

May 8, 2023

Toronto City Council
% Sylwia Przewdziecki, Manager
Toronto City Hall
100 Queen Street West
Toronto, ON
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Via Email

Dear Council members:

Re: City Council Consideration of Agenda Item EC 3.4 - Follow Up Report on the UrbanHensTO Backyard Hens Pilot Program

I write to you on behalf of Animal Justice – Canada’s leading national animal law organization – in regard to the Report from the Executive Director, Municipal Licensing and Standards regarding the UrbanHens TO Backyard Hens Pilot Program (the “**Program**”)¹ and the Economic and Community Development Committee’s (the “**Committee**”) decision to support the recommendations set out in said Report to suspend the Program. I am submitting comments for distribution to Toronto City Council for consideration at its May 10, 2023 meeting.

In line with its comments submitted to the Committee on April 21, 2023, Animal Justice strongly supports the recommendations of the Executive Director in the Report and urges City Council to cancel the UrbanHens TO program. In short, the risks associated with the Program, both for animal welfare and public health, are extremely high. The costs of safely and effectively overseeing the Program, particularly if it were to be expanded across the city, are substantial. These risks and costs are not justified in the circumstances.

The Program was discussed at length at the Committee’s April 25, 2023 meeting and several written comments were submitted leading to this meeting.² Numerous frustrated Torontonians, sanctuary operators, and an infectious disease specialist³ voiced their concerns about the Program and urged the Committee to adopt the recommendations set out in the Report to suspend the Program. These individuals pointed to the significant nuisance caused by the Program (including problems relating to pests, odour, and noise);

¹ Report available online: <https://www.toronto.ca/legdocs/mmis/2023/ec/bgrd/backgroundfile-235777.pdf>

² Committee meeting recording available online (beginning at ~2:33:00):

https://www.youtube.com/watch?v=xUMHGS19BJ4&t=9180s&ab_channel=TorontoCityCouncil

³ See April 24, 2023 written submission of Dr. Jan Hajek:

<https://www.toronto.ca/legdocs/mmis/2023/ec/comm/communicationfile-167939.pdf>

the burden it unduly places on animal sanctuaries, which rely on charitable donations to operate, to take care of spent and abandoned hens as well as roosters who are surrendered to these organizations after being improperly sexed; and the significant human and animal health and welfare risks associated with expanding this Program, particularly in light of mounting concerns about the spread of Highly Pathogenic Avian Influenza (“HPAI”) world-wide and across Canada.

In March 16, 2023 the Canadian Food Inspection Agency (“CFIA”) estimated that the number of domestic birds impacted by HPAI outbreaks in Canada since December, 2021 was 7.184 million.⁴ As of May 8, 2023, this number has risen significantly to 7.622 million birds.⁵ These numbers do not include wild birds and other animals who have been impacted. Outbreaks are being reported with increasing frequency across Canada, including here in Ontario. Veterinary experts have described the HPAI outbreak as “the worst we have seen in Canada and in North America.”⁶

We request that the City Council support the Executive Director and the Committee’s recommendations to suspend the Program. As set out in greater detail below, the risks associated with expanding the Program are too high to justify, particularly considering the significant costs associated with the continued implementation and expansion of the Program.

Public Health Concerns

Since last year, HPAI has been spreading world-wide and has had devastating consequences for wild and farmed birds across Canada. It has already caused mass die-offs of wild birds this season, as well as infections in commercially farmed and so-called “backyard” chickens.⁷

HPAI is now known to infect many mammal species, including dogs, cats, foxes, skunks, and mink.⁸ It has even been shown to spread from mammal to mammal in the case of a Spanish mink farm – a dangerous development that is cause for even greater concern regarding this virus.⁹ Infected animals die painful deaths and farmed animals are killed

⁴ See: <https://farmtario.com/daily/high-path-avian-flu-pops-back-up-in-southern-ontario/>.

⁵ See: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/avian-influenza/hpai-in-canada/status-of-ongoing-avian-influenza-response/eng/1640207916497/1640207916934>

⁶ See: <https://thepointer.com/article/2023-04-22/worst-we-have-seen-in-north-america-avian-flu-across-gta-has-experts-concerned>

⁷ See, e.g. https://farmtario.com/livestock/poultry-sector-resumes-vigilance-over-avian-influenza/?utm_source=GFM+Publications&utm_campaign=a2277e3080-EMAIL_CAMPAIGN_2023_04_04_01_09&utm_medium=email&utm_term=0_2da8244677-a2277e3080-%5BLIST_EMAIL_ID%5D&mc_cid=a2277e3080&mc_eid=46d61d8126; <https://www.wattagnet.com/articles/47067-avian-flu-strikes-commercial-poultry-flock-in-ontario>.

