

## **Revised Commercial Dog Walkers Permit Policy**

<b>Date:</b>	October 15, 2007
<b>To:</b>	Parks & Environment Committee
<b>From:</b>	Brenda Librecz, General Manager, Parks, Forestry and Recreation
<b>Wards:</b>	All
<b>Reference Number:</b>	

### **SUMMARY**

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The Parks and Environment Committee, at its meeting of July 4, 2007, considered Item PE7.4 - Commercial Dog Walker Permit Policy. The Committee requested that the General Manager of Parks, Forestry and Recreation provide an information report to City Council on July 16, 2007 to clarify some of the definitions (e.g. “repeat offender”), the rationale for the sliding scale fee structure and the rationale for an increase in the maximum number of dogs that a Commercial Dog Walker can bring into a park, green space or waterfront area (a “Park”) at a time.

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/pe7.4a.pdf>

The original policy recommended a range in fees from \$200.00 for an individual walker, up to \$1000.00 for five or more walkers (for larger businesses). Deputations took place at the July 4, 2007, Parks and Environment Committee meeting and those in attendance (including Commercial Dog Walkers) felt that a flat fee of \$200.00 for each individual dog walker was reasonable and that the fee structure should be the same for everyone. Consequently, staff are recommending that the Commercial Dog Walker Permit fee be amended to a flat fee rate of \$200.00.

Recommendation 1(a) of Item PE7.4, which Council adopted on July 16, 17, 18 & 19, 2007, amended the Commercial Dog Walker Permit Policy to require that all commercial dog walkers display a Dog Walker permit when walking more than two dogs at a time in a Park. Staff have carefully reviewed this matter and have determined that Council’s recommendation conflicts with an existing provision of Municipal Code, Chapter 608, Parks, which allows an individual to bring a maximum of three dogs into a Park without a permit. As a result, this makes enforcement difficult for Parks, Forestry and Recreation By-law Enforcement Officers.

The policy, as originally proposed, would provide staff with sufficient enforcement mechanisms to monitor and control the activities of Commercial Dog Walkers. Therefore, staff is recommending that provision 1(a) of the Commercial Dog Walker Permit Policy be amended to require Commercial Dog Walkers to display a Dog Walker Permit when walking from four to a maximum of six dogs in a Park at any one time, and that *Municipal Code, Chapter 608, Parks*, be amended accordingly.

## **RECOMMENDATIONS**

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**The General Manager of Parks, Forestry and Recreation recommends that:**

1. the Commercial Dog Walker Permit Fee be established at \$200.00 per commercial dog walker as outlined in Attachment 1 - Commercial Dog Walker Permit Policy - and that the Municipal Code, Chapter 441, Fees and Charges be amended, as appropriate;
2. the Clerk give notice of the proposed revised fee indicated in Recommendation Number 1, as required under the City of Toronto Act and Municipal Code Chapter 162, Public Notice;
3. the Commercial Dog Walker Permit Policy be amended, as outlined Attachment 1, to require that a commercial dog walker display a Commercial Dog Walker Permit when walking from four (4) to a maximum of six (6) dogs in a City park, green space or waterfront area (rather than two, as adopted by City Council at its meeting of July 16, 17, 18 & 19, 2007); and
4. the City Solicitor be requested to make the necessary amendments to the Municipal Code, Chapter 608, Parks and Chapter 441, Fees and Charges, as appropriate.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

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## **DECISION HISTORY**

At its meeting of May 4, 2006, the Economic Development and Parks Committee, considered and amended the report dated April 19, 2006, from the General Manager of Parks, Forestry and Recreation, entitled "Dogs in Parks Strategy," which was considered by City Council at its meeting of May 23, 2006.

<http://www.toronto.ca/legdocs/2006/agendas/committees/edp/edp060504/it002.pdf>  
<http://www.toronto.ca/legdocs/2006/agendas/council/cc060523/edp3rpt/cl017.pdf>

Subsequently, at its meeting of July 4, 2007, the Parks and Environment Committee considered the report dated June 19, 2007 from the General Manager of Parks, Forestry and Recreation, entitled "Commercial Dog Walker Permit Policy," Item PE7.4. The

Committee recommended that City Council adopt the report recommendations and the attached permit policy, as amended.

