



## STAFF REPORT ACTION REQUIRED

### Banning the Sale of Cats and Dogs in Pet Shops

<b>Date:</b>	May 13, 2011
<b>To:</b>	Licensing & Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2011\Cluster B\MLS\LS11009

#### **SUMMARY**

---

The purpose of this report is to examine whether banning the sale of cats and dogs in pet shops and other retail outlets is an appropriate way to deal with concerns that members of the public submitted to the Licensing and Standards Committee. The submissions proposed this ban in order to address the number of unwanted pets, impulse purchases of cats and dogs in pet stores, the supply and demand for dogs from puppy mills, the overpopulation of feral cats as well as the concerns about the care and treatment of cats and dogs kept in pet stores for sale.

Municipal Licensing and Standards recommends amendments to Article XX, Pet Shops of Toronto Municipal Code Chapter 545, Licensing to clarify requirements for pet shop keepers. In addition, MLS will ensure that establishments are regularly inspected for compliance. MLS does not recommend an outright ban on the sale of cats and/or dogs, which could have a significant negative economic impact on pet shop owners.

The City Solicitor was consulted in the preparation of this report.

## **RECOMMENDATIONS**

---

**The Executive Director, Municipal Licensing and Standards, recommends that:**

1. City Council amend Toronto Municipal Code Chapter 545, Licensing, Article XX, Pet Shops as per Appendix A of this report.

### **Implementation Points**

Pet shop owners shall be notified of the amendments to the by-law provisions. Appropriate MLS enforcement staff shall be notified and trained regarding the amendments and, where beneficial, Licensing Services and Animal Services enforcement staff will be cross-trained on how to better address by-law infractions pertaining to pet shops.

MLS intends to continue to conduct pre-inspections prior to the initial licensing of pet shops. In addition, MLS will conduct subsequent inspections in order to determine that all mandatory supplies and materials are in place for the operation of the business. It will also ensure that the business is in compliance with the by-law, the facilities are kept sanitary and clean, and the animals are being kept and cared for in a suitable manner.

### **Financial Impact**

There is no financial impact for implementing subsequent inspections. There are only 31 pet shops and funding for additional inspections is available in the 2011 Approved Operating Budget for Municipal Licenses and Standards Division.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

The original request to ban the sale of cats and dogs from retail outlets was made to the Licensing and Standards Committee in the following communications: (<http://www.toronto.ca/legdocs/mmis/2010/ls/bgrd/backgroundfile-32590.pdf>) and (<http://www.toronto.ca/legdocs/mmis/2010/ls/bgrd/backgroundfile-33004.pdf>.) On August 13, 2010, The Licensing and Standards Committee referred all communications and submissions received regarding this matter to the Executive Director of Municipal Licensing and Standards with a request to submit a report to the Committee in the new term of Council.

### **ISSUE BACKGROUND**

There were over 30 submissions made to the Chair of the Licensing and Standards Committee in support of banning the sale of cats and dogs in Toronto pet shops and other retail market places. The reasons documented in the submissions included the following:

1. To reduce the number of unwanted pets in Toronto
2. To reduce impulse purchases
3. To address the feral cat population
4. To help promote the humane treatment of cats and dogs

5. To indirectly shut down puppy mills by reducing the demand for a supply of cats and dogs

## COMMENTS

The Provincial government regulates general animal welfare issues through the Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA). The Act sets out basic standards of care for animals, prohibitions regarding causing distress to an animal or otherwise causing harm to animals. The Act also outlines the authority for inspectors or agents of the Society, without a warrant, to enter and inspect any place used for animal exhibition, entertainment, boarding hire or sale in order to determine whether the standards of care prescribed in the Act are being complied with. The Act also applies to pet shops. Inspectors and agents of the Society also have the authority to execute warrants to enter a building or place specified in a warrant with the goal of animal protection. The object of the Society is to facilitate and provide for the prevention of cruelty to animals and their protection and relief therefrom (OSPCA, R. S.O., 1990, c.0.36).

The OSPCA Act gives its Society and its agents and inspectors a great deal of discretion in responding to issues around animal cruelty and animal distress. In addition, the Regulations under this Act outline basic standards of care for all animals, including that every animal must be provided with adequate:

1. Food and water
2. Appropriate medical attention
3. Adequate and appropriate resting and sleeping area
4. Adequate and appropriate:
  - a) Space to enable the animal to move naturally and to exercise;
  - b) Sanitary conditions;
  - c) Ventilation;
  - d) Light; and
  - e) Protection from the elements, including harmful temperatures.

