

## Licensing and Standards Committee

(Deferred by City Council from June 10, 11, 12 and 13, 2014 - 2014.LS28.3)

LS28.3	Action			Ward:All
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### Feasibility of Licensing Wildlife Control Operators

*Public Notice Given*

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege**

#### Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council request the Province of Ontario to consider expanding its licensing requirements to include wildlife control operators.
2. City Council receive for information the Confidential Attachment 1 to the report (March 28, 2014) from the City Solicitor concerning the legal feasibility of licensing wildlife control operators.
3. City Council direct that the Confidential Attachment 1 to the report (March 28, 2014) from the City Solicitor remain confidential as it contains advice that is subject to solicitor-client privilege.

#### Committee Decision Advice and Other Information

The Licensing and Standards Committee requested the Medical Officer of Health to prepare a report on diseases that could be transmitted to residents from urban wildlife in Toronto, such report to be available for use by Councillors and Animal Services staff.

#### Origin

(March 4, 2014) Report from the Executive Director, Municipal Licensing and Standards

#### Summary

At its March 19, 2013 meeting, the Licensing and Standards Committee requested staff to report back on the feasibility of licensing wildlife control operators. Committee expressed concern that without regulation, individuals performing wildlife control activities pose a risk to both consumers (e.g. disease and fraud) and wildlife (e.g. injury and death).

A review of relevant legislation indicates that there are provincial laws in place to protect wild

animals and residents of Toronto from unqualified wildlife removal companies. These laws are enforced by the Ministry of Natural Resources, Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and Ministry of Consumer Services.

Stakeholder consultations and research revealed some concerns with the activities of wildlife control operators, although the issues cannot be generalized to the entire industry.

Accordingly, this report recommends referring the matter to the Province of Ontario for consideration because it is the level of government with direct responsibility for wildlife management and the regulation of wildlife control activities such as hunting and trapping.

Referral to the provincial government is also advisable because a municipal licensing by-law for wildlife control operators could be declared invalid by the courts for conflicting with existing provincial legislation, the Fish and Wildlife Conservation Act, 1997 (the "Act"). Although the Act establishes a licensing regime for persons that hunt or trap wildlife, it also provides an exemption to this licensing requirement. The Act allows a person to harass, capture or kill wildlife *without* a licence where the person reasonably believes that wildlife is damaging or is about to damage that person's property. The Act extends this exemption to persons in the business of removing nuisance wildlife for the same purpose.

Municipal Licensing and Standards through Toronto Animal Services will provide resources on its website to educate the public on what rules govern wildlife control and what factors to consider when hiring a wildlife control operator.

Legal Services was consulted in the preparation of this report.

### **Background Information (Committee)**

(March 4, 2014) Report from the Executive Director, Municipal Licensing and Standards on Feasibility of Licensing Wildlife Control Operators  
(<http://www.toronto.ca/legdocs/mmis/2014/ls/bgrd/backgroundfile-68427.pdf>)

### **Communications (Committee)**

(March 14, 2014) E-mail from Nicole Therese Corrado (LS.Main.LS28.3.1)  
(March 18, 2014) Memo from Lia Laskaris, Manager, Animal Alliance of Canada, Liz White, Leader, Animal Alliance Environment Voters Party of Canada and Barry MacKay, Canadian Representative, Born Free (LS.Main.LS28.3.2)  
(<http://www.toronto.ca/legdocs/mmis/2014/ls/comm/communicationfile-46723.pdf>)  
(May 23, 2014) E-mail from Nicole Corrado (LS.New.LS28.3.3)  
(May 26, 2014) Submission from Robin Howarth, General Manager, Ontario Fur Managers Federation (LS.New.LS28.3.4)  
(<http://www.toronto.ca/legdocs/mmis/2014/ls/comm/communicationfile-47767.pdf>)

### **Communications (City Council)**

(March 18, 2014) Submission from Councillor Glenn De Baeremaeker, Ward 38 Scarborough Centre (CC.Main.LS28.3.5)  
(<http://www.toronto.ca/legdocs/mmis/2014/cc/comm/communicationfile-48405.pdf>)  
(June 4, 2014) E-mail from Nicole Corrado (CC.Supp.LS28.3.6)

### **Speakers**

Robin Howarth, Ontario Fur Managers Federation (OFMF) (Submission Filed)

Scott Sears, Director 7A, Ontario Fur Managers Federation (OFMF)  
Bill Davies, Vice President, Southern Region, Ontario Fur Managers Federation (OFMF)

### **3a Feasibility of Licensing Wildlife Control Operators**

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege**

#### **Origin**

(March 28, 2014) Report from the City Solicitor

#### **Summary**

This report provides legal advice with respect to LS27.2, the Feasibility of Licensing Wildlife Control Operators.

#### **Background Information (Committee)**

(March 28, 2014) Report from the City Solicitor on Feasibility of Licensing Wildlife Control Operators

<http://www.toronto.ca/legdocs/mmis/2014/ls/bgrd/backgroundfile-68428.pdf>

Confidential Attachment 1

### **3b Feasibility of Licensing Wildlife Control Operators - Supplementary Report**

#### **Origin**

(May 9, 2014) Report from the Executive Director, Municipal Licensing and Standards

#### **Summary**

At its meeting of March 18, 2014, Licensing and Standards Committee deferred consideration of the report from the Executive Director, Municipal Licensing and Standards, headed "Feasibility of Licensing Wildlife Control Operators" to its next meeting, and requested a further report on a motion to license wildlife control operators.

As indicated in the previous report, issues of wildlife management appropriately reside with the Province of Ontario. However, if City Council directs Municipal Licensing and Standards (ML&S) to develop a licensing system for wildlife control operators, staff will need to do further work to develop such a program and report back on amendments to Municipal Code Chapter 545, Licensing, and on the resulting financial implications to ML&S' operating and capital budgets through the 2015 budget process.

This report outlines the steps necessary and preliminary financial estimates to undertake a licensing system for wildlife control operators in the City of Toronto.

#### **Background Information (Committee)**

(May 9, 2014) Report from the Executive Director, Municipal Licensing and Standards on Feasibility of Licensing Wildlife Control Operators - Supplementary Report

<http://www.toronto.ca/legdocs/mmis/2014/ls/bard/backgroundfile-69196.pdf>