<http://www.toronto.ca/legdocs/mmis/2007/pe/decisions/2007-07-04-pe07-dd.pdf>

Public notification, advising of consideration of the Commercial Dog Walker Permit Policy was posted on the Public Notices webpage by the City Clerk's office on June 26, 2007.

[http://www.toronto.ca/involved/statutorynotices/archive2007/june/sn\\_pe\\_070407.htm](http://www.toronto.ca/involved/statutorynotices/archive2007/june/sn_pe_070407.htm)

The Parks and Environment Committee, at its meeting of July 4, 2007, considered Item PE7.4 - Commercial Dog Walker Permit Policy and requested that the General Manager of Parks, Forestry and Recreation provide clarification on a number of aspects including: some of the definitions (e.g. "repeat offender"), the rationale for the sliding scale fee structure and the rationale for an increase in the maximum number of dogs that a Commercial Dog Walker can bring into a park at a time. This supplementary information report to Council, dated July 16, was received for information.

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/pe7.4a.pdf>

The original action report, item PE7.4 Commercial Dog Walker Permit Policy was adopted with amendment at the July 16, 2007 Council meeting.

At its meeting of September 26 and 27, City Council re-opened Item PE7.4 and considered Motion 144, as it relates to amending the fee structure and the addressing of implementation and enforcement issues when requiring a Commercial Dog Walker to display a Dog Walker Permit. As a result, the General Manager of Parks, Forestry and Recreation was requested to report to the November 6<sup>th</sup> Parks and Environment Committee meeting on these matters.

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-09-26-cc12-dd.pdf>

## **ISSUE BACKGROUND**

The supplementary staff report to the Council meeting of July 16, 17, 18 & 19, 2007 addressed the request by the Parks & Environment Committee (July 4, 2007) for further clarification on the proposed Commercial Dog Walker Permit Policy. Among these was a request to report on the feasibility of setting the Dog Walker Permit fee at \$200.00 per commercial dog walker. Although the supplementary report to Council indicated that Parks, Forestry and Recreation staff had no concerns with this revised annual fee structure, the report was submitted for information and did not include a recommendation to amend it. As a result, the original sliding scale fee structure indicated in the Municipal Code, Chapter 441, Fees and Charges, was not altered. The current fee structure, as adopted by City Council, is depicted below:

#### Number of Commercial Dog Walkers

1	2	3	4	5+
\$200	\$300	\$400	\$500	\$1,000

Because Council may have intended to amend the permit fee structure to a flat rate of \$200.00 per Commercial Dog Walker, a motion was required to re-open this item and refer it back to the Parks and Environment Committee for further consideration. This motion (M144) was introduced at the September 26 and 27, 2007 meeting of City Council by the Chair of the Parks and Environment Committee and was adopted by City Council.

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/m144.pdf>

An amendment to the Commercial Dog Walker Permit fee structure requires a corresponding amendment to the Municipal Code, Chapter 441, Fees and Charges, and also would require the Clerk to give notice of the revised fee structure. Therefore, this matter was referred back to the General Manager of Parks, Forestry & Recreation for a further report to the November 6<sup>th</sup>, 2007 Parks & Environment Committee meeting. The City Clerk was also requested to give public notice of any proposed fee revision, as required under the City of Toronto Act and Municipal Code Chapter 162, Public Notice.

## COMMENTS

### Revised Fee Structure:

The Commercial Dog Walkers' Permit Policy report dated June 19, 2007, originally recommended a range in fees from \$200.00 for an individual walker, up to \$1000.00 for five or more walkers (for larger businesses). As a result of the deputations that occurred at the July 4, 2007, Parks and Environment Committee meeting, those in attendance, including Commercial Dog Walkers felt that a \$200.00 fee for each individual dog walker was reasonable and that the fee structure should be the same for everyone. Accordingly, staff has reviewed this matter and are recommending that the Commercial Dog Walker Permit fee be amended to a flat fee rate of \$200.00 per commercial dog walker and; that the relevant provisions in the Commercial Dog Walker Permit Policy and the Municipal Code, Chapter 441, Fees and Charges, be amended accordingly.

