LS21.2.4

ANIMAL ALLIANCE OF CANADA

May 27, 2013.

Chair and Members,
Licensing and Standards Committee,
City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Chair and Committee Members,

BORN FREE

LS21.2 – Amendments to Municipal Code, Chapter 349, Animals

Thank you very much for providing us with an opportunity to comment on the proposed changes to Chapter 349 of the Municipal Code dealing with animals.

We wish to thank Tracey Cook, Executive Director of Municipal Licensing and Standards, Elizabeth Glibbery, Executive Director of Toronto Animal Services, Dr. Esther Attard, Chief Veterinarian, Toronto Animal Services and TAS staff for the incredible work done to modernize Toronto's animal service programme.

These individuals have recognized what an important and integral part animals play in the lives of Toronto residents and how important preventive and non-lethal intervention programmes have become.

This approach is particularly true of the feral cat programme. Feral cat colonies exist because of unneutered pets who are allowed to run at large or who are lost or abandoned. These animals generate strong feelings which range from anger and frustration to caring and compassion and have existed for as long as the colonies have existed.

Regardless of deeply held feelings, research shows that the only humane and effective way to reduce this population involves trapping, sterilizing, vaccinating and returning (TNR) the cats to their colonies.

This may engender some conflict in the community, but given the estimated feral cat population in Toronto, this conflict occurs relatively infrequently. Success of the programme depends upon the ability of groups like ours to educate the community about the importance of TNR, hence the brochure and subway ads and the need to establish a conflict resolution process that assists communities where conflicts occur.

The City now has a remarkable volunteer group called the Toronto Feral Cat TNR Coalition. Its membership list includes Toronto Animal Services, Toronto Street Cats, Toronto Humane Society, Toronto Feral

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Cat Project, Action Volunteers for Animals, Toronto Cat Rescue, Annex Cat Rescue, Animal Alliance of Canada, Urban Cat Relief, and the OSPCA.

These dedicated volunteers who sterilized, feed and provide veterinary care for these animals save the City of Toronto thousands of tax dollars and catapulted Toronto to the forefront in handling feral cat issues in a humane and effective manner. To date the coalition has been responsible for the sterilization of thousands of feral cats.

We urge you to support the TNR programme.

Recommendations:

We support the proposed changes as set out in *Attachment 1: Amendments to Toronto Municipal Code, Chapter 349, Animals* with the following recommendations:

1) Amend the definition of STERILIZATION by removing the reference to dog or cat.

2) Amend Section *349-13. Seizure; impoundment; redemption; fees*, subsection D (3) which now reads "euthanize the dog" to read, "**after and only after all reasonable measures have been taken to adopt the dog or find an alternative placement for the dog without success, the City may euthanize the dog."**

3) Amend Section *349-20. Impoundment; redemption; fees*, subsection C (3) which now reads "euthanize the cat" to read, "**after and only after all reasonable measures have been taken to adopt the cat or find an alternative placement for the cat without success, the City may euthanize the cat."**

4) Amend Municipal Code 349, Animals by adding an additional article which states that the City of Toronto will not sell, give or gift its live animals to research.

5) Request that staff report back on amending *Sections 349-6. Enclosures for animals kept out of doors and Section 349-7. Tethers* to ban 24 hour penning, tethering, chaining or confinement of dogs, including guard dogs but exempting temporary tethering which is described as "no longer than is necessary for the person to complete a temporary task".

Conclusion: We urge you to support staff reports with recommended changes.

Sincerely,

Barry MacKay

Liz White

Appendix A

Some Quick Facts

1) Chaining, tethering and penning dogs:

Chaining and tethering: Chaining, tethering or tying a dog to a stationary object causes a dog to act viciously toward people.

- 26-28% of dogs involved in fatal attacks were chained at the time. Journal of the American Veterinary Medical Association: Dog Bite Related Fatalities from 1979 through 1988 by J. Sacks. R. W. Sattin, & S. E. Bonzo. Volume 262, pages 1489-1492.
- Since 2003, at least 300 Americans have been injured or killed by chained dogs; the majority of the victims were children. Chained Dog Attack Summaries by PETA.
- Chaining or tethering has been declared illegal in many communities. See Table of State Dog Tether Laws by Animal Legal and Historical Center, and Dogs Deserve Better, a website that advocates against chaining and penning dogs. California was the first state in the nation to prohibit chaining. See Health and Safety Code Section 122335, the California law prohibiting tethering. A minority of USA states have anti-chaining laws (see, for example, Texas) or currently are considering the enactment of such laws. See Dogs Deserve Better: U.S. Anti-Tethering Legislation By State.
- Chaining also is inhumane. Chaining and Tethering ;by the Humane Society of the USA. Chaining by PETA.
- See The Public Safety and Humane Implications Of Persistently Tethering Domestic Dogs, by New Mexico Department of Public Safety (2008), for an in-depth review of this issue.

