



STAFF REPORT ACTION REQUIRED

Amendments to Municipal Code, Chapter 349, Animals

Date:	May 10, 2013
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2013\Cluster B\MLS\LS13012

SUMMARY

This report recommends amendments to Municipal Code, Chapter 349, Animals to strengthen the provisions for the care and well-being of animals and identify opportunities for service efficiencies.

The changes to the by-law include: introducing new definitions, amending current definitions, amending limits to the permitted number of animals per household, expanding responsibilities for the care and well-being of animals, amending fees and expanding the authority of the Executive Director to reduce or waive fees.

The amendments and efficiencies will improve the care and well-being of animals in the City of Toronto and are based on the findings of the Core Service Review, Auditor General's review and public consultations.

Animal Alliance of Canada, Animal Justice Canada, No Kill Advocacy Centre, Organization for the Rescue of Animals, South Stanley Dog Owners Group, the Toronto Association of Business Improvement Areas, the Toronto Feral Cat Coalition and their membership, the Toronto Humane Society and the public were consulted on the proposed changes to the by-law through public consultation sessions, surveys and written submissions.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend Toronto Municipal Code, Chapter 349, Animals as described in Attachment 1.

2. City Council amend Toronto Municipal Code, Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards as described in Attachment 2.
3. City Council amend Toronto Municipal Code, Chapter 442, Fees and Charges, Administration of, to expand the delegated authority to the Executive Director, Municipal Licensing and Standards to reduce or waive adoption fees, spay fees and neuter fees at any time during the year based on existing criteria.
4. City Council authorize the Executive Director, Municipal Licensing and Standards to develop and implement a no cost spay/neuter program funded by donations received by Toronto Animal Services.
5. The proposed changes come into force on August 1, 2013.
6. City Council direct the City Solicitor to prepare the necessary bill(s) to make such by-law amendments as may be required to give effect to the recommendations in this report.

Public Notice has been given in a manner prescribed in the Toronto Municipal Code, Chapter 162, Notice, Public.

Financial Impact

User fees for pet surrenders, pet transport, and replacement tags were established in 1999 and have not been reviewed since that time to ensure that they continue to reflect current costs. An increase to these user fees will enable TAS to offset service delivery costs.

Table 1: Increase in surrender fees

Owner Surrender Type	Number of Animals Surrendered in 2012	2012 Fee (\$)	2012 Funds Collected (\$)	Proposed Fee (\$)	Annual Funds Anticipated to be Collected (\$)	Annual Anticipated Increase Over 2012 (\$)
Cat	2,650	20.00	53,000.00	30.00	79,500.00	26,500.00
Dog	855	35.00	29,925.00	100.00	85,500.00	55,575.00
Other	299	10.00	2,990.00	30.00	8,970.00	5,980.00
Total	3,804		85,915.00		173,970.00	88,055.00

The increases to the proposed surrender fees for 2013 for cats, dogs and other animals are necessary for recovering the costs for caring, feeding and housing the animal for the first three days so the animal can be assessed.

Table 2: Increase in pet transport fees

Number of Requests in 2012	2012 Fee (\$)	2012 Funds Collected (\$)	Proposed Fee (\$)	Annual Funds Anticipated to be Collected (\$)	Annual Anticipated Increase Over 2012 (\$)
45	20.00	900.00	72.00	3,240.00	2,340.00

The increases to the proposed pet transport fees are necessary for recovering the costs for one hour of staff and vehicle time to pick up and deliver an animal to a TAS location.

Table 3: Increase in lost pet tag fees

Number of Requests in 2012	2012 Fee (\$)	2012 Funds Collected (\$)	Proposed Fee (\$)	Annual Funds Anticipated to be Collected (\$)	Annual Anticipated Increase Over 2012 (\$)
4,422	3.00	13,266.00	5.00	22,110.00	8,844.00

The increases to the proposed lost pet tag fees are necessary for recovering the costs for the purchase of the tag, postage to mail the tag to the owner, as well as costs associated with administering the program.

