not pit bulls.

More than three months after the City of Brampton took two dogs from their owners, charging that they were illegally bred pit bulls, the city conceded this week that the dogs were indeed not pit bulls and returned them to their owners Monday.

It was welcome news for the Branco and Gaspar families who burned through thousands of dollars in legal fees to get their pooches home.

It was Jan. 13 that Brampton Animal Services officers seized the two-year-old siblings from their homes.

Officials alleged the dogs' father, Tyson, was a registered pit bull. Moreover, the city had a veterinarian sign a certificate stating his opinion that Brittany and Rambo were pit bulls, the city's lawyer, **Barnet Kussner**, said Tuesday.

Pit bulls were banned in Ontario in 2005.

But Rui Branco, who owned Tyson until July 2008 and whose sister, Inez, owns Brittany, contended Tuesday that Tyson was never registered as a pit bull. He and lawyer Megan Burkett, who represented the owners in a dogged battle with the city, said the city never showed them the evidence that Tyson was a pit bull.

Branco, along with Maria Gaspar, 75, who owns Rambo, maintained that their dogs are part boxer, part American bulldog.

"(The Dog Owners' Liability Act) doesn't really provide any clear process on how a municipality can determine a breed," **Kussner** said. "There's no formal avenue of appeal by an owner when the breed determination is in question. So really, we were sort of into uncharted waters in certain respects."

After months of back-and-forth between the city and the owners, the two sides agreed to bring in an independent veterinarian.

The vet examined the dogs Friday and "concluded that the dogs are not pit bulls under DOLA," a City of Brampton press release said.

"We're elated," Branco said Tuesday. "(Brittany) gave the entire family what we call a European wash, which is where she licks us from head to toe.... Her little (tail) was going crazy."

At the Gaspar home, owner and dog couldn't be happier, family friend Nelio Dacomceicao said.

"She's finally smiling," Dacomceicao said of Gaspar. "Her dogs are like her kids."

As part of the agreement between the owners and the city, the dogs must be designated and licensed as "potentially dangerous dogs," which means they have to be microchipped, sterilized and leashed and muzzled in public.

**Kussner** called the designation an "appropriate compromise" that balances the rights of the owners against the need to protect the community under the dog owners' legislation and city rules.

"It can still be a dangerous dog or a potentially dangerous dog even if it's another breed other than a pit bull," **Kussner** said. "(The city) has got to be proactive to protect the community under the provincial legislation."

© 2010 Osprey Media Group Inc. All rights reserved.