



Family Law

CALL US - BEFORE
YOUR EX DOES!



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LAWYER

Q

My girlfriend and I adopted a dog, and now she says it's her dog [we split up] but I found the dog, I paid for it, and I took it to the vet and cared for it. She won't give the dog back! The police won't help. What can I do?

A

A great question, as we enter the "dog days" of August! Most people see pets as family members, however in the eyes of the law, dogs are treated as personal property.

Traditionally cases have been decided on who paid for the dog and was listed as the owner; a recent Ontario case [Coates v Dickson, 2021 ONSC 992] considered eight factors in total. In Coates, the parties had two Labrador retrievers named Jazz and Jetta, and both parties wanted both dogs; in the alternative, they both wanted Jazz. Justice Baltman awarded Jazz to the wife, citing that Jazz had the protective qualities that were particularly important to the wife.

A current case [Duboff v Simpson, 2021 ONSC 4970] involves a female rescue boxer called Layla. Michael and Natalie were living together, Michael

found a rescue dog, paid for the adoption, and was listed as Layla's owner. After the couple split and Michael was resettled, Layla lived with Michael and Natalie occasionally dog sat and all was well, until Michael re-partnered. Natalie did not see Layla for five months with no issue during Covid 2020, but about September 2020, Natalie 'dog napped' Layla and Michael had to take her to Court. Justice Papageorgiou ordered that Layla be returned to Michael July 21, 2021- approximately 10 months after she had been taken. The moral of the story: hire a lawyer to get your dog back, sooner rather than later.

Your friends at Shank Law.



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