Table 4: Summary of increases

Type of Fee	2012 Funds Collected (\$)	Annual Funds Anticipated to be Collected (\$)	Annual Anticipated Increase Over 2012 (\$)
Surrender	85,915.00	173,970.00	88,055.00
Pet transport	900.00	3,240.00	2,340.00
Lost pet tag	13,266.00	22,110.00	8,844.00
Total	100,081.00	199,320.00	99,239.00

The total revenue collected in 2012 for surrender fees, pet transport fees and lost pet tag fees was \$100,081.00. With the proposed fee increases identified above, the anticipated annual revenue will be \$199,320.00. The anticipated annual increase in revenues over 2012 from all fee increases identified above is \$99,239.00. Due to the August 1, 2013 implementation, the revenue impact for 2013 is estimated to be approximately \$41,350.00.

It is difficult to predict the amount of fees that will be reduced or waived in 2013 based on the expanded authority delegated to the Executive Director. The new no cost

spay/neuter program will be funded by donations received. Staff will report on the impacts to the 2013 operating budget during the 2014 operating budget process.

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

DECISION HISTORY

At the February 6 and 7, 2012 City Council meeting, the Auditor General's report was referred to the Licensing & Standards Committee, directing the Executive Director, Municipal Licensing and Standards to submit a report on the recommendations within the context of the Animal Services Program Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.AU5.3>

The Licensing and Standards Committee, at its May 24, 2012 meeting received the report, Toronto Animal Services – Licence Compliance Targets Need to be More Aggressive: Audit Committee Item 5. This report also addressed the potential service efficiency opportunities identified by the Licensing and Standards Committee during the Core Service Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS13.2>

At its October 30, 31 and November 1, 2012 meeting, City Council adopted member motion 27.4, requesting the Executive Director, Municipal Licensing and Standards to consider as part of the review of Toronto Municipal Code, Chapter 349, Animals the humane treatment and use of guard dogs within the City of Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.MM27.4>

ISSUE BACKGROUND

In May 2012, Toronto Animal Services (TAS) reported to the Licensing & Standards Committee on the recommendations from both the Core Service Review findings by KPMG LLP, and the Auditor General's review of TAS which assessed the effectiveness of programs and practices. In the report, Toronto Animal Services – Licence Compliance Targets Need to be More Aggressive: Audit Committee Item 5.3, TAS committed to undertake a further review of the by-law to address any technical amendments, including those related to operational needs such as time limits in dealing with pet populations, amendments necessary to coincide with the licensing strategy and any changes needed to enhance legislation related to animal cruelty and hoarding complaints.

Staff reviewed the Auditor General's 2011 report, the 2011 Core Service Review and Toronto Municipal Code, Chapter 349, Animals to consider by-law amendments relating to animal care, customer service efficiencies and improvements to the pet licensing renewal process.

COMMENTS

Public Consultation

Consultations were conducted over a three month period, through written submissions, two online surveys and six public meetings. The public's input was solicited on proposed

amendments to Chapter 349, Animals, improvements to customer service and ideas on the responsibilities of pet ownership. Attachment 3 provides information on the public consultation.

Staff conducted six consultations across the city in Etobicoke, East York, North York, Scarborough and two in Toronto. A presentation outlining areas for proposed amendments and information about various programs was provided. Participants were invited to comment on these and other topics. Staff received input from 33 participants, including pet owners, members of known animal rights agencies and the media.

City staff publicized these consultations through various methods to ensure comprehensive public engagement. Emails were sent to licensed pet owners, Councillors, animal welfare and animal rights organizations; online listings at a dedicated web page for Proposed Amendments to Municipal Code, Chapter 349, Animals, the City of Toronto Public Consultation page; Twitter; and posting information at City of Toronto community centres, libraries and animal care centres.

