

Final Recommendations on the UrbanHensTO Backyard Hens Pilot Program

Date: March 10, 2022

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report outlines findings from a final review of the UrbanHensTO backyard hens pilot program. The report recommends that the program be made permanent and expanded city-wide based on the successful results of the pilot. Overall, there have been no significant issues with the pilot program and complaints related to the pilot and hen keeping city-wide have been low. The program has provided benefits to participants such as access to fresh local eggs, educational opportunities related to food systems and urban agriculture, and has supported mental health, as noted by program participants.

There is public support for hen keeping among Toronto residents and the majority of stakeholders consulted support program expansion. Additional resources and enhanced registration requirements for hen owners (for example, annual flock registration and cost recovery fees, a pro-active site inspection, and required education) are recommended in this report. It is anticipated that the proposed additional requirements, in addition to the existing terms and conditions of the pilot program, will mitigate nuisance, public health, and animal welfare concerns related to expansion.

Expanding the program city-wide will increase equitable geographic access and allow more diverse neighbourhoods to participate. To further improve equitable access, staff are also recommending community hen keeping projects be considered on a case-by-case basis, in partnership with other City divisions and community organizations to help address individual cost barriers and allow residents without sufficient private outdoor space to participate in the program.

Toronto Municipal Code Chapter 349, Animals, currently prohibits animals in the order Galliformes (which includes hens), with the exception of hens registered under the UrbanHensTO pilot program. The UrbanHensTO pilot program began on March 2, 2018 and allows registered households to have up to four hens for the purposes of enjoyment and personal egg production; roosters are prohibited and hens cannot be raised as

livestock to eat. The pilot program applies to four former City of Toronto wards (Wards 5, 13, 21, and 32). As a result of ward changes in 2018, the program currently applies to some parts of Wards 2, 3, 4, 8, 12, 14, and 19. Following City Council's decision in December 2020 to extend the pilot for one additional year, the pilot will expire on March 31, 2022.

City staff undertook a final review of the pilot program beginning in late fall 2021. The review included consultations with various City divisions as well as food policy and animal health and welfare stakeholders. Public opinion research and a public survey to solicit feedback on the future of the program were also conducted. Key considerations during the review included impacts on food security and food sovereignty, access to veterinary care, animal health and welfare, public health and nuisance, and equity impacts.

Staff recommend that bylaw amendments come into effect as of April 1, 2023 to implement the city-wide permanent backyard hen-keeping program, and that the current pilot program be extended until this date.

This report was developed in consultation with Toronto Public Health.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend City of Toronto Municipal Code, Chapter 349, Animals, as follows:

Creating a permanent city-wide UrbanHensTO program

1. Add the following definitions to Section 349-1:
 - a. COOP: a fully-enclosed weatherproof structure where hens are kept and the interior of which includes enough nest boxes for egg laying, perches for hens to roost on and food and water containers for the number of hens being housed.
 - b. HEN: Means a domesticated female chicken that is at least four months old.
2. Amend section 349-4.1 as follows:
 - a. Replace "pilot program" with the word "program" throughout.
 - b. Replace current wording in subsection A that established the pilot program with "The Executive Director is authorized to establish a program to permit the keeping of hens in accordance with this section".
3. Remove the restricted zones for the hens program, and remove Schedule B - ZONES FOR HENS PILOT PROJECT

Enhanced program requirements

4. Amend section 349-4.1B to specify that participants in the program must either be the owner or lawful occupant of the property where the hens are to be kept or have

written approval from the owner of the land where the hens will be kept, and amend the section's requirements to recognize both kinds of program participants.

5. Amend section 349-4.1B(3) to clarify that apartment or condominium units or properties without sufficient outdoor space to house hens as determined by the Executive Director are not permitted to register or participate in the program.

6. Amend section 349-4.1B(5), which permits City staff to attend and inspect a property registered in the program, to require that registered participants pay a re-inspection fee in accordance with Municipal Code Chapter 441, Fees and Charges for any re-inspection of their hen enclosure property.

7. Add a new subsection to 349-4.1, B.1 Registration, that contains the following registration and program requirements for participation in the permanent UrbanHensTO program:

- a. No person shall keep hens in the City unless they have registered in accordance with this section.
- b. A person wishing to keep hens shall register for each property where hens are to be kept every 12 months and shall pay the specified registration or renewal fee.
- c. Require that a registration application contain the following information:
 - i. the applicant's name and contact information, including the address where the hens will be kept, e-mail address and telephone number;
 - ii. where the applicant is not the owner or lawful occupant of the property where the hens are to be kept, written approval from the property owner permitting hens to be kept at the property;
 - iii. the number of hens to be kept at the property;
 - iv. whether the hens kept at the property are rented, and if so, the name of the rental company and contact information for the rental company and the duration that the hens will be rented;
 - v. a site-plan showing the dimensions and location of the outdoor hen enclosure including a coop, on the property, the distance between the outdoor hen enclosure and other buildings and property boundaries, and any other information required by the Executive Director;
 - vi. proof of completion of a hen keeping education course approved by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to the satisfaction of the Executive Director; and
 - vii. any other information required by the Executive Director.

d. Require that registered participants update the City immediately with respect to any change to information provided in their registration application.

e. Require that on receipt of a registration application, an inspection of the property as required by the Executive Director shall be completed prior to the applicant being permitted to keep any hens.

f. Allow the Executive Director to refuse an application if the application does not comply with section 349-4.1, the requirements or the standards established by the Executive Director are not met, the applicant has not paid the required fees, the application contains false or misleading information, or if approval would jeopardize public health, the health of the hen or cause community disruption.

