

ANIMAL  
ALLIANCE  
OF CANADA



**TO:** Chair and Members,  
Licensing and Standards Committee

**FROM:** Lia Laskaris, Manager  
Animal Alliance of Canada

Liz White, Leader  
Animal Alliance Environment Voters Party of  
Canada

Barry MacKay, Canadian Representative  
Born Free.

**SUBJECT:** LS8.1 – Licensing of Wildlife Control  
Operators

**DATE:** November 25, 2015.

Dear Chair and Members of Licensing and Standards Committee,

Thank you for your consideration in this matter. We urge you vote in favour of licensing wildlife control companies and to prohibit the use of leghold and body gripping traps in Toronto.

**No conflict between *the Fish and Wildlife Conservation Act* and a City licensing regime:**

The intent of the *Fish and Wildlife Conservation Act* is to allow property owners to address human/wildlife conflicts in a timely manner in a way that requires that it be done as humanely as possible for the animals involved and safe for members of the public and other animals, including pets.

Toronto will not violate the Act by licensing wildlife control companies. Indeed, the intent is to ensure that property owners get the best possible service in a timely fashion and that public safety and humane concerns are addressed.

In her October 22, 2014 legal opinion provided for Animal Alliance, Camille Labchuk, Barrister and Solicitor writes, "In my opinion, establishing a municipal licensing regime or otherwise regulating wildlife falls squarely within the authority of municipalities in Ontario. Municipalities possess clear authority to regulate matters within their delegated spheres of authority, including licensing businesses operating in a municipality...Establishing a licensing regime for wildlife

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operators will not frustrate provincial wildlife legislation, which aims to protect the rights of property owners that wish to protect their property from damage by wildlife." (Authority of Municipalities to License Wildlife Control Operators, Camille Labchuk, Barrister and Solicitor, October 22, 2014 – See attached)

The recommendation to ban certain traps addresses the public safety and humane issues regarding the use of these devices in dense urban environments.

### **Why is it important for the City to license wildlife control operators?**

In 2014, we brought this issue to Toronto and other municipalities because, despite repeated requests, the Ontario Ministry of Natural Resources and Forestry has refused to take responsibility for licensing these businesses. Toronto Council wrote to the Ministry on September 12, 2014 to "consider expanding its licensing requirements to include wildlife control operators". To date the City has not received a response.

Two of the authors of this letter are members of the provincial Human/Wildlife Conflict Advisory Group. The group, consisting of a range of stakeholders that includes representatives of farming, trapping, and hunting interests advises Ministry staff on how best to resolve human/wildlife conflict issues and the group passed a unanimous recommendation for the Ministry to license wildlife control businesses. The Ministry rejected the recommendation.

Residents who are experiencing conflicts with wildlife are faced with numerous unlicensed and unregulated wildlife control operators from which to choose. Residents often face costly, ineffective and sometimes damaging results from "fly by night companies" that have no experience in removing wild animals from houses and other structures and do not have the experience to do the preventive work necessary to stop the conflict from occurring again. Orphaning of dependent wild animals is a fairly common occurrence and may result in further damage to property done by a frantic mother raccoon or other animal trying to retrieve her young. Residents left with orphaned animals face additional costs to have the young removed once the mother is taken away. Some of these young animals are accepted into rehabilitation centres but in many cases they are euthanized or simply die of hunger and exposure.

In addition, when wild animals are live trapped, they must be released no more than 1 kilometre from where they were caught as set out in the Fish and Wildlife Conservation Act and Regulations. Many wildlife control operators are under substantial pressure from their paying customers to "take the animals away as far as possible" and without licensing requirements, this often happens.

In addition, review of OMNR Enforcement News for the last three years shows that Conservation Officer activities focused mostly on hunting and fishing violations.

We were unable to find any enforcement actions regarding the illegal relocation of wildlife, or any regarding individuals who left animals in traps for longer than 24 hours. Absence of any enforcement evidence under this Section suggests that the OMNR dedicates little or no enforcement hours to these sorts of offences.

Therefore the City needs to address this issue, given the Ministry's refusal to license these businesses. The Ministry has clearly demonstrated its intent not to get involved in human/wildlife conflicts in municipalities and have been largely absent in resolving human/wildlife conflicts in municipalities of Toronto, Ottawa, Cornwall, London and Hamilton, to name a few major urban centres.

### **Why is it important for the City to ban leghold and body gripping traps?**

These devices can currently be used in the City of Toronto and are problematic in such a dense urban environment.

