

Updates to Chapter 349, Animals

Date: May 13, 2022

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

Toronto Municipal Code Chapter 349, Animals, establishes rules and regulations for responsible pet ownership, pet licensing, prohibited animals, responses to domestic animal and wildlife issues, and the provision of shelter care in Toronto. Municipal Licensing and Standards' (MLS) Toronto Animal Services (TAS) is responsible for administering and enforcing Chapter 349.

Chapter 349 first came into effect in 1999 and has been amended several times since, including the introduction of the UrbanHensTO pilot, changes to the list of prohibited animals, and changes to Dangerous Dog regulations including the establishment of the Dangerous Dog Review Tribunal.

This report recommends amendments to update and modernize the By-law, to help Toronto Animal Services meet its mandate of ensuring public safety and the welfare of Toronto's wildlife and domestic animal population. Toronto is considered a progressive leader in this area and it is important to continuously improve our approach as well as assess developments and best practices in animal and wildlife management in an urban setting.

The following amendments to Chapter 349, Animals, are proposed:

- Prohibiting the intentional feeding of wildlife to address concerns with animal welfare and reduce instances of human-wildlife conflicts,
- Limiting the number of guinea pigs and rabbits that are permitted in and about a dwelling unit to a combined maximum of four, to address animal welfare challenges that arise when a large number of these animals are kept as pets,
- Limiting the number of domestic pigeons kept to thirty on any property in the city, with allowances for an increase in the numbers of pigeons to fifty during breeding season (April – October),
- Increasing the length of time within which a person must remove dog excrement on their own property to “up to 24 hours” to provide a more realistic timeframe for the dog owners,
- Removing the authority to impound certain cats, to help reduce cat populations in City shelters,

- Clarifying that a person is not permitted to allow their pet to be at-large in the City, apart from cats and pigeons,
- Improving outdoor animal shelter requirements by requiring compliance with the Provincial Animal Welfare Services (PAWS) Act, 2019, and
- Technical amendments to improve operational and enforcement efforts.

There are also proposed amendments to Chapter 441, Fees and Charges, to amend existing fees and establish a new fee to allow Toronto Animal Services to charge fees for the impounding and protective care of domestic animals other than cats and dogs, and for prohibited animals.

MLS consulted with key stakeholders about the current state of pet ownership in the city and to understand how Torontonians interact with urban wildlife, which helped inform the recommendations of this report. Staff will develop and undertake an education campaign to ensure that the public understands the new and existing regulations around animals, guidance for reducing human-wildlife conflict, and information about pet licensing requirements.

This report also provides a number of updates related to Toronto Animal Services and responds to outstanding Council directives, including an update on pet licensing, responses to directives to assess the feasibility of a permitted animal list, the feasibility of regulating dog kennels through licensing, and an update on the regulation of cosmetic surgeries for pets.

This report was prepared in consultation with Legal Services, Toronto Public Health, the Indigenous Affairs Office, City Planning, and Parks, Forestry and Recreation.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend Toronto Municipal Code Chapter 349, Animals as follows:

Feeding of Wildlife

- A. Establish the following definitions:
 - i. FEED - Providing food to, or leaving food for consumption by, wildlife, but does not include:
 - a) keeping compost in accordance with City by-laws;
 - b) keeping food in a bird feeding device in compliance with this Chapter;
 - c) providing water to a domestic animal; or
 - d) growing fruits and vegetables in gardens.
 - ii. BIRD FEEDING DEVICE - Any instrument, tool, appliance or thing meant or intended to hold food for birds.
 - iii. SONGBIRD – A bird belonging to the oscine division in ornithology.
 - iv. WILDLIFE - An animal that belongs to a species that is wild by nature, but does not include

- a) domestic animals; or
- b) a feral or stray cat.

B. Add a new subsection 349-10.1 as follows:

No person shall feed or attempt to feed wildlife, or permit the feeding of wildlife on their property, except:

- i. An officer, licensed trapper, authorized wildlife rehabilitator or employee of a licensed pest management operator or exterminator leaving food as bait to catch wildlife as part of their professional duties;
- ii. A person feeding wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution;
- iii. A person fishing in accordance with a valid provincial licence;
- iv. A person participating in a cultural, religious or spiritual practice outdoors, provided the person cleans all food from the outdoor location at the conclusion of the practice; or
- v. A person feeding songbirds as follows:
 - a) the food intended for the songbirds is placed in a bird feeding device that is sufficiently above grade so as to not attract or be accessible to wildlife;
 - b) the bird feeding device is located on private property, and the property owner or occupant has given permission for the installation and use of the bird feeding device;
 - c) any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other wildlife; and
 - d) the bird feeding device is kept in sanitary condition and in good working order.

Pet Rabbits and Guinea Pigs

C. Add a provision that no person shall keep more than four rabbits and/or guinea pigs, or a combination of both, in and about any dwelling unit within the city.

D. Add a provision that the limit on the number of rabbits and/or guinea pigs shall not apply to individual members of a rescue group who are keeping rabbits and/or guinea pigs for or on behalf of that rescue group.

E. Add a provision that any person keeping more than four rabbits and/or guinea pigs as of December 1, 2022 may continue to keep those rabbits and/or guinea pigs until they have died, except where a person was lawfully keeping more than 10 rabbits and/or guinea pigs as of December 1, 2022 that person may keep no more than 10 of those rabbits or guinea pigs, or a combination of both, until they have died.

Pigeons

F. Amend section 349-25 by:

- i. Deleting the word "stray" from subsection A; and

- G. Amend section 349-25 by adding a provision that a person shall keep no more than 30 pigeons on any property in the city between November 1 of one year to March 31 of the subsequent year, or no more than 50 pigeons from and including April 1 to and including October 31 in any year.

Outdoor Animal Shelter Standards

- H. Amend section 349-7 to require a person having the custody or control of an animal kept outside for any continuous period exceeding thirty minutes to ensure the animal enclosure provided in accordance with that section complies with any applicable standards under the Provincial Animal Welfare Standards Act, 2019, or its regulations.

Dog Excrement

- I. Amend section 349-18 so that an owner of a dog shall remove excrement left by the dog on the property of the owner within 24 hours, instead of immediately as required on other properties.

Seizure and Impounding of Cats; Animals at Large

- J. Remove section 349-20A so that the Executive Director, Municipal Licensing and Standards may no longer impound cats that are causing damage or creating a nuisance.

- K. Add a new section 349-6D as follows:

D. No owner of an animal other than a cat or a pigeon shall cause or permit the animal to be at large in the city.

Issuance of Notices, Violations and Orders

- L. Amend section 349-15B by substituting “may” for “shall” so that it now reads “Where the Executive Director has reason to believe that a dog has engaged in a dangerous act against a person or domestic animal, an officer may:” to allow officer discretion in dangerous dog investigations.

- M. Update Article X, Offences, Entry to Inspect, to clarify the ability of the City of Toronto to issue orders for compliance and take remedial action consistent with the authorities in the City of Toronto Act, 2006, and other by-laws, including clarity on the process to serve orders or other notices or documents, including service by registered mail and e-mail.

- 2. City Council amend Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards by adding the fees in the table below:

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
NEW	Shelter & Care	Impound fee for seized prohibited animal	Full Cost Recovery	Actual cost to house prohibited animal + Administrative Fee	Actual cost to house prohibited animal + \$140.00	No
NEW	Shelter & Care	Fee charged when the pet owner surrenders other domestic animal (weighs 45kg or greater)	City Policy	Per Animal	\$59.06	Yes

3. City Council amend Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards by amending the fees in the below table:

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
81	Pet Licence Issuance	NEW Impound Fee Cat/Other Domestic Animal	Market Based	1 st 24 Hours or Part Thereof	\$30	No
82	Pet Licence Issuance	NEW Impound Fee Cat/Other Domestic Animal	Market Based	Subsequent Per Diem	\$10	No
104	Shelter & Care	NEW Fee charged when the pet owner surrenders other domestic animal (weighs less than 45 kg)	City Policy	Per Animal	\$35.43	Yes

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
112	Shelter & Care	NEW Protective Care (Dog/Cat/Other Domestic Animal)	City Policy	1 st 24 Hours or Part Thereof	\$40	No
114	Shelter & Care	NEW Protective Care Cat/Other Domestic Animal)	City Policy	Subsequent per Diem per Animal	\$10	No

4. City Council direct that the amendments in recommendation 1 come into force on the following dates:
 - a. The amendments in recommendations 1 C, D, and E respecting rabbits and guinea pigs take effect December 1, 2022;
 - b. The amendments in recommendation 1 F respecting pigeons take effect December 1, 2022;
 - c. The amendments in recommendations 1 A and B respecting feeding wildlife take effect April 1, 2023; and
 - d. All other amendments take effect immediately.

5. City Council direct the Executive Director, Municipal Licensing and Standards, to include, as part of the Municipal Licensing and Standards Division's 2023 operating budget submission, additional staff resources required arising from the recommendations in this report.