### Permit Display Requirement:

Recommendation 1(a) of Item PE7.4, which Council adopted on July 16, 17, 18 & 19, 2007, amended the Commercial Dog Walker Permit Policy to require that all commercial dog walkers display a Dog Walker permit when walking more than two dogs at a time in a Park. Staff have carefully reviewed this matter and have determined that Council's recommendation conflicts with an existing provision of Municipal Code, Chapter 608, Parks, which allows an individual to bring a maximum of three dogs into a Park, without a permit.

Staff are of the opinion that the requirement for Commercial Dog Walkers to display a permit if they bring fewer than four dogs into a Park will be difficult for Parks, Forestry and Inspections staff to enforce, as they won't be able to distinguish a commercial dog walker from any other member of the public. Also, the commercial dog walkers who have been involved in the development of this policy have contacted staff and expressed concerns and objections to this requirement.

The policy, as originally proposed, would provide staff with sufficient enforcement mechanisms to monitor and control the activities of Commercial Dog Walkers. Therefore, staff are recommending that provision 1(a) of the Commercial dog Walker Permit Policy, requiring a "Commercial Dog Walker to display a Dog Walker Permit when walking more than two dogs at a time", be deleted and; that the Municipal Code, Chapter 608, Parks, be further amended to require Commercial Dog Walkers to display a Dog Walker Permit when walking from four to a maximum of six dogs in a Park at any one time.

Staff will be reporting back in one year's time on the effectiveness of the Commercial Dog Walker Permit Policy, so the provisions of the policy, its enforcement and fee structure will be evaluated and reported on, including any recommendations for improvements.

## **CONTACT**

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## **SIGNATURE**


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Brenda Librecz  
General Manager, Parks, Forestry and Recreation

Attachment 1 – Commercial Dog Walker Permit Policy


## Attachment 1

<b>Commercial Dog Walker Permit Policy</b>	Approved By: Approval Date: Revision Date:	 <b>Toronto</b> Parks, Forestry & Recreation
<b>Policy Statement</b>	To help ensure accountability by limiting the number of dogs allowed under the control of a Commercial Dog Walker to a maximum of six (6) at any one time, while using City parks, greenspaces or waterfront areas.	
<b>Application of Commercial Dog Walker Permit</b>	<p>All Commercial Dog Walkers who walk from four (4) to a maximum of six (6) dogs, at any one time in City parks, greenspaces or waterfront areas must obtain a Commercial Dog Walker Permit.</p> <p>To obtain a Commercial Dog Walker Permit, an individual Commercial Dog Walker is required to:</p> <ol style="list-style-type: none"> <li>1) Apply for the permit in person at any one of the three (3) Civic Centres (Etobicoke, North York, Scarborough), and Toronto City Hall;</li> <li>2) Provide:             <ol style="list-style-type: none"> <li>i) personal identification;</li> <li>ii) <b>completed Application for Commercial Dog Walker Permit</b></li> </ol> </li> <li>3) Provide evidence of Commercial General Liability insurance coverage in the amount of \$1,000,000 for bodily injury, property damage and personal injury liability, and including the City as an additional insured; and</li> <li>4) Ensure that all dogs under their care and control are licensed in accordance with Toronto Municipal Code Chapter 349, Animals.</li> <li>5) <b>Pay the established fee of \$200.00 per Commercial Dog Walker.</b></li> </ol>	

