



Decision Letter

Licensing and Standards Committee

LS8.1	ACTION	Deferred		Ward:All
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Licensing of Wildlife Control Operators

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

Committee Decision

The Licensing and Standards Committee:

A. Deferred consideration of the item and the following motion by Councillor De Baeremaeker until the January 22, 2016 meeting of the Committee:

"Motion by Councillor De Baeremaeker:

That:

1. The City of Toronto require wildlife control operators to be licensed by March 1, 2016.
2. The City of Toronto define a wildlife control operator as any individual or business that charges a fee to discourage, evict or remove wildlife that is causing damage, is a public nuisance or is posing a health risk.
3. The purpose of the licensing requirement is to ensure the City of Toronto creates qualifications and conditions covering the licensing of individuals performing wildlife control activities in order to:
 - a. ensure public safety, public health and environmental protection;
 - b. protect consumers from fraudulent and/or untrained operators; and
 - c. set humane standards regarding removal methods, capture, handling, transport and euthanasia of wildlife.
4. The licensing requirement will support the provincial Fish and Wildlife Conservation Act, by ensuring, at a minimum, that:
 - a. all persons engaged in the business of providing wildlife control services must possess a wildlife control operator's license by March 1, 2016;
 - b. all wildlife removal operators and field staff must successfully complete the training

course mandated by the City of Toronto, and the training course will include, at a minimum, the training outlined in Attachment 1;

- c. wildlife control training to consist of a one-day course hosted by the City of Toronto MLS;
- d. wildlife control training to include Health and Safety, Professional and Humane Standards and Legal Requirements;
- e. each applicant must produce a valid fall arrest/fall protection certificate as proof of fall protection training that is compliant with the Ministry of Labour's Occupational Health and Safety Act and Regulations;
- f. each applicant must produce a commercial insurance certificate indicating that the wildlife control company, he or she owns or is gainfully employed by, possesses a minimum of \$3,000,000 liability coverage;
- g. each applicant must produce a certified criminal record check; and
- h. each applicant must agree to not use leg-hold or body-gripping traps or devices.

5. In order to minimize costs:

- a. City of Toronto staff request that Structural Pest Management Association of Ontario (SPMAO) and AAA Gates Wildlife Control to design a one day course for their industry members at no charge to the City;
- b. the one day workshop will be held at a City of Toronto property; and
- c. the city request the Toronto Wildlife Centre to continue to care for sick and injured animals as they currently do.

6. The annual license fee for a wildlife control operator is \$400.

Attachment 1: Course Outline for Wildlife Operators

1. Public / Personal Health & Safety

- a. understanding zoonotic diseases to ensure that the wildlife control technician can identify and remove diseased / sick wildlife thus preventing further outbreaks and the spiraling costs of disease control (i.e. raccoon feline distemper);
- b. utilizing protective measures aimed at avoiding disease transfer from animal to people;
- c. protecting public health through standardized education and information;
- d. understanding the role of The Canadian Cooperative Wildlife Health Centre (CCWHC), The Canadian Food Inspection Agency (CFIA) and Toronto Animal Services;
- e. instruction provided on the importance of personal protective equipment (PPE), personal hygiene and the safe use of ladders, working at heights, equipment, tools etc.;

- f. steps for the proper handling and disposal of contaminated materials and dead animals;
- g. highlighting the advantages of Tetanus and Rabies vaccinations;
- h. familiar with the Ministry of Labour's Occupational Health & Safety Act.

2. Professional and Humane Conduct

- a. understand basic behaviour and biology of common wildlife species;
- b. work for the protection of wildlife and promote harmony between wildlife and the public;
- c. offer reasonable pricing for the work performed and delivery of service that guarantees customer satisfaction;
- d. use devices that do not cause suffering or unnecessary death;
- e. apply methods that only involve humane deterring, repelling, evicting or excluding and in a manner that keeps animal families together;
- f. utilize acceptable heated baby reunion boxes when reuniting offspring with their mother;
- g. do not use cage or box traps on the outside of a building structure (i.e. only to be used on the inside of a working / living space) to avoid exposing the animal to inclement weather;
- h. implement control measures that address the root cause of the wildlife problem and prevents reoccurrences;
- i. monitor all work in progress in a timely fashion (i.e. traps, one-way doors, baby reunion boxes, etc.);
- j. keep detailed records of all work performed including date and time of job activities;
- k. deliver sick, injured or orphaned wildlife to a licensed rehabilitator, animal services or veterinarian for care or euthanasia, if necessary;
- l. provide the client with a detailed written description and cost of the work to be performed, together with the applicable warranty, company name, address, phone number and the wildlife operators license number.

3. Legal Requirements

- a. be compliant with all federal, provincial and municipal laws governing wildlife (i.e. OMNR's Fish & Wildlife Conservation Act; Endangered Species Act; Migratory Bird Act; MOE's Pesticides Act; OSPCA Act etc.)
- b. obtaining necessary permits to deal with protected wildlife;

- c. correctly identifying endangered and threatened species;
- d. adhering to building codes (i.e. screening of chimneys);
- e. what is the public legally permitted to do for the control wildlife on their property;
- f. euthanasia and who is authorized to perform the task;
- g. following environmentally regulations regarding proper carcass disposal; and
- h. rabies vector species and the role of the OMNR's Rabies Unit."

B. Requested the City Clerk to provide public notice on the proposed amendments in Councillor De Baeremaeker's motion.

Origin

(November 10, 2015) Report from the Executive Director, Municipal Licensing and Standards

Summary

This report responds to Licensing and Standards Committee's request to provide the Province of Ontario's reply to consider expanding its licensing requirements to include wildlife control operators and for the Executive Director, Municipal Licensing and Standards to give consideration to licensing wildlife control operators.