Seizure, impoundment and redemption of hens

8. Add a new sub-section, 349-4.1F to include the following seizure and impoundment provisions:

a. Any hen found at large contrary to the provisions of this chapter may be seized and impounded by the Executive Director.

b. Where, in the opinion of the Executive Director, a hen seized under Subsection (1) is injured or ill and should be euthanized without delay for humane reasons or the safety of persons, the hen may be euthanized by the Executive Director without permitting any person to reclaim the hen.

c. Any hen seized by the Executive Director under Subsection (1) shall be impounded for a minimum period of 24 hours from the time of its impoundment, exclusive of the day on which the hen was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the hen.

d. If a hen is not redeemed within the time period referred to in Subsection (3), the hen shall become the property of the City and the City may:

- i. Transfer ownership of the hen; or
- ii. Euthanize the hen.

e. Where a hen is seized and impounded by the Executive Director under Subsection (1), a daily impoundment fee for daily care, feeding and sheltering shall be paid by the owner to the Executive Director, in advance of redeeming the hen, for the amount specified in Chapter 441, Fees and Charges;

f. Where a hen seized and impounded by the Executive Director under Subsection (1) is injured or ill and receives veterinary care necessary for the well-being of the hen, the Executive Director shall, in addition to any amount charged pursuant to Subsection (5), be entitled to charge the person claiming the hen under this article the cost of the veterinary care to the Executive Director.

Suspension of permits

9. Amend section 349-4.1D to authorize the Executive Director to suspend any participant from the program for the duration of their current registration period who, in the opinion of the Executive Director, is not in compliance with section 349-4.1, the program or standards established by the Executive Director and/or has taken any action or failed to take any action that has jeopardized public health, or the health of a hen, or caused community disruption.

Extending the current pilot program until Bylaw changes come into effect

10. Add a provision that any person registered under the current hens pilot program may continue to keep hens provided they register under the new hens program by April 1, 2023, and have a site inspection completed by Toronto Animal Services, and complete the education course by April 1, 2024.

2. City Council direct the Executive Director, Municipal Licensing and Standards to establish standards for community hen keeping projects (where the program participant is not the owner or lawful occupant of the property where the hens are to be kept, is not keeping hens in a backyard, and is keeping hens to support community goals.) under the Executive Director's authority in section 349-4.1C and direct that registration and inspection fees not be charged for such registered properties.

3. City Council amend City of Toronto Municipal Code, Chapter 441, Fees and Charges, as follows:

Table 1: Recommended hen keeping licensing fees be included in Chapter 441.

Ref. No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
New	Pet Licence Issuance	Amount for registration of a backyard hen flock.	Full Cost Recovery	Per application	\$151.00	Yes
New	Pet Licence Issuance	Amount for backyard hen flock renewal	Full Cost Recovery	Per renewal	\$34.00	Yes
New	Pet Licence Issuance	Re-Inspection fee: backyard hen enclosure	Full Cost Recovery	Per inspection	\$111.50	Yes
New	Pet Licence Issuance	Impound fee hen. The first day of care in the animal shelter	Market Based	1st 24 Hours Or Part thereof per animal	\$30.00	Yes

Ref. No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
New	Pet Licence Issuance	Impound fee hen. The daily care, food and board of animal.	Market Based	Subsequent per Diem per animal	\$10.00	Yes
New	Shelter and Care	Protective Care hen	City Policy	1st 24 Hours Or Part thereof per flock	\$40.00	Yes
New	Shelter and Care	Protective Care hen	City Policy	Subsequent per Diem per flock	\$10.00	Yes

4. City Council direct that the amendments to City of Toronto Municipal Code Chapter 349, Animals, and Chapter 441, Fees and Charges, described in recommendations 1 to 3 come into effect April 1, 2023, and that the current pilot project in section 349-4.1 be extended until March 31, 2023.

5. City Council direct the City Solicitor to prepare the necessary bill(s) required to give effect to Council's decision and to make any necessary minor substantive or stylistic refinements as may be identified by the City Solicitor.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impacts on the 2022 budget; however, recommendations related to the expansion and enhancement of the UrbanHensTO program will have future financial impacts.

Municipal Licensing and Standards (MLS) projects that program implementation costs in 2023 may have a total annualized impacts of up to \$347,000 on the operating budget. These costs are associated with hiring up to three additional Animal Control Officers.

MLS projects that in the first two years of the program, registration revenues will be \$211,400, with \$62,440 additional revenue from re-inspection fees. After the first two years, MLS projects annual revenue of \$47,600 from licensing renewal fees based on the proposed fees and projected program uptake.

MLS will request the funding required to implement the program through the 2023 operating budget process for consideration. This request may be combined with any budget requests for additional staff resources arising from the review of Chapter 349,

Animals report expected at an upcoming 2022 Economic and Community Development Committee meeting.

