

Follow Up Report on the UrbanHensTO Backyard Hens Pilot Program

Date: April 12, 2023

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report outlines the results of further consultation on proposed changes for the UrbanHensTO backyard hens pilot program and responds to Council's request to consider next steps for the program, including whether to expand the program City-wide and make it permanent. The pilot program expires on May 31, 2023. While the limited uptake in the pilot program has not resulted in any significant issues since its introduction in 2018, given the considerable costs and resource impacts required to safely administer a City-wide program and the emerging concern of the highly pathogenic avian influenza (HPAI), this report recommends that the UrbanHensTO backyard hens pilot program concludes, and that consideration for further extension, expansion or making the program permanent be paused indefinitely.

Toronto Municipal Code Chapter 349, Animals, prohibits animals in the order Galliformes (which includes hens), with the exception of hens registered under the UrbanHensTO pilot program and on lands zoned agricultural. The UrbanHensTO backyard hens pilot program began on March 2, 2018 and allows registered households to have up to four hens for the purposes of enjoyment and personal egg production; roosters are prohibited, and hens cannot be raised as livestock to eat. The duration and permitted areas of pilot program have been extended several times since 2018. The pilot program is currently permitted in Wards 4, 9, 10, 11, and 19, and parts of Wards 2, 3, 8, 12 and 14. The current structure of the pilot program is not sustainable. No user fees were introduced for the pilot program, and the program has been operating within existing staff resources since its inception.

In 2022, as part of [EC28.10](#) - Final Recommendations on the UrbanHensTO Backyard Hens Pilot Program, staff recommended that a permanent and City-wide program be formalized based on the results of the pilot. Participants identified positive benefits, and there continues to be public support for hen keeping amongst Toronto residents. Overall, there were no significant issues with the pilot program and complaints related to the pilot and hen keeping city-wide were low. However, with growing concerns related to the potential rise of Highly Pathogenic Avian Influenza (HPAI), the costs of an expanded

program, as well as the potential for nuisance and rodent issues, Council extended the pilot program for one year and directed staff to conduct further consultations and report back in 2023.

HPAI continues to spread among wild and farmed birds globally. HPAI is a risk to commercial poultry operations and increasing the number of backyard coops may increase the risk of disease transmission. Staff recommend working to reduce exposure to potentially infected hens and/or other wildlife to respond to HPAI as well as other enteric diseases, which can be carried by backyard poultry and cause a variety of illnesses in people.

In addition to emerging concerns related to HPAI, there are additional current operational and animal welfare challenges. 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. As well, the resources and costs required to mitigate community safety and sanitary concerns are significant.

Should the program be extended, expanded, or made permanent, significant resources would be required to support proactive responses to animal health and welfare, including strict biosecurity measures by all participants and more frequent and thorough inspections by City staff. This would be above what staff recommended in 2022 to support an expanded and permanent program, which included annual flock registration, an initial site inspection by Toronto Animal Services (TAS) staff, submission of a hen enclosure site plan, payment of registration and annual renewal fees, and a mandatory education course. For example, an expanded City-wide program would require a cost increase of 42% compared to the estimates provided in the previous staff report ([2022.EC28.10](#)). To support these extensive licensing and compliance activities, user fees would also need to be introduced at a significantly higher level than initially anticipated.

If the pilot program concludes, and consideration for further extension, expansion or making the program permanent is paused indefinitely, hen keeping would continue to be permitted in lands zoned as agricultural and any households currently participating in the program would be permitted to keep their hens, in accordance with the terms and conditions of the pilot program, until the end of the animals' lives.

This report was developed in consultation with Toronto Public Health (TPH).

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

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

- a. Remove section 349-4.1 Hens pilot program.
- b. Remove Schedule B – Zones for Hens Pilot Project
- c. Amend section 349-4L by adding:

“(3) Where a person was lawfully keeping a hen or hens as part of the Hens pilot program within permitted areas of the City, that person may continue to keep that hen or those hens until they have died despite the end of the pilot provided:

- (a) the person continues to keep the hens at the location approved by the City and in accordance with the terms and conditions of the pilot and their agreement with the City;
- (b) the Executive Director, in consultation with the Medical Officer of Health, has not determined that the keeping of the hen or hens jeopardizes public health, the health of the hen or is causing community disruption; and
- (c) The person provides the Executive Director with information on their hens upon request so as to clearly identify them as well as any other information as requested by and to the satisfaction of the Executive Director.

