



July 4, 2022

Economic and Community Development Committee
c/o Matthew Green, Secretariat
Toronto City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Via Email

To Whom it May Concern:

Re: Animal Justice Comments on Item #31.5, Updates to Chapter 349, Animals

I write to you on behalf of Animal Justice – Canada’s leading national animal law organization. Animal Justice gives animals a voice in courtrooms across the country and works with all levels of government to strengthen legal protections for animals. We write in response to the May 13, 2022, Report from the Executive Director, Municipal Licensing and Standards on Updates to Chapter 349, Animals (the “**Report**”) which is being considered by the Economic and Community Development Committee (the “**Committee**”) on July 6, 2022.

First and foremost, Animal Justice commends the City for considering updating Toronto Municipal Code, C. 349 (the “**Animal Bylaw**”)¹ to enhance animal welfare and improve the coexistence of humans and wildlife in the City. The current bylaw is outdated and requires updates to address, among other things, humane wildlife management and treatment; irresponsible companion animal guardianship, and the proliferation of exotic animals in the City; and unnecessary and inhumane cosmetic surgeries being performed on animals. Any effort undertaken to modernize the Animal Bylaw is a step in the right direction.

Animal Justice Supports a Number of Recommendations Proposed in the Report

Animal Justice encourages the Committee to support a number of the proposed bylaw changes in the Report, including:

1. Prohibition on the Feeding of Wildlife

Animal Justice supports restrictions on the feeding of wildlife in the City of Toronto. Feeding wildlife creates behaviours and changes in an ecosystem that we can’t always predict – and even though we may not see immediate harm, the potential consequences of

¹ See: https://www.toronto.ca/legdocs/municode/1184_349.pdf

this practice can be devastating. Among other issues, feeding wildlife can cause animals to lose their fear of humans and companion animals, therefore increasing the risk of human-wildlife and pet-wildlife conflict; can cause animals to congregate where they are being fed, leading to higher risk of disease and creating a nuisance in particular areas; can create animal dependency on humans as a source of food which can lead to undernourishment or malnourishment in animals if they are not being provided a proper or consistent diet; and can attract animals that are not suitable to live in a given location. The introduction of a provision in the Animal Bylaw to restrict the feeding of wildlife is needed and will give the City tools to prevent or significantly reduce negative encounters with wild animals. The proposed exemptions to the feeding of wildlife included in the Report (e.g. exemptions for bird feeders, composting, and feeding (or baiting) by government officers and authorized wildlife rehabilitators) help ensure that this restriction will not have unforeseen negative impacts.

2. Introduction of Clear Rules Surrounding the Capture and Confinement of Pigeons

Animal Justice supports the proposed introduction of a clear limit on the number of pigeons that an individual or household is allowed to keep in the City of Toronto (i.e. 30 pigeons between November 1 - March 31 and 50 pigeons from April 1 - October 31 in any year). While Animal Justice would still prefer the introduction of rules which largely prohibit the capture and keeping of these wild animals (except in exceptional circumstances) the proposed limits are a step in the right direction to ensuring their humane treatment.

With that said, Animal Justice recommends that the City considers going one step further to codify rules in the Animal Bylaw which regulate the treatment and care of pigeons that are kept in captivity. More specifically, Animal Justice recommends the implementation of rules detailing the specific conditions that these animals must be kept in (i.e. guidelines specifying coop space per bird, dietary and water requirements, and enrichment for the animals kept in captivity, among other things). By regulating not only the number of pigeons which can be kept but also the conditions under which they can be captured and kept, the City would be further ensuring that any pigeons kept in captivity are being held in a humane manner.

