

Authority: Licensing and Standards Committee Item LS15.1, as adopted by City of Toronto Council on December 13, 14 and 15, 2016 and Item CC24.2, adopted as amended, by City of Toronto Council on January 31, 2017

## CITY OF TORONTO

### BY-LAW 102-2017

#### **To amend City of Toronto Municipal Code Chapter 349, Animals, to establish new provisions with respect to the protection of persons and animals from dangerous dogs.**

Whereas under sections 7 and 8 of the *City of Toronto Act, 2006*, the City may pass by-laws respecting animals; and

Whereas Council has authorized changes to Municipal Code Chapter 349, Animals, to provide new regulations for the care and control of dangerous dogs to protect the public;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 349, Animals, is amended as follows:
  - A. Section 1 is amended by deleting the following definitions:
    - (1) NOTICE OF CAUTION;
    - (2) NOTICE TO MUZZLE.
  - B. Section 1 is amended by adding the following as new definitions in alphabetical order:

ATTACK - An act of aggression towards a person or domestic animal causing injury.

DANGEROUS ACT - Any bite, attack, act of menacing behaviour or any combination of a bite, attack or act of menacing behaviour.

DANGEROUS DOG - A dog that has been determined to be a dangerous dog pursuant to § 349-15 and that determination has not been rescinded pursuant to § 349-16.

EXTREME WEATHER - A cold warning, heat warning or other weather warning issued by either or both the City of Toronto's Medical Officer of Health or Environment Canada for weather in the City of Toronto.
  - C. By adding as a new subsection to § 349-6C, the following:
    - C. No person shall allow an animal to remain outdoors during extreme weather unless the animal has access to an enclosure that will adequately protect the animal from the elements.

- D. By adding as new subsections to § 349-8, the following:
  - D. Despite Subsections A, B and C, no person shall keep an animal tethered where a choke collar, choke chain, pronged collar or any similar device forms part of the tether.
  - E. No person shall tether an animal unsupervised for longer than one hour.
- E. By adding as a new section § 349-8.1, the following:
  - § 349-8.1. Choke collar, choke chain, pronged collar.**
  - A. No person shall use a choke collar, choke chain, pronged collar or any similar device at any time on a dog.
  - B. Subsection A does not apply to the use of a martingale collar on a dog.
- F. Article IV, Dogs, is deleted and replaced with a new Article IV, Dogs, attached to this by-law as Schedule A.
- G. Article X, Offences is deleted and replaced with a new Article X, Offences, Entry to Inspect, attached to this by-law as Schedule B.

2. This by-law shall come into force on March 1, 2017.

Enacted and passed on January 31, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

SCHEDULE A

ARTICLE IV

**Dogs**

**§ 349-11. Registration; licence tags.**

Every owner of a dog shall:

- A. Have registered the dog with the Executive Director, paid a licence fee in the amount specified in Chapter 441, Fees and Charges, and acquired a licence tag, including the payment of a licence tag fee in the amount specified in Chapter 441, Fees and Charges, for the dog.
- B. Until ceasing to be the owner of the dog, obtain a licence for the dog prior to the expiration of each licence issued for the dog.
- C. Keep the licence tag securely fixed at all times on the dog for which the licence tag is issued.
- D. Pay a licence tag replacement fee specified in Chapter 441, Fees and Charges, in the event the licence tag issued for the dog is lost.

**§ 349-12. Dogs at large.**

- A. No owner of a dog shall cause or permit the dog to be at large in the City, including, but not limited to, upon or in any lands or grounds owned or operated by the City, such as sidewalks, curbs, boulevards, walkways or other public places owned by the City, except where expressly permitted by City by-law.
- B. For the purposes of this chapter, a dog shall be deemed to be at large when found on property other than the property of the owner of the dog and not under the control of any person, including but not limited to the tethering of the animal.

**§ 349-12.1. Leashing and walking dogs.**

- A. No person shall keep a dog off the premises of the owner other than on a leash which shall not exceed two metres in length, except in designated areas of a City park as permitted by Chapter 608, Parks.
- B. No person shall have control of more than three dogs at any time unless authorized by a commercial dog walker permit under Chapter 608, Parks.
- C. Any person seen to be in control of more than three dogs shall present the commercial dog walker permit under Chapter 608, Parks, to an officer upon request.
- D. No person seen to be in control of more than three dogs shall refuse to present the commercial dog walker permit under Chapter 608, Parks, to an officer upon request.

**§ 349-13. Exceptions.**

Section 349-11 does not apply to any owner of a service animal.

**§ 349-14. Seizure; impoundment; redemption; fees.**

- A. Any dog 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 dog seized under Subsection A is injured or ill and should be euthanized without delay for humane reasons or the safety of persons, the dog may be euthanized by the Executive Director without permitting any person to reclaim the dog.
- C. Any dog seized by the Executive Director under Subsection A shall be impounded for a minimum period of five days from the time of its impoundment, exclusive of the day on which the dog was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the dog.
- D. If a dog is not redeemed within the time period referred to in Subsection C, the dog shall become the property of the City and the City may:
  - (1) Provide for the adoption of the dog for a fee in the amount specified in Chapter 441, Fees and Charges;
  - (2) Transfer ownership of the dog; or
  - (3) Euthanize the dog.
- E. Where a dog is seized and impounded by the Executive Director under Subsection A:
  - (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 dog, for the amount specified in Chapter 441, Fees and Charges; and
  - (2) The owner shall ensure the dog is identified with a microchip within 24 hours of redeeming the dog.
- F. Where a dog seized and impounded by the Executive Director under Subsection A is injured or ill and receives veterinary care necessary for the well-being of the dog, the Executive Director shall, in addition to any amount charged pursuant to Subsection E, be entitled to charge the person claiming the dog under this article the cost of the veterinary care to the Executive Director.