6. City Council direct the City Solicitor to prepare the necessary bill(s) required to give effect to Council's decision and to make any necessary minor substantive or stylistic refinements as may be identified by the City Solicitor.

7. City Council request the Executive Director, Municipal Licensing and Standards and the Chief Planner and Executive Director, City Planning to report back in Q3 2023 to the appropriate standing committee(s) on the following:
 - a. A review of possible amendments to Chapter 545, Licensing, to introduce a new pet establishment business licence class to regulate all businesses for the sale of, grooming, training, daycare or the overnight boarding of animals, but not including veterinarian practices, with this review to include:
 - i. A review of best practices that pet shops, kennels and other pet establishments must maintain to meet animal welfare standards;
 - ii. Standards to reduce nuisance issues that may arise with neighbouring properties; and

- iii. Consultation with industry stakeholders, animal welfare experts, Business Improvement Areas, resident associations, pet owners, and the general public.
- b. A review of the Zoning By-law regulations of kennels and pet services in relation to any proposed pet establishment or kennel business license.

FINANCIAL IMPACT

Municipal Licensing and Standards (MLS) projects that additional enforcement costs in 2023 may have a total annualized impacts of up to \$347,000 on the operating budget. These costs are associated with hiring three additional Animal Control Officers.

It is estimated that three additional Animal Control Officers will be required to enforce the proposed by-law amendments, based on anticipated needs and historical enforcement data.

The \$347,000 annual estimate includes salary and benefits, as well as vehicle, uniform and technology costs to support the new staff. The additional operational costs and additional Animal Control Officers will be requested as part of MLS' 2023 operating budget submission.

It is anticipated that the proposed amendments to Chapter 441, Fees and Charges will result in \$16,000 of additional revenue per year. These amendments are to establish fees for the impounding of prohibited animals, the impounding of domestic animals, other than dogs and cats, and the protective care of domestic animals, other than dogs and cats.

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

EQUITY IMPACT

The City of Toronto's Reconciliation Action Plan, adopted by Council on April 6, 2022, calls for the "co-creation of protocols with Indigenous organizations and collectives that use Indigenous knowledge and processes to support working together in right relations". The proposed changes to the rules on the feeding of wildlife further emphasize the responsibility people have when seeking out relationships with wildlife and nature, and the education plan proposed in this report are an opportunity to connect to land-based teachings and hands-on campaigns with community organizations and Indigenous community members and organizations.

The City of Toronto's Indigenous Affairs Office (IAO) were involved in discussions around the feeding of wildlife, and highlighted the importance of considering the interconnectedness of the ecosystem, as opposed to an approach that would single out a species for a potential feeding ban. TAS will continue to explore active working relationships with IAO in order to engage directly with communities about changing the narrative regarding connections between humans and animals, which will be reflected in

TAS' public education efforts and materials. In addition, TAS will continue building partnerships with community groups to strengthen its ability to address issues with wildlife before conflict situations arise and to reframe the ways in which residents interact with animal life in the city.

DECISION HISTORY

On December 15, 2021, City Council adopted [GL27.30 Kennels - Let Every Dog have its Day - Even at a Kennel](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL27.30) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL27.30), requesting staff to report back with a plan to license kennels in Toronto.

On July 14, 2021, City Council adopted [MM35.13 Go Tell It To the Birds Time to Stop Overfeeding Toronto's Pigeons](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM35.13) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM35.13), which requested staff to report on the feasibility of prohibiting pigeon-feeding on all public and private spaces in Toronto and to consult with Toronto Public Health regarding pigeon droppings.

On October 2, 2017, City Council adopted, with amendments, [LS20.1 Prohibited Animals Review](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS20.1) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS20.1), which requested staff to examine the advantages and merits of a positive list.

On April 10, 2017, Licensing and Standards Committee adopted, with amendments, [LS4.6 Outdoor Animal Shelter Standards and Extreme Weather](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.LS24.6) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.LS24.6), which directed staff to report back on potential measures to strengthen the provisions of Chapter 349 relating to outdoor shelter standards for animals.

On April 18, 2017, Licensing and Standards Committee adopted, with amendments, [LS18.6 Modernizing Toronto's Racing Pigeon Regulations](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS18.6) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS18.6), which directed staff to propose updated regulations for racing pigeons in residential neighbourhoods.

On January 13, 2017, Licensing and Standards Committee adopted [LS16.2 Municipal Licensing and Standards - Committee Work Plan for 2017 and 2018](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS16.2) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS16.2), directing staff to consider issues such as cosmetic operations on pets as well as pet licensing in a forthcoming staff report on Chapter 349, Animals.

On December 13, 2016, City Council adopted [LS15.1 Amendments to Chapter 349, Animals - Dangerous Dogs](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.LS15.1) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.LS15.1), which amended the Dangerous Dog Regulations. It also directed staff to report on the retention of an animal welfare consultant.

On May 25, 2015, Licensing and Standards Committee adopted, with amendments, [LS4.3 Options for Mitigating Human-Wildlife Conflict in Toronto](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.3) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.3), which requested staff to explore

the feasibility of a by-law that prohibits the feeding of wildlife on private property as well as a by-law prohibiting the feeding of pigeons in public spaces.

COMMENTS

Purpose of the Review

Toronto Municipal Code Chapter 349, Animals, (called "Chapter 349" or the "Animals By-law" in this report) establishes rules and regulations for responsible pet ownership, pet licensing, prohibited animals, responses to domestic animal and wildlife issues, and the provision of shelter care in Toronto. Municipal Licensing and Standards, through Toronto Animal Services (TAS) is responsible for administering and enforcing Chapter 349.

In recent years, there have been several directives from City Council and Committees relating to wildlife and domestic animals in Toronto. In response to these directives, and with feedback gathered from the public, pet industry and animal welfare stakeholders, staff identified several areas where the By-law could be amended to improve public health and safety, the welfare of animals in Toronto and update the requirements and responsibilities of pet owners. Strengthening the By-law can benefit human health by reducing unsupervised interaction with wildlife that can lead to the transmission of pathogens (such as rabies) to humans, or cause injuries.

It is necessary for the City of Toronto to update Chapter 349 to address trends in human-wildlife interactions and animal welfare, enable improvements to support operational and enforcement efforts and respond to outstanding City Council directives. Toronto is considered a progressive leader in this area and it is important to continuously improve our approach as well as assess developments and best practices in animal and wildlife management in an urban setting.

Overview of Guidelines and Regulations Related to Animals

Animal-related topics, such as animal welfare, pet ownership and prohibited animals are regulated at each of the municipal, provincial and federal levels. The following sections provide an overview of some relevant sources of animal regulation.

Provincial

In January 2020, the *Provincial Animal Welfare Services Act, 2019* (the "PAWS Act") came into effect, setting out rules and regulations related to animal welfare.

The PAWS Act provides animal welfare inspectors with significant enforcement authority. An animal welfare inspector may enter and inspect a property under specific circumstances, such as to investigate and potentially relieve an animal under distress. Animal welfare inspectors further have the right to take possession of an animal in certain circumstances without a court order, such as where a veterinarian has advised that such action is necessary to alleviate the animal's distress or where an inspector has issued an order and the animal's owner has not complied.

Generally, in cases of significant animal welfare concerns, an animal welfare inspector would be the enforcing authority, so that the above noted authorities can be used. Penalties under the PAWS Act depend on the nature of the offence and whether it is the first or subsequent conviction for an individual or corporation. The maximum penalties for a second or subsequent conviction for a major offence are a fine of not more than \$260,000 or a prison term of to two years for an individual and a fine or not more than \$1,000,000 for a corporation.

The Province has made amendments to O. Reg. 444/19 – Standards of Care and Administrative Requirements Regulation, under the PAWS Act, to update the standards of care for outdoor dogs. The amendment includes creating a definition of a dog "kept outdoors", as well as update the standards of care that apply to dogs "kept outdoors" with respect to their physical environment, health and nutrition (e.g. – outdoor doghouses, containment, food and water, health and welfare maintenance). The changes are proposed to come into force on July 1, 2022.

Municipal

Toronto Municipal Code Chapter 349, Animals, sets out rules and regulations related to responsible pet ownership, pet adoption, pet licensing, prohibited animals, response to domestic animal and wildlife issues, and the provision of shelter care, amongst others.

This By-law is enforced by municipal animal control officers, who have inspection and enforcement powers under the City of Toronto Act, 2006 ("COTA"). Officers have the ability to enter on land in the city to inspect for compliance with Chapter 349 and can require the production of documents or things relevant to the inspection. The maximum fine for an offence under Chapter 349 is \$100,000.

Animal Control Officers do not have the same authorities to remove an animal from its owner for animal welfare reasons as an animal welfare inspector, but can seek court authorization to take possession of an animal where warranted in areas the city enforces. For example, City Officers enforce the Dog Owners' Liability Act ("DOLA"), and have, in some cases, sought and received an interim control/interim custody order from the courts in order to hold a dog where such a step is justified on public safety grounds.