(O.R. 60/90) The regulation also discusses requirements for animals confined to pens or other enclosed structures or areas.

Toronto Municipal Code Chapter 545, Licensing, Article XX, Pet Shops addresses standards for the care and housing for animals being kept in pet shops. It also sets requirements for the overall condition that the pet shop must be kept in. Some of the by-law requirements correspond with or go beyond what is outlined in the OSPCA Act. Examples of the Pet Shop by-law going beyond the requirements set out in the Act regarding care of animals include, but are not limited to:

1. Pet shop owners not keeping animals or birds in crowded quarters or cages
2. Pet shop owners not selling animals that are diseased or unfit for sale
3. Pet shop owner's responsibility to ensure that any animal or bird indicating signs of sickness or disease is examined and appropriately treated within 24 hours of the onset of illness by a veterinarian or other qualified person experienced in the care and treatment of the animal.

4. A pet shop owner's responsibility to ensure that whenever he or she is absent from the pet shop during business hours, that there is an attendant in charge of and responsible for the care and safe keeping of the pet stock.

Banning the sale of cats and dogs in the City of Toronto will not significantly address issues such as reducing the number of unwanted pets in Toronto, reducing the feral cat population, reducing impulse purchases, or decreasing the supply and demand for animals supplied by puppy mills. MLS staff did not find evidence from literature reviews, questionnaire responses or inspections of pet shops to support the concerns cited in various submissions made to the Licensing and Standards Committee. Furthermore, the Municipal Licensing and Standards Division does not have the same type of authority that inspectors or agents of the Society are given under the OSPCA Act to directly deal with animal cruelty issues. However, MLS does have regulations in the by-law that addresses care, sanitary conditions for the pet shop, and the housing of the animals.

Twenty-nine out of 31 licensed pet shops were inspected by MLS in March 2011 (two were found to be out of business on the day of inspection). The inspections found that, overall the pet shops were clean, sanitary and well ventilated, and that the animal housing was generally very good. There were no situations documented that indicated neglect or inhumane treatment of animals. Although the overall inspections of pet shops did not reveal major infractions, there were issues that could be clarified through by-law amendments.

### **Proposed By-law Amendments**

Proposed by-law amendments would apply to all pet shop owners or keepers in the City of Toronto and would address the register concerning dogs and cats to be kept as well as the receipt and certificate of health to be provided. The proposed by-law amendments and background information are as follows:

**§ 545-256 Register concerning dogs and cats to be kept.** (See Appendix A for the amendment)

It is proposed that the by-law be amended to require pet shop keepers to keep a register for cats. The current by-law only requires a register to be kept for dogs. Adding cats will allow for a record to be kept for each cat that comes into the possession of the pet shop keeper. This would also address the concerns outlined in public submissions to the Licensing and Standards Committee that it is unknown where cats and dogs were acquired or that they were obtained through kitten or puppy mills.

The proposed amendment to 545- 256 further sets out that the dog and cat register be kept in a format satisfactory to the Executive Director of Municipal Licensing Standards. This amendment was proposed because MLS pet shop inspections revealed that not all pet shops that sold dogs kept a dog register as prescribed by the by-law and those pet shops that did keep a dog register did not always capture all the required information. Inspections also revealed that information kept for the register was not always easily accessible.

An implementation strategy for MLS would be to provide a sample register template for pet shop keepers and to perform regular inspections of registers to ensure that they are being kept in the manner prescribed.

Note: 545-256 A, should be amended by deleting the words "written in ink, in a plain, legible hand" This removes the requirement for the register to be kept only in a written format. 545-256 B, should also be amended to reflect the change from "Commissioner" to "Executive Director."

**§ 545-255. Receipt and certificate of health to be provided upon sale or disposal of dogs and cats.** (See Appendix A for the amendment)

Amend the by-law to require every pet shop keeper to post, in a conspicuous place, a notice provided by the Municipal Licensing and Standards Division advising customers of the required content of the receipt currently required by 545-255. The current by-law stipulates that the pet shop keeper shall give the purchaser of a cat and dog a receipt showing:

1. The date of the sale,
2. The sale price,
3. The breed or cross-breed,
4. The sex of the animal,
5. The age of the animal,
6. A description of the animal, including colour and placing of markings, if any, and
7. An up-to-date certificate of health from a veterinarian of the dog or cat being purchased.

