

1992 BILL 329

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 329

DOG OWNERS' LIABILITY ACT

MR. WICKMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 329
Mr. Wickman

BILL 329

1992

DOG OWNERS' LIABILITY ACT

(Assented to , 1992)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1 In this Act, "owner", when used in relation to a dog, includes a person who possesses or harbours the dog and, where the owner is a minor, the person is responsible for the custody of the minor.

Liability of owner

2(1) The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person or domestic animal.

(2) Where there is more than one owner of a dog, they are jointly and severally liable under this section.

(3) The liability of the owner does not depend upon scienter or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages.

(4) An owner who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person's fault or negligence caused or contributed to the damages.

Owner to prevent
dogs from
attacking

3 The owner of a dog shall exercise reasonable precautions to prevent the dog from biting or attacking a person or domestic animal.

Application

4 Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this Act and not under the *Occupiers' Liability Act*.

Presumption of
ownership

5(1) The occupier of a house or premises where a dog was kept or permitted to live or remain at the time of a complaint shall be presumed to be the owner of the dog unless he proves that he was not the owner of the dog at the time.

(2) When there are more occupiers than one of a house or premises let in separate apartments or lodgings, or otherwise, the occupier of that particular part of the house or premises in which a dog was kept or permitted to live or remain at the time of a complaint shall be presumed to be the owner of the dog at the time.