Federal

The Criminal Code of Canada makes it a criminal offence for anyone to willfully permit unnecessary pain, suffering or injury to be caused on an animal or bird. Food production is regulated by the Canadian Food Inspection Agency.

Research and Consultation Process

The Chapter 349 review was informed by best practice research from other jurisdictions, feedback obtained through a public questionnaire, internal and external stakeholder consultations, third-party public opinion research as well as an analysis of licensing, complaint and enforcement data. A summary of the research, consultation findings and proposed changes to Chapter 349, Animals is provided below.

Jurisdictional Scan

Staff conducted a scan of various Canadian and international jurisdictions as they relate to the various topics and issues covered in this review. A summary of the jurisdictional scan can be found in Attachment 2.

Public Surveys and Consultation

To better understand public attitudes and experiences of Chapter 349, Animals and the various issues covered by this review, staff retained a third-party market research firm to conduct public opinion research.

Between January 7 and January 14, 2022, the research firm conducted an online survey including 1,009 respondents. A sampling plan was used to ensure a representative cross section of Torontonians by gender, age, district, and socioeconomic status, reflective of the most recent Statistics Canada data. Additionally, many questions were modelled after questions used in public opinion research conducted in December 2014 by another third-party market research firm to determine if there had been a shift in public attitudes and opinions. A summary of the third party survey results is provided in Attachment 3.

When comparing the survey results from 2022 to the results from 2014, the findings are mostly the same, but there was a noted increase in survey respondents reporting that they feed wildlife (13% in 2014 vs. 23% in 2022) and an increase in wildlife sightings, including foxes (8% in 2014 vs 21% in 2022) and coyotes (5% in 2014 vs 23% in 2022). It should be noted that they were conducted by two different market research firms and that they did not follow the exact same methodology.

In addition to the third party public opinion research, MLS also developed its own public questionnaire shared widely with the public and interested stakeholders to supplement the findings of the third party research and obtain additional feedback about the proposed recommendations of this report. It was available online from November 19, 2021 to December 17, 2021 and advertised with City of Toronto website updates, social media, notices to Councillors and outreach to stakeholders in the pet industry, wildlife and animal welfare associations as well as resident associations. In total 6,200 people completed the questionnaire. A summary of the public consultation questionnaire results can be found in Appendix 4.

Key findings and feedback received from both the third party opinion research, the staff-developed questionnaire and stakeholder meetings about the proposed recommendations can be found in the relevant sections below.

Proposed Changes and Recommendations to Chapter 349, Animals

During the review of Chapter 349, Animals, feedback from the industry and the public was heard about wildlife feeding and responsible pet ownership. A number of technical amendments are also being suggested to further improve the operational and enforcement efforts of Toronto Animal Services. Outlined below is a discussion of these

issues, including proposed changes to the By-law. The proposed draft wording of the amendments to Chapter 349 can be found in Attachment 1.

Feeding of Wildlife

As directed by City Council, staff explored the feasibility of prohibiting the feeding of pigeons specifically, as well as of wildlife in general, on all public and private properties.

Current Regulations

Currently, the feeding of wildlife is only explicitly prohibited in City parks under Chapter 608, Parks. Additionally, Municipal Licensing and Standards may utilize Chapter 548, Littering and Dumping, and Chapter 629, Property Standards, to investigate and bring charges against individuals who fail to keep properties free of waste or conditions which may encourage infestation by pests.

Proposed Changes

This report recommends that Chapter 349 be amended to prohibit the feeding of wildlife in the city. Under these new regulations, wildlife would be defined as “an animal that belongs to a species that is wild by nature” and does not include: domestic animals kept as pets as permitted under Chapter 349, or a feral or stray cat, while feeding is defined as “Providing food to, or leaving food for consumption by, wildlife.”

There are some exceptions proposed to the prohibition of wildlife feeding, including:

- Keeping compost in accordance with City by-laws;
- Keeping food in a bird feeder that is in compliance with Chapter 349;
- Growing food in a vegetable garden;
- Leaving of food as bait by an officer, licensed trapper, authorized wildlife rehabilitator or an employee of a licensed pet management operator or exterminator, in the performance of their duties;
- Feeding as part of a research program undertaken by a university, college or government research body or wildlife research institution; and
- A person participating in a cultural, religious or spiritual practice outdoors, provided the person cleans all food from the outdoor location at the conclusion of the practice.

There are also proposed regulations to permit the feeding of song birds from bird feeders which include ensuring that the feeding device is sufficiently above grade, located on private property, kept in a sanitary condition and that food spillage is removed in a timely manner.

These proposed amendments expand the existing prohibition on feeding wildlife in parks to a city-wide ban that protects both the wildlife and people of Toronto, while allowing for some activities to safely occur in specific permitted circumstances.

Research and Consultation Findings

Toronto is a city with many green spaces, including ravines, rivers, lakes, parks and forests. Wildlife is a natural and important part of Toronto's urban landscape and ecosystem.

According to the third party opinion research conducted, 23% of people reported that they feed wildlife regularly or occasionally. Feeding wildlife is done for a multitude of reasons, including recreational purposes, to bait or trap specific species, as well as for research purposes. People usually feed wildlife with good intentions, including concerns for their survival, particularly during colder months, and to build a relationship with wild animals and nature.

Feeding of wildlife can lead to a variety of different issues, including an increase in human-wildlife conflict, potential increase in unwanted animals and wildlife population, and negative impacts on the welfare and health of wildlife. It is important that wild animals are left alone, as they do not usually need help or food from people. This allows humans, pets and wildlife to co-exist peacefully. Concerns about the feeding of wildlife was echoed by experts and animal welfare stakeholders, including those specifically working with coyotes in urban spaces. Several other jurisdictions in Ontario have adopted prohibitions on the feeding of wildlife, and the proposed ban in Toronto will align the City with jurisdictional best practice for public health and safety and the welfare of Toronto's urban wildlife.

Staff consulted about this issue with the Indigenous Affairs Office, who highlighted the importance of considering the interconnectedness of the ecosystem, as opposed to an approach that would single out a species for a potential feeding ban. They further emphasized the responsibility people have when seeking out relationship with wildlife and nature.

As part of the public questionnaire developed by MLS, residents were asked if they were supportive of banning feeding of wildlife, with 66% of respondents indicating that they were supportive and 12% indicating they were somewhat supportive.

The sections below outline some of the major impacts and concerns with the feeding of wildlife, as well as the benefits of taking a preventative rather than reactionary approach to human-wildlife conflict.

Impacts on the Ecosystem and the Health of Wildlife

Humans and wildlife live in an interconnected ecosystem, in which the behaviour of humans have a direct impact not just on an animal they are feeding, but on the entire ecosystem. When wildlife is fed, their foraging needs are typically reduced, which can initially increase their survival rates. This can lead to overpopulation of a certain species with negative impacts on the ecosystem and biodiversity. The increased presence of one species usually attracts other wildlife, such as predators.

Most people feeding wildlife do not feed species-appropriate foods. Inappropriate foods, such as bread, offer little to no nutritional value to wildlife, can lead to health issues in animals, and may result in their death.

Animals also tend to congregate in areas with easy access to food, which increases the likelihood of diseases and parasites, posing a risk to both public health and animal health, as well as to conservation efforts. A significant outbreak of Salmonellosis, commonly referred to as Salmonella, occurred throughout North America in 2021,

affecting song birds, wild birds and humans. A common source of infection were bird feeders that were not kept in sanitary condition.

Impacts on Natural Behaviour and Ability to Survive

Wildlife that are fed by humans become food-conditioned and can become dependent on people feeding them, up to a point where they cannot survive without being fed. Food-conditioned animals tend to seek out areas populated by humans as they associate it with food. This is particularly problematic for the offspring of food-conditioned animals, as they might never learn to naturally forage their own food. Wildlife that are fed also tend to lose their natural instincts, including their wariness towards humans, which increases the likelihood for human-wildlife conflict.

Impacts on the Health of Humans

Toronto Public Health (TPH) was consulted on potential dangers of zoonotic diseases, injuries from wildlife feeding, and about health impacts of pigeon droppings.

TPH receives approximately 1,500 reports of animal to human exposure/bite reports each year due to interactions with wildlife. Many of these reports of animal to human exposure/bite each year involve individuals who attempt to feed wildlife. In addition to injuries, wild, feral and stray animals can transmit one or more zoonotic diseases, including rabies, which is fatal if left untreated. The feeding of wildlife leads to contact between humans and animals which can exacerbate the concerns of zoonotic diseases being passed on to humans. This is a concern with raccoons in particular, as they are a known carrier of rabies. The last known case of rabies in a terrestrial animal in Toronto was in 1997, but other regions in Southern Ontario have had recent cases of rabies, such as in Hamilton in 2020 and Niagara in 2021.

Overpopulation of certain animal species and their becoming food-conditioned can lead to an increase in animal to human exposures and the risk of zoonotic diseases. Further, animal to human exposures often result in the issuance of rabies post-exposure prophylaxis which is a costly, publicly funded vaccine and causes undue strain on the healthcare system. Expanding the prohibition on feeding wildlife may result in a reduction in animal to human exposures and therefore reduce the risk of zoonotic disease transmission.

