

Authority: Board of Health Report No. 1, Clause No. 1,
adopted as amended by Council on February 2, 3 and 4, 1999
Enacted by Council: February 4, 1999

CITY OF TORONTO

BY-LAW No. 28-1999

A By-law respecting animals.

WHEREAS section 210 of the Municipal Act authorizes a municipality to pass by-laws respecting animals and birds; and

WHEREAS section 220.1 of the Municipal Act authorizes a municipality to pass by-laws imposing fees or charges on any class of persons;

The Council of the City of Toronto HEREBY ENACTS as follows:

PART I INTERPRETATION

1. In this by-law,

“animal” means all species of fauna excluding humans, fish and aquatic invertebrates;

“animal centre” means a facility operated by or for the City of Toronto for the keeping and disposition of stray and admitted animals;

“at large” means being found on any other property than that of the owner of the animal, and not under the control of the owner, except where the owner of the property permits the animal to be on his or her property;

“bite” means piercing or puncturing the skin as a result of contact with a dog's tooth or teeth;

“cat” means a feline of the species *Felis catus*;

“City” means City of Toronto;

“Council” means City of Toronto Council;

“dog” means a canine of the species *Canis familiaris*;

“dwelling unit” means one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals;

“ferret” means a ferret of the subspecies *Mustela putorius furo*;

“keep” means to have temporary or permanent control or possession of an animal and keeping has the same meaning;

“Medical Officer of Health” means the Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority;

“microchip” means an approved Canadian standard, encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database accessible to the Medical Officer of Health;

“muzzle” means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting;

“owner” means a person or persons who possess, harbour, or have custody of an animal and where the owner is a minor, the person responsible for the custody of the minor;

“pigeon” means any of a widely distributed family of birds derived from self-sustaining captive populations of Columbidae;

“police work dog” means a dog trained for and actually engaged in law enforcement by any Federal, Provincial or Municipal government agency;

“protective care” means the temporary keeping of an animal to a maximum of five (5) days, as a result of an eviction, incarceration, medical or fire emergency or any other situation that the Medical Officer of Health deems appropriate;

“rabbit” means a European rabbit of the species *Oryctolagus cuniculus*.

PART II PROHIBITED ANIMALS

2. (1) No person shall keep, either on a temporary or permanent basis, any prohibited animal in the City.

(2) For the purposes of subsection (1), prohibited animals are those classes of animals listed in Schedule A.

(3) Despite subsection (1), any person who, on the date of the passage of this by-law, was lawfully keeping any animal listed in Schedule A may keep that animal until the animal has died or has otherwise been disposed of provided the owner has registered the animal with the Medical Officer of Health by September 1, 1999.

3. Section 2 does not apply to:

1. The premises of a City animal centre.
2. The premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals.
3. The premises of an accredited veterinary hospital under the care of a licensed veterinarian.
4. The premises of the Toronto Zoo.
5. The premises of facilities accredited by the Canadian Association of Zoos and Aquariums (CAZA).
6. The areas of the City in which professionally produced films are being made by film professionals and film production companies, and only temporarily during filming.
7. The areas of the City in which educational programs are being conducted with animals, if the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association and only while the educational programs are actually being conducted, provided that such programs be limited to a maximum of three days at any one location.
8. Premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990, c.A.22.
9. The premises of slaughterhouses licensed pursuant to the Meat Inspection Act, R.S.O. 1990, c.M.5.
10. The premises of the Toronto Police Department.
11. Domesticated Ungulates of the families Artiodactylus and Perissodactylus, Anseriformes, Galliformes and Struthioniformes:
 - (a) on lands owned and operated by the City listed in Schedule B; or
 - (b) on lands zoned agricultural.
12. The premises of the Toronto Wildlife Centre.
13. Foster programs under the supervision of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals provided that these programs be limited to the rehabilitation of squirrels.