2. 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.

FINANCIAL IMPACT

The recommendations contained in this report would have no financial implications in the current budget year or in future years.

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

EQUITY IMPACT

The start-up and operating costs associated with hen keeping are a barrier to participating in the program, particularly for households that are classified as low-

income. Results of a City-hosted survey of households registered in the UrbanHensTO program in 2022 indicated that participants spent an average of approximately \$1,377 per household. In addition, many of the hatcheries and resources needed to care for the hens, including feed and coop materials, are not readily available in the city (i.e., may necessitate access to a vehicle). When asked to indicate their household income, 67% of respondents had household incomes higher than \$100,000, with 40% stating that their household income was \$150,000 per year or more.

The structure of the UrbanHensTO pilot program requires residents to have access to an outdoor private yard large enough for a hen enclosure while meeting zoning and setback requirements. As a result, access is not equitable, and a significant number of Toronto residents do not currently have access to the program, even if in areas or wards where participation in the pilot program is permitted. Community hen keeping ownership initiatives or projects would be the primary way to help address individual cost barriers and enable equitable participation but would be a significant risk to implement due to the rise of HPAI.

DECISION HISTORY

On February 7, 2023, City Council adopted EC1.7, Extending the UrbanHensTO Pilot Project, extending the pilot program until May 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EC1.7>.

On April 6, 2022, City Council adopted, with amendments, EC28.10, Final Recommendations on the UrbanHensTO Backyard Hens Pilot Program, extending the pilot until March 31, 2023, including Wards 9, 10, 11 and the entirety of Wards 4 and 19 as permitted zones in the program, and directing the Executive Director, MLS, to conduct further consultation on the proposed changes for a permanent program and report back to the Economic and Community Development Committee in 2023

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EC28.10>.

On December 16, 2020, City Council adopted, with amendments, EC18.13, Extending the UrbanHensTO Backyard Hens Pilot Program for One Additional Year, changing the pilot program's end date from March 31, 2021 to March 31, 2022 and requesting a report back to the Economic and Community Development Committee on final recommendations related to the program. Staff were asked to consult with relevant City divisions as well as the Toronto Food Policy Council, FoodShare Toronto, the public, and community organizations

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EC18.13>.

On May 28, 2020, City Council adopted, with amendments, CC21.1, City of Toronto Service Restart and Recovery Update, which provided an update on the City's COVID-19 emergency response and City recovery and rebuild efforts. Staff were asked to expedite the UrbanHensTO pilot program review from a food security perspective.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.1>

On October 2, 2017, City Council adopted, with amendments, LS20.1, Prohibited Animals Review, authorizing the Executive Director, MLS, to develop and implement a

pilot program permitting backyard hens in (former) Wards 5, 13, 21 and 32 for a period of up to three years. Staff were directed to report back at the end of the pilot.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS20.1>

COMMENTS

Pilot Program Overview

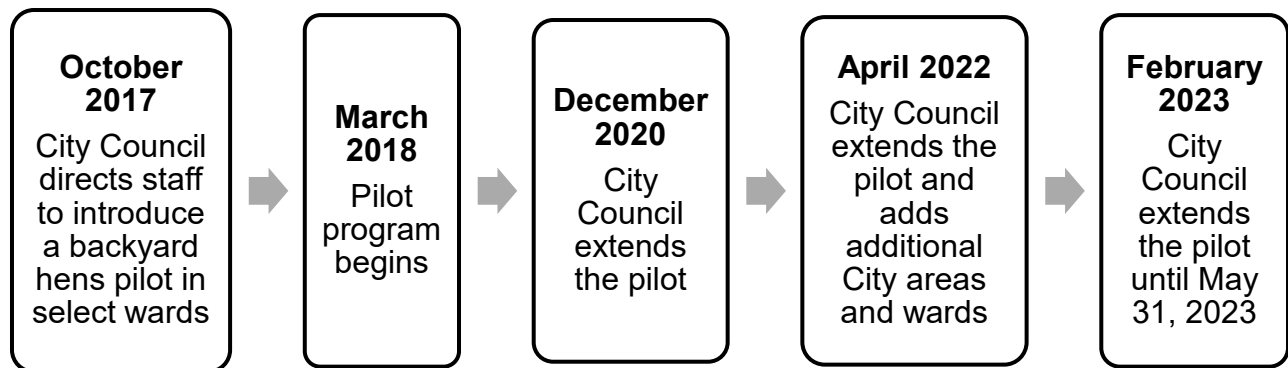
The UrbanHensTO backyard hens pilot program (hereinafter, UrbanHensTO) was designed to allow households in select areas to raise hens on their property for the purposes of enjoyment and personal egg production. Key requirements of the pilot program include:

