

## Ikea Monkey: Darwin's owner in legal battle to get him back

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The former owner of Darwin, the monkey in a faux shearling coat who escaped at a north Toronto Ikea, has filed a lawsuit to get her pet back.

Toronto Animal Services captured Darwin during the incident last Sunday and transferred him to Story Book Farm Primate Sanctuary in Sunderland, Ont. the next day.

Yasmin Nakhuda's lawsuit names the sanctuary and its president Sherri Delaney and alleges they have "unlawfully detained" the monkey. The suit also claims that Toronto Animal Services had no right to seize the pet.

"The bylaw does not have any provisions that allow the officer to withhold returning the pet to the owner," said Nakhuda's lawyer, Theodore Charney.

"The bylaw authorizes him to issue a ticket. She should have been given the pet back."

Nakhuda, a Toronto real-estate lawyer, has been inseparable from Darwin for the past six months — showering, sleeping and eating with the monkey — and believes he is suffering without her.

"I keep seeing his little traumatized face every time I close my eyes," she said. "When I went to pick him up (from animal services) and they opened the crate, he curled himself into a small ball, screaming and screeching. That's my last image of him."

The monkey had escaped from a locked crate in her car and opened the door, to the surprise of shoppers in the Ikea parking lot.

Animal services identified Darwin as a rhesus macaque, an Asian breed that is illegal in Toronto. Nakhuda was fined \$240 under the Toronto Municipal Code for keeping a prohibited animal and asked to surrender the monkey.

Nakhuda says in her statement of claim that she was forced to sign the papers by an animal control officer who threatened her with criminal charges and said she would never see her pet again.

“I panicked and started crying,” she told the Star in an interview. “If you were a mother and someone said the only way to see your child was to give them up, you would sign.”

Nakhuda has been barred from visiting the seven-month-old monkey at the sanctuary, according to her statement of claim which was filed Friday. She is also upset that Story Book is seeking donations for Darwin’s care using a “Dollars for Darwin” slogan on its website.

None of the allegations contained in the documents have been tested in court. Toronto Animal Services could not be reached for comment Saturday.

A sanctuary advisory board member, Rachelle Hansen, declined comment as the matter is before the courts. She said Toronto lawyer Kevin Toyne would defend the sanctuary at the hearing.

The sanctuary has previously said the monkey is doing well and they are prepared to fight any legal challenges for its return.

Nakhuda said she is willing to relocate to a place where Darwin would be a legal pet. She is considering moving to Kawartha Lakes while seeking a permit in Markham, where one can apply for an exemption to own a monkey.

“I could create a sanctuary for him if I needed to. I could ask monkey trainers from the U.S. to come train him . . . If he needed more macaques to join him, guess what, I could get more monkeys,” she said.

In the motion record, photos of Nakhuda’s son playing with Darwin are appended. The monkey is like a “little brother” to the boy, Nakhuda said.

“He was raised in my family and has connected to us,” she said. “He’s not just a regular pet like a cat or a dog, he’s a little person with feelings.”

The case will be heard in the Superior Court of Justice in Oshawa on Thursday.