4. Subject to section 17, no person shall keep in any dwelling unit more than six (6) of any combination of dogs, cats, ferrets and rabbits except that any person who, on the date of the passage of this by-law, was lawfully keeping more than six (6) of any combination of dogs, cats,

ferrets and rabbits may keep those dogs, cats, ferrets and rabbits until they have died or are otherwise disposed of.

PART III CARE OF ANIMALS

5. Every person who keeps an animal within the City's boundaries shall provide the animal or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.

6. If an animal is customarily kept out of doors, the person having the custody or control of the animal shall provide for its use at all times a structurally sufficient, weather-proofed and insulated enclosure of appropriate size and dimension.

7. (1) No person shall keep any animal in the City tethered on a chain, rope or similar restraining device of less than three (3) metres in length.

(2) Every person who has tethered an animal shall ensure, at all times, that the animal has unrestricted movement within the range of the tether, and that the animal cannot suffer injury resulting from the tethering.

8. (1) No person shall keep an animal within the City in an unsanitary condition.

(2) For the purposes of subsection (1), an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

9. (1) Where an animal is sheltered at a City animal centre for protective care, a per diem sheltering fee shall be paid to the Medical Officer of Health in advance of redeeming the animal by the owner in the amount specified in Schedule C.

(2) Where an animal is not redeemed at the end of the protective care period, it shall be treated as an impounded animal.

PART IV DOGS

10. Every owner of a dog shall,

(1) register the dog with the Medical Officer of Health and pay a tag and licence fee in the amount specified in Schedule C.

(2) until ceasing to be the owner of the dog, obtain a new tag and licence for the dog prior to the expiration of each licence issued for the dog which shall expire the following year on the anniversary date of its initial issuance.

(3) keep the tag securely fixed at all times on the dog for which the tag is issued.

(4) pay a tag replacement fee specified in Schedule C in the event the tag issued for the dog is lost.

11. (1) No owner of a dog shall cause or permit the dog to run at large in the City, except as permitted in those areas of City parks where dogs are permitted to run at large as designated by City by-law.

(2) For the purposes of this by-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

(3) No person shall keep a dog off the premises of the owner other than on a leash which shall not exceed two (2) metres in length except where consent is given by the person owning the property where the dog is found.

12. (1) Sections 10 and 11 do not apply to police work dogs.

(2) Subsection 10(1) does not apply to any owner of a dog that has a lifetime licence issued for the dog by the former City of North York, Scarborough or Toronto.

13. (1) Any dog running at large contrary to the provisions of this by-law may be seized and impounded by the Medical Officer of Health.

(2) Where, in the opinion of the Medical Officer of Health, a dog seized under subsection (1) is injured or ill and should be euthanized without delay for humane reasons or safety to persons, the dog may be euthanized by the Medical Officer of Health without permitting any person to reclaim the dog.

(3) Any dog seized by the Medical Officer of Health under subsection (1) shall be impounded for a minimum period of five (5) days from the time of its impoundment, exclusive of the day on which the dog was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the dog.

(4) If a dog is not redeemed within the time period referred to in subsection (3), the dog shall become the property of the City and may,

(a) be adopted for a fee in the amount specified in Schedule C; or

(b) be euthanized by the Medical Officer of Health.

(5) Where a dog is seized and impounded by the Medical Officer of Health under subsection (1),

(a) a per diem impoundment fee shall be paid to the Medical Officer of Health in advance of redeeming the dog by the owner in the amount specified in Schedule C; and

(b) the owner shall ensure the dog is identified with a microchip.

(6) Where a dog seized and impounded by the Medical Officer of Health under subsection (1) is injured or ill and receives veterinary care necessary for the well-being of the dog, the Medical Officer of Health shall, in addition to any amount charged pursuant to subsection (5), be entitled to charge the person claiming the dog under this Part the cost of the veterinary care to the Medical Officer of Health.

14. (1) Where the Medical Officer of Health has reason to believe that a dog has bitten a person or domestic animal, the Medical Officer of Health shall,

(a) where the bite is the first bite on record with the City, and where the bite occurred on the owner's premises, serve the owner with a Notice of Caution;

(b) serve the owner with a Notice to Muzzle if in his or her opinion the bite referred to in clause 14 (1)(a) is severe;

(c) where the bite is a second or subsequent bite on record with the City, serve the owner with a Notice to Muzzle.