TPH were also consulted about the health risks of pigeon droppings. In order for pigeon droppings to pose a danger to the health of people, there needs to be a significant accumulation of feces in a small and confined space. TPH has not identified occurrences in Toronto of such a concentration of pigeon feces that would pose significant health risks to humans.

Many of the survey respondents who reported that they feed wildlife do so for mental health reasons and several comments were received regarding the impact to personal mental health should a wildlife prohibition be put in place. The proposed exemptions for bird feeders provide the flexibility for those that participate in this activity for mental health reasons to continue to do so, while protecting the health of the wildlife.

Prevention of human-wildlife conflict

To maintain a good relationship between humans and wildlife, and to protect the ecosystem, the preferred approach is to proactively prevent human-wildlife conflict. Once a wild animal has become food-conditioned and is seeking out humans, it is difficult to reverse the behaviour of an affected animal and may result an increased risk of animal to human exposure and/or lethal removal of the wild animal.

When asked how the City could improve the relationship between humans and wildlife in Toronto, a frequent comment by residents was the idea that the City could relocate animals that have caused a problem, or to have dedicated areas for certain wildlife. Wildlife is a natural part of Toronto's urban landscape, and all species play an important part in maintaining the balance of the local ecosystem and its biodiversity, which is why it is not advisable to remove certain species, as it would negatively affect the rest of the ecosystem. Most animals are highly dependent on their territory and have low survival rates once relocated and certain wildlife, such as coyotes, are highly mobile and if relocated, would easily return to their original territory. Additionally, provincial legislation regulates permissions regarding the trapping and transporting of wildlife.

Coyotes in Toronto

Coyotes have become common in urban areas all across North America, including in Toronto. Coyotes are highly adaptable animals and can easily become habituated to residential areas, as there is an abundance of food and shelter for them. They are omnivores, meaning they eat both meat and plants, and common natural food sources in cities are rats, other small rodents, fruit and insects. The foraging and hunting behaviour of coyotes in an urban environment is similar to raccoons, and differentiates them from other canines, such as wolves, which mainly follow a carnivore diet.

Since 2015, service requests related to coyotes have increased. Primarily, service requests are for coyote sightings, but also includes services requests about injured, ill or deceased coyotes, education requests or reports of human/animal interactions. These service requests do not necessarily reflect an increase in the coyote population in Toronto, but can be explained by people being more aware of coyotes, change in people's behaviour due to the pandemic, and increasing developments in close proximity to natural areas across the city. It should also be noted that in many cases, the City may receive service requests from multiple concerned residents about the same coyote sighting.

Table 1: Coyote Related Service Requests from January 1, 2015 to December 31, 2021

	2015	2016	2017	2018	2019	2020	2021
Service Requests	363	775	1,011	1,105	1,617	2,353	3,930

Coyotes will naturally avoid humans and usually pose no threat to humans. Since 2018, there have been 21 reported bites or attacks on humans by coyotes and 123 reported bites or attacks on domestic pets by coyotes. Comparatively, in the same time frame, TAS has investigated nearly 7,500 reports of bites or attacks by a domestic dog.

According to Coyote Watch Canada, feeding of coyotes is the single most prevalent cause for any conflict between coyotes and humans and their pets. Coyotes that have been fed can lose their natural fear of humans and even seek them out in the search of food, as they learn to associate human activity with food. While only 3% of people who intentionally feed wildlife reported that they feed coyotes, intentional and unintentional feeding can occur for a number of reasons, including baiting for photography, concern for animals' wellbeing and unintentional leaving of food in a place a coyote can access.

City of Toronto Coyote Response Strategy

The City of Toronto's Coyote Response Strategy, approved by City Council in 2013, aims to reduce negative interactions between humans, pets and coyotes. The Strategy is based on research, local experience and input from other jurisdictions. The Strategy focuses on education and the removal of food attractants, as these methods have led to a drop in coyote complaints when implemented in other jurisdictions, such as Oakville and Niagara Falls.

The Strategy speaks to strategies and appropriate responses to coyote issues, including public education, a wildlife feeding ban in City parks, and criteria for the removal of the coyote(s) in specific circumstances. It also involves the identification of areas with increased potential for human-coyote conflict, such as new developments adjacent to ravine areas and the development of an appropriate plan to address the potential conflict, such as targeted engagement and educational efforts.

The third party research conducted further highlighted the importance for increased education efforts regarding coyotes. Three in four residents stated that they are not familiar (51%) or somewhat not familiar (23%) with the Coyote Response Strategy. In response to these outcomes, MLS is in the process of reframing and updating its Coyote Response Strategy.

Additionally, while only 6% of people indicated having negative encounters with coyotes, 82% of those who encountered coyotes were concerned for their personal safety, and 57% were concerned for their pet's safety. 65% of people are either not familiar or somewhat not familiar with how to act when encountering a coyote while only 18% of respondents indicated they were comfortable using common techniques to deter a coyote. This highlights the need to continue education efforts to increase awareness about urban coyotes.

MLS' public education efforts include community outreach, such as door-to-door information campaigns and presentations at community meetings. In areas with unusual coyote activities, MLS directly collaborates with the affected communities to educate them both on the importance of not feeding coyotes, as well as how to act when encountering a coyote. The City's website also features information on coyotes, along with an e-learning course on 'Coyotes in the Urban Landscape' produced in collaboration with Coyote Watch Canada, which is available to the public at no cost and provides information about coyote behaviour and how both animals and people can remain safe.

While removal of wildlife is generally an ineffective tactic in reducing human-wildlife conflict, the Strategy allows for the removal of coyotes if there is a bona fide health and

safety risk to the public and/or there are humane reasons to do so, but it is considered a measure of last resort.

Enforcement and Education

An education campaign will accompany the introduction of a ban of feeding of wildlife. A central goal of the education campaign is to enhance people's understanding of the effects of their well-intended actions and ultimately change behaviours.

Currently, the feeding of wildlife is only prohibited in City Parks and it is difficult to enforce. This is in part caused by the brief nature of the activity, the challenge of identifying the person who has fed animals. Since 2016, the City received 518 service requests related to feeding of wildlife in City parks, an average of 80 service requests per year.

Enforcement of the proposed ban of wildlife feeding will be conducted by Animal Control Officers. Expanding the prohibition of wildlife feeding to all properties is expected to increase complaints and the number of investigations required annually.

Staff anticipate that up to three additional Animal Control Officers are required to successfully enforce this new wildlife feeding regulation, as well as other changes recommended in this report, including the proposed limit on the number of rabbits and guinea pigs and resource deployment in support of TAS' Coyote Response Strategy. This will cost up to \$347,000 annually in salary and benefits, as well as vehicle, uniform and technology costs to support the new staff. Staff recommend that these requests be brought forward as part of MLS' 2023 operating budget submission. Additional operational costs due to the new regulations, including education, community outreach and the retention of external wildlife experts will total approximately \$30,000 a year and will be absorbed within TAS' operational budget.

Responsible pet ownership of rabbits, guinea pigs and pigeons

Chapter 349 restricts the number of dogs and cats that may be kept in and about a dwelling unit. These regulations were put in place to ensure the health and welfare of both animals and pet owners. Given that rabbits and guinea pigs are popular household pets and that there are a number of known pigeon owners in Toronto, these regulations should be updated to include these species to ensure that the By-law addresses appropriate standards to maintain the health and wellbeing of these pets and their owners.

Current Regulations

Unlike cats and dogs, which are limited to six and three per dwelling unit, respectively, there are currently no regulations around how many rabbits, guinea pigs and pigeons are permitted per household in Toronto.

Chapter 349 requires that people keeping pigeons are not allowed to let them stray, perch, roost or rest on any land, premise or building that is not the property of the pigeon owner. Chapter 349 also contains general provisions around care for animals, including access to an enclosed structure, barn or house, which would apply to any animal kept as a pet.

Proposed Changes – Rabbits and Guinea Pigs

This report recommends that the number of rabbits and guinea pigs allowed in and about any dwelling unit is limited to four in total, including any combination of rabbits and guinea pigs.

Staff recommend including a legacy clause with limitations, to exempt any household that owns more than four rabbits and/or guinea pigs, when these amendments come into effect on December 1, 2022, for the life of those animals. If a household exceeds the number of rabbits and/or guinea pigs permitted, they would not be permitted to obtain a new rabbit and/or guinea pig until they own fewer than the maximum threshold. Additionally, staff propose more immediate restrictions for this transition provision on the keeping rabbits and guinea pigs so that no person may own more than 10 rabbits and/or guinea pigs as of December 1, 2022. This restriction is necessary to ensure the welfare of animals and reduce issues of nuisance that arise when these animals are kept in such large quantities within or about a dwelling.

Research and Consultation Findings – Rabbits and Guinea Pigs

Rabbits and guinea pigs are regularly picked up as strays by TAS staff or surrendered by their owner to a TAS shelter. TAS' experience has been that it is difficult to get these animals adopted once they are in a shelter. Staff have also heard concerns regarding rabbit rescues in particular that have been receiving large numbers of rabbits, with many of these rescues struggling to find appropriate foster homes.