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

EQUITY IMPACT

Program Access

Access to the current UrbanHensTO backyard hens pilot program is limited to residents who live within the pilot areas in parts of Wards 2, 3, 4, 8, 12, 14, and 19. In general, these areas are not areas within Toronto with a high proportion of residents who are members of a visible minority group (see [City of Toronto: The Changing Landscape of Toronto's Population](#), pages 26 - 28 for additional information and visuals). Residents outside of the pilot areas do not have a way to legally raise hens for the purpose of personal egg production.

Additionally, the UrbanHensTO program requires residents to have access to an outdoor private yard large enough for a hen enclosure while meeting zoning and setback requirements. As a result, a significant number of Toronto residents would still not have access to the UrbanHensTO program. For example, according to the City's [Resilience Strategy](#), released in 2019, apartment buildings make up a large part of the City's rental stock, with over 500,000 Toronto residents living in apartment towers. Many families, newcomers, seniors, vulnerable individuals, and Black, Indigenous and People of Colour (BIPOC) disproportionately reside in apartment towers. Approximately 40% of families living in apartment towers are low income and would experience barriers to access the UrbanHensTO program.

Program Cost

The start-up and operating costs associated with hen keeping may be a barrier, particularly for households that are classified as low-income. Results of a City hosted survey of households registered in UrbanHensTO indicate that the average overall cost to participate in the program is about \$1,377 per household. When asked to indicate their household income, 67% of respondents had household incomes higher than \$100,000, with 40% stating that their household income was \$150,000 per year or more.

Food Security and Food Sovereignty

All individuals and families deserve to have access to affordable, sufficient, safe, nutritious, and culturally appropriate food. The City recognizes the challenges and barriers contributing to rising food insecurity and accessibility challenges for vulnerable populations in Toronto. Almost 1 in 5 households in Toronto are food insecure, and the need for food has increased during the COVID-19 pandemic. City staff heard from stakeholders that the UrbanHensTO program can support food security and food sovereignty in Toronto.

In 2015, City Council approved the [Toronto Poverty Reduction Strategy \(PRS\)](#), a comprehensive 20-year strategy to mitigate the effects of poverty, which identifies

specific, strategic interventions to address immediate needs, create pathways to prosperity, and drive system change for those living in poverty in Toronto. Food access and food security is a central pillar of the Strategy and, as such, supports and aligns well with the proposed expansion of the UrbanHensTO program.

In October 2021, City Council approved Toronto's [Black Food Sovereignty Plan](#). The Plan provides a community-driven initiative to advance food security, health promotion, and stronger local food systems to address food access and food equity issues disproportionately impacting Black residents (for example, addressing diet related health concerns such as diabetes and mental and physical health). Recommendations in the Plan range from sustainable funding and community capacity building, increasing access to growing space (e.g. repurposing land to promote stewardship and urban agriculture initiatives), expanding access to food infrastructure (e.g. community and incubator kitchen spaces, food education opportunities), and delivering culturally rooted community health and nutrition programs.

Expanding the UrbanHensTO program across Toronto could help advance the pillars of the Black Food Sovereignty Plan by providing opportunities for education on food systems and urban agriculture, and would also allow more diverse neighbourhoods to access the program. It is also important that the City support community hen ownership initiatives to help address individual cost barriers and allow residents without access to sufficient private outdoor space to participate.

DECISION HISTORY

On October 2, 2017, City Council adopted, with amendments, LS20.1, Prohibited Animals Review, authorizing the Executive Director, MLS, to develop and implement a pilot program permitting backyard hens in (former) Wards 5, 13, 21 and 32 for a period of up to three years. Staff were directed to report back at the end of the pilot.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS20.1>

On May 28, 2020, City Council adopted, with amendments, CC21.1, City of Toronto Service Restart and Recovery Update, which provided an update on the City's COVID-19 emergency response and City recovery and rebuild efforts. Staff were asked to expedite the UrbanHensTO pilot program review from a food security perspective.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.1>

On December 16, 2020, City Council adopted, with amendments, EC18.13, Extending the UrbanHensTO Backyard Hens Pilot Program for One Additional Year, changing the pilot program's end date from March 31, 2021 to March 31, 2022 and requesting a report back to the Economic and Community Development Committee on final recommendations related to the program. Staff were asked to consult with relevant City divisions as well as the Toronto Food Policy Council, FoodShare Toronto, the public, and community organizations <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EC18.13>.

COMMENTS

As directed by City Council in fall 2017, Municipal Licensing and Standards (MLS) established the UrbanHensTO pilot program on March 2, 2018 and allowed residents within the pilot areas to have up to four hens for the purpose of enjoyment and personal egg production. The pilot was originally intended to end on March 31, 2021; however, in December 2020, City Council adopted a staff recommendation to extend the pilot to March 31, 2022.

Staff undertook an initial review of the pilot program in summer and fall 2020, and found that while there have not been any significant issues with the UrbanHensTO pilot program, there were additional factors to be considered prior to making final recommendations. These factors included:

- examining whether sufficient staff resources exist to support program expansion;
- determining the extent to which UrbanHensTO supports food security and food sovereignty in Toronto;
- further assessing the likelihood of increased pest and predator concerns;
- monitoring for potential risks of bacteria and disease outbreaks;
- reviewing the lack of veterinarians in Toronto accredited to care for hens; and
- assessing the program through an equity lens to understand inequities and inform next steps.