**§ 349-15. Dogs that have bitten, attacked or pose a menace.**

- A. Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a dangerous act.

- B. Where the Executive Director has reason to believe that a dog has engaged in a dangerous act against a person or domestic animal, an officer shall:
- (1) Where the dangerous act is the first on record with the City, serve the owner of the dog with a written warning.
  - (2) Despite Subsection B(1), if it is the officer's opinion that the dangerous act is severe, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.
  - (3) Where the dangerous act is the second or subsequent dangerous act on record with the City, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.
  - (4) Where the dangerous act occurred while the dog was the subject of a notice to muzzle or notice of caution under this Chapter or any of its predecessors, or a control order under the *Dog Owners Liability Act*, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.
- C. Dog acting in self-defence.
- (1) Prior to the determination that a dog is a dangerous dog, the officer shall have regard to whether the dog was acting in self-defence at the time the dangerous act occurred.
  - (2) Despite Subsections B(2), (3) and (4), where an officer concludes that the dog was acting in self-defence at the time the dangerous act occurred, the officer may determine that the dog is not a dangerous dog and may determine that no order to comply shall be issued.

**§ 349-15.1 Dangerous dog requirements; order to comply.**

- A. Where an owner is served with a dangerous dog order to comply pursuant to § 349-15 of this Chapter, the owner shall, at the owners' expense and for the life of the dangerous dog, ensure:
- (1) The dangerous dog is muzzled at all times when off the owners property;
  - (2) The dangerous dog is not permitted to enter into a designated leash-free area of a City park at any time;
  - (3) That a dangerous dog tag is purchased from the City, the dangerous dog tag fee specified in Chapter 441, Fees and Charges, is paid and the dangerous dog is wearing the dangerous dog tag provided by the City at all times;

- (4) That a warning sign is posted on the owners' private property in the form and location required by the Executive Director;
  - (5) That the dangerous dog is microchipped;
  - (6) That arrangements are made with the City to enable the City to collect a photograph of the dangerous dog and any other necessary identifying information; and
  - (7) That the dangerous dog receives training in the form required by the Executive Director within 90 days of the order to comply being served on the owner.
- B. An owner shall provide proof of compliance to the satisfaction of the Executive Director within 14 days of achieving compliance with each of the following requirements:
- (1) The microchipping requirement contained in Subsection A(5); and
  - (2) The training requirement contained in Subsection A(7).
- C. This section shall not apply if the order to comply has been rescinded in accordance with § 349-16.

**§ 349-16. Appeal.**

- A. An owner of a dangerous dog who is served with an order to comply under § 349-15 may apply for a hearing to appeal an officer's determination of a dangerous dog. The Executive Director may:
- (1) confirm the determination of a dangerous dog; or
  - (2) rescind the determination of a dangerous dog and exempt the owner from compliance with § 349-15.1.
- B. In deciding whether to confirm or rescind the determination of a dangerous dog pursuant to subsection A, the Executive Director may consider whether the dog was acting in self-defence when the dangerous act leading to the order to comply under § 349-15 occurred.
- C. To receive a hearing, the owner must mail or deliver to the Executive Director within 30 days after a copy of an order to comply pursuant to § 349-15 is served on the owner, notice in writing requesting the hearing, accompanied by the applicable fee in the amount specified in Chapter 441, Fees and Charges.
- D. Although a request for hearing may be requested, an order to comply pursuant to § 349-15 and the requirements for owners under § 349-15.1 take effect when the order to comply is served on the person to whom it is directed.

- E. A hearing shall be held pursuant to the provisions of the *Statutory Powers and Procedures Act*, R.S.O. 1990, Chapter S.22, as amended in the time, date and place set out in the order to comply.

**§ 349-17. Guard dogs.**

- A. Without limiting any other section of this chapter, no person shall use or permit the use of a guard dog at any premises unless a notice containing a warning that a guard dog is present is clearly and conspicuously posted at every entrance to the premises.
- B. For the purposes of Subsection A, such notice shall include a contact number for the owner.

**§ 349-18. Removal of excrement.**

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

**§ 349-18.1. Purpose.**

Without limiting the purpose and intent of this Article, this Article is enacted by the City in order to promote public safety and to protect the wellbeing of animals and members of the public.

**§ 349-18.2. Transition.**

- A. Where a dangerous act occurs prior to March 1, 2017, the requirements and provisions of any by-law applicable on that date shall continue to apply with respect to that dangerous act.
- B. Where a dangerous act occurs on or after March 1, 2017, the requirements and conditions of § 349-15 to § 349-15.1 shall apply.
- C. Despite Subsections A and B, a dangerous act which occurred prior to March 1, 2017 shall constitute a dangerous act on record with the City for the purpose of any subsequent dangerous act under this Article.

SCHEDULE B

ARTICLE X

**Offences, Entry to Inspect**

**§ 349-27. Offences.**

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. Every person who contravenes any provision of this chapter may be liable, in addition to the fine provided for in Subsections A, D or E or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
  - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
  - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the *City of Toronto Act, 2006*;
  - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Each offence in Subsection C is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
- E. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$25,000.
- F. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

**§ 349-27.1. Entry to inspect.**

- A. In accordance with section 376 of the *City of Toronto Act, 2006*, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:



- (1) this chapter; or
  - (2) a notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
- (1) Require, for inspection, the production of documents or things relevant to the inspection;
  - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
  - (3) Require information from any person concerning a matter related to the inspection;
  - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
  - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**§ 349-27.2. Toronto Police Service.**

This chapter does not apply to the Toronto Police Service.