Two online surveys were distributed through the city's website and were also made available at consultations. 579 individuals responded to survey one which collected insight into public awareness and opinions on the Animals by-law and TAS. Survey two received 281 responses regarding feedback on several proposed amendments. Of the 860 completed surveys, 94 per cent advised they were pet owners. A survey was also distributed by TABIA to their membership to gauge business sentiment regarding removal of pet limits and the prohibition of tethering on public property. Responses were received by 11 BIAs.

Staff received 17 written submissions relating to the by-law review. A petition was also submitted protesting the prohibition on tethering in public spaces.

By-law Amendments

Section 349-1. Definitions

Staff are proposing to amend the current definitions in the by-law and introduce new definitions as follows:

Definition	Current	Proposed
At Large	Being found on any other property than that of the owner of the animal, and not under the control of the owner, except where the owner of the property permits the animal to be on his or her property	An animal found on any other property than that of the owner of the animal, and not under the control of the owner including but not limited to the tethering of the animal, except where the owner of the property permits the animal to be on his or her property.

Definition	Current	Proposed
Education Program	None	A program that imparts information and knowledge to members of the public and which program involves: a live animal or live animals, printed material conveying information about the animal and its role in nature and the presence of knowledgeable persons on site who provide oral presentations to the public. Without limiting the above, no education program shall consist of an entertainment purpose.
Feral Cat	None	A cat found in the City of Toronto that has no owner, is not socialized, and is extremely fearful or resistant to humans.
Feral Cat Colony	None	A collective term, referring to a group of mostly or all feral cats in the City of Toronto that congregates as a unit.
Ferret	A ferret of the subspecies <i>Mustela putorius furo</i> .	Delete
Guard Dog	None	A dog used for security purposes on land legally used for industrial or commercial purposes.
Hearing	None	A hearing held pursuant to the provisions of the Statutory Powers and Procedures Act RSO 1990 Ch. 22, as amended from time to time, as more particularly described in 349-15 and in respect of the issuance to an owner of a notice to muzzle.
Muzzle	A humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.	A humane fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink.
Notice of Caution	None	A notice issued by the Executive Director to the owner of a dog that cautions the owner and recommends the owner take the necessary steps, whenever persons or domestic animals are in the vicinity of the dog, to ensure the safety of the dog and any persons. The Notice of Caution shall indicate that should a subsequent bite occur, a notice to muzzle will be issued.
Notice to Muzzle	None	A notice issued by the Executive Director to the owner of a dog that requires the owner to muzzle the dog at all times that it is off the premises of the owner.
Prohibited Animal	None	Those classes of animals listed in Schedule A at the

Definition	Current	Proposed
		end of this chapter.
Rabbit	A European rabbit of the species <i>Oryctolagus cuniculus</i> .	Delete
Rescue Group	None	A not-for-profit or charitable organization, registered with Toronto Animal Services, whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, for animal welfare purposes.
Service Animal	None	Means an animal that has been trained to assist an individual with a disability.
Sterilization	None	Means either the spaying or neutering of a dog or cat.
Tether	None	A rope or chain or similar restraining device that prevents an animal from moving beyond a localized area, and the words "tethered" and "tethering" have a similar meaning.
Trap Neuter Return Program	None	A trap-neuter-return ("TNR") program that traps feral cats, sterilizes and attempts to return them to the locations where they were found.

Section 349-2. Keeping of Certain Animals Prohibited

This current section of the by-law prohibits certain classes of animals as listed in Schedule A at the end of Chapter 349.

It is also proposed that if a prohibited animal is found in the City, the Executive Director may seize and impound the animal. The prohibited animal may be transferred to a person or organization in another jurisdiction where possession is lawful.

Section 349-3. Exceptions for the Keeping of Prohibited Animals

Section 349-2 of the by-law does not apply to certain organizations and institutions. For example, the Toronto Zoo, the premises of the Ontario Society for the Prevention of Cruelty to Animals, and the premises of facilities accredited by the Canadian Association of Zoos and Aquariums are exceptions.