This report outlines findings from a final review of the UrbanHensTO program, including considerations for those areas identified in the December 2020 report. The report recommends that the UrbanHensTO program be made permanent and expanded across Toronto with sufficient staff resources and enhanced registration requirements to ensure its success.

Pilot Program Overview

The UrbanHensTO pilot program was designed to allow households in select areas to raise hens on their property for the purposes of enjoyment and personal egg production. See Attachment 1 for a full list of the pilot program's terms and conditions. Key program requirements include:

- A maximum of four hens are permitted and roosters are prohibited.
- Hens must be at least 4 months old when acquired (to ensure that the chick is not a rooster and reduce the likelihood of abandonment once they are no longer chicks).
- Hens are to be kept as pets and for enjoyment and personal egg production; selling or providing any part of a hen, its eggs, or manure is not permitted.
- Hen breeding or fertilizer production for commercial purposes is not allowed.
- Coops may not be in the front yard and must follow zoning/setback requirements
- Coops must have at least 0.37 square metres of floor area per hen, a perch for each hen of at least 20 centimetres in length, and a nest box suitable for the number of hens kept.

- The coop must be predator-proof, and in an odour-free, neat, and sanitary condition.

The UrbanHensTO pilot was introduced through a motion during City Council and the pilot area was determined based on which Councillors moved to opt-in to the pilot program at the time. The pilot area therefore includes four former City of Toronto wards (Wards 5, 13, 21, and 32). As a result of ward changes in 2018, the program currently applies to some parts of Wards 2, 3, 4, 8, 12, 14, and 19 (see map below).

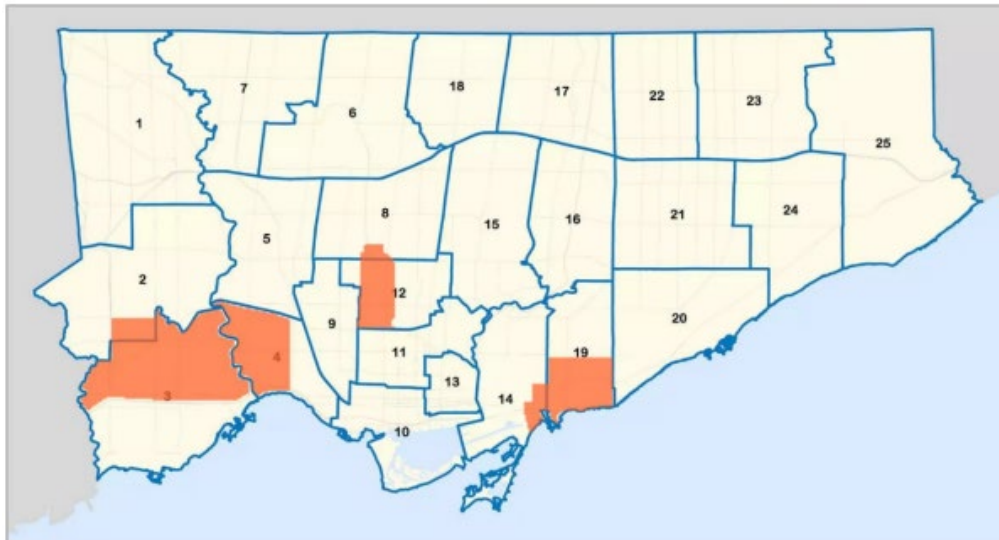


Figure 1: Map of current boundaries of the UrbanHensTO: Backyard Hens pilot program

Administration

The UrbanHensTO pilot program is administered by Toronto Animal Services. Program registration is done by the team that processes pet licences. The pilot program was not based on a cost-recovery model and it was implemented and managed within existing staff resources. Registration is one-time and not renewed annually; as a result, the exact number of active households still participating in the program is unknown. The City does not currently charge a registration fee and staff do not conduct a site inspection as a condition of registration. Enforcement investigations are complaint based.

Program Registration

Since the pilot program began in March 2018, 307 hens in 102 households have been registered in the pilot. The number of registrations was highest at the start of the program. Notably, there were moderate increases in registrations in spring 2020 and spring 2021. As noted above, the pilot program had one-time registration, so not all registered households are still keeping hens. Staff estimate that about two thirds of registered households are still participating in the pilot. Should the hens program be made permanent and expanded city-wide, staff recommend an annual registration requirement.

Program Review and Evaluation

Complaints Data

Properties registered with the pilot program

The number of service requests (complaints) related to hen keeping on properties registered with the pilot program has been low, which is consistent with the small scope of the program. Between the start of the program and January 26, 2022, a total of five chicken-related service requests were received for registered properties; two were related to shelter standards, two were for unsanitary conditions, and one was related to hen care. During this time, one property standards complaint related to presence of rodents was also received for a registered property.

Properties not affiliated with the pilot program

Toronto Municipal Code Chapter 349, Animals prohibits keeping chickens, except for those registered with the pilot program, and as a result, most chicken-related complaints received for properties not involved with the pilot are for chickens as a prohibited animal. Annual chicken-related service requests have increased from 2018 to 2021. This may indicate increasing demand for hen keeping throughout the City, and expanding the hens program may help enable bylaw compliance.

Table 2: Chicken-related service requests for properties not affiliated with the UrbanHensTO pilot program, from 2018 to 2021.

