

## Dogs pass pit bull test, head home

By TAMARA CHERRY, TORONTO SUN

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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 say they burned through thousands of dollars in legal fees to get their pooches home — something they say should have happened months ago.

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.

Though the owners also had a veterinarian agree the dogs were not pit bulls, they faced a deadline to send the dogs to a province that accepts pit bulls. That deadline was pushed aside pending the legal battle.

Under provincial legislation, pit bulls were banned in Ontario in 2005.

"(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."

The Gaspars are concerned about whether Rambo was injured while in the shelter for more than three months as he came home with a bite mark on his head, cuts on his ears and a lump on his ribs, Dacomceicao said. The injuries will be checked out when the family brings Rambo in to be sterilized Thursday, he said.

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