(2) Where the Medical Officer of Health has reason to believe that a dog has bitten a person or domestic animal in the City other than on the owner's premises, the Medical Officer of Health shall serve the owner with a Notice to Muzzle.

15. (1) An owner who is served with a Notice of Caution or a Notice to Muzzle is entitled to a hearing by the Medical Officer of Health who may confirm the Notice or exempt the owner from the muzzling requirements.

(2) To receive a hearing, the owner must mail or deliver to the Medical Officer of Health within thirty (30) days after a copy of the Notice of Caution or Notice to Muzzle is served on the owner, notice in writing requesting a hearing.

(3) Although a hearing may be requested, a Notice served pursuant to section 14 takes effect when it is served on the person to whom it is directed.

(4) Once a Notice to Muzzle has been issued and properly served upon the owner of the dog, no person shall permit the dog to be off the premises of the owner unless properly muzzled.

(5) For the purposes of subsection 15(4), where an owner of a dog has exclusive possession of part of a building or property, "premises" means that portion of the property of which the owner has exclusive possession.

(6) Once a Notice to Muzzle has been issued and properly served upon the owner of the dog, the owner of the dog shall ensure that the dog is identified with a microchip.

16. Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the City.

17. No person shall keep more than three (3) dogs in and about any dwelling unit within the City, except that any person who, on the date of the passage of this by-law was lawfully keeping more than three (3) dogs, may keep those dogs until they have died or are otherwise disposed of.

**PART V
CATS**

18. Every owner of a cat shall,

(1) register the cat with the Medical Officer of Health and pay a tag and registration fee in the amount specified in Schedule D except that no fees are payable where a cat has a lifetime identification tag issued by the former City of Etobicoke, North York, Scarborough or York or the former Borough of East York.

(2) until ceasing to be the owner of the cat, obtain a new tag for the cat prior to the expiration of the tag issued for the cat which shall expire the following year on the anniversary date of its initial issuance.

(3) keep the cat tag securely fixed at all times on the cat for which the tag is issued.

(4) pay a tag replacement fee specified in Schedule D in the event the tag issued for the cat is lost.

19. The Medical Officer of Health may take possession of and impound any cat found at large where,

(a) in the opinion of the Medical Officer of Health and the owner of the property the cat is deemed to be causing damage or creating a nuisance; or

(b) in the opinion of the Medical Officer of Health, the cat is in distress, injured and/or unidentifiable.

20. (1) Where the Medical Officer of Health has taken possession of a cat under section 19 and is of the opinion that the cat is injured or ill and should be euthanized without delay for humane reasons or safety to persons, the cat may be euthanized by the Medical Officer of Health without permitting any person to reclaim the cat.

(2) Where the Medical Officer of Health has taken possession of a cat under section 19, it shall be impounded for a minimum period of five (5) days from the time of its impoundment, exclusive of the day on which the cat was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the cat.

(3) If the cat is not redeemed within the time period referred to in subsection (2), the cat shall become the property of the City and may

- (a) be adopted for a fee in the amount specified in Schedule D; or
- (b) be euthanized by the Medical Officer of Health.

(4) Where the Medical Officer of Health has taken possession of a cat or has impounded it under section 19,

- (a) a per diem impoundment fee shall be paid to the Medical Officer of Health, in advance of redeeming the cat by the owner in the amount specified in Schedule D; and
- (b) the owner shall ensure the cat is identified with a microchip.

(5) Where the Medical Officer of Health has taken possession of a cat and has impounded it under section 19 and it is injured or ill and receives veterinary care necessary for the well-being of the cat, the Medical Officer of Health shall, in addition to any amount charged pursuant to subsection (4) be entitled to charge the person claiming the cat under this Part, the cost of the veterinary care to the Medical Officer of Health.