Type of Service Request	Number of Service Requests				
	2018	2019	2020	2021	TOTAL
Prohibited Animal	61	54	108	124	347
Stray Chicken	23	20	22	31	96
Injured Chicken	2	5	6	10	23
Animal Care	0	1	1	3	5
Owner Surrender	0	0	2	0	2
Extreme Weather	0	0	1	0	1
TOTAL	86	80	140	168	474

The City also receives and tracks nuisance-related and property standards service requests for chickens. The number of nuisance-related service requests resulting from hen keeping (whether in relation to the pilot program or not) have been low. Since 2018, the City has received two service requests related to unsanitary conditions (odour) and three service requests related to noise. It is important to note that there may also be nuisance-related concerns associated with the complaints for chickens as a prohibited animal that are not captured in the data. Since 2018, a total of 12 property standards complaints have been received related to hen keeping on properties not affiliated with the program, seven of which specifically referenced issues with rodents.

Research and Consultation

As part of the review, staff completed a scan of 25 Canadian and American cities to determine which jurisdictions allow backyard hens and to compare program requirements. Staff also procured a third-party vendor to conduct demographically representative public opinion research to better understand opinions of Toronto residents about the UrbanHensTO program and urban hen keeping generally. An online

public survey was also hosted by the City and staff consulted with internal and external stakeholders to understand both the current and potential impacts of the program.

These findings informed recommendations of this report. Key highlights include:

- Of the 25 jurisdictions reviewed, 16 permit backyard hens under similar conditions to the UrbanHensTO program. There are backyard hen programs in Brampton, Guelph, Kingston, Niagara Falls, Vancouver, Victoria, and Edmonton, and since December 2020, Waterloo, Kitchener, Halifax and Calgary have allowed hen keeping and the City of Mississauga approved a pilot project.
- From the public opinion research it was found that 62% of residents agree or somewhat agree that the City should allow residents across Toronto to keep hens under similar conditions as those for the pilot program. 63% of residents agree that hen owners should be required to register their hens and pay a registration fee.
- There were approximately 2900 respondents to the online public survey. 97% of program participants and 77% of general public respondents agree or somewhat agree the pilot program should be expanded across Toronto.

A detailed summary of that research and consultation results can be found in Attachment 3.

Key Review Considerations

Food Security and Food Sovereignty

The City recognizes the challenges and barriers contributing to rising food insecurity and accessibility challenges for vulnerable populations in Toronto. In May 2020, City Council requested that staff expedite the UrbanHensTO pilot program review from a food security perspective. In the December 2020 report to extend the pilot program by one-year, MLS conducted a preliminary assessment of potential impacts to food security and sovereignty and noted it as a factor for further consideration during the final review, alongside consultation with food stakeholders. Food insecurity refers to the inadequate or insecure access to food, and is often the result of inadequate access to income. Almost 1 in 5 households in Toronto are food insecure, and the need for food has increased during the COVID-19 pandemic. As described in the [Toronto Black Food Sovereignty Plan](#), food sovereignty is the right people have to healthy and culturally-appropriate food and their right to define their own food and agriculture systems and build their own institutions to advance community capacity and resilience for food access

As part of the review, City staff hosted a roundtable discussion with food policy stakeholders, all of whom supported city-wide expansion of the UrbanHensTO program. Many of these organizations have heard from residents outside the current pilot area who are interested in keeping backyard hens.

As noted above in the Financial Impact section, the cost to properly keep urban hens is high, and in most circumstances purchasing eggs from a grocery store would be more cost effective. However, despite costs, food policy stakeholders emphasized the positive impacts hen keeping could have on food security and food sovereignty by allowing people to have a sustainable food source and providing an opportunity to learn

more about the food system, which is of increased interest given the effects COVID-19 has had on food supply chains and food prices. Stakeholders also noted that many Toronto residents may have previous experience working or living on a farm in other parts of the world, and already have the animal husbandry skills to care for hens. Expanding the program could be an opportunity to celebrate these skills. Stakeholders also cautioned that imposing high fees and too many additional registration requirements would make the program less accessible.

To ensure that the UrbanHensTO program can support food security and food sovereignty more equitably, stakeholders strongly supported hen keeping in community spaces. Stakeholders noted that there are many organizations that would be interested in community hen ownership projects should the program be made permanent and expanded city-wide. Stakeholders also noted that community hen keeping must be appropriately resourced and the City should provide funding and other supports.

Access to Veterinary Care

In late 2018, the College of Veterinarians of Ontario began requiring veterinarians caring for urban farm animals (including hens) to obtain accreditation as food animal mobile veterinarians. In December 2020, it was noted that no veterinary practices had this accreditation in Toronto while a small number are accredited within the broader Greater Toronto Area (GTA). Since then, two veterinarians in Toronto have been accredited, although this is still a limited amount.

City staff met with the College of Veterinarians of Ontario (CVO) to discuss the pilot program and the accreditation process. The CVO regulates the delivery of veterinary medicine in Ontario and all veterinarians who practise in the province must be licensed by the College. The CVO noted that the accreditation is important as veterinarians in urban settings may not necessarily have sufficient knowledge related to disease management and proper care of hens, and that it is important for veterinarians to have knowledge and skills related to food safety as eggs are being produced for human consumption.