Table 2: TAS Intake of Rabbits and Guinea Pigs (2015 to 2021)

		2015	2016	2017	2018	2019	2020	2021
Rabbits	Owner surrendered	79	78	104	82	121	51	46
	Stray	102	131	117	110	118	90	157
Guinea pigs	Owner surrendered	48	41	57	56	51	28	16
	Stray	28	16	26	70	57	17	19
Total		257	266	304	318	347	186	238

Rabbits and guinea pigs are often perceived as low-maintenance pets, when compared to cats and dogs. However, a rabbit's lifespan can last around 8 – 12 years, while a guinea pig can live around 5 – 8 years, which may lead to an underestimation of the care, time and costs associated with owning these animals, who require just as much attention and care as an average dog. It is challenging to properly care for a large number of rabbits and guinea pigs. The rates of animal surrender to shelters and the improvement of animal welfare outcomes are the primary drivers for this proposed amendment.

When asked for their opinion of the idea of introducing a limit for the number of rabbits and guinea pigs that can be owned per household, 64% of survey respondents were supportive, including those who own and do not own these animals, while only 12% felt there should be no limit. 77% of survey respondents who indicated that they owned rabbits and guinea pigs owned two or less with only 4% of respondents reporting owning more than four guinea pigs and/or rabbits.

Several jurisdictions in Ontario currently already have limits on rabbits in place, such as Brampton (two), Ajax (three) and Ottawa (five). In Greater Sudbury, the number of guinea pigs is limited to six.

Staff also heard concerns from animal welfare stakeholders and the public that rabbits and guinea pigs are social animals that require companionship, and should ideally be kept in at least pairs of the same species. There are jurisdictions that have a requirement for a minimum number of animals, such as Switzerland, where guinea pigs must be kept in at least a pair. Similarly, animal welfare laws in Germany stipulate that social animals, which includes rabbits and guinea pigs, should not be kept on their own. Rabbits and guinea pigs should have a companion of their own species, meaning that a rabbit requires the company of another rabbit, and not a guinea pig, while a guinea pig requires the company of another guinea pig, and not a rabbit.

Staff do not recommend amending Chapter 349 to implement a minimum number at this time, as final and informed decisions on introducing pets to a household are the responsibility of pet owners. However, staff also recognize the importance that pet owners are provided with education regarding the needs of their social animals, including rabbits and guinea pigs. Toronto Animal Services strongly recommends that owners of guinea pigs and rabbits consider owning at least two of these animals due to their highly social nature. TAS will be communicating this recommendation through communications channels and educational materials.

Proposed Changes - Pigeons

This report recommends that the number of pigeons kept as pets be limited to 30 per property, with an increase of the maximum to 50 during pigeon breeding and racing season (April 1 to October 31). This number aligns with other Canadian jurisdictions and represents a flock size that allows a person keeping pigeons for racing or showing to continue their hobby.

Research and Consultation Findings - Pigeons

Pigeons have been kept and bred as pets for thousands of years for a number of reasons, including for hobby, pigeon racing, as show or performance pigeons (known as “fancy pigeons”) and as messenger pigeons. Similar to hens, they are generally kept as a flock in outdoor coops on the property. Some are kept entirely enclosed, while other are permitted to roam on the owner’s property. Some pigeons, especially those bred as fancy pigeons, have limited ability to fly. It is not permitted under Chapter 349 to allow a domestic pigeon to perch, roost, rest or stray onto any land that is not the property of the pigeon owner.

City staff consulted with two national organizations related to keeping of domestic pigeons – the Canadian Pigeon Fanciers Association (CPFA) and the Canadian Racing Pigeons Union (CRPU). These organizations represent and regulate fancy pigeons and racing pigeons, respectively, and provide guidance around the standards for the keeping of pigeons.

Both organizations noted that their members who keep pigeons prefer to have larger flocks to allow the breeding of several bloodlines of species with the aim of ultimately improving the ideal characteristics of their birds. The CPFA noted that many fancy pigeons are kept in their enclosure at all times, as they may have limited ability to fly, and to also protect them from predators.

The CRPU require that every bird that participates in races be banded, with an identifying number tied to the pigeon owner. As a condition of being a member of the CRPU, the member must agree to abide by all local by-laws, and should a member be found to not comply, they may be restricted from participating in sanctioned racing events. The CRPU noted that their members prefer to keep at least 30 birds, with the goal of improving their flock's racing ability through a breeding program. They also noted that during racing season, newly born birds temporarily increase the size of the flock, which naturally decreases over the course of the summer as birds can sometimes fail to return home during races. Ultimately, the flock would return to its baseline size when the owner chooses birds to act as breeding stock for the following season.

Between 2019 and 2021, a total of 111 service requests were registered with Toronto Animal Services about pigeons, with an average of 38 complaints annually. Complaints about pigeons are largely about the encroachment of domestic pigeons on a neighbouring property, in contravention of Chapter 349, but complaints are also received about the feeding of wild pigeons, noise, odour, and public health concerns. In certain cases, several complaints were lodged against the same pigeon owner. It is often difficult for enforcement staff to determine whether a pigeon resting on a property is a domestic pigeon and to whom it belongs, but staff have identified cases where a pigeon encroaching on another property is a result of a flock that has grown too large. In cases where the owner can be identified and there is sufficient proof that the birds are encroaching on another property, enforcement action is taken.

Staff recommend limiting the maximum size of a domestic pigeon flock per property to 30, which helps ensure the flock remains a manageable size, reduces possible nuisances and maintains the welfare of the birds. Staff also recommend that this maximum be increased to 50 during breeding and racing season (April 1 – October 31) to accommodate pigeon hobbyists' activities. These numbers are comparable to other Ontario jurisdictions, such as Markham which has a limit of 30 birds, London, which has a limit of 40 rising to 60 during breeding season and Ottawa which has a limit of 40 rising to 70 during breeding season. It is proposed that these recommendations come into force on December 1, 2023.

Avian Influenza

Staff also reviewed concerns about pigeons and Avian Influenza (AI). Pigeons are generally not affected by AI, but can act as carriers of the disease, transmitting it to other birds that may be in close proximity. The Ontario Ministry of Agriculture, Food and

Rural Affairs (OMAFRA) notes that AI is not a threat to food safety and has recommended that bird owners avoid attending shows, sales, and swap meets for the time being. Both national pigeon organizations were asked about AI, and they indicated that they are in touch with the Canadian Food Inspection Agency and tracking the disease. The organizations indicated that they have cancelled planned pigeon shows and races due to the current outbreak. Poultry and bird owners, including those participating in the UrbanHensTO backyard hens pilot program, are being reminded to practice good biosecurity habits to protect animals from infectious diseases. TAS is actively monitoring developments and providing resources to animal owners.

TPH was consulted about the potential risks of Avian Influenza (AI) and birds, including pigeons. Avian Influenza is not easily spread from birds to humans, and there is no known sustained human-to-human transmission of the virus. People that work closely with birds and their environments, such as keepers of pigeon flocks, may be at slightly higher risk of AI infection. However, the overall health risk to the public from pigeons and Avian Influenza remains low.

Dog Excrement on Private Property

Current Regulations

Chapter 349 requires every owner of a dog to immediately remove excrement left by the dog on any property anywhere within the city, including the private property of a dog owner. Additionally, Chapter 629, Property Standards, sets out requirements for a property owner to maintain their property and to keep it clean.

Proposed Changes

It is recommended that property owners be allowed 24 hours to remove dog excrement on their own property.

Research and Consultation Findings

The removal of dog excrement is important for health and safety of both humans and animals and helps limit possible spread of diseases and parasites. However, staff recognize a need for some flexibility with this provision when it is on the dog owners' own property, as there are enforcement challenges with ensuring that removal occurs immediately when on private property. Extending this time frame will also help reduce the number of service requests received on this issue and allow TAS enforcement staff to better allocate resources. This time limit gives owners a chance to remove the excrement within 24 hours, while also ensuring that there is not a long-term accumulation of excrement.

Impounding of Cats

Toronto Animal Services shelters often house a large population of cats. The unnecessary impounding of healthy cats can add to this population, and staff have identified an opportunity to modernize Chapter 349 to support TAS' operational practices.

Current Regulations

Under Chapter 349, there is no requirement that cats be kept indoors, and many cats, whether feral or owned, freely roam the city. TAS has authority to seize and impound any cat found at large in two circumstances: when the cat is causing damage or creating a nuisance, or when the cat is in distress, injured or ill. If a healthy cat has been impounded due to creating a nuisance, there is no offence against the owner for the cat causing the nuisance. The cat owner must pay an impoundment fee, after which the cat is returned to the owner. If the cat is not redeemed by the owner within three days of being impounded, it becomes the property of the City and the City may either make it available for adoption, transfer ownership of the cat or euthanize the cat.

Proposed Changes

It is recommended that provision 349-20, subsection A, allowing for the impounding of cats causing damage or creating a nuisance, be removed from Chapter 349.

Research and Consultation Findings

Under Chapter 349, there is no prohibition on allowing cats to roam freely. There is no definition in Chapter 349 of a nuisance cat, nor is there an offence for a cat causing nuisance or damage. The redemption and claim rate for impounded cats is very low in the City, with less than 10% of cats being reclaimed by their owners. This leaves a vast majority of impounded cats in the care of Toronto Animal Services, adding to an already large population in shelters. In cases where the cat is returned to the owner, the impounding has usually also not resolved the underlying issue that led to the initial complaint, but has created unnecessary stress to the cat.

Due to this, TAS typically refrains from impounding healthy cats, and instead provides education to the complainant. This proposed amendment would align with current operational practice and help reduce needless stress on cats and growth of shelter population. Residents concerned with cats at large can continue to call 311, if they suspect the cat is ill or injured. Toronto Animal Services will continue to educate the public on the permissibility for cats to be at large and the responsibilities of cat owners.

Table 3: Cats in Toronto Animal Service Shelters 2016 - 2021

Animal Intake and Outcome	2016	2017	2018	2019	2020	2021
Stray	2909	3122	2381	2394	1204	1068
Owner Surrendered	1829	1586	1440	1774	1011	845
Other Intake	175	182	155	200	145	212
Total Intake	4913	4890	3976	3976	2360	2125
Adopted	1559	1402	1055	1053	495	313
Returned to Owner	250	245	196	203	136	151

Animal Intake and Outcome	2016	2017	2018	2019	2020	2021
Transferred	947	1153	1044	1528	770	621
Euthanized	975	972	793	793	467	516
Other	1138	1140	845	826	553	534

Animals at Large

Current Regulations

Under Chapter 349, it is prohibited for an owner of a dog to permit the dog to be at large in the City, meaning the dog must be under the control of its owner at all times, except on the owner’s own property, on another property where the owner of that property has permitted that animal to be on their property, or at a designated off-leash dog area in a Park. Pigeons are not permitted to stray, perch, roost or rest upon lands other than the property of the person keeping the pigeon.

Proposed Changes

Staff propose introducing a new provision which would state that no owner of any animal, other than a cat or a pigeon, shall cause or permit the animal to be at large in the city. This amendment will provide clarification to all animal owners that they must ensure their animals are under the owners’ care and control if not on their own property, or on another private property where they are permitted to be. This change will also allow for enforcement action to be taken in cases where animals other than dogs are found to be at large.

It is proposed that cats and pigeons be exempted from this clause. Although there is a requirement to licence domestic cats, and staff can impound certain cats at large as noted in this report, staff do not recommend any changes related to cats at large. It is also proposed that pigeons be exempted, as pigeons may leave the owners’ property when being flown for the purpose of training, exercise or racing, as long as they do not perch, roost or rest on any other property.

It is also proposed that the word “stray” be removed from section 349-25A. This will clarify that pigeons may leave the owner’s property, as it is not reasonable to expect a pigeon owner to restrict flying pigeons to within the bounds of their property. It will remain prohibited to allow a pigeon to other roost, perch or rest, or in other words physically land on, a property other than the owners’.

Officer Discretion for Dangerous Dog Orders

Staff have identified a need for greater discretion with respect to Dangerous Dog Orders to allow officers to appropriately respond to unique circumstances that may be a mitigating factor which does not ultimately warrant the issuance of an Order.

Proposed Changes

Staff propose amending the language of section 349-15 to change the word "shall" to "may" such that officers have greater discretion on whether to issue a Dangerous Dog order to comply even where the criteria of Chapter 349 are met.

This amendment would provide officers with discretion on when to issue a Dangerous Dog order to comply under Chapter 349. If adopted, officers will have discretion on whether to issue an order even if the requirements in section 349-15B, such as where a dangerous act is deemed severe or is the second or subsequent dangerous act on record, are otherwise met.

This amendment will not change the dangerous dog act investigation process, enforcement officers will continue with a consistently applied and well documented investigations process while prioritizing public safety. However, staff have identified the need to use discretion for enforcement decisions to remain fair and equitable. Discretion allows enforcement officers to weigh multiple considerations including the impact and circumstance related to the community and the parties involved, general directives from Council, standard practices, jurisdiction and authority, and whether an enforcement measure is proportionate to the harm or potential harm caused by the violation.

Updating order and remedial action language

Toronto Animal Services staff have identified that Chapter 349 is lacking provisions dealing with orders and remedial action. In other City of Toronto by-laws, like [Chapters 447, Fences](#) and [Chapter 489, Turfgrass and Prohibited Plants](#), there is language that clarifies officers' order-making power and procedural points around service along with remedial language authority. These provisions reflect powers granted under COTA. Staff recommend that language on orders and remedial action be added to Chapter 349 to provide clarity to enforcement officers and align with operational practice.

Amendments to Chapter 441, Fees and Charges

Toronto Animal Services has a number of fees and charges for its activities, including per diem impound fees, protective care fees and surrender fees, which recover the costs of housing and care of animals within TAS' shelters. Staff have identified instances of missing user fees for certain activities that should carry a user fee. These amendments will update Chapter 441 to match TAS' operational needs and is anticipated to increase MLS' revenue by \$16,000 per year.

This report recommends amending Chapter 441 as follows:

- Adding a new fee for the impounding or seizing of prohibited animals. This fee will vary based on the cost incurred by Toronto Animal Services in the impoundment, storage and care of the animal and will also include an administrative fee of \$140 to reflect the staffing resources required by Toronto Animal Services to process prohibited animals. The keeping of certain animals are prohibited in the City of Toronto. A list of prohibited animals is included in Schedule A of Chapter 349.

- Amending the fee for the impounding and redemption of cats to also apply to other domestic animals, such as hens, rabbits and guinea pigs. The fee amount will remain the same as the cost of care for other domestic animals is generally similar to that of cats.
- Amending the fee for protective care for cats to also apply to other domestic animals such as hens, rabbits and guinea pigs. The fee amount will remain the same as the cost of care for other domestic animals is generally similar to that of cats.
- Introducing a new fee for the surrender of larger domestic animals (equal to or greater than 45 kg), which have higher housing and care costs. The fee amount of \$59.06 per animal is the same as the existing surrender fee for dogs in Chapter 441.
- Amending the existing fee reference for the surrender of other domestic animals to apply to those less than 45kg to reflect the new surrender fee above. The fee amount will remain the same.

Outdoor Shelter Standards and Extreme Weather

Current Regulations

Chapter 349 states that no person is allowed to leave an animal outside during extreme weather, unless it has access to an adequate enclosure. Chapter 349 also provides a general description for outdoor enclosures that must be adequate to the species kept in it, but there are no specific or detailed requirements. MLS has also been directed by City Council to consider the strengthening of these provisions, following reports of dogs kept outdoors during extreme weather.

The PAWS Act has standards for dogs that live outdoors under the Act's Standards of Care and Administrative Requirements Regulation. The province has proposed changes to the regulation to address challenges with the existing standards, public concerns raised about the welfare of dogs outdoors, as well as to ensure the standards are reflective of the most current evidence and best practice. The Ministry has filed the amendments to the regulation, which is set to come into force on July 1, 2022.

Proposed Changes

This report recommends that Chapter 349 be amended to require owners to ensure outdoor shelters are in compliance with the PAWS Act.

Research and Consultation Findings

Chapter 349 currently mandates that dogs and other animals, besides cats, must have an adequate enclosure if kept outside, including that the enclosure provides the animal with sufficient space and includes adequate ventilation and light. Staff feel these requirements could be supplemented by more detailed standards.

The [proposed regulations to the PAWS Act](#) contain a number of specific standards that must be maintained, including, but not limited to:

- ensuring the shelter is waterproof and provides protection from the elements,
- is structurally sound,
- has an insulated roof,
- has a floor that is level, elevated from the ground, and dry,

- has proper ventilation,
- is of a proper size, and
- contains bedding that is clean, dry and unsoiled.

Staff participated in the consultation process for this draft regulation and are supportive of these proposed standards. It is proposed that the City require adherence to them in Chapter 349 to add a layer of enforcement for officers. These shelter standards will be published on the City's website and efforts will be undertaken to incorporate these into educational materials and campaigns produced by Toronto Animal Services.

Licensing of Pet Shops, Pet Establishments and Kennels

In December 2021, City Council adopted GL27.30 Kennels – Let Every Dog have its Day – Even at a Kennel, which requested the Executive Director, Municipal Licensing and Standards, and the Chief Planner and Executive Director, City Planning to develop a plan to licence kennels and report back.

Current Regulation

Currently under Chapter 545, Licensing, there is no requirement for dog kennels with overnight boarding to be licensed. Similarly, there is no licensing requirement for pet service establishments, where animals may be kept for a period of time, for example a groomer or doggy day-care. The City does however license pet shops, which are defined as a place where animals or birds for use as pets are kept for sale.