⁸ See, e.g. <https://www.cbc.ca/news/canada/toronto/avian-flu-1.6801414>;

<https://www.cbc.ca/news/canada/british-columbia/skunks-avian-flu-risks-pets-bc-1.6781577>.

⁹ <https://www.cbc.ca/news/health/bird-flu-keeps-spreading-beyond-birds-scientists-worry-it-signals-a-growing-threat-to-humans-too-1.6732287>.

en masse using methods such as gassing and even crushing birds' neck bones and spinal cords.¹⁰

If this highly infectious influenza virus evolves to better transmit between people, it could have devastating human health consequences in the future.¹¹

Absent strict biosecurity protocols, backyard hens can come into contact with wild birds and other wildlife, contributing to the spread of HPAI. Due in large part to the threat of HPAI, just last year Winnipeg City Council decided not to proceed with a planned urban hen pilot project in that city. We urge Toronto to do the same and cancel plans to make the UrbanHens Program permanent and city-wide. Winding down the existing pilot project and allowing residents who currently keep backyard chickens to keep their animals is the responsible course of action in light of the serious threats posed by HPAI.

It is worth noting that avian flu is just one of many disease risks linked to backyard egg production.¹² For instance, in 2022, the US Centers for Disease Control and Prevention reported salmonella outbreaks linked to backyard birds in 49 states, the District of Columbia, and Puerto Rico.¹³ These outbreaks cause hundreds of hospitalizations each year.

Welfare Concerns for Chickens

In addition to posing significant and unnecessary disease risks, backyard chicken keeping for egg production poses significant animal welfare risks.

(a) Exposure to Predators and Other Wildlife

Toronto is home to a variety of wildlife including foxes, coyotes, raccoons, skunks, birds of prey, mice, and rats. It is also home to many domesticated cats and dogs. Many of these animals prey on chickens, particularly if they are not kept in predator-proof structures. The presence of chickens alone may not necessarily attract animals, but the sounds they make, their diet, and the waste they produce do.¹⁴ While the Program mandates that coops are regularly cleaned and meet specific size and security requirements, these measures alone, particularly without consistent and routine oversight and enforcement, cannot prevent potential conflict with undesired animals in or around backyard coops. Numerous factors such as natural deterioration of coops leading to predator access, inconsistent or inadequate cleaning, or simple happenstance of a predator being in the area prior to cleaning an enclosure or when food was recently

¹⁰ <https://animaljustice.ca/blog/turkeys-crushed-with-castration-tools>.

¹¹ <https://www.cbc.ca/news/health/bird-flu-outbreaks-threat-1.6684560>.

¹² See, e.g. Yuko Sato & Patricia S. Wakenell, "Common Infectious Diseases in Backyard Poultry", available online: <https://www.merckvetmanual.com/exotic-and-laboratory-animals/backyard-poultry/common-infectious-diseases-in-backyard-poultry>.

¹³ <https://www.cdc.gov/salmonella/backyardpoultry-06-22/index.html>.

¹⁴ See: https://extension.usu.edu/news_sections/agriculture_and_natural_resources/rodent-chicken

served, all may lead to a conflict with chickens and/or other animals. For example, predators attracted by chickens may also kill or injure companion animals like cats and dogs.

In Ajax, plans for a backyard chicken allowance were recently put to a halt on account of, among other things, a staff report concluding that the program could “exacerbate existing issues of great concern to residents, such as vermin and pests, especially rats.” Backyard chicken-keeping has been tied to an increase in the number of rodents in the past.¹⁵ The Ajax report also predicted “an increase in wildlife concerns arising from the attraction of skunks, racoons, and predatory wildlife such as foxes and coyotes.”¹⁶ As Toronto grapples with unwanted coyote interactions in particular,¹⁷ and residents are being warned not to feed coyotes or leave out attractants, an urban chicken program is contrary to the goal of minimizing human/wildlife contact.

(b) Abandonment or Killing of Chickens

Due to numerous factors, chickens kept in urban settings for egg production purposes are frequently abandoned,¹⁸ surrendered to already over-burdened shelters and sanctuaries,¹⁹ or simply sent to slaughter. While people may be well intentioned when they decide to set up a backyard chicken coop, they often find themselves unwilling or unable to care for these animals, who can live to be more than 10 years old, but whose egg laying capacity often declines relatively early on in life. Other challenges, such as the cost of food, the cost of building and maintaining adequate coops, noise, mess, challenges arising from winter weather and other extreme weather conditions, or attracting unwanted pests all may cause individuals to decide that they no longer want to keep their flock.