Through the online survey of households registered in the UrbanHensTO program, staff learned that 38% of program participants had a hen under their care become ill or injured. 22% of program participants have a veterinarian in Toronto to care for their hens, while 23% have a veterinarian outside Toronto, and 44% do not have access to veterinary care.

Additional costs, need for specialized equipment, and time to obtain the accreditation are barriers for veterinarians to become accredited to care for urban hens. In addition, many veterinary practices in Toronto and more broadly are already at capacity due to the increase in pet ownership throughout the COVID-19 pandemic. It is unknown if more veterinarians in Toronto would obtain the food animal mobile accreditation to care for hens if the program were expanded and demand increased.

As part of the review, City staff also consulted with poultry veterinarians and poultry industry experts from the Ontario Animal Health Network (OAHN) and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). These stakeholders noted

that an accessible veterinarian is important to assist in urgent health issues in hens. Additionally, it can be dangerous if hen owners without access to veterinary care try to diagnose and/or treat hens themselves, especially as inappropriate medications or antibiotics can end up in eggs for human consumption. Hen owners should report sick hens to a veterinarian as soon as possible in case of risk of avian influenza.

Stakeholders recommended that the City either require or strongly recommend that registrants have a relationship with a veterinarian prior to getting hens, and that the City provide information to assist residents in finding a veterinarian.

Animal Health and Welfare

City staff heard from a number of stakeholders and industry experts about program requirements necessary to support animal health and welfare. In addition to organizations listed above, MLS also received feedback from the Canadian Association of Poultry Veterinarians, Animal Justice, Humane Canada, and the Canadian Coalition for Farm Animals.

Key feedback and recommendations included:

- Hens require specialized care and are not a similar commitment to other pets. Most people have little to no knowledge about properly caring for hens and taking necessary precautions to mitigate potential diseases. As such, many stakeholders recommended residents be required to take an education course before getting hens. Some residents may take the course and learn they are not prepared to care for hens.
- The maximum number of hens permitted (four) should not increase.
- The City should regularly inspect hen coops and should require hen owners to submit a site plan detailing the size and location of the proposed coop to support inspections.
- Some stakeholders raised concerns with companies that rent hens to residents seasonally. In some cases it is unclear what happens to the hens when they go back to the company. From a disease control perspective, stakeholders are concerned about mixing hens that have been loaned out to different locations. Coops provided by hen rental companies also may not meet animal welfare standards and should be inspected.
- Hen coops must have proper ventilation and insulation to protect hens during winter months. Coops must also provide adequate space for hens and provide protection from predators.
- Hens need clean water daily and nutritious food. Feeding hens kitchen scraps is not sufficient.
- Both the City and hen owners should have a succession/rehoming plan in place for hens that no longer produce eggs (hens lay fewer eggs as they age).
- The UrbanHensTO program should have adequate staff resources to ensure proper oversight, and hen owners should pay registration fees to cover program costs.

The current requirements for the UrbanHensTO pilot (see Attachment 1 for terms and conditions) already reflect many of these considerations, but there may be opportunities to add additional requirements in an expanded program to better support animal

welfare. Recommended additional requirements are discussed in the Recommended Approach section below.

Public Health and Nuisance

Attracting unwanted animals

Some stakeholders and residents have raised concerns that expanding the UrbanHensTO program will lead to an increase in unwanted animals in the city, especially rats and other rodents. Since the start of the pilot, MLS has received eight property standards complaints for hen keeping city-wide related to issues with rodents, one of which was for a property participating in the pilot.

While staff anticipate that hen keeping service requests related to unwanted animals may increase if the program is expanded city-wide, this risk can be mitigated through program requirements related to proper food storage, regular coop cleaning, and waste removal. Teaching residents about these requirements through a recommended required training course, as outlined below, will support compliance.

Bacteria and disease considerations

The Canadian Food and Inspection Agency notes that diseases such as avian influenza (AI) and Newcastle disease can cause serious illness and death in many bird species. Notably, in February 2022, the Canadian Food Inspection Agency (CFIA) confirmed the presence of AI in a backyard hen flock in eastern Nova Scotia. Fortunately, procedures intended to protect humans and animals, including daily cleaning and proper hen care, can reduce transmission and risks posed by these harmful diseases. Bird owners are also legally responsible to notify authorities or a veterinarian of serious bird diseases such as avian influenza.

Toronto Public Health has advised that with proper hygiene and coop maintenance practices, the risk of bacteria (for example, Salmonella and Campylobacter) and disease outbreaks (for example, avian influenza) due to backyard hen keeping is limited. Staff are not aware of any instances in Toronto where a disease outbreak has occurred as a result of hen keeping.

Poultry veterinarians and industry stakeholders advised that the City should continue to prohibit sharing and selling of eggs from a food safety perspective as people may not know how others are caring for their hens. Egg shells are very porous and can have small cracks that are hard to see - fecal particles and anti-biotics can end up directly in eggs without proper care. Stakeholders also recommended that the City provide guidance on how residents can purchase hens from a reputable source. Obtaining hens from a reputable source and ensuring hens come properly vaccinated can reduce health risks for both humans and animals.

This emphasizes the importance of ensuring that households that want to keep hens are properly educated about biosecurity measures that need to be taken to reduce disease risks.