<b>Commercial Dog Walker Permit Policy</b>	Approved By: Approval Date:  Revision Date:	
<b>Conditions for use of City parks, greenspaces, and waterfront areas</b>	<p>While using City parks, greenspaces or waterfront areas the Commercial Dog Walker, or dog walking business agrees to the following conditions:</p> <ul style="list-style-type: none"> <li>• <b>Compliance with <i>Toronto Municipal Code Chapter 608, Parks</i></b>  <a href="http://www.toronto.ca/legdocs/municode/1184_608.pdf">http://www.toronto.ca/legdocs/municode/1184_608.pdf</a> <ul style="list-style-type: none"> <li>○ to abide by existing designated off-leash areas, area boundaries, hours of operation and other related regulations;</li> <li>○ to keep their dogs on leash at all times, unless they are in a designated off-leash area;</li> <li>○ to keep their dogs under their care and control at all times;</li> <li>○ commercial dog walkers who frequent parks where a green bin pilot project exists, shall use the green bins to dispose of dog waste; and</li> <li>○ any other regulations as required by law.</li> </ul> </li> <li>• <b>Compliance with <i>Toronto Municipal Code Chapter 349, Animals</i></b>  <a href="http://www.toronto.ca/legdocs/municode/1184_349.pdf">http://www.toronto.ca/legdocs/municode/1184_349.pdf</a> <ul style="list-style-type: none"> <li>○ dogs must be licenced within the City of Toronto; and</li> <li>○ any other regulations as required by law.</li> </ul> </li> <li>• <b>Permit Requirements</b>  <b>All Commercial Dog Walkers must:</b> <ul style="list-style-type: none"> <li>○ display a Commercial Dog Walker Permit in a visible manner at all times when bringing from four (4) to a maximum of six (6) dogs into a City Park, greenspace or waterfront area; and</li> <li>○ present their permit upon request to a Provincial Offences Officer or Parks, Forestry and Recreation Staff Member</li> </ul> </li> </ul>	

<b>Commercial Dog Walker Permit Policy</b>	Approved By: Approval Date:  Revision Date:	
<b>Prohibitions for use of City parks, greenspaces, and waterfront areas</b>	Commercial Dog Walkers are prohibited from bringing dogs into the following areas: <ul style="list-style-type: none"> <li>• Natural or environmentally sensitive areas including: designated ravines, wooded or savannah areas, sites of natural and/or scientific interest, areas which have undergone significant habitat restoration, wetlands or their buffer zones</li> <li>• Playgrounds, splash pads and wading pools</li> <li>• Horticultural display areas or ornamental gardens</li> <li>• Skateboard bowls, tennis courts and other sports pads</li> <li>• Sports fields and stadiums</li> <li>• Artificial or natural ice rinks, toboggan hills</li> <li>• Animal display areas</li> <li>• Blue Flag designated beaches</li> <li>• Campgrounds</li> <li>• <b>Parks designated as unsuitable for commercial dog walkers</b></li> <li>• <b>Areas posted prohibiting dogs</b></li> </ul>	
<b>Enforcement and Fines</b>	Dog walkers with unlicensed dogs or an invalid licence or tag will be guilty of an offence and will be subject to a fine, as set out in Toronto Municipal Code Chapter 349-10. <a href="http://www.toronto.ca/legdocs/municode/1184_349.pdf">http://www.toronto.ca/legdocs/municode/1184_349.pdf</a>  Dogs walkers who fail to comply with any of the conditions stipulated within Toronto Municipal Code Chapter 608-34 and any of the conditions set out in this Policy will be guilty of an offence and will be subject to appropriate fines in accordance with Municipal Code Chapter 608-34. <a href="http://www.toronto.ca/legdocs/municode/1184_608.pdf">http://www.toronto.ca/legdocs/municode/1184_608.pdf</a>	
<b>Revoked Permit</b>	Repeat offenders of any of the above offences will have their Commercial Dog Walkers permit revoked. <ol style="list-style-type: none"> <li>i. <b>One written warning and one fined offence within a permit year will constitute a repeat offender</b></li> <li>ii. <b>Once a Commercial Dog Walker is identified as a repeat offender, his/her permit will be revoked for a period of six (6) months for a first offence, for a</b></li> </ol>	



<b>Commercial Dog Walker Permit Policy</b>	Approved By: Approval Date:  Revision Date:	
	<p><b>period of one (1) year for a second offence, and permanently thereafter</b></p> <p>iii. <b>Individuals whose fines are under appeal will not have their permit revoked until the appeal is complete and the fine is upheld.</b></p>	
<b>Appeal Process</b>	Commercial Dog Walkers who wish to appeal the revoking of their permit may do so within 30 days, in writing to the General Manager of Parks, Forestry and Recreation.	
<b>Indemnity</b>	All Commercial Dog Walker Permit holders agree to indemnify and save harmless the City of Toronto from any and all loss, liability, damage or costs it may incur arising out of or related to the Commercial Dog Walker Permit holders' activities or the activities of dogs under their care.	