At its meeting of August 25, 26, 27 and 28, 2014, City Council adopted the staff recommendation to request the Province of Ontario to consider expanding its licensing requirements to include wildlife control operators. City Clerks sent a request to the Province on September 12, 2014. To date, the City has not received a response.

Municipal Licensing and Standards division conducted a thorough review of this issue and reported to the March 18, 2014 meeting of Licensing and Standards Committee.

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 Government and 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, the report recommended 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.

Background Information

(November 10, 2015) Report from the Executive Director, Municipal Licensing and Standards, on Licensing of Wildlife Control Operators
(<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-85684.pdf>)

(March 4, 2014) Attachment 1: Report from the Executive Director, Municipal Licensing and Standards

(<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-85685.pdf>)

(May 9, 2014) Attachment 2: Report from the Executive Director, Municipal Licensing and Standards

(<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-85686.pdf>)

(March 28, 2014) Attachment 3: Report from the City Solicitor

(<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-85687.pdf>)

(November 10, 2015) Attachment 4: Confidential Information on the Feasibility of Licensing Wildlife Control Operators

Communications

(November 17, 2015) Letter from Brad Gates, President, AAA Gates' Wildlife Control (LS.Main.LS8.1.1)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57379.pdf>)

(November 17, 2015) E-mail from Wendy (LS.Main.LS8.1.2)

(November 25, 2015) Letter from Geoff Walsh, President, Structural Pest Management Association of Ontario (SPMASO) (LS.New.LS8.1.3)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57440.pdf>)

(November 25, 2015) Letter from James Baker, Executive Director, Fur Institute of Canada (LS.New.LS8.1.4)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57416.pdf>)

(November 25, 2015) Submission from Councillor Glenn De Baeremaeker on legal opinions submitted by Animal Alliance of Canada and Zoocheck Canada (LS.New.LS8.1.5)

(November 25, 2015) E-mail from Nicole Corrado (LS.New.LS8.1.6)

(November 25, 2015) Letter from Councillor Michael Thompson (LS.New.LS8.1.7)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57447.pdf>)

(November 25, 2015) E-mail from Tony Arruda, GTA Wildlife Manager, ORKIN Canada (LS.New.LS8.1.8)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57448.pdf>)

(November 25, 2015) E-mail from Brad Gates, President, AAA Gates' Wildlife Control forwarding legal opinion from Gartner Kostanka, Animal Lawyers & Mediators (LS.New.LS8.1.9)

(November 25, 2015) E-mail from Liz White, Animal Alliance of Canada (LS.New.LS8.1.10)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57450.pdf>)

(November 26, 2015) E-mail from Anna Butt (LS.New.LS8.1.11)

(November 26, 2015) Letter from Robin Horwath, General Manager, Ontario Fur Managers - Facts Sheets on file (LS.New.LS8.1.12)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57453.pdf>)

(November 26, 2015) Submission from Nathalie Karvonen, Executive Director, Toronto Wildlife Centre (LS.New.LS8.1.13)

(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-57457.pdf>)

Speakers

Nathalie Karvonen, Executive Director, Toronto Wildlife Centre

Robin Horwath, General Manager, Ontario Fur Managers Federation

Bill Davies, Vice President, Ontario Fur Managers Federation

Liz White, Animal Alliance of Canada

Brad Gates, President, AAA Gates' Wildlife Control

Julie Woodyer, Zoocheck

Motions

1 - Motion to Amend Item moved by Councillor Glenn De Baeremaeker (Final)

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 - g. each applicant must produce a certified criminal record check;
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(SPMAO) and AAA Gates Wildlife Control to design a one day course for their industry members at no charge to the City;

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c. protecting public health through standardized education and information

d. understanding the role of The Canadian Cooperative Wildlife Health Centre (CCWHC), The Canadian Food Inspection Agency (CFIA) and Toronto Animal Services

e. instruction provided on the importance of personal protective equipment (PPE), personal hygiene and the safe use of ladders, working at heights, equipment, tools etc.

f. steps for the proper handling and disposal of contaminated materials and dead animals

g. highlighting the advantages of Tetanus and Rabies vaccinations

h. familiar with the Ministry of Labour's Occupational Health & Safety Act

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e. apply methods that only involve humane deterring, repelling, evicting or excluding and in a manner that keeps animal families together

f. utilize acceptable heated baby reunion boxes when reuniting offspring with their mother

- g. do not use cage or box traps on the outside of a building structure (i.e. only to be used on the inside of a working / living space) to avoid exposing the animal to inclement weather
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- i. monitor all work in progress in a timely fashion (i.e. traps, one-way doors, baby reunion boxes, etc.)
- j. keep detailed records of all work performed including date and time of job activities
- k. deliver sick, injured or orphaned wildlife to a licensed rehabilitator, animal services or veterinarian for care or euthanasia, if necessary.
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- e. what is the public legally permitted to do for the control wildlife on their property
- f. euthanasia and who is authorized to perform the task
- g. following environmentally regulations regarding proper carcass disposal
- h. rabies vector species and the role of the OMNR's Rabies Unit

2 - Motion to Defer Item moved by Councillor Cesar Palacio (Carried)

That the item and Councillor De Baeremaeker's motion be deferred until January 22, 2016 and the City Clerk be requested to provide public notice on the proposed amendments in Councillor De Baeremaeker's motion.