Bans on chaining, tethering and penning:

Although there are many organizations calling for bans on chaining/tethering or penning, very few communities in Canada have implemented municipal bans on these practices.

Seventeen states in the United States have banned or legislated restrictions to chaining/tethering and penning.

(http://animallaw.info/articles/State%20Tables/tbustetherlaws.htm)

Here is a brief summary of State legislation by Animal Law:
http://animallaw.info/articles/State%20Tables/tbustetherlaws.htm

> *Tethering or chaining a dog under most state laws means that a person ties a dog with a rope or line to a stationary object. While the laws themselves vary from state to state, they do have several consistent features. Some laws that address tethering allow a dog to be tethered for a reasonable period of time. California prohibits tethering a dog to a stationary object, but allows a dog to be tethered "no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period." Connecticut makes it illegal for a dog to be confined or tethered for an*

unreasonable period of time. What constitutes an "unreasonable period" is not defined by statute in Connecticut. However, Texas law states that a reasonable period is one that does not exceed three hours in a 24-hour period, and is "no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained."

Other states include tethering as part of their anti-cruelty chapters. Indiana defines "neglect" as restraining an animal for more than a brief period in a manner that endangers the animal's life or health by the use of a rope, chain, or tether. West Virginia and the District of Columbia include "cruelly chains" in its list of activities that constitute misdemeanor animal cruelty.

Some states specify the manner as to how a dog must be tethered or chained. For example, Delaware law provides that a tether shall be 6 feet or at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail. Likewise, Indiana and Michigan also require that the tether be three times the length of the dog. Many states require that the tether allow the dog unencumbered access to food, water, and shelter. States that do allow some form of tethering usually require that the tethering must be done in a manner that does not endanger the dog's welfare.

Available reports on chaining, tethering and penning:

The Public Safety and Humane Implication of Persistently Tethering Domestic Dogs, produced by New Mexico Department of Public Safety, Report to the Consumer and Public Affairs Committee, January 10, 2008.
http://www.apnm.org/campaigns/chaining/Final_DPS_Tethering_Study.pdf

2) **Guard Dogs:**

- Two guard dogs escaped in North York earlier this year and bit three people

The Star News / GTA
http://www.thestar.com/news/gta/2013/01/27/escaped_guard_dogs_maul_bystanders_in_north_york.html

Escaped guard dogs maul bystanders in North York
Two adults and one teenager were injured a pair of escaped guard dogs mauled them, police said Sunday afternoon.

Three people — including a teenager — were bitten by a pair of escaped guard dogs in North York on Sunday afternoon.

The three were walking along Millwick Dr. near Islington Ave. and Steeles Ave. W. shortly after 4 p.m., when the dogs — two fully grown bull mastiffs — darted toward them.

"Through the call, we heard that one was bit on the leg and another on the face but nobody's confirmed anything yet," said Staff. Sgt. White.

The victims were taken to an Etobicoke hospital after initially declining medical attention. They are expected to make a full recovery, said White.

After arriving on scene, crews could not locate the dogs for several minutes but Toronto Animal Services later captured them.

Police said the dogs managed to escape from an industrial compound on nearby Toryork Dr.

The city agency has taken over the investigation and will decide whether to lay charges against the owner, said White.

Toronto Sun:

Councillor Mark Grimes calls for new bylaws to protect guard dogs

Toronto Sun
TORONTO - Who wants to let the dogs out?
Councillor Mark Grimes, that's who.

He will ask city council Wednesday to strengthen the rules around the treatment of guard dogs.

Grimes said dogs used to guard industrial units in his ward not only keep residents awake with their incessant barking, they are also kept in "inhumane" conditions.

"Some of these dogs are just left on their own," he said. "They're very social animals, I just don't think in this day and age we should have them out there in extreme weather conditions."

With four cats, a dog, and a rabbit in his own home — "it's like African Lion Safari at my house" — Grimes has several recommendations for bylaws aimed at protecting the animals.

He said guard dogs need "a handler to handle the care and control of the dog."

"If you want to have a dog on your premise, someone should be there to look after it just like you would have at home," he said.

Recommendations include requiring animal owners to provide adequate food, water, shelter, and exercise, as well as posting signs about the presence of guard dogs on properties with "an emergency contact number to be used if the dog is in distress."

A "big fan" of animals herself, Councillor Michelle Berardinetti is seconding Grimes' fight for canine rights.

"I hear the same complaints as well from residents who will hear the continuous barking from the dogs," she said.

"Usually that's due to the fact that they're not exercised properly, there's no attention paid ... so the reaction there is stronger."