Toronto Sun published a picture by Ken Kerr of a young raccoon whose face was caught in a leghold trap. This picture prompted discussion about a prohibition on the use of body gripping traps in Toronto.

In 2009, a small dog named Harper died in a Conibear trap set next to a dog park in the City of Guelph. The public outcry resulted in a by-law that prohibited the use of body gripping traps in Guelph subject to certain provisions.

In 2014, the Hamilton Spectator carried a picture of a snapping turtle killed in a Conibear trap resulting in the Hamilton Conservation Authority reconsidering the use of such devices.

### **Both issues were on the agenda of the December 1, 1998 Board of Health Agenda:**

The Board considered the following:

**Recommending** the following changes to the proposed by-law respecting animals:

#### **a. Leg-hold and such other traps in the City**

The Subcommittee requested the Board of Health and City Council to consider making application for special legislation from the Province so as to permit the bylaw to cover the prohibition of leg-hold and other such traps in the City.

#### **b. Wildlife Removal Companies**

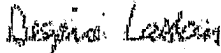
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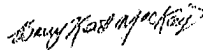
**Conclusion:**

Seventeen years ago the Board of Health considered both addressing wildlife removal companies and prohibiting leghold and other such traps. The items were again raised in 2014. Now is the time for the Licensing and Standards Committee to act. Therefore, we urge you to license wildlife control companies and prohibit the use of body gripping traps. City residents deserve to know who to contact to deliver a service that is effective and timely, humane and ensures public safety.

Sincerely,



Lia Laskaris  
Animal Alliance



Barry MacKay  
Born Free



Liz White  
Animal Alliance  
Environment  
Voters



### **Memorial to Harper:**

Harper was adopted through the JRTRO in September 2004 to Tara Szczygiel. She comments on him here:

*"Harper came to us, as I'm sure an many JRT's do, quite rough around the edges (he was a brat!). But with lots of patience, hard work and love we turned him into quite a sweet little gentleman. We always received compliments on his behaviour everywhere we went. His favourite things were rolling in disgusting stuff, lying in laundry straight out of the dryer and unwrapping presents - it didn't matter if they were his! His sassy and sweet personality as well as his silly antics will be deeply missed!"*

On December 13th, Tara was walking her dogs, Hero and Harper, in an off leash area in a park in Guelph. Harper was running near a fence, and he had put his head through a hole, and Tara heard him scream. She had thought that he had got his head caught in the fence, or had possibly caught an animal himself. What she found, though when she did find Harper was that his head and neck were caught in a conibear trap, and he was suffocating. Tara was unable to get the trap off him herself and ran for help. She did find some workers in the park, but even with the additional help, they were not able to get the trap off Harper. He suffocated to death with the trap still around his neck.

This was in a public park, and the trap was set illegally. The Ministry of Natural Resources (MNR) is investigating, and they are aware of who set the trap. Unfortunately, the illegal setting of a trap does not neatly fall under any jurisdiction of the Criminal Code, so no charges have yet been laid. The MNR has authority over all trapping issues in Ontario and is able to address this. This could have been any one of our dogs, and this is indeed something that every dog owner should be concerned about.

**Snapping turtle killed in Conibear trap**



Hamilton Spectator picture of a snapping turtle caught in a Conibear trap.  
(April 2014)

**Leghold trap on the face of a young raccoon**



Credit: Toronto Sun, Ki

This picture was taken by Ken Kerr at the Toronto Sun. This incident and other resulted in discussion about banning body gripping devices.  
(Date unknown)

**Camille Labchuk**  
**Barrister & Solicitor**

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Liz White  
Director  
Animal Alliance of Canada  
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October 22, 2014

Dear Ms. White:

**Re: Authority of Municipalities to License Wildlife Control Operators**

Below is the legal opinion that you requested regarding the authority of Ontario municipalities to license and regulate wildlife control operators. For the reasons that follow, I conclude that establishing a licensing regime for wildlife control operators is a proper exercise of municipal jurisdiction. A licensing regime relates to several proper municipal purposes, and does not conflict with provincial or federal legislation.

**I. Summary**

A number of municipalities in Ontario have expressed interest in studying the feasibility of establishing a municipal licensing regime for wildlife control operators.