We understand that sanctuary operators near Toronto regularly receive calls from individuals in and around the Toronto area looking to rehome unwanted backyard hens as well as accidentally acquired (and unlawful) roosters. If this program is expanded and/or made permanent, sanctuaries and shelters will be forced to expend even more of their limited charitable resources caring for these chickens, reducing the resources they are able to direct toward the care of other animals in need.

(c) Lack of Available Veterinary Care

¹⁵ See e.g.: <https://www.cbc.ca/news/canada/nova-scotia/suburban-rural-halifax-residents-now-allowed-to-keep-hens-1.6201099>

¹⁶ See: <https://www.thestar.com/local-ajax/news/2022/01/31/no-harm-no-fowl-plans-halted-for-potential-backyard-chickens-in-ajax.html>

¹⁷ See: <https://www.thestar.com/news/gta/2021/11/22/search-for-coyote-that-bit-two-people-in-toronto-park-continues.html>

¹⁸ See: <https://ottawa.ctvnews.ca/calls-to-ottawa-by-law-for-loose-chickens-more-than-double-from-pre-pandemic-levels-1.5637656>

¹⁹ See: <https://globalnews.ca/news/5244523/montreal-spca-abandoned-chickens/>

Just like cats and dogs, chickens require regular veterinary care as well as emergency care from time to time. Yet veterinarians in urban centres generally do not specialize in treating chickens. Indeed, the Executive Director's Report acknowledges that there are "a limited number of veterinarians in the city able to provide appropriate care for hens and access to a veterinarian is critical to ensure a prompt response to HPAI and other emergency care."

If backyard hens are allowed in Toronto, the stark reality is that there simply aren't enough vets to ensure proper care and to prevent and treat injuries and disease. While the Program attempts to proactively address this issue by recommending that individuals "should acquire a veterinarian who is knowledgeable about hens" prior to keeping these animals, a recommendation alone does not require individuals to take action and fails to account for the general shortage of specialized vets and the lack of consistent availability of these vets in the case of an emergency.

Irresponsible Use of Public Resources

The Executive Director's report acknowledges that the current structure of the pilot program is "not sustainable" and the program has been operating within existing staff resources. The costs of expanding the program would be significant, particularly in light of the costs required to mitigate community safety and sanitary concerns, and could decrease public resources available to respond to other pressing animal welfare threats in the city.

Proponents of backyard hen-keeping often suggest that this practice can be used as a tool to combat food insecurity for low-income families. The City of Toronto has itself stated in the past that it is exploring the efficacy of backyard hen-keeping in facilitating physical and economic access to food. The unfortunate reality is that setting up and maintaining a coop is too expensive for most individuals who struggle with food security.

According to the City of Toronto's own survey data, since the introduction of the Program, the average cost of setting up a compliant chicken coop in the city is \$1,022.95 (a number that is likely even higher now due to inflation and rising costs of living). This figure is prohibitive for most, if not all, low-income households who struggle with food insecurity. Indeed, the Executive Director's Report confirms that 97% of households participating in the UrbanHens Program have an income higher than \$100,000.

The costs of keeping backyard hens are compounded by the need to feed the hens a proper diet and provide regular and emergency veterinary care. In many cases, individuals would have to travel outside of the city for specialty care for these animals at an increased cost to them. Moreover, many people in the City of Toronto (particularly low-income individuals) do not have adequate outdoor space to raise hens. Low-income

households are often renters in smaller spaces, like apartment buildings, and would not be allowed to engage in hen-keeping as a result of space requirements.

Conclusion

Torontonians have good reason to want to produce their own food and avoid buying eggs from standard factory farms at which hens – social and inquisitive animals with cognitive abilities on par with cats and dogs – are doomed to spend their lives crammed in tiny cages, unable to spread their wings, walk around, or engage in any natural behaviours. Indeed, these very practices of intensively confining thousands of genetically similar birds are known to contribute to the emergence, spread, and virulence of avian flu strains.²⁰

Unfortunately, backyard chicken keeping for egg production is not a solution to the problems posed by our industrialized animal agriculture industry. In light of the above-noted concerns, we urge the City to end the UrbanHensTO Program, though households currently participating should be allowed to keep their hens for the remainder of the animals' lives.

Sincerely,



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²⁰ <https://www.vox.com/future-perfect/23053296/bird-flu-chickens-turkeys-cull-depopulation-ventilation-shutdown>.