Program Equity Impacts

As noted in the Equity Impact statement above, expanding the program city-wide will improve program access for equity-seeking groups. However, the start-up and operating costs of hen keeping as well as the requirement to have access to a private yard large enough for a hen enclosure may restrict fully equitable access to the program. There is a need to enable community hen keeping projects in order to allow residents to participate that may not have the resources or outdoor space. MLS will work with other City divisions, stakeholders, and community organizations to pursue community hen projects on a case-by-case basis, as noted in the recommendations below.

During the review of the program, stakeholders noted additional equity considerations. It was noted that Indigenous youth should be prioritized as there is significant interest from this group in learning how to grow food and care for animals. Stakeholders also noted that the City should ensure that immigrant populations in Toronto as well as communities of colour have access to information on the program and related resources.

Recommended Approach

Future of UrbanHensTO

Staff recommend expanding UrbanHensTO across all Toronto wards and creating a sustainable and safe, permanent hen keeping program. Staff recommend that the current terms and conditions of the program be continued, including prohibiting roosters, having a limit of four hens, and having zoning compliance and setback requirements for hen enclosures. Staff also recommend adding new enhanced program requirements to better support animal welfare, disease control and nuisance concerns. In order to be successful, it is also important that the program is sufficiently resourced. A financial analysis is outlined below.

Staff are recommending program expansion as there have been no significant issues with the UrbanHensTO pilot since its establishment in 2018, and complaints related to the pilot and hen keeping city-wide have been low. There is public support for hen keeping among residents across Toronto and the majority of stakeholders consulted did not oppose program expansion. Many jurisdictions in Ontario and North America more broadly have successful hen keeping programs with comparable program rules. Additionally, the program may help support food security and food sovereignty in Toronto. Staff feel that potential risks described in the Key Considerations section above can be mitigated through enhanced program requirements.

Recommended enhanced program requirements

Note all requirements are intended to apply to both residents who own hens and those who rent hens each year through a third-party service.

1. Annual flock registration:

Staff recommend residents keeping hens be required to register their flock and renew annually. Information required at time of registration will include: hen keeper contact information, address where hens are kept, whether hens are rented from a third-party or

owned, and number of hens. Hen keepers will be required to notify MLS if any of this information changes. This is similar to the current requirement for dog and cat owners to licence their pet(s) and renew annually.

Annual flock registration will allow MLS to have appropriate oversight over the UrbanHensTO program to ensure compliance with requirements to support animal welfare and address potential public health and nuisance concerns. Annual registration is supported by the majority of Toronto residents and stakeholders and is a requirement in many other jurisdictions.

2. Site inspection by Toronto Animal Services:

Staff recommend that residents be required to have Toronto Animal Services complete an inspection of their property and hen coop as a registration requirement before they obtain hens. This requirement will ensure that hen enclosures comply with zoning and setback requirements as well as size and design requirements that consider animal health and welfare and nuisance concerns. The inspection may also provide an additional opportunity for Animal Control Officers to provide education and answer any questions prospective hen keepers may have.

Households that rent hens and/or hen enclosures through a third-party service should ensure the coop meets the terms and conditions of the program prior to renting. Toronto Animal Services will develop a separate inspection process for these households whereby the coop will be inspected upon initial registration and re-inspected if the coop changes.

3. Cost recovery fees:

Staff recommend that residents keeping hens be required to pay a registration fee and annual renewal fee for their flock to cover costs to provide the UrbanHensTO program. The proposed registration fee of \$151.00 would cover staff time to process the registration and undertake a pro-active inspection of the coop and property. The annual renewal fee of \$34.00 would cover staff time to process the renewal, public education, and complaint-based enforcement. The proposed renewal fee is \$9 and \$19 higher than current annual fees for dog and cat licencing respectively.

A re-inspection fee of \$111.50 is also proposed for each case where Toronto Animal Services staff conduct a further site inspection to ensure compliance or if a violation has not been corrected within the specified timeframe. At the discretion of Toronto Animal Services, if no issues are found then the re-inspection fee may be waived if all program requirements (including compliance with other City by-laws) are met. This fee is calculated based on a staff time to complete a re-inspection.

Staff also propose that hen keepers be required to pay fees to cover shelter and care costs should their hen(s) be impounded or require protective care. These proposed fees match current impound and protective care fees for cats as the staff time to provide care is comparable (for example, both animal types require daily feeding and cage cleaning, but do not require walks like a dog).

4. Hen enclosure site plan:

Staff recommend that residents be required to submit a site plan of their property when they register their hen flock showing the coop dimensions, coop location on the participant's property, distance between the coop and other buildings and property boundaries, and any other details as determined by the Executive Director. This requirement is not intended to be overly burdensome for hen keepers, a hand drawn plan is sufficient. The site plan will assist enforcement staff in conducting inspections, as needed. Hen keepers will be required to notify MLS if there are any changes to the site plan.

5. Hen keeper education course:

Staff recommend that residents be required to take an education course approved by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and to the satisfaction of the Executive Director, MLS before getting hens. The education course will cover terms and conditions of the UrbanHensTO program, hen enclosure design and requirements, hen feeding and care, egg handling, specific winter care needs, breed selection, protecting against unwanted animals, waste management, biosecurity, disease recognition and control, and end of life options.

OMAFRA currently approves a course hosted by the Poultry Industry Council. The virtual course is typically held each spring, is three and a half hours long and costs \$35 per participant. Residents would be required to cover the cost of the course themselves.