Purchasers may not be aware that they are entitled to this information. By requiring shop keepers to post a notice, it would inform customers that they are entitled to background information about their cat and dog and, if the information is not offered, they will know that they can ask for it. In addition, having the notice posted may encourage pet shop keepers to voluntarily provide the purchasers with the required information.

### **What is Currently Happening in Toronto Pet Shops**

In order to examine the scope and the severity of the concerns outlined in various submissions to the Licensing and Standards Committee by the public regarding the care and conditions of cats and dogs, their origin and health history in Toronto pet shops, MLS did the following:

1. Distributed a questionnaire to licensed pet shop owners in the City of Toronto. (The questionnaire was accompanied by a letter informing them about the request made to the Licensing and Standards Committee in August 2010 to ban the sale of cats and dogs in Toronto pet shops and other retail market places. They were also informed of when this issue would be addressed by the Committee).
2. Conducted inspections of licensed pet shops
3. Identified and conducted inspections of unlicensed pet shops in Toronto

As of February 15, 2011, there were 30 licensed pet shops in Toronto. In order to identify and gain a better understanding of the issues related to animal care and conditions in pet shops, MLS staff developed and distributed the aforementioned questionnaire which focused on the following:

1. Identifying pet shops that sell cats and/or dogs
2. Identifying where pet shop owners/operators obtain their supply of cats and dogs for sale
3. Identifying how much information pet shop owners/operators had about the supplier and the medical history of the cats and dogs they sell
4. Identifying whether or not the pet shop owners/operators provided guarantees on their cats and dogs and/or refunds
5. Identifying what is generally being done by pet shop owners/operators to ensure the care and safety of the cats and dogs for sale
6. Determining the percentage of business revenue that is attributed to the sale of cats and dogs in each pet shop
7. Identifying the implications that a ban would have on pet shops operating in Toronto

### **Summary of Questionnaire Responses**

MLS received eight responses from the 30 pet shops sent questionnaires. Two companies with multiple stores submitted one questionnaire to address their multiple locations (these questionnaires account for an additional five responses). The following information was gathered:

1. Of the pet shop owners who responded to the questionnaire, four indicated that they sold cats and five indicated that they sold dogs. One company with multiple stores indicated that they did not sell cats or dogs but did make them available for adoption in their stores.
2. When pet shop owners/operators were asked what percentage of their business depended on the sale of cats or dogs, of those who did sell cats and/or dogs the percentage ranged from 2% to 50%.
3. Three pet shops indicated that they received their cats from breeders and five indicated that they received their dogs from breeders. Four pet shops indicated that they accepted kittens from the general public, some of which were unplanned reproductions and/or abandoned.
4. Other pet shops indicated that they donate space in their store(s) and partner with local adoption groups and humane organizations to facilitate adoption of dogs and cats.
5. Overall four pet shops researched and visited their cat supplier's place of business and five pet shops did the same for their dog suppliers. Some pet shops indicated in their questionnaire that their supplier provided a guarantee on the animal (that they were free from congenital disease or illness). Some

of the suppliers to the pet shop owners did provide them with veterinary records outlining health checks, vaccines, de-worming etc.

6. Four pet shops indicated that they provide refunds and guarantees on the cats that they sell while five indicated that they provide refunds and warranty on their dogs. The guarantees offered varied. They generally covered health of the cat and/or dog (such as genetic and/or life threatening defects). One pet shop provides the customer with an option to have the animal examined by their own veterinarian at their own expense within four business days. If the animal is found in poor health, the customer is able to exchange the animal. Other shops offered one-year guarantees for the health of animals others; only offered three days.

### **Comments and Concerns Raised in the Questionnaire Responses**

Pet shop owners were given an opportunity to provide additional comments on their questionnaire. Some of the concerns expressed were:

"Educating pet parents is the key to fostering responsible pet ownership, and an outright ban on pet sales at pet shops would negatively impact responsible pet parents who wish to own pure-bred dogs and cats."

"...public education on pet adoptions and the humane care of animals would be more effective tactics in attacking the issue [of reducing the number of unwanted cats and dogs]."

"I think a significant part of the puppy mill problem is not associated with the sale of dogs in pet shop," the respondent argues that classified ads for "home bred" dogs are of concern and that the health of those animals is suspect.

"To ban the sale of such animals [cats and dogs] is to force all [pet] stores to become pet supply stores, and there is no shortage of pet supply stores."

### **MLS Inspections of Pet Shops**

In order to determine the overall condition of pet shops and the condition that cats and dogs were kept in, an MLS Animal Care and Control Officer and a Licensing Enforcement Officer conducted joint inspections of both licensed and unlicensed pet shops in the city. The licensed pet shops were determined from the MLS business licensing system and the unlicensed pet shop list was generated mainly from an internet search through 411 Canada. There were 38 pet shops not in the licensing system that were flagged for inspection, as their name or description posted online indicated that they might sell cats/and/or dogs. The unlicensed pet shops were inspected using the same procedures as the licensed pet shops.

### **Summary of Licensed Pet Shop Inspections**

The inspections revealed that generally licensed pet shops were maintained in a clean, sanitary and well ventilated manner; however of the 29 pet shop inspections carried out there were two inspections where the pet shop was not clean and sanitary and four

situations where it was noted that ventilation was an issue. For pet shops that did sell cats and dogs the following was noted in the majority of the inspections:

1. Veterinary care was available for sick animals
2. The pet shop keeper had a means of isolating sick animals
3. Housing was clean, sanitary and well lit
4. Housing enclosure size was adequate
5. Food and water containers were available
6. Food and water were available

Based on the inspections carried out, the most common offence under the by-law was that pet shop keepers were not keeping a dog register in accordance with the guidelines of the by-law, or all the required information was not documented. Where appropriate, enforcement activities were carried out during the course of the pet shop inspections in order to get compliance with the by-law. It is however important to note that the majority of enforcement actions taken during the inspections were administrative violations, not directly related to the condition or care of cats and dogs in pet shops.

Overall, inspections also revealed that seven pet shops sold cats and nine sold dogs, while four shops made cats and dogs available for adoption. These numbers are more accurate than the totals from the questionnaire because not all pet shop owners responded to the questionnaire, however all licensed pet shops were inspected. Based on the pet shop inspections it can be concluded that few licensed pet shops in Toronto sell cats or dogs.

**Note:** there was an additional pet shop licensed by the time the inspections commenced and was inspected.

### **Summary of Unlicensed Pet Shop Inspections**

Inspections of unlicensed pet shops were conducted in order to determine if they were contributing to issues of care and conditions of cats and dogs as outlined in various submissions from the public to the Licensing and Standards Committee. From the list of 38 unlicensed businesses, there were seven operating as a pet shop. The majority of the businesses identified for inspections as unlicensed pet shops were either out of business, sold supplies and/or offered pet services.

Inspections of the seven unlicensed pet shops operating revealed that two sold dogs while the others sold birds, fish, reptiles, guinea pigs and rodent feeders. In general, the overall conditions of the business establishments were clean, sanitary and well ventilated. The two pet shops that sold dogs provided clean, sanitary and well lit housing along with water and feed. However one pet shop had a broken ventilation system at the time of inspection.

MLS staff issued Notices of Violations and performed other appropriate enforcement activities as prescribed in the by-laws related to operating without a licence.



## **What the City of Toronto is Doing to Address the Unwanted Cat and Dog Population**

Toronto Animal Services is part of the Toronto Feral Cat Trap-Neuter-Return Coalition. This Coalition was formed as a response to the cat overpopulation problem in Toronto. In July 2010 TAS began sterilizing feral cats in identified colonies that were managed by colony caretakers from the public. In 2010 TAS sterilized 214 cats under the Trap-Neuter-Return (TNR) program. TAS temporarily stopped performing sterilizations in November 2010 due to cold weather, as these cats are released back to their colonies and it would not be advantageous for the animals to recover from surgery in cold temperatures. The TNR program was started up again in March 2011. Within this timeframe TAS has performed 71 sterilizations under the TNR program.

In addition to working with the Toronto Feral Cat Trap-Neuter-Return Coalition, TAS also offers a sterilization clinic for spaying and neutering cats owned by residents of Toronto. Furthermore, in 2007 TAS began sterilizing adult cats and dogs prior to making them available for adoption. Additionally, in 2010, TAS initiated sterilizing all kittens and puppies prior to adoption. These initiatives demonstrate TAS' work towards helping to reduce the number of unwanted cats and dogs in Toronto, decreasing the reproduction of unwanted animals, and facilitating the adoption of unclaimed, abandoned and surrendered animals.

## **Pet Ownership in Canada**

Fifty-five percent of Canadian households have at least one cat or one dog, and thirty-six percent of Canadian household own cats, while 32% own dogs (Ipsos Reid 2008, The Business of Urban Animals).

According to the same study the top four ways households acquired their cats were

1. Friends or relatives (24%)
2. Humane society /shelter (17%)
3. Adopted a stray (16%)
4. Give away/free to a good home (14%)

Only 9% of cats were acquired through a pet store and 5% came from a breeder.

Approximately 65% of cats came from places other than pet shops, breeders and humane society/shelter.

The top four ways households acquire their dogs as cited by Ipsos Reid were

1. Breeder (35%)
2. Friends/relatives (18%)
3. Humane society/shelter (13%)
4. Give away/free to a good home (11%)

Ten percent of dogs were acquired through a pet store.

Approximately 35% of dogs were acquired from places other than pet shops, breeders and humane society/shelter (Ipsos Reid 2008).

The Ipsos Reid study also revealed that many cats are obtained because they are given away for free or are given away by friends or relatives. The study also revealed that 66% of cats cost nothing while 32% of dogs cost nothing. The Ipsos study estimates that the

mean price of a cat was \$53 while the mean cost of a dog was \$286. The cost of dogs is significantly higher than cats, which may indicate that dogs are not purchased on impulse.

## **Conclusion**

Although studies show that 9% of cats and 10% of dogs are acquired through pet stores, the vast majority come from other sources. The majority of cats are acquired from friends/relatives or are free/giveaways, while over a third of dogs come from breeders. Staff did not find evidence to support the belief that the majority of unwanted cats and dogs are impulse purchases from pet shops or that pet shops obtain their dogs or cats from puppy and kitty mills. This conclusion is further reinforced in the questionnaire responses from pet shop owners who reported that they obtained their cats and dogs from breeders and that some obtained their cats from the public (making them available for adoption). Furthermore, pet shop owners who reported selling cats and/or dogs indicated that 2% to 50% of their business revenue came from the sale of cats and dogs.

The inspections of 29 licensed pet shops further indicated that there is not a significant number of cats or dogs offered for sale in Toronto pet shops. Seven pet shops were found to sell cats and nine were found to sell dogs.

Imposing a ban on the sale of cats and dogs in pet shops may result in unintended negative impacts by encouraging people to purchase these animals from unregulated sources, such as personal ads online or in newspapers, or by people going to neighbouring municipalities to purchase their cats and dogs. Furthermore, a ban may inadvertently force existing pet shops to become more focused on selling pet supplies and may cause them to not be able to meet the needs of their customers who want to purchase cats and dogs.

## **CONTACT**

Dawn-Marie Morgan  
Policy and Research Consultant  
Municipal Licensing and Standards  
Phone: (416) 397-5464  
Fax: (416) 397-5463  
Email: [dmorgan1@toronto.ca](mailto:dmorgan1@toronto.ca)

## **SIGNATURE**

---

Jim Hart  
Executive Director, Municipal Licensing and Standards

## **ATTACHMENTS**

Appendix A: Proposed Amendments to Chapter 545, Licensing

Appendix A: Proposed Amendments to Chapter 545, Licensing

Delete 545-255 and replace with the following

**§ 545-255. Receipt and certificate of health to be provided upon sale or disposal of dogs and cats.**

- A. Whenever a keeper sells or otherwise disposes of a dog or cat, he or she shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description, including colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat.
- B. Every keeper who is obliged to provide a receipt showing the matters set out in 545-255(a) shall post, in a conspicuous place, a notice provided by the Municipal Licensing and Standards Division advising customers of the required content of the receipt.

Delete 545-256 and replace with the following

**§ 545-256. Register concerning dogs and cats to be kept.**

- A. Every keeper shall keep a register, in a format satisfactory to the Executive Director of Municipal Licensing Standards in which shall be entered in the English language, a record of each dog and cat purchased or otherwise obtained. Each entry shall be made at the time each dog or cat comes into such keeper's possession, and shall include, in addition to the date of purchase, a full description of the dog or cat, together with the name, address and description of the person from whom it was purchased or otherwise obtained. The keeper shall retain the register in respect of each such transaction for the period of 12 months thereafter.
- B. Every keeper shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the Municipal Licensing and Standards Division, or any person designated by the Executive Director, at all times during business hours and shall make it available to be removed at any time for inspection or for use in the courts, if necessary. The keeper shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from his or her premises for this reason.