PART VI SPAY/NEUTER CLINICS

21. (1) Clinics established for spaying or neutering dogs and cats in the former Cities of Etobicoke, North York and York are continued and referred to as City Spay/Neuter Clinics.

(2) City Spay/Neuter Clinics shall be operated under the control and supervision of the Medical Officer of Health.

(3) No dog or cat shall be spayed or neutered at a clinic unless:

- (a) the dog or cat is owned by a resident of the City;
- (b) the dog or cat is the property of the City; or
- (c) the dog or cat has been adopted from a City animal centre.

22. (1) Where a dog or cat is spayed or neutered, a fee shall be paid to the Medical Officer of Health in advance of the spaying or neutering being performed in the amount specified in Schedule E.

(2) Despite subsection (1), an additional fee in the amount specified in Schedule E payable in advance of redeeming the cat or dog may be charged if the spay or neuter surgery was complicated by the physical condition, including pregnancy, of the dog or cat.

PART VII
PIGEONS

23. No person keeping pigeons shall permit the pigeons to stray, perch, roost or rest upon lands, premises or buildings of any person or upon any public place in the City, except on the property of the person keeping the pigeons.

PART VIII
FEES

24. Additional fee schedules for services provided by the Medical Officer of Health are set out in Schedule F.

PART IX
OFFENCES

25. Any person who contravenes any provision of this by-law is guilty of an offence.

PART X
REPEAL PROVISIONS

- 26.** (1) The following are repealed:
1. Borough of East York By-law Number 88-97, being a by-law respecting the care and keeping of cats;
 2. Borough of East York By-law Number 39-80, as amended, being a by-law to provide for the licensing of and other matters respecting dogs;
 3. Borough of East York By-law Number 60-83, as amended, being a by-law to prohibit the keeping of certain animals and to regulate the keeping of certain other animals and birds within the Borough of East York;
 4. Borough of East York By-law Number 30-89, as amended, being a by-law to prohibit the keeping of certain kinds of animals;
 5. Borough of East York By-law Number 68-80, as amended, being a by-law to regulate the keeping of animals in the Borough of East York;

6. Borough of East York By-law Number 122-96, as amended, being a by-law to require the muzzling of a dog after it has bitten any person or domestic animal;
7. City of Etobicoke Municipal Code Chapter 95, Animals, as amended;
8. City of North York By-law Number 32819, being a by-law to regulate animals in the City of North York;
9. City of North York By-law Number 32823, being a by-law for the Muzzling of Dogs;
10. City of Scarborough By-law Number 17902, being a by-law to regulate the keeping of pigeons, as amended;
11. City of Scarborough By-law Number 22992, being a by-law to provide for the regulation and keeping of dogs and other animals or any class thereof within the municipality, as amended;
12. City of Scarborough By-law Number 23892, being a by-law to prohibit and regulate the keeping of certain kinds of animals within the municipality;
13. City of Toronto Municipal Code Chapter 133, Animals, as amended;
14. City of York Municipal Code Chapter 303, as amended, Animal Control;
15. City of York Municipal Code Chapter 305, as amended, Dog Excrement Removal;
16. City of York Municipal Code Chapter 317, as amended, Spaying-Neutering Clinic;
17. City of York By-law Number 1192-87, as amended, being a by-law to require that owners of dogs remove excrement left by their dogs in the City of York;
18. City of York By-law Number 2453-92, as amended, being a by-law to prohibit, restrict, regulate and license animals and birds; and
19. Borough of York By-law Number 2510-76, as amended, being a by-law to establish, maintain and operate a clinic for the spaying or neutering of domestic animals in the Borough of York.

(2) Where this by-law conflicts with any other by-laws respecting animals, this by-law prevails to the extent of the conflict.