6. Additional program details

To further support implementation of an expanded hens program, Toronto Animal Services also will suggest that all hen keepers obtain veterinary support to care for their hens and speak to their neighbours and/or landlord before getting hens. These actions will not be required but will be strongly recommended to program participants.

Due to the limited availability of veterinarians accredited to care for hens in the City, it may take time for the number of accredited veterinarians to meet demand. There are also no other jurisdictions that require program participants to identify veterinary service as a condition to keep hens. Staff also do not recommend that hen keepers who are keeping hens on properties where they live (by lawful occupation) be required to provide proof of permission from their landlord as a condition of hen registration as a number of stakeholders raised concerns that unfounded and/or discriminatory complaints could be issued to restrict a resident's participation in the program. This is also not a requirements for owning any other animal type in Toronto.

Community Hen Keeping

Stakeholders feel it is important that the City support community hen ownership initiatives to help address individual cost barriers and allow residents without access to sufficient private outdoor space to participate in the program. Community hen keeping is supported by many stakeholders and the public to improve equitable program access.

As part of the review, staff conducted preliminary consultations with internal partners, including the Indigenous Affairs Office, Social Development, Finance & Administration and the Confronting Anti-Black Racism Unit, and Parks, Forestry, and Recreation

(PFR). PFR does not recommend community hen keeping be permitted in community or allotment gardens due to safety and feasibility concerns; however, there may be opportunities for community hen keeping on other PFR-managed land, publically-owned land managed by various City divisions and agencies, or on privately-owned lands accessible to community groups.

City staff will work across divisions to explore opportunities for community hen ownership, as well as work with external community organizations that may be interested in pursuing a project. Staff will also explore potential grant opportunities to support these initiatives.

Community hen keeping projects are where the program participant is not the owner or lawful occupant of the property where the hens are to be kept, is not keeping hens in a backyard, and is keeping hens to support community goals. The project may be associated with a community or non-profit organization.

Staff also recommend that any community project meet updated criteria as determined by the Executive Director, MLS. Staff recommend this because not all requirements for backyard hen keeping may apply to community initiatives (for example the requirement for hen keeping to occur in a backyard will likely not be applicable), and there may be a need to evaluate projects on a site specific basis. Staff will ensure standard processes are developed for when multiple City divisions are impacted in a community hen-keeping request. Staff will aim to ensure that requirements balance the diverse needs of each community with considerations for animal health and welfare, disease control and potential nuisance. Noting the community benefits of such projects, staff do not recommend registration or inspection fees for community hen initiatives.

Financial Analysis

Cost of program implementation and enforcement

No additional staff or resources were allocated to the current UrbanHensTO pilot program when it was originally directed by Council. Staff feel that appropriate cost recovery fees and sufficient staff resources must be in place to ensure the success of a permanent and enhanced city-wide hens program.

Based on a review of the number of households registered in the current hens pilot, and the number of annual service requests for prohibited chickens in the city, staff anticipate that about 1,400 households will register for the new hens program within the first few years. This represents less than one percent of eligible households in Toronto and is consistent with program uptake in other Ontario jurisdictions. Staff also anticipate that the annual number of service requests MLS receives related to hen keeping will double if the scope of the program is expanded city-wide.

Based on these numbers, MLS anticipates that up to three additional Animal Control Officers are required to support enforcement and compliance with the proposed program. This will cost up to \$347,000 annually in salary and benefits, as well as vehicle, uniform and technology costs to support the new staff. There are no other anticipated costs associated with program implementation as the hens program can be built into the existing pet licensing system.

Projected licensing fee revenue

MLS projects that in the first two years of the program, registration revenues will be \$211,400, with \$62,440 additional revenue from re-inspection fees. After the first two years, MLS projects annual revenue of \$47,600 from licensing renewal fees based on the proposed annual \$34.00 renewal fee per flock and projected program uptake.

Implementation and Next Steps

Staff recommend amendments to Municipal Code Chapter 349, Animals, come into effect as of April 1, 2023 to implement the City-wide permanent backyard hen-keeping program. Prior to April 1, 2023, MLS will hire additional staff resources to support the program, as well as update the current pet licencing system to incorporate the hen registration requirements and update relevant webpages and the 311 database. Staff will also develop education resources on topics such as how to ensure residents are purchasing hens from a reputable source, how to find an accredited veterinarian and protecting flocks and hen owners from avian influenza.

Households currently registered in the UrbanHensTO pilot

Staff recommend that the current UrbanHensTO pilot be extended until the bylaw amendments come into force establishing the permanent backyard hen-keeping program. Households still participating in the pilot that wish to continue keeping hens will be required to register under the new program after March 31, 2023, including paying the registration fee, having a property inspection, taking the education course, and complying with all other bylaw requirements. Staff propose that these households be required to complete the education course and have a site inspection by April 1, 2024. This will allow Toronto Animal Services to prioritize inspections of new hen keepers.

As part of implementation, staff will communicate the new changes with currently registered households.

CONTACT

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SIGNATURE



Carleton Grant
Executive Director, Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: UrbanHensTO Pilot Program Terms and Conditions

Attachment 2: UrbanHensTO Public Opinion Research Final Report

Attachment 3: Summary of UrbanHensTO Review Research and Consultations