City-wide Zoning By-law 569-2013 ("The Zoning By-law" herein) regulates "Kennels", which are defined as a "premises used for boarding, training or breeding of dogs, cats or other animals" and they are only permitted in the E- Employment Industrial Zone. The definition of kennel does not distinguish between day, overnight or length of time in animal boarding. Restricting kennels to an industrial, agricultural or countryside zone is common amongst other Canadian municipalities.

"Pet services", which are defined in the Zoning By-law as a "premises used to provide for the grooming of domestic animals" are permitted in the CL- Commercial Local, CR- Commercial Residential, CRE- Commercial Residential Employment, EL-Employment Light Industrial, and RAC-Residential Apartment Commercial zones. Permitting pet services in a wider range of zones than kennels is also common amongst other Canadian municipalities. The Zoning By-law does not have a defined use for a premises where animals are kept for sale, and this activity would fall under the defined term of "retail store" which is defined as a "premises in which goods or commodities are sold, rented or leased."

Proposed Pet Establishment and Kennel Licensing and Zoning Review

As pet ownership in Toronto continues to grow and evolve, especially as the city moves into a post-pandemic state and more people who used to work at home return to in-person workplaces, it is anticipated that there could be increasing demand for kennel and boarding services which could trigger a growth in these industries in the city. As noted above, there are a myriad of differing regulations for different kinds of pet

establishments, depending on the service they provide. However, these establishments all have a common function of handling or keeping of live animals for a period of time.

When a business handles or keeps live animals, it is necessary to ensure that they have the proper training, facilities, and standard of care to maintain the healthy welfare of the animals within their care. It is also important to ensure that these businesses have appropriate mitigations in place to ensure minimal disruption to neighbours. Apart from retail stores that sell animals as pets, there is no current municipally regulated standard that would ensure that these businesses are safely and adequately operated. As there is no broader pet establishment licence, it is difficult to enforce substandard operations where welfare concerns may arise. Currently there is no language that states they need to be licenced and they are not compelled to abide by some of the basic conditions that are outlined in the "Pet Shops" section of Chapter 545 (such as care, veterinary supervision, ventilation, sanitary conditions, and trained personnel). Further regulation of kennels and other pet establishments could assist staff in ensuring public health and the safety of the animals under the establishments' care.

Staff propose a review of the regulation of pet establishments in Toronto, with a goal of establishing an enhanced business licensing regime that contains a baseline set of standards that all businesses which keep or handle animals must follow to ensure proper animal welfare. Staff will explore what regulations are required to make sure these businesses are not negatively affecting neighbouring properties and maintain necessary environmental standards, while also establishing a licensing regime that will allow this industry to continue to thrive and provide its important services to pet owners in the city. This will also include a review of The Zoning By-law as informed by the policies that may be introduced as part of a new pet establishment business licence class to ensure that zoning regulations are appropriate for the land use and compatible with any proposed business pet establishment business licence.

This review will include a consultative approach with the pet industry, animal welfare stakeholders, BIAs, resident associations and the general public. Staff will review best practices for establishments where animals are kept through the lens of other legislation and by reviewing other jurisdictions. A report back is expected to the appropriate standing committee(s) expected in late 2023.

Updates

Pet Licensing System

Under Chapter 349, all pet dogs and cats in Toronto need to be licensed and wear a tag, which needs to be renewed every year. The licence has a fee attached to it to help recover the cost of administration, and also provides pet owners a chance to make a donation to Toronto Animal Services. The donations received as part of the licensing process are an important funding source for many programs run by TAS, such as providing care to stray and rescued animals.

The tables below show the number of licensed cats and dogs from 2016 to 2021 and the corresponding licensing and donation revenue from 2018 to 2021.

Table 4: Number of licenced cats and dogs, 2016 - 2021

Year	2016	2017	2018	2019	2020	2021
Cats	24,727	24,524	23,014	20,190	17,410	18,919
Dogs	55,376	56,513	54,652	49,773	43,259	48,788
Total	80,103	81,037	77,666	69,963	60,669	67,707

Table 5: Amount of revenue from donations and licensing, 2018 – 2021

Year	2018	2019	2020	2021
Donations	\$186,314	\$239,063	\$345,468	\$293,719
Licences & Permits	\$1,758,456	\$1,579,438	\$1,403,341	\$1,637,330
Total	\$1,944,680	\$1,818,501	\$1,748,809	\$1,931,049

Although it is unknown exactly how many pets live in Toronto households, according to the Canadian Animal Health Institute, in 2019, it was estimated that 41% of Canadian households had at least one dog, while 38% of households had at least one cat, showing that the overall uptake of pet licensing is likely a small proportion of the total pet population in the city. The number of licences issued since 2016 have been on an overall downward trend, despite an anticipated pet population growth during the pandemic.

The third-party public opinion research shows that 76% of pet owners in Toronto are aware that dogs and cats need to be licensed and that a majority of pet owners agree or somewhat agree that there are benefits to licensing their pets. Of all Toronto residents, older generations (55 plus) are more aware that pets need to be licensed than younger age groups (18-54).

Currently, licences need to be renewed annually, which can be done in person at a TAS location, with a written cheque in the mail, on the phone or online. There are also certain veterinary clinics, rescue groups and humane societies that can sell City of Toronto pet licences directly. Cat and dog owners in Toronto have been increasingly switching to the online option to license their pets, a trend which has further been propelled by the pandemic and closures of in person services. While in 2016, 45% of licences were issued via online applications, in 2021, this number rose to 70%, highlighting the importance and demand for digital solutions to successfully reach and serve pet owners in Toronto. Pre-pandemic, around 80% of licences issued were renewals, while 20% represented new pet licences. In 2020 and 2021 there was a slight increase in the ratio, where roughly 25% of licences issued were for new pet licences.

Table 6: Number of licences issued online (e-pet) and in-person for cats and dogs, 2016 - 2021

Year		2016	2017	2018	2019	2020	2021
Online	Cat	9,249	10,372	10,885	9,726	9,715	11,065
	Dog	27,262	29,844	31,906	30,739	30,507	36,669
	Total	36,511 (45%)	40,216 (49%)	42,791 (55%)	40,465 (57%)	40,222 (66%)	47,734 (70%)
In-Person	Cat	15,478	14,152	12,129	10,464	7,695	7,854
	Dog	28,114	26,669	22,746	19,034	12,752	12,119
	Total	43,592 (54%)	40,821 (50%)	34,875 (44%)	29,498 (42%)	20,447 (33%)	19,973 (29%)
Total		80,103	81,037	77,666	69,963	60,669	67,707

In Toronto, there is a small fee attached to pet licensing, with the fee varying depending on the type of animal, whether it is spayed or neutered. There are discounts or subsidies available for pet owners over the age of 65, or low-income households. There is no fee to licence a service dog.

Table 7: Pet Licencing Fees in Toronto

Pet/Tags	Regular Fee	Fee for people 65+	People over 18 with an income of less than \$50,000
Dog (spayed/neutered)	\$25.00	\$12.50	Subsidized/waived fee, determined by TAS on a case-by-case basis
Dog (not spayed/neutered)	\$60.00	\$30.00	Subsidized/waived fee, determined by TAS on a case-by-case basis
Cat (spayed/neutered)	\$15.00	\$7.50	Subsidized/waived fee, determined by TAS on a case-by-case basis
Cat (not spayed/neutered)	\$50.00	\$25.00	Subsidized/waived fee, determined by TAS on a case-by-case basis
Service dog	No charge	No charge	No charge

In an effort to improve and modernize the pet licensing program, Toronto Animal Services is in the process of procuring a third-party to manage the pet licensing system. This consultant will provide updates to the pet licensing software to improve client usability and experience. The consultant will also provide marketing services to improve rates of pet licensing in Toronto and increase awareness of the requirement.

BluePaw Program

Cat and dog owners who license their pets have access to the BluePaw program, which offers a wide range of discounts on pet-related products and services, including veterinary services, dog walking and boarding services, grooming and training services, pet food and products, pet photography, DNA testing and funeral services. These offers and discounts can be accessed online, as well as in person in participating businesses both in Toronto.

Pet owners receive a promo code on their pet licence receipt, as well as a keychain tag to use at stores. The BluePaw program is also advertised on the City's social media platforms, as a part of a campaign to promote pet licensing. There is currently no app for the BluePaw program, and Toronto Animal Services does not collect any data related to the usage of the BluePaw program.

Most cat and dog owners could significantly benefit from using the BluePaw program and would likely save money by licensing their pets and accessing the discounts offered through the BluePaw program.

However, there is a significant lack of awareness that the program exists: only 17.7% of pet owners indicated that they are aware of the BluePaw program, of the people who are aware of the program, 50% indicated that they are satisfied with it, while only 7% indicated that they were not satisfied with the program. This indicates that residents are either generally satisfied with the program, or are potentially aware of, but not using the program.

