



STAFF REPORT INFORMATION ONLY

Feasibility of Licensing Wildlife Control Operators – Supplementary Report

Date:	May 9, 2014
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2014\Cluster B\MLS\LS14007

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.

Financial Impact

If City Council directs ML&S to develop a licensing system for wildlife control operators, staff will need to conduct a detailed financial analysis, determine a new fee based on cost recovery and report out through the 2015 operating and capital budget processes on the financial implications to ML&S' budget.

Significant staff time and costs would be required to establish a new licensing system and develop a wildlife control operator training program. As well, ML&S has neither the expertise nor appropriate resources to adequately deal with active enforcement related to wildlife management. Additional staff resources will be required in the Licensing

Enforcement unit to deal with the investigation of complaints and any resulting licensing issues. There will be annual staff expenses incurred to issue licences, administer the licensing program and deliver the training program. The hiring of new staff would be included in the 2015 Operating Budget request.

The expenses to develop and administer a licensing system will include the following direct and indirect costs:

- Staffing for administering licences
- Staffing for enforcement
- Staffing for administering training program
- Consultant's costs to develop training program
- Materials, supplies and equipment
- Facility costs to temporarily house wildlife that may come under the care of the City of Toronto
- Legal, HR, I&T and other divisional support costs

It is estimated that the expenses to develop and administer this licensing system are approximately \$810,000.

The fee for a Wildlife Control Operator licence will be based on cost recovery. Based on a scan of the industry, there are currently approximately 44 companies operating in this capacity, each with an average of three wildlife control operators. Staff estimate that there may be 132 licences issued. In order to recover the costs of the program, the licence fee for each operator is estimated to be \$6,100.

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

DECISION HISTORY

At its meeting of March 18, 2014, the Licensing and Standards Committee deferred the report from the Executive Director, Municipal Licensing and Standards, on the Feasibility of Licensing Wildlife Control Operators, and requested a further report to the Committee at its April 22, 2014 meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.LS27.2>

ISSUE BACKGROUND

At its March 19, 2013 meeting, Licensing and Standards Committee requested staff to report back on the feasibility of licensing wildlife control operators, as there was 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).

Staff undertook research and public consultation to examine the issue. A review of relevant legislation indicated that provincial controls already exist to protect wild animals and residents from unqualified removal companies, with laws enforced by the Ministry of

Natural Resources, Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and Ministry of Consumer Services. Stakeholder consultations revealed some concerns with the activities of wildlife control operators, particularly with respect to “fly-by-night” companies that are not appropriately trained in wildlife removal; although it was emphasized that the issues cannot be generalized to the entire industry.

Staff reported to the March 18, 2014 Licensing and Standards Committee meeting recommending referral of the matter of licensing wildlife control operators to the Province of Ontario, as it is the level of government with direct responsibility for wildlife management and the regulation of wildlife control activities. Further, implementation of a municipal licensing by-law for wildlife control operators could be declared invalid by the courts for conflicting with existing provincial legislation— namely, the *Fish and Wildlife Conservation Act, 1997*.

Licensing and Standards Committee deferred the report to its next meeting, and requested staff to report further on a motion respecting what a licensing regime for wildlife control operators would look like.

COMMENTS

Staff scanned all wildlife control companies listed on the Internet and through inquiries made to industry contacts. Staff estimate that there are approximately 44 companies, each with an average of three wildlife control operators, that provide wildlife control services in the City of Toronto. In introducing a new licensing system for wildlife control operators in the City, this estimate of 132 operators will be used to project costs and determine the appropriate licence fee.

Amendments to Toronto Municipal Code Chapter 545, Licensing, would be required to license, regulate, and govern the operation of wildlife control businesses and its operators.

The holder of a Wildlife Control Operator licence could be subject to the general documentation requirements similar to other comparable business licence types. At the minimum, applicants could be required to produce two pieces of government issued identification including at least one piece of photo identification, proof of work status in Canada, incorporation, partnership agreement or business registration, a certified criminal background check for sole-proprietors, partners, officers or directors of corporations, proof of insurance for business operators, proof of successful completion of a City-mandated Wildlife Control Operator Training Program, declaration of knowledge of the Ontario Occupational Health and Safety Act, etc.

ML&S has neither the expertise nor appropriate resources to adequately develop and deliver a training program. Significant expenses will be incurred to hire new staff and retain consultants. A training program could include topics on customer service, legislation, equipment handling, animal care and control, animal welfare and health and safety. ML&S would need to conduct further research to develop an appropriate, certified, best practice training program.

The licence holder would be required to comply with City of Toronto by-laws and provincial legislation including the *Fish and Wildlife Conservation Act, 1997* and the *Ontario SPCA Act, 1990*.

Staff in the Licensing Enforcement unit would be responsible for enforcement, with assistance from Toronto Animal Services as required. The Ministry of Consumer Services has only received 3 inquiries in the last two years in regards to wildlife control operators. It is unknown how many complaints ML&S would receive related to wildlife control operators, therefore it is difficult to project the resources that would be required to enforce the new licence.

If City Council approves the introduction of a new licence category and fee for Wildlife Control Operators, further work would be required to develop the licensing system and the training program. Staff would need to conduct research and facilitate public consultations, engage industry stakeholders and experts, and consult with the Province to inform an appropriate licensing system.

ML&S would report back to Licensing and Standards Committee on necessary by-law amendments to Chapter 545, Licensing, and through the 2015 budget process on the financial implications to the operating and capital budgets.

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SIGNATURE

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