

## Desperate owner of Darwin the Ikea monkey files suit to get her 'baby' back

By [Daily Mail Reporter](#)

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The owner of a monkey caught wandering outside a Toronto Ikea store this weekend will soon go to court to try and get the tiny primate back by her side.

Yasmin Nakhuda's lawyer claims she was 'coerced' into surrendering her pet monkey, Darwin, to Toronto Animal Services after he escaped her car at a north Toronto Ikea store last Sunday.

Attorney Ted Charney compared it to having one's car towed and not returned after paying the fine.

This bylaw officer should have turned the monkey back over to her as soon as she showed up,' Charney said, adding 'the only power in Toronto to take a pet away is the OSPCA Act.'

In a motion that will be filed Thursday with the Ontario Superior Court in Oshawa, she gives her account of what happened night Darwin ran loose loose and was photographed by stunned bystanders.

Darwin became known globally as 'Ikea monkey' after pictures him in a coat caught fire online.

Nakhuda said the officer who gave her a ticket for keeping a prohibited animal in Toronto was wrong to not return Darwin on her visit to the animal services centre on Dec. 9.

'The officer's refusal to return Darwin was unlawful because the Code does not authorize the officer to keep an animal other than dogs and cats,' the claim reads. 'The only penalty under the Code is a fine. Animal Services therefore unlawfully detained Darwin.'

'The only way (Nakhuda is) going to be able to recover her pet is through legal action,' Charney said.

Nakhuda, a real estate lawyer, said she and her husband are willing to relocate from Toronto to the Kawartha Lakes where monkeys are allowed as pets.



Money see: Nakhuda said she would do everything with Darwin, and the two would even brush their teeth together



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Monkey business: The real estate lawyer took Darwin with her to the office, left, and dressed him up in a devil costume for Halloween, right,



Deadly: Experts say it is not only illegal to have a monkey for a pet, but also could be dangerous because rhesus macaques like Darwin can carry the herpes B virus

She also names Story Book Farm Primate Sanctuary and Delaney as defendants.

'They don't feel that their conversations with the owner have been sufficiently professional,' Charney said when asked why the sanctuary refused to allow his client to visit.

Delaney confirmed the sanctuary has retained a lawyer but had no comment 'in light of all the deaths in Connecticut right now, let's put the Darwin issues to the back burner.'

Nakhuda first got Darwin babysitting him for a friend.

'It was a babysitting experience that turned out into a fatal attraction and put me where I am,' Nakhuda told the [Toronto Star](#).

After that, Nakhuda, a mother of two, said the pet she named Darwin was near her at all times, including while she slept and showered.

‘At the beginning, I was told that was the best for him because generally, monkeys live off the back of the mom,’ she said.

‘He always had to be within my view,’ she said, adding that he would ‘get into a panic attack’ the moment she was out of sight.

The seven-month-old rhesus macaque captured worldwide attention after he somehow let himself out of a parked car Sunday and ambled around the Ikea parking lot dressed in a stylish shearling coat and diaper.

He was eventually captured by animal control officers and was moved on Monday to a primate sanctuary about 60 miles northeast of Toronto.



Unusual customer: The monkey was first spotted in Ikea's parking lot



Distress: Having escaped a crate and a car the monkey darted around the store screaming

Nakhuda, who was fined \$240 for breaking the city's prohibited-animal bylaw, said she is consulting a lawyer to see if she can regain custody of the pet she considers part of her family.

‘I know he cannot live without me,’ Nakhuda told CityNews Monday. ‘And everyone who knows Darwin can vouch for this. He needs his mother like a child needs his mother.’

Nakhuda said that having a monkey for a pet is not like raising a cat or a dog because he has ‘feelings like human beings.’

Nakhuda posted multiple videos on YouTube showing her daily interactions with Darwin, who could be seen playing at the office, dressed up as a devil with horns for Halloween and brushing his teeth along with his owner.

‘He is more than a handful: needs to be baby bottle fed night time and needs at least 3 diaper change a day,’ Nakhuda wrote in the comments.

‘He has to be with me all the time which means he goes with me to the office, sleeps with me, eats with me, showers with me, goes shopping with me . . . it is more than a human baby so yes, not everyone can handle a baby monkey. He is now 6 months old only and is expected to be around 4 feet tall.’

At the very least, Nakhuda said she would like to be involved in his transition to the Story Book Farm Primate Sanctuary, in Sunderland, Ontario.

She said she's concerned about his well-being at the facility, noting he has shown signs in the past of disliking his own kind.

Animal services spokeswoman Mary Lou Leiher said Monday that Darwin was stressed out but otherwise fine.



Internet craze: The Ikea monkey was celebrated online and depicted in a range of different scenarios. Here he takes a trip to Toronto's CN Tower

Sherri Delaney, the founder of the primate sanctuary, told CTV Tuesday that Nakhuda will be allowed to visit Darwin once the monkey gets comfortable in his new home.

Delaney went on to say that animals like Darwin are not meant as pets, nor can they substitute a child.

‘Did he need to be in a coat? No, he didn’t. Did he need to be in a diaper? No,’ she said.

At the sanctuary, which currently houses 22 primates, Darwin will be paired up with an older female monkey who would care for him.

The now-famous primate will share his new dwelling with a pair of Japanese macaques and two more rhesus monkeys, who are expected to arrive from labs in the greater Toronto area.



New home: Darwin the stylishly dressed monkey was transferred to a primate sanctuary where he will live with a pair of Japanese macaques and two other rhesus monkeys





Visitation rights: The head of the sanctuary said Darwin's owner will be allowed to see him later on

It is against the law to own an animal like Darwin in Ontario, and Leiber said there are good reasons for that: rhesus monkeys are capable of carrying the potentially lethal herpes B virus.

The fashionable rhesus macaque, sporting a miniature shearling jacket, was first spotted in the parking lot, before roaming around and eventually being cornered inside the store.

Police believe that the pet had been in a car before escaping from both a crate and the vehicle to look around Ikea. Canadian police said: 'It's a smart monkey.'

Shopper Bronwyn Page told [Toronto CTVNews](#) of when she spotted the unusual customer outside the store: 'We saw a crowd of people and a little animal and I was like 'oh my gosh it's a monkey.'

Page first believed that the seven-month-old animal was fake but discovered otherwise when the monkey showed signs of distress.



Heavy burden: Nakhuda explained that caring for a monkey is very demanding because he needs to be bottle fed even at night and requires at least three diaper changes



Animal kingdom: Besides Darwin, Nakhuda also has a pet macaw, which unlike the primate, is legal to own in Ontario

'It started darting all over the place. It was scared.'

She added: 'It was very bizarre to see a real live monkey there. It was really small and just funny dressed in the coat.'

News of a monkey in a coat visiting Ikea quickly went viral on social networks. On Twitter, #Ikeamonkey trended and there are at least two parody accounts. There is also an Ikea Monkey page on Facebook.

A new internet meme also developed, with the warm and smart monkey being depicted in a range of unlikely situations.