This shows the need to better advertise the BluePaw program, since there is a significant lack of awareness that the program exists, while a majority of people are aware that they need to licence their pets. Increased awareness would likely be a valuable incentive for more people to licence their pet, and could increase both compliance rates as well as satisfaction levels with the current pet licensing system. The retention of a third-party vendor to manage the pet licensing system will include enhanced marketing strategies, including highlighting the benefits of the BluePaw program. Staff are also exploring the feasibility of the development of a smartphone application tied to the BluePaws program to help pet owners access the benefits of the program, and will continue to consider other strategies to continue to improve awareness of it.

Update regarding the Retention of a Consultant

In 2016, City Council requested that staff consider the retention of a consultant to provide assistance on animal welfare related issues, as well as to explore the possibility to request the provincial government to authorize the City of Toronto to enforce provincial animal welfare legislation.

Toronto Animal Services possesses significant in-house expertise on animal related issues, and is in continuous dialogue and collaboration with animal subject matter experts and animal welfare organizations. Given the vastly different needs and considerations for each species, continued engagement with species-specific experts on an as-needed basis provides staff with the necessary knowledge. Staff do not believe the retention of third-party animal welfare consultant is required.

As noted above, the new PAWS Act provides welfare inspectors with authority to remove animals from their owners in certain instances. Staff do not support asking for additional powers for Animal Control Officers to enforce the PAWS Act. There would be a significant increase in resources required should the City become responsible for enforcement of the PAWS Act. Animal Services staff work closely with their provincial counterparts where welfare issues arise, and staff believe that the current enforcement regime by animal welfare inspectors is sufficient in these cases.

Update on medically unnecessary surgical procedures on pets

Medically unnecessary surgical procedures are commonly defined as procedures that are not beneficial for animals and that do not help to maintain their health, but instead aim to alter the appearance of an animal or to prevent natural behaviour that is deemed a nuisance. Common examples of medically unnecessary surgical procedures include tail docking, ear cropping, declawing, cosmetic dentistry, body piercing, tattooing for ornamental decoration, as well as debarking and devocalization, but do not commonly include the elective neutering and spaying of pets. In Canada, veterinarians and veterinary surgeries, which includes acceptable procedures, are licensed by the respective provincial legislation and provincial veterinary regulatory authority.

Many countries have banned or significantly restricted the practice of most medically unnecessary surgical procedures on animals, such as the majority of Europe, Brazil, Israel and New Zealand. The veterinary associations of all provinces, except Ontario, have taken steps to ban most of these procedures, and in the case of the maritime provinces, bans are also part of provincial legislation. For example, veterinary associations in eight provinces have prohibited their members from declawing. Tail docking is banned by provincial law in PEI and Newfoundland & Labrador as well as prohibited by veterinary associations in seven provinces. Ear cropping of dogs is banned in every Canadian province except for New Brunswick and Ontario.

The College of Veterinarians of Ontario (CVO) strongly recommends against any medically unnecessary surgical procedures on pets, but has not passed an official ban as of May 2022. The Canadian Veterinary Medical Association (CVMA) views cosmetic surgical procedures on pets as medically unnecessary and ethically unacceptable. The CVMA strongly encourages veterinary and breed associations to make such cosmetic alterations either undesirable or unavailable.

In December 2020, a private member's bill was proposed in Ontario, known as *Teddy's Law*, which would have amended the PAWS Act to prohibit unnecessary declawing procedures in cats. However, this bill has not yet made it to second reading and is not

current law. Staff will continue to monitor provincial legislation efforts related to the banning of unnecessary procedures on pets.

Staff solicited general feedback from several stakeholders on medically unnecessary surgical procedures on pets. The Canadian Kennel Club (CKC) noted that membership is divided on the issue, but that procedures only impact a select number of breeds. For example, none of the CKC breed standards require ear cropping for competition and a few require tail docking. CKC noted that some of these procedures are done to minimize any future trauma to animals, particularly working dogs, and that breeders that pursue the procedures are knowledgeable and procure an experienced veterinarian. CKC noted that if the province were to move forward with prohibiting these procedures, exemptions would need to be considered and they would like to see each procedure examined separately.

Animal Justice supports the explicit ban of all cosmetic surgeries, including declawing, tail docking, and ear cropping. The organization holds that there are rarely any medical or health benefits supporting these procedures.

A common argument against a ban of procedures such as declawing of cats is the idea that more cats will be surrendered to shelters and be euthanized. The College of Veterinarians of British Columbia banned the procedure in 2018, and a study that looked into potential impacts of this ban has shown that there was no significant impact on the number of surrendered cats, and that owner-requested euthanasia actually decreased since the ban took place. The study also found that only 0.18% of cats were surrendered for destructive behaviour.

Both animal welfare and veterinary practices are regulated through provincial legislation. Limiting or restricting these procedures should be done provincially and in concert with veterinary regulatory authorities. Should a prohibition on cosmetic procedures on animals be proposed in Ontario, Toronto Animal Services would be supportive of such a ban, and would indicate their support during opportunities for consultation. Staff will monitor developments in the province and in other jurisdictions, and be available for consultation with other levels of government on the topic.

Update on Council request to assess an allowable list approach for permitted animals

The City currently maintains a list of animals that are prohibited to be kept in Toronto. City Council has requested staff examine the advantages and merits of a positive list (also known as an allowable list), which would instead outline which animal species are allowable as pets and suitable and safe to be kept owned in the city.

Generally, an allowable list outlines criteria that must be met to include the animal on the list, which may include considerations related to animal welfare, available knowledge and care, human health and safety, and conservation. In Canada, there are only a few municipal jurisdictions that have adopted a version of an allowable pet list, like Kitchener and East Gwillimbury.

During consultations on the review of Chapter 349, staff met with several stakeholders to discuss the implications of moving to an allowable list.

Supporters, including animal welfare organizations, note that an allowable list makes rules and guidelines easier to understand, and from a compliance and enforcement standpoint is more concise and can be easily amended and enforced by the government. A negative or prohibited list can be perceived to be administratively burdensome on government. An allowable list approach puts the onus on those seeking to import and/or keep a new species of animal to prove that the species can be kept safely and in a manner that respects the basic biological and social needs of the animal.

The pet owner and industry stakeholders indicated that they were not supportive of an allowable pet list. They note that it is unrealistic to require submission of a list of species that can be properly maintained by private citizens, given there are many species that can be safely cared for as pets. They also note that the ability to understand what species are prohibited is a standard across the pet world, and that there are significant costs to drafting, negotiating, and researching a new allowable list.

Adopting an allowable pet list would require a significant amount of staff resources and consultation, such as for the development of tools for species assessment. The development of an allowable pet list is not recommended at this time, as further research and consideration is required. TAS will continue to monitor and assess developments in other jurisdictions in considering moving towards an allowable list.

Next Steps & Implementation

MLS has developed an implementation plan as well as a communication and education campaign in collaboration with Strategic Communications, to support the recommendations outlined in this report. The plan also includes the updating of the policy and standard operating procedures and 311 service request categories for animal-related complaints and investigations.

If the proposed changes to Chapter 349 are adopted, staff recommend a phased approach to implementation. Regulations on outdoor shelter standards, changes to fines in Chapter 441, changes to dog excrement removal timing as well as the technical amendments would come into effect immediately.

Phase 1 – Fall and Winter 2022/23:

A significant education and communication campaign beginning in Fall 2022, to educate the public on the upcoming by-law changes and the rationale behind them. The education campaign will also focus on specific concerns and common misconceptions regarding wildlife feeding. The education plan will include updates to the City website, public awareness campaigns on social media and information included in brochures and mail outs sent by Animal Services.

The new requirements for the owning of rabbits, guinea pigs and pigeons would come into effect on December 1, 2022. Those with more than 4 rabbits and/or guinea pigs will be permitted to keep their additional animals for the life of those animals. However,

owners with more than 10 rabbits and/or guinea pigs or more than 30 pigeons must comply with the By-law at this time.

During this phase, staff will work to develop a business case for inclusion in the 2023 budget process for the 3 Animal Control Officers needed to successfully enforce the new wildlife feeding regulation, limit on the number of rabbits and guinea pigs and resource deployment in support of TAS' Coyote Response Strategy. Staff feel that sufficient staff resources must be in place to ensure the success of a new ban on wildlife feeding ban and additional operational changes.

Phase 2 – Spring 2023:

The wildlife feeding prohibition would come into effect on April 1, 2023 following the education and communication campaign. This date will allow sufficient time for the public to become aware of the coming change as well as establish new processes for the complaint and investigation of wildlife feeding complaints. Prior to April 1, 2023, MLS will hire additional staff resources to support the changes as well as train new staff on appropriate operating procedures.

Late 2023:

Staff will further conduct comprehensive public and stakeholder consultations as well as additional research regarding pet shops and a licensing system for pet establishments. Staff will work closely with City Planning and expect to report back to the appropriate standing committee(s) in late 2023.

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ATTACHMENTS

Attachment 1 – Draft Amendments to Chapter 349, Animals
Attachment 2 – Summary of Jurisdictional Scan

Attachment 3 – Summary of Third-Party Public Opinion Research
Attachment 4– Summary of Public Questionnaire Results