Section 349-3 will be updated to include park locations as contained in Schedule B of Chapter 349. Schedule B will subsequently be deleted.

Section 349-4. Limits on the Number of Cats and Dogs Allowed

Section 349-4 of the Animals by-law currently limits the number of animals per dwelling to six animals of any type, of which, a maximum of three may be dogs.

Throughout the consultation process, opinions on pet limits were mixed.

Staff heard that pet limits:

- hinder the activities of rescue groups, shelters and individuals who foster animals without registering the animals;
- deter individuals from licensing all their pets; and
- deter individuals from adopting more pets.

Staff also heard that having unlimited pets:

- may cause noise;
- may create unsanitary conditions especially in areas of high urban density;
- may cause concern that some people may adopt more pets than they could adequately care for; and
- places stress on shelters should owners be unable to continue to care for their pets.

While support was evident for the removal of cat limits over dog limits, 73 per cent of survey respondents still believed that the City should require a limit on cats.

It is proposed that the by-law be amended to limit the number of cats to a maximum of six (6) per dwelling, while the limit on the number of dogs per dwelling will remain at three (3).

Rescue groups, as defined in this by-law, will be exempt from regulations limiting the number of cats and dogs.

Section 349-5. Responsibility to Care for Animals

Current provisions outlining the responsibility to care for animals are vague and non-specific, requiring only that the animal be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.

Proposed amendments to this section describe in more detail specific responsibilities for adequate and appropriate care. Adequate and appropriate care includes care sufficient to preserve the health and well-being of an animal, and is not limited to:

- a. Food of sufficient quantity and quality to allow for normal growth;
- b. Open or adequate access to potable water and of sufficient quantity to satisfy the animal's needs;
- c. Access to an enclosed structure to protect from wind, rain, snow and sun with adequate bedding to protect against cold and dampness;
- d. Appropriate veterinary care; and
- e. Continuous access to an adequate space for exercise.

Section 349-6. Enclosures for Animals Kept Out of Doors

Current provisions require that any animal customarily kept out of doors be provided with a structurally sufficient, weather-proof and insulated enclosure of appropriate size and dimension.

In addition to the current provisions, proposed amendments will also require that the enclosure include sufficient space to allow for the normal postural and behavioural movements of the animal and adequate amounts of ventilation and light.

Section 349-11. Dogs at large

The current by-law prohibits dogs running at large in the City including the tethering of dogs, except where permitted by City by-law.

The majority of consultation participants were unaware that the by-law prohibited the tethering of dogs in public. It was perceived to be a common occurrence and not a huge public concern. Of the respondents surveyed, only 12 percent were aware of the restriction and 37 percent admitted that they currently publicly tether their dogs outside of restaurants, stores or other establishments. An overwhelming majority of survey respondents, 72 percent, do not believe the City should ban the tethering of dogs in public places. A petition of 128 signatures was also submitted on this issue, with a similar sentiment.

Members of the Toronto Association of Business Improvement Areas (TABIA) also believe that tethering should not be restricted on public property as residents enjoy the convenience of walking to a local shop and the opportunity of taking their pet with them. Sixty-four percent believe the enforcement of such a restriction may impact the local economy.

However, Toronto Public Health investigates approximately 2,000 animal bites to humans every year, of which as many as 200 bites were caused by a tethered and unattended dog outside a store. If the dog and its owner cannot be located afterwards, it results in a series of rabies shots for the individual.

While the intent of the Animals by-law is to protect the well-being of animals, Municipal Licensing and Standards must also consider the impacts of the by-law on residents. Public property, which includes sidewalks, curbs, boulevards, walkways and parks, is shared between people and animals.

A dog must always be in the care and control of its owner and there are risks associated with unattended dogs, whether tethered or not. As a result, it is recommended that section 349-11 of the by-law continue to prohibit dogs at large including the tethering of dogs, but be amended to remove the word "running".