- A maximum of four hens are permitted and roosters are prohibited.
- Hens must be at least 4 months old when acquired (to ensure that the chick is not a rooster and reduce the likelihood of abandonment once they are no longer chicks).
- Hens are to be kept as pets and for enjoyment and personal egg production; selling or providing any part of a hen, its eggs, or manure is not permitted.
- Hen breeding or fertilizer production for commercial purposes is not allowed.
- Coops may not be in the front yard and must follow zoning/setback requirements.
- Coops must have at least 0.37 square metres of floor area per hen, a perch for each hen of at least 20 centimetres in length, and a nest box suitable for the number of hens kept.
- The coop must be predator-proof, and in an odour-free, neat, and sanitary condition.

Terms and conditions, which each participant must agree to, are in place for participation in the pilot program, which outline general program eligibility, zoning requirements for hen coops, and provisions to ensure adequate feed and water for the hens, as well as waste management. The terms and conditions permit City staff to attend and inspect the property of participants if necessary and provide City staff with the authority to revoke hen keeping permissions if there are any violations of the terms and conditions. There are currently no user fees associated with the pilot program.

Costs to participate in the program may present a barrier – participants in the pilot program noted that the upfront costs of building and/or buying an appropriately sized coop and run were between \$1,000 and \$3,000.

Pilot Program History



The UrbanHensTO pilot began in March 2018, after direction from Council in October 2017. Pilot areas were determined based on which Councillors moved to opt-in to the pilot program – which included four former City of Toronto wards (Wards 5, 13, 21, and 32).

The pilot was originally intended to end on March 31, 2021; however, in December 2020, Council extended the pilot to March 31, 2022, because of the ongoing pandemic, and to provide staff further time to review the results of the pilot program. Staff undertook a comprehensive review in fall 2021, including extensive stakeholder consultation, and considered impacts on food security and sovereignty, access to veterinary care, animal health and welfare, public health and nuisance concerns, and equity impacts.