For instance, the Toronto Licensing and Standards Committee requested at its March 19, 2013 meeting that Municipal Licensing and Standards prepare a report ("the Staff Report") on the feasibility of a licensing regime. The Staff Report was completed and provided to the Committee at its March 18, 2014. In it, concerns were expressed that a municipal licensing by-law for wildlife control operators could be declared invalid if it conflicts with provincial wildlife legislation.

As a result, there have been questions raised and uncertainty over whether municipalities in Ontario have the authority to establish rules for wildlife control operators.



In my opinion, establishing a municipal licensing regime or otherwise regulating wildlife operators falls squarely within the authority of municipalities in Ontario.

Municipalities possess clear authority to regulate matters within their delegated spheres of authority, including licensing businesses operating in a municipality, animals, health and safety, protection of persons and property, and the economic, social, and environmental well-being of a municipality.

Establishing a licensing regime for wildlife operators will not frustrate provincial wildlife legislation, which aims to protect the rights of property owners that wish to protect their property from damage by wildlife. An additional layer of municipal regulation will not frustrate these rights.

## **II. Background**

Residents of municipalities in Ontario share their communities with a variety of wild animals. On occasion, humans and wild animals come into conflict with one another, such as in situations in which animals take up residence in human homes. For example, wild animals like birds, bats, or squirrels may nest in attics, and raccoons or skunks may begin living underneath a home.

Residents may seek the assistance of a wildlife control operator to have the animals removed. Wildlife control operators typically offer a variety of services, including: encouraging animals to leave a building and preventing their re-entry; non-lethal trapping of animals coupled with their release to another location; non-lethal trapping of animals coupled with their subsequent killing; and lethal trapping or shooting of animals.

Wildlife control operators are not typically licensed by municipalities in Ontario, nor are they subject to any other municipal regulatory regimes specific to their wildlife control activities.

## **III. Provincial Regulation of Wildlife Control Operators**

The following provincial legislation applies to wildlife control operators.

The provincial *Fish and Wildlife Conservation Act*, 1997, SO 1997, c 41 ("the Wildlife Act") regulates human-wildlife interactions in Ontario. It establishes a licensing regime for individuals who wish to kill wildlife, and generally prohibits the killing of wildlife without a license.

However, s. 31(1) of the Wildlife Act creates an exception to the licensing requirement: it allows a person to harass, capture, or kill wildlife without a license if the person believes on reasonable grounds that wildlife is about to damage or is damaging the person's property.

Section 31(2) of the Wildlife Act enables the person to use an agent to harass, capture, or kill wildlife on their behalf, so long as the agent is authorized to perform this function by regulation. In other words, the property owner is permitted to delegate the right to protect their property to an authorized agent who then acts on the property owner's behalf.

A regulation to the Wildlife Act, *Hunting*, O Reg 665/98 ("the Hunting Regulation), authorizes certain classes agents to carry out this delegated function. Under s. 132 of the Hunting Regulation, authorized agents must be among the following:

1. Licensed trappers.
2. Employees or agents of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA).
3. Members of a landowner's immediate family acting on behalf of the landowner on the landowner's own land.
4. Persons whose business is primarily the business of removing nuisance wildlife if they harass wildlife or if they capture and release it if it is capable of being released.
5. Employees or agents of a municipality whose responsibilities relate to wildlife control.
6. Persons who hold a valid class H1 outdoors card (a component of a hunting license) for purposes of killing or harassing the wildlife but not capturing it.

Wildlife control operators in Toronto primarily fall into two groups:

- Licensed hunters and trappers that may use firearms and lethal traps (categories 1 and 6); or
- Persons whose business is wildlife removal (category 4).

Operators falling into the first category must comply with provisions of the Wildlife Act, and its regulations, which describe how animals may be hunted and trapped.

Operators falling into the latter category may use non-lethal devices such as one-way doors or live traps. They are not currently licensed or regulated by any level of government.

Section 31(5) of the Wildlife Act requires that any agent acting on behalf of a property owner in harassing, capturing, or killing wildlife shall not cause wildlife to suffer unnecessarily. (Note: this provision is redundant, as s. 445.1 of the federal Criminal Code already prohibits causing unnecessary suffering to an animal.)

#### **IV. Authority of Municipalities to License Wildlife Control Operators**

##### **a. Relevant Legislation**

Municipalities in Ontario are their delegated powers and duties through the provincial *Ontario Municipal Act*, RSO 2001 c 25 ("the Municipal Act").<sup>1</sup>

Section 8(1) of the Municipal Act sets the tone for the interpretation of municipal authority. It provides that municipal powers "shall be interpreted broadly to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues."

Section 8(2) allows municipalities to pass by-laws under ss. 10 and 11: a) regulating or prohibiting respecting a matter, b) requiring persons to do things respecting the matter, and c) provide a system of licenses respecting the matter.

In addition to the powers under s. 8 of the Municipal Act, s. 10(1) permits a municipality to provide any "service or thing that the municipality considers necessary or desirable for the public."

Section 10(2) specifically authorizes a municipality to pass by-laws respecting enumerated spheres of power. Several of these spheres of authority are relevant to the licensing or otherwise regulating wildlife control operators, including: the economic, social and environmental wellbeing of a municipality; health; the safety and wellbeing of persons; the protection of persons and property; animals; and business licensing.

Further, s. 151 of the Municipal Act allows a municipality to license businesses, including prohibiting the carrying on of business without a license; imposing conditions as a requirement of obtaining a license; and imposing different conditions on different classes of businesses.

##### **b. A Proper Municipal Purpose for By-Laws**

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<sup>1</sup> Toronto is governed by the *City of Toronto Act*, 2006, SO 2006, c 11, Sched A. The relevant provisions in the *City of Toronto Act* are identical in substance to those in the Municipal Act, meaning the same reasoning applies to Toronto.

To be valid, a municipal by-law must have a proper municipal purpose, i.e., fall within one of the categories enumerated in s. 10(2).

It is clear that by-laws regulating wildlife control operators can easily fall under several of the s. 10(2) categories, including:

- **The economic social, and environmental wellbeing of a municipality.** Businesses offering wildlife control services contribute to the economy of a municipality. The environmental wellbeing of a municipality includes a consideration of the municipality's wildlife population. The social wellbeing of a municipality was recently defined as the ability of residents "to live together as an urban community" in *Eng v Toronto (City)*, 2012 ONSC 6818, which is clearly impacted by wildlife interactions.
- **The health, safety, and wellbeing of persons.** Wildlife living within municipalities may pose a risk to human health and safety, e.g., by carrying communicable diseases, scratching, or biting. Methods of wildlife management employed by wildlife control operators may pose a risk to human health and safety, e.g., by using traps, relocating animals.
- **Protection of persons and property, including consumer protection.** Wildlife control operators are hired by residents who wish to protect their property from damage by wildlife. Residents may also wish to protect their pets (which are legally their property) from practices of wildlife operators, such as traps. Consumer protection is engaged by because of the business relationship involved, and the need to ensure that customers receive quality service.
- **Animals.** Regulation of matters relating to animals is a clear matter of municipal authority. Wildlife control operators may trap, harass, remove, and kill animals (defined in s. 11.1 of the Municipal Act as non-human members of the animal kingdom), giving municipalities jurisdiction over their activities.
- **Business licensing.** Wildlife control operators are business that may be licensed by municipalities pursuant to s. 151 of the Municipal Act.

V. **A Licensing Regime or Regulatory Regime Would Not Frustrate Purpose of the Wildlife Act**

Legislation enacted by one level of government, such as the provincial legislature of Ontario, does not bar a municipality from passing complementary legislation. The validity of tri-level regulation has been unambiguously endorsed by the Supreme Court of Canada as the accepted model in our federal system (see, e.g., *Canada Ltée (Spraytech, Société d'arrosage v Hudson (Town)* 2001] 2 SCR 241, at para 39).

Municipal by-laws are deemed invalid only if they conflict with federal or provincial legislation. Section 14 of the Municipal Act states that a municipal by-law is without effect to the extent that it conflicts with a federal or provincial statute, including if a by-law frustrates the purpose of provincial legislation.

The Ontario Court of Appeal considered the issue of conflict in *Croplife Canada v Toronto (City)* [2005] OJ 1896. In that case, a by-law banning pesticides was challenged by the pesticide industry, which argued that the by-law was invalid because the provincial and federal governments already regulated aspects of pesticides. The Court set out a two-part test for evaluating conflict between municipal by-laws and legislation at other levels of government. The relevant considerations are:

- 1) Is it possible to comply with by-law and the superior legislation? and;
- 2) Does the by-law frustrate the purpose of the superior legislation?

In *Croplife*, the pesticide by-law was a valid exercise of municipal authority because it was possible to simultaneously comply with the pesticide by-laws as well as federal and provincial legislation, and the by-law did not frustrate the purpose of provincial and federal legislation. The Court noted that if a level of government intends to "occupy the field" on an issue, barring regulation by other levels, it must use very clear language to convey this intent.

Similarly, establishing a municipal licensing and/or regulatory regime for wildlife control operators does not, in principle, conflict with the Wildlife Act.

Applying the two-part test set out in *Croplife*, it is clear that the first step will be met if Toronto establishes a licensing or regulatory regime for wildlife operators that requires, for example, training, standards, and the payment of a licensing fee. There are no meaningful provincial standards for wildlife control operators, and therefore no serious potential for conflict. It would be possible to comply with the provincial regulations that set out who may act as an authorized agent for the purpose of protecting property for wildlife. A municipal licensing regime would not impose contradictory obligations. Neither would it impose any contradictory obligation on a property owner who wishes to hire an authorized agent.

With respect to the second step, a by-law must not conflict with superior legislation, in this case the Wildlife Act, including frustrating the purpose of the legislation. This analysis requires a consideration of the purpose of the relevant provisions in the Wildlife Act.

Section 31(1) of the Wildlife Act is unequivocally aimed at ensuring property owners have the ability to protect their property from damage by wildlife without the burden of first having to first become licensed as trappers or hunters under the Wildlife Act. This provision can be seen as enshrining the traditional common law right to take reasonable steps to protect and preserve one's property.

Section 31(2) merely allows a person to delegate their s. 31(1) right to protect property to an appropriate agent. This affords flexibility to property owners so that they may deal with problematic wildlife themselves, or contract out their right to protect their property to a professional who is hired for the purpose of controlling problematic wildlife.

The Hunting Regulation in s. 132 merely lists a number of entities that may be agents. It does not require these entities to act as agents, nor does it impose any other duties upon them, such as obtaining a license specific to acting as an agent.

The purpose of the provincial property protection scheme in the Wildlife Act is thus to ensure property owners may deal with nuisance wildlife without the burden of obtaining a license. It is not aimed at regulating wildlife operators, nor does it contain any language suggesting that it is a comprehensive scheme for regulation of the activities of the agents that may perform this delegated function.

A municipal licensing or regulatory regime for wildlife control operators will obviously impose additional responsibilities, and possibly restrictions, upon the operation of these agents within a municipality. This may include, for example, training requirements, a licensing fee, restrictions on the methods of wildlife control that may be used, reporting requirements, and other standards.

Imposing further requirements on agents does not frustrate the purpose of the legislation, which is to allow for agents in the first place so that property owners may protect their property. A property owner under s. 31(1) who wishes to employ an agent under s. 31(2) will still be able to exercise the right to hire an agent. A municipal licensing scheme will simply help protect the property owner and other residents of the municipality by ensuring the agent is licensed and meets certain minimum requirements of operation.

The issue is similar to that in *Croplife*, in which the superior legislation was permissive in the use of pesticides but did not allow everyone to use any permitted

pesticide in any unrestricted way. Therefore, the superior legislation did not prevent a municipality from limiting the use of certain pesticides.

As in *Croplife*, superior legislation (the Wildlife Act, in this case) permits some authorized agents to act on behalf of a property owner. However, the Wildlife Act does not expressly permit all of those agents to act in an unrestricted way, and it does not create a licensing regime. There is nothing in the Wildlife Act to suggest that authorized agents should not be subject to business licensing powers held by municipalities. Municipalities retain the authority to regulate the carrying on of business within municipal limits, including by licensing businesses and otherwise regulating their activities.

A municipal licensing regime or regulatory scheme for wildlife operators will not conflict with the Wildlife Act, nor will it frustrate its purpose. As the Supreme Court endorsed in *Hudson*, "A true and outright conflict can only be said to arise when one enactment compels what the other forbids." (para 38).

## **VI. Conclusion**

Licensing wildlife control operators and regulating their activities is a valid exercise of municipal authority under s. 10 of the Municipal Act. Licensing and regulating wildlife control operators concerns municipal issues such as ensuring the proper operation of businesses, protecting the public, and protecting animals. The Wildlife Act has, as its goal, facilitating the right of persons to protect their property from wildlife. The Wildlife Act does not purport to comprehensively regulate all activities of the agents that act on behalf of property owners.

There is no operative conflict between a proposed municipal regime for wildlife control operators and the provincial legislation. The Wildlife Act would not be frustrated by the municipal licensing and regulation of wildlife control operators as they would still be able to operate and act on behalf of property owners.