Section 349-11, "Dogs running at large", will be renamed "Dogs at large" and amended as follows:

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.

Section 349-14. Dogs that have bitten persons or animals; muzzles

Current provisions of the by-law permit the Executive Director to serve the owner of the dog where there is reason to believe a dog has bitten a person or domestic animal on the owner's premises with a Notice of Caution.

As dog bites also occur on public property, the proposed amendment is to delete the words "on the owner's premises" to permit the Executive Director to serve the owner of the dog where there is reason to believe a dog has bitten a person or domestic animal with a Notice of Caution.

Pet owners may continue to appeal the issuance of a Notice of Caution or a Notice to Muzzle and are entitled to a hearing.

Section 349-16. Guard Dogs

At its meeting of October 30, 31 and November 1, 2012, City Council requested the Executive Director, Municipal Licensing and Standards to consider by-law provisions that ensure the humane treatment and use of guard dogs in Toronto.

A definition of guard dog has been added to Section 349-1 Definitions.

The addition of section 349-16 will require that guard dogs be kept in compliance with relevant sections of the by-law respecting the care for animals, including sections 349-5 and 349-6. It will also require owners of premises using guard dogs to post a notice warning that a guard dog is present at every entrance to the premises, as well as a contact number of the owner.

Controlling and Reducing the Feral Cat Population through a Trap Neuter Return (TNR) Program

Staff are proposing a new section in Chapter 349, Article VI, headed Feral Cats, Trap Neuter Return Program. Toronto is committed to controlling the feral cat population using humane methodology: monitoring, humane trapping, sterilization and return to the community.

The Toronto Feral Cat Trap-Neuter-Return Coalition was formed in May 2010 by nine community groups working together to address the feral cat problem in Toronto. Toronto Animal Services is a member of this group. The overall goal of the Coalition is to implement strategic Trap-Neuter-Return programs throughout Toronto, resulting in a reduction in the feral cat population (after trapping, sterilizing, vaccinating, ear tipping and returning cats to their colony) in the GTA and to improve the welfare of homeless cats.

Feral cats are the offspring of lost or abandoned pet cats or other cats who are not spayed or neutered. Feral cats do not easily adapt or may never adapt to living as pets and typically live in a colony. The colony occupies and defends a specific territory where food and shelter are available. A colony is typically monitored by a volunteer caretaker who removes and/or ensures that any newly arrived cats are sterilized and then returned to the colony. No longer able to reproduce, the feral colony population stabilizes and gradually declines over time.

Since the inception of the donation-funded TNR program at the TAS East Spay/Neuter Clinic, 943 feral cats have been sterilized.

Reducing Cat Retention Times

The by-law currently requires that stray cats admitted to a municipal animal shelter be held for a minimum of five days prior to ownership being transferred to the Pound Operator. It is typically during this time that owners will reclaim their lost pets. Unfortunately, most cats are not claimed and the delay in preparing them for adoption or transfer results in a longer stay at the shelter and increases their risk of contracting infectious disease.

Numerous studies have shown that cats suffer undue stress when caged for extended periods of time in a strange environment and as a result, are at increased risk of exposure to infectious diseases.

Another factor to consider is the cost of care. As the length of stay for an animal increases, so does the cost. If the animal can be prepared for adoption or transfer in a shorter period of time the cost incurred by the City will be minimized.

Staff are recommending that the time limits be reduced from 5 days to 3 days before ownership is transferred to the Pound Operator, which is similar to provincial requirements.

Amendments to Chapter 441, Fees and Charges

Pet licensing fees are used to fund various services and programs that support responsible pet ownership and to ensure the health and protection of all animals. Examples include emergency response to sick and injured animals, protective care to pets when necessary, spay and neuter surgery, acceptance of surrendered pets at municipal shelters, ensuring that lost pets are returned home quickly and safely and administration of the licensing program.