PART XI
SCHEDULES

26. Schedules A, B, C, D, E and F attached to this by-law shall form part of the by-law.

PART XII
TRANSITION SECTION

27. This by-law comes into force on July 1, 1999.

ENACTED AND PASSED this 4th day of February, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE A TO BY-LAW No. 28-1999

PROHIBITED ANIMALS

MAMMALS

Artiodactyla (such as cattle, goats, sheep, pigs)
Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs
Chiroptera (bats such as fruit bats, myotis, flying foxes)
Edentates (such as anteaters, sloths, armadillos)
Felidae (such as tigers, leopards, cougars) except cats
Hyaenidae (such as hyaenas)
Lagomorpha (such as hares, pikas) except rabbits
Marsupials (such as kangaroos, opossums, wallabies) except sugar gliders derived from self-sustaining captive populations
Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets
Non-Human Primates (such as chimpanzees, gorillas, monkeys, lemurs)
Perissodactyla (such as horses, donkeys, jackasses, mules)
Proboscidae (elephants)
Procyonidae (such as coatimundi, cacomistles)
Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
Ursidae (bears)
Viverridae (such as mongooses, civets, genets)

BIRDS

Anseriformes (such as ducks, geese, swans, screamers)
Galliformes (such as pheasants, grouse, guineafowls, turkeys)
Struthioniformes (flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis)

REPTILES

Crocodylia (such as alligators, crocodiles, gavials)
All snakes which reach an adult length larger than 3 metres
All lizards which reach an adult length larger than 2 metres.

OTHER

All venomous and poisonous animals.

SCHEDULE B TO BY-LAW No. 28-1999

Milliken Park

Thompson Park

Sunnybrook Park

Riverdale Park

High Park

Black Creek Pioneer Village

Exhibition Place

Toronto Island Farm

Woodbine Racetrack

SCHEDULE D TO BY-LAW No. 28-1999

Section of By-law	Purpose	Fee
Section 18	Cat Registration unaltered cat	\$ 35.00 (1 yr.) \$140.00 (5 yrs.)
	cat identified with a microchip	\$25.00 (1 yr.) \$15.00 (1 yr.) if senior citizen \$75.00 (5 yrs.) \$50.00 (5 yrs.) if senior citizen
	cat that is spayed or neutered	\$15.00 (1 yr.) \$50.00 (5 yrs.) no fee if senior citizen
	cat that is spayed or neutered and identified with a microchip	no fee
	replacement registration tag	\$3.00
	Section 20	Impoundment Fee (cats) first 24 hours or part thereof
subsequent per diem rate		\$10.00
Adoption Fee		\$75.00

SCHEDULE E TO BY-LAW No. 28-1999

Section of By-law	Purpose	Fee
Section 22	Spay/Neuter Surgery	
	Neutering a male dog	\$60.00
	Spaying an immature female dog less than one (1) year	\$90.00
	Spaying a female dog more than one (1) year	\$110.00
	Neutering a male cat	\$40.00
	Spaying a female cat	\$60.00
	Additional fee if physical complications	\$20.00
	Sheltering fees at clinic (per diem)	
	dogs	\$20.00
	cats	\$10.00

SCHEDULE F TO BY-LAW No. 28-1999

Section of By-law	Purpose	Fee
Section 24	Surrender Fees (Owned Animal)	
	Dogs	\$35.00
	Cats	\$20.00
	Litters	\$20.00
	Small animals	\$10.00
	Cremation Fees	
	Small animals (<14kg)	\$75.00
	Medium animals (14 to 27kg)	\$100.00
	Large Animals (28 to 55kg)	\$125.00
	Extra Large Animals (>55kg)	\$150.00
	Adoption Fees	
	Birds	
	Budgie, Finch types	\$5.00
	Cockateils, Love Bird types	\$20.00
	Parrots	
	Small(\leq 1 kg)	\$50.00
	Large(>1kg)	\$100.00
	Fish	\$5.00
	Mammals (other than rodents)	\$40.00
	Reptiles, Amphibians and Invertebrates	\$20.00
	Rodents	\$5.00
Other		
Trap Rentals (Deposit)	\$100.00	
Pick-up and Delivery Fees	\$20.00	
Cat Boxes	\$5.00	