3. Responsible Ownership of Rabbits and Guinea Pigs

Animal Justice supports the Report's recommendation to limit the number of companion rabbits and guinea pigs that a person or household may possess (i.e. no more than four rabbits and/or guinea pigs, or a combination of both, per dwelling). The proposed limitations will improve living conditions for these animals in captivity by better ensuring that Torontonians are able to provide adequate care for all animals in their home, including providing access to veterinary care when necessary. Animal Justice is pleased to see that this regulation will not apply to animal shelters or rescues, who do important work in ensuring the safety and wellbeing of many animals. Animal Justice further recommends that the City implements a clear cap on the number of rabbits and guinea pigs that a retailer can possess and adopt out.

Further Recommendations to Strengthen the Animal Bylaw

Animal Justice believes that the City can go beyond the Report's recommendations to further strengthen the Animal Bylaw. In particular, we recommend that the following changes are also made to update the bylaw:

1. Positive Pet List

Animal Justice encourages the City to reconsider the implementation of a positive pet list (“PPL”). A PPL approach is simpler, as well as easier and less expensive to enforce, than a negative pet list approach. The list can be easily amended where scientific evidence suggests that a given species should be added or removed (i.e. where there is demonstrable evidence showing that certain animals are not well-suited to life in captivity).² Rather than placing the onus on the government to monitor and identify species being imported, bred, and/or kept privately by individuals in the City and then determining whether or not those species should in fact be allowed (as is the current case under the Animal Bylaw), a PPL approach puts the onus on those seeking to keep a new species of animals in the City to prove that the species can be kept safely and in a manner that respects the basic biological and social needs of the animal.

While Animal Justice acknowledges that staff resources and consultation would be required to develop the tools for species assessment tied to the PPL and to establish a list itself, this short-term cost is a small price to pay for a clearer, more efficient, and more adaptable bylaw going forward. Moreover, the costs associated with developing a PPL could be significantly offset through consultation with municipalities that have already implemented PPLs, as well as animal welfare specialists with experience developing these types of provisions.

2. Ban on Medically Unnecessary Surgical Procedures on Companion Animals

Animal Justice was pleased to see that Toronto Animal Services would be supportive of a prohibition on medically unnecessary surgical procedures on companion animals if said prohibition was adopted via provincial regulation. That being said, we don't agree that the City needs to wait on the province to address this issue. The *Municipal Act*, SO 2011, c. 25 makes it clear that local municipalities are empowered to pass bylaws to regulate animals within their jurisdiction.³

With this in mind, we recommend that the City moves to immediately ban medically unnecessary surgical procedures on companion animals. These painful procedures include declawing cats, which involves the amputation of each toe to its knuckle; tail docking, which is not only painful but removes an important social aspect for dogs; ear cropping, which is banned in every Canadian province except Ontario and New Brunswick; cosmetic

² See: <https://www.winnipegfreepress.com/local/pet-peeves-574392442.html>

³ Available online: <https://www.canlii.org/en/on/laws/stat/so-2001-c-25/latest/so-2001-c-25.html>

dentistry, which is done to conform to breed standards and which the Canadian Veterinary Medical Association opposes; debarking, a major surgery which can lead to long-term health issues and psychological and behavioural risks; and cosmetic piercings and tattoos, which cause unnecessary pain to animals.

Dozens of countries and jurisdictions have banned medically unnecessary surgical procedures on companion animals because of the suffering they cause. In Canada, vet associations in several provinces prohibit vets from performing most of these surgeries, including in British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia, PEI, and Newfoundland and Labrador. The City of Toronto is empowered to implement a ban on medically unnecessary cosmetic procedures under the *Municipal Act*, and we recommend it uses this power to protect animals from unnecessary pain and suffering.

Conclusion

Animal Justice commends the Committee and the City of Toronto for its consideration of these important issues as a part of the modernization of the Animal Bylaw. The City's continued efforts to improve the welfare of animals and promote the coexistence between humans and wildlife are significant and place Toronto as a leader in municipal animal protection. We encourage the Committee to continue pushing for stronger laws to keep Toronto at the forefront of this field.

We would be pleased to provide further information or to assist staff in any way as they continue this important work. Please do not hesitate to contact us.

Sincerely,



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