Fees for some of these services have not been reviewed since 1999 and costs incurred by the division has increased.

The Financial Impact section of this report and Attachment 2 contain the recommended fee changes. Staff are recommending that pet surrender fees, animal transport fees and lost pet tag fees be increased to recover the City's full costs in providing the services. Staff are recommending that spay and neuter fees be added to Chapter 441 to recover

these costs at adoption. Staff are recommending that fees to cremate an animal are deleted as the service is no longer provided.

Amendments to Chapter 442, Fees and Charges, Administration of – Expanding Authority to Reduce or Waive Fees

While it is necessary to ensure that fees are reflective of the costs associated with service delivery, it should not be a deterrent for owners to reclaim, surrender or request transport of surrendered animals to the shelter. Turning away a small percentage of pet owners because they cannot afford the cost of surrendering or reclaiming their pets would increase the number of abandoned pets on city streets or in shelters.

The waiving of fees is a common tool used by animal shelters throughout North America, and can result in considerable increases in adoption rates.

In 2011, Council granted authority to the Executive Director to reduce adoption, impoundment, surrender and shelter fees for compassionate reasons acceptable to the Executive Director. The reduction of adoption fees is only to occur during adoption drives for two consecutive weeks or six weeks total in a calendar year.

It is recommended that Council expand the Executive Director's authority to reduce or waive adoption fees outside of adoption drives and reduce or waive spay and neuter fees, all in accordance with the existing by-law.

Multiple Pet Licences – Streamlining the Licence Renewal Process

Cat and dog licences are renewed annually, on the anniversary date of the issuance of the licence. For owners with many pets, this means receiving many notices throughout the year and submitting renewal fees at various times.

In an effort to provide more efficient service to clients, TAS is harmonizing the renewal dates of all pets by the same owner. Pet owners will now renew all pet licences at the same time every year. The new process will take effect in 2014.

The streamlining of this process will benefit residents tremendously by making it easier to renew licences.

A No Cost Spay/Neuter Program for Low Income Torontonians

Toronto Animal Services currently offers a low cost spay/neuter program for cats to all City of Toronto residents. Fees charged recoup non-staff costs such as the purchase of specialized equipment and medical supplies for sterilization. In 2012, owners brought in 421 cats to be sterilized at the TAS North Spay/Neuter Clinic.

In an effort to effectively address cat overpopulation, staff are recommending to create a no cost spay/neuter program for low income Toronto residents. The no cost program will be funded through donations received from the public. TAS accepts donations to provide services and programs that benefit animals in the City's care and community that are beyond the scope of the existing operating budget.

Responsible pet owners understand the value of spaying or neutering their pets. Spaying or neutering pets prevent unwanted pregnancies and assist with controlling the number of homeless cats. Other benefits to pets include improved health, longer life and less aggressive behaviour. However, while most people understand the value in spaying or neutering their pets, some may not be able to afford the fees.

Eligibility considerations will include that individuals must be:

- 18 years of age or older
- a resident of Toronto
- be the owner or keeper of the cat being spayed or neutered
- provide proof of income

Toronto Animal Services continues to work with all stakeholders on addressing animal care issues. The amendments and efficiencies in this report will enhance the care and well-being of animals.

Toronto Animal Services recognizes there are significant by-law limitations when dealing with cruelty to animal complaints. Currently the OSPCA has jurisdiction for these types of complaints, although the number of staff they have to support the City of Toronto is limited to two. TAS is seeking solutions to address this gap in service which will better serve the residents with one provider to respond to these types of complaints, as well as protect animals in our City against cruel and inhumane treatment.

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ATTACHMENTS

Attachment 1: Amendments to Toronto Municipal Code, Chapter 349, Animals
Attachment 2: Amendments to Toronto Municipal Code, Chapter 441, Fees and Charges
Attachment 3: Public Consultation