I hope this legal opinion is of assistance to you. Please do not hesitate to contact me if you should wish for clarification on any of the within information, or if you should wish to discuss the issue further.

Sincerely,



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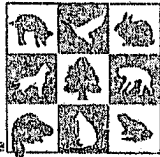
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**FROM:** Lia Laskaris, Manager  
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Liz White, Leader  
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**SUBJECT:** LS8.1 – Licensing of Wildlife Control  
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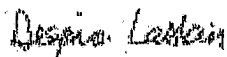
The Subcommittee requested the Board of Health to defer consideration of this issue until the new Fish and Wildlife Conservation Act by the Ministry of

Natural Resources is proclaimed and that this matter be reviewed by the Animal Services Advisory Subcommittee in the next 12 months.

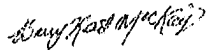
**Conclusion:**

Seventeen years ago the Board of Health considered both addressing wildlife removal companies and prohibiting leghold and other such traps. The items were again raised in 2014. Now is the time for the Licensing and Standards Committee to act. Therefore, we urge you to license wildlife control companies and prohibit the use of body gripping traps. City residents deserve to know who to contact to deliver a service that is effective and timely, humane and ensures public safety.

Sincerely,



Lia Laskaris  
Animal Alliance



Barry MacKay  
Born Free



Liz White  
Animal Alliance  
Environment  
Voters



## Memorial to Harper:

Harper was adopted through the JRTRC in September 2004 to Tara Szczygiel. She comments on him here:

*"Harper came to us, as I'm sure an many JRT's do, quite rough around the edges (he was a brat!). But with lots of patience, hard work and love we turned him into quite a sweet little gentleman. We always received compliments on his behaviour everywhere we went. His favourite things were rolling in disgusting stuff, lying in laundry straight out of the dryer and unwrapping presents - it didn't matter if they were his! His sassy and sweet personality as well as his silly antics will be deeply missed!"*

On December 13th, Tara was walking her dogs, Hero and Harper, in an off leash area in a park in Guelph. Harper was running near a fence, and he had put his head through a hole, and Tara heard him scream. She had thought that he had got his head caught in the fence, or had possibly caught an animal himself. What she found, though when she did find Harper was that his head and neck were caught in a conibear trap, and he was suffocating. Tara was unable to get the trap off him herself and ran for help. She did find some workers in the park, but even with the additional help, they were not able to get the trap off Harper. He suffocated to death with the trap still around his neck.

This was in a public park, and the trap was set illegally. The Ministry of Natural Resources (MNR) is investigating, and they are aware of who set the trap. Unfortunately, the illegal setting of a trap does not neatly fall under any jurisdiction of the Criminal Code, so no charges have yet been laid. The MNR has authority over all trapping issues in Ontario and is able to address this. This could have been any one of our dogs, and this is indeed something that every dog owner should be concerned about.

**Snapping turtle killed in Conibear trap**



Hamilton Spectator picture of a snapping turtle caught in a Conibear trap.  
(April 2014)

**Leghold trap on the face of a young raccoon**



Credit: Toronto Sun, Ki

This picture was taken by Ken Kerr at the Toronto Sun. This incident and other resulted in discussion about banning body gripping devices.  
(Date unknown)

**Camille Labchuk**  
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Liz White  
Director  
Animal Alliance of Canada  
221 Broadview Avenue  
Toronto, Ontario  
M4M 2G3

October 22, 2014

Dear Ms. White:

**Re: Authority of Municipalities to License Wildlife Control Operators**

Below is the legal opinion that you requested regarding the authority of Ontario municipalities to license and regulate wildlife control operators. For the reasons that follow, I conclude that establishing a licensing regime for wildlife control operators is a proper exercise of municipal jurisdiction. A licensing regime relates to several proper municipal purposes, and does not conflict with provincial or federal legislation.

**I. Summary**

A number of municipalities in Ontario have expressed interest in studying the feasibility of establishing a municipal licensing regime for wildlife control operators.

For instance, the Toronto Licensing and Standards Committee requested at its March 19, 2013 meeting that Municipal Licensing and Standards prepare a report ("the Staff Report") on the feasibility of a licensing regime. The Staff Report was completed and provided to the Committee at its March 18, 2014. In it, concerns were expressed that a municipal licensing by-law for wildlife control operators could be declared invalid if it conflicts with provincial wildlife legislation.

As a result, there have been questions raised and uncertainty over whether municipalities in Ontario have the authority to establish rules for wildlife control operators.