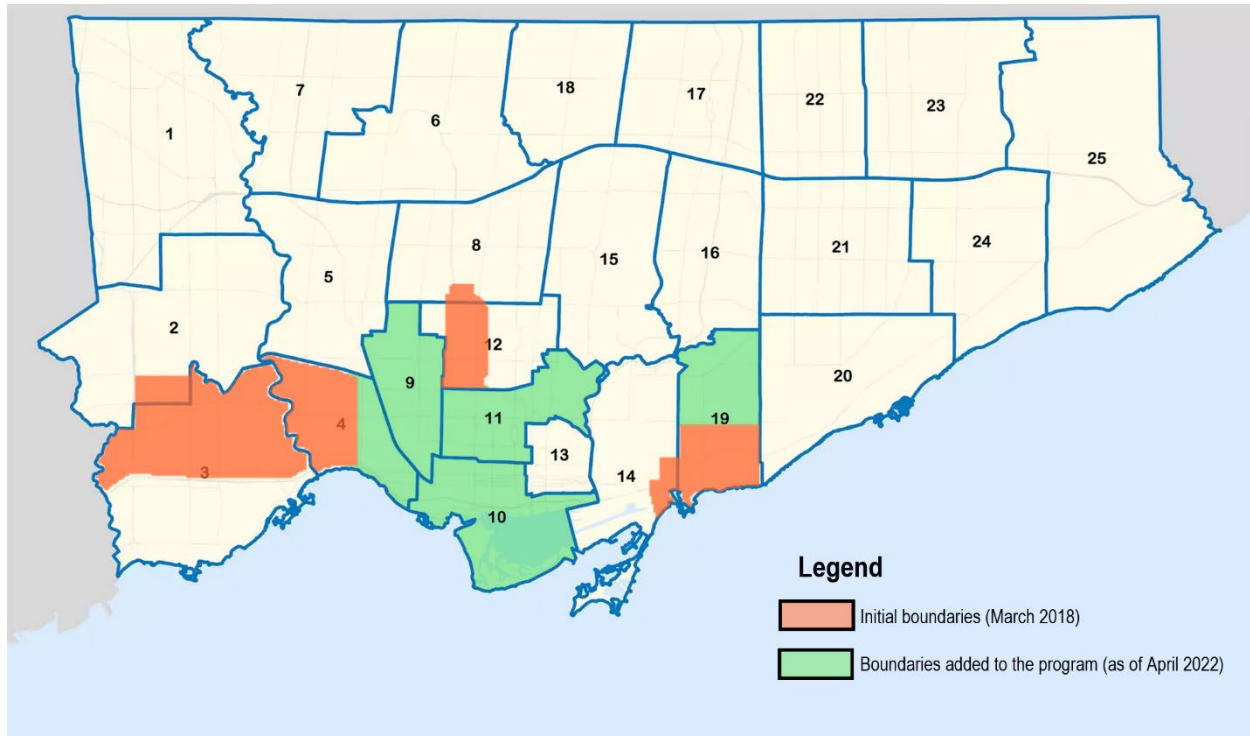
In March 2022, staff reported to the Economic and Community Development Committee ([2022.EC28.10](#)) and recommended that the program be expanded city-wide and made permanent, to create a safe hen keeping program with enhanced program requirements. This included annual flock registration and fee, site inspection by Toronto Animal Services (TAS), submission of a hen enclosure site plan, and compulsory education. To support implementation of an expanded program, the report requested funding to hire up to three Animal Control Officers. In order to help address individual cost barriers and allow residents without access to sufficient private outdoor space to participate in the program, the report also recommended that community hen keeping projects be permitted on a case-by-case basis. In the report, it was recommended that Municipal Licensing and Standards (MLS) establish standards for community hen projects at a later date, in consultation with other City divisions and community organizations.

Council did not adopt the recommendations in the report, largely due to growing concerns related to the potential rise of Highly Pathogenic Avian Influenza (HPAI), perceptions of nuisance and rodent concerns, and the costs of an expanded program, and instead directed that the pilot program be extended until March 31, 2023. Wards 9, 10, 11 and the entirety of Wards 4 and 19 were also added as newly permitted areas. A map outlining the current areas permitted in the UrbanHensTO program is noted below in Figure 1. In February 2023, at the request of staff, Council approved the pilot

program’s extension until May 31, 2023, to enable this report to proceed to the April 25 Economic and Community Development Committee meeting.

This report reassesses staff recommendations made in 2022 after additional stakeholder consultations, including a public survey, and focuses on key concerns that have evolved over the past year. This includes the growing risk of HPAI and the costs of safely delivering a backyard hens City-wide program at this time.

Figure 1: Map of current boundaries of the UrbanHensTO: Backyard Hens pilot program



Administration

Program registration is undertaken by TAS using existing staff resources. The pilot program was not based on a cost-recovery model, like the majority of the services and programs that MLS and by extension, TAS, provides. For example, TAS is not currently permitted to charge a registration fee for participation in the program. Registration is one-time and is not renewed annually; as a result, the exact number of active households at different times since the program’s inception are unknown. Staff do not conduct a site inspection as a condition of registration, and enforcement investigations are complaint-based.

Program Registration

As of the end of February 2023, it is estimated that 81 households with 256 hens were registered in the pilot program. When staff reported on the program in March 2022, 102 households with 307 hens were registered. This reduction is a result of an audit of participants conducted by TAS at the beginning of 2023 to remove any registrants no

longer participating in the program, given the pilot program only had one-time registration. Based on current registrations and complaints data of unregistered hens, staff estimate that approximately 575 households would likely participate in an expanded, City-wide program.

Complaints Data

Properties registered with the pilot program

The number of service requests (complaints) related to hen keeping on properties registered with the pilot program has been low. Since the start of the program, a total of five chicken-related service requests were received for registered properties; two were related to shelter standards, two were for unsanitary conditions, and one was related to hen care. No service requests for registered properties were issued in 2022.

Properties not affiliated with the pilot program

Toronto Municipal Code Chapter 349, Animals prohibits keeping chickens, except for those registered with the pilot program or on lands zoned agricultural, and as a result, most chicken-related complaints received for properties not involved with the pilot were for chickens as a prohibited animal.

Table 1: Chicken-related service requests for properties not affiliated with the UrbanHensTO pilot program, from 2018 to 2021.

Type of Service Request	Number of Service Requests					
	2018	2019	2020	2021	2022	TOTAL
Prohibited Animal	61	54	108	124	91	438
Stray Chicken	23	20	22	31	22	118
Injured Chicken	2	5	6	10	3	26
Animal Care	0	1	1	3	4	9
Owner Surrender	0	0	2	0	0	2
Extreme Weather	0	0	1	0	0	1
TOTAL	86	80	140	168	120	594

The number of nuisance-related and property standards service requests resulting from hen keeping (whether in relation to the pilot program or not) have been low. Since 2018, the City has received two service requests related to unsanitary conditions (odour) and three service requests related to noise. Since 2018, a total of 18 property standards complaints have been received related to hens (whether in relation to the pilot program or not). Six of these complaints are from 2022.

Recommendation

It is recommended that the UrbanHensTO pilot program concludes, and that consideration for further extension, expansion or making the program permanent be paused indefinitely, because of the considerable costs and resource impacts required to safely administer a City-wide program and the emerging concern of highly pathogenic avian influenza (HPAI).

As part of [2022.EC28.10](#), Council requested that staff conduct additional consultations on the proposed changes for a permanent hen keeping program and report back to the Economic and Community Development Committee in 2023. As part of this follow up report, City staff:

- Engaged with a broad range of new and existing stakeholders, such as food policy organizations, Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA), Animal Alliance of Canada, the Canadian Food Inspection Agency (CFIA), and farm sanctuaries to hear their feedback on the future of the program;
- Consulted with Toronto Public Health (TPH) and their Zoonotic Diseases Team, as well as other experts in veterinary science and public health, on the ongoing risks of HPAI and how backyard hen keeping contributes to these risks;
- Considered relevant amendments to a permanent hen keeping program structure to reflect feedback, operational realities, and existing and emerging public health risks; and
- Conducted an online public survey to solicit additional feedback on the program and its future.

Through this research and consultation process, it was determined that HPAI has continued to spread among wild and farmed birds throughout Canada and the USA since staff reported on the program last year, thereby increasing the risk of exposure to backyard flocks. Sporadic outbreaks of avian influenza have occurred in Canada since 2004, with the current outbreak of HPAI in Canada detected as of February 11, 2022. Based on available information at the time of this report, there are currently 58 active infected premises in Canada, in addition to 245 previously infected premises, and an estimated 7,217,000 birds impacted by the outbreak. While the outbreak was first detected in Canada in February of 2022, the current virus clade of HPAI was detected in 2020 and introduced into North America in 2021. The current HPAI outbreak is unprecedented in scale and scope, with the H5N1 strain of the virus having been detected in wild birds and poultry in Canada and the US as well most other countries in the world.

In addition, through the research and consultations conducted, staff heard that:

- The program should have adequate staff resources to ensure proper oversight, that hen owners should pay registration fees to cover program costs, and that the City and hen owners should have a succession and rehoming plan in place for hens that no longer produce eggs;
- Animal health groups encouraged staff to consider the risks of avian influenza, given the disease can kill entire flocks. They noted that hatcheries may not vaccinate chickens before selling them, which increases the chances of the animals coming into the City with disease;
- Animal Alliance of Canada recommended against expansion of the program given the additional financial costs, increased incidents of avian influenza in backyard flocks in 2022 outside of Toronto, and concerns about the welfare of hens in an urban setting; and
- Neighbouring farm sanctuaries recommended against expansion and have received various requests from Toronto residents to rehome chickens, both hens

and roosters. These organizations also expressed concerns about animal welfare.

The City issued an online public survey about the UrbanHensTO program from January 16, 2023 to February 6, 2023. In total, approximately 1000 individuals took the survey, with 881 reaching the end.

- 74% of respondents agreed or somewhat agreed the pilot program should be expanded; and
- 37% concerned or somewhat concerned about transmission of avian influenza, 45% were not concerned or somewhat not concerned.

A full summary of public and stakeholder feedback is provided in Attachment 1. In addition, further information about the risk of HPAI is noted in a separate section below.

Program requirements, user fees, and staff resources

As a result of this increased risk, staff explored what new requirements - in addition to the requirements proposed in [2022.EC28.10](#) - would be required to support the extension or expansion of the program. This is further outlined in Table 2. These requirements would be significantly more resource intensive than previously recommended and generally, more thorough inspections would be required to ensure participants are abiding by strict measures to prevent and reduce the introduction and spread of disease (commonly referred to as 'biosecurity measures').

Table 2 - Proposed requirements for a permanent UrbanHensTO program

Proposed in 2022 for a permanent program (2022.EC28.10)	Updates needed
<p>Annual flock registration: register flock and renew annually to ensure TAS is aware of active participants</p> <p>Site inspection: TAS to complete an inspection of the property and hen coop before registrant can obtain hens to ensure compliance with terms of program</p> <p>Hen enclosure site plan: submit a site plan of the property upon registration that shows coop dimensions and location</p> <p>Education course: complete an education course approved by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) before getting hens</p> <p>Registration, annual renewal, and re-inspection fees: registrant to pay a registration fee, an annual renewal fee, and re-inspection fees</p>	<p>+ Random/proactive annual inspection: to ensure ongoing compliance with program requirements and that biosecurity measures are being implemented</p> <p>+ Renewal of education course: to ensure participant knowledge of changes in best practices and updated HPAI risks</p> <p>+ Updated registration, annual renewal, and inspection fees: to properly reflect program costs and align with the City’s User Fee Policy</p>

There was support by respondents in the public survey and in various consultation meetings, for the City to introduce a random or proactive inspection to ensure compliance with program requirements. The City considered that it would be appropriate for these inspections to be conducted on every participating household on an annual basis to ensure that the program’s terms and conditions and necessary biosecurity measures are being followed, particularly in the context of increased HPAI risks. In an expanded program, the City estimates these inspections would add close to 1,900 hours of inspection work on an annual basis to the scope of work of Animal Control Officers. These estimates were factored into the calculation of updated inspection and user fees noted below. In addition, frequent education, and engagement with animal health experts from OMAFRA is critical to ensure a prompt response to changing HPAI risks and education courses should be renewed periodically.

The structure of the UrbanHensTO pilot program requires residents to have access to an outdoor private yard large enough for a hen enclosure while meeting zoning and setback requirements. As a result, access is not equitable, and a significant number of Toronto residents do not have access to the program. The [2022.EC28.10](#) report spoke to community hen keeping projects where a coop could be located on property owned by persons other than the person caring for the hens in order to improve equitable

access to the program. General permissions were recommended, but no clear standards or guidance were included on what the basic tenets of the projects would be and what land they would be permitted on. If expansion were to be considered, more detailed requirements would have to be established for such sites to be developed, with the participation of community groups. The City itself has limited capacity to provide land for these projects and does not recommend combining with other urban agriculture space where there is already competing interests, limited space, and liability concerns, particularly in the context of HPAI.

No additional staff or resources were allocated to the current UrbanHensTO pilot program when it was originally directed by Council and appropriate cost recovery fees and sufficient staff resources must be in place if it is expanded City-wide. In the public survey, there was general sentiment that those participating in the program should pay cost recovery fees to support enforcement and the provision of resources to administer the program safely. The fees, which would be per program participant rather than per animal like dogs and cats, reflect the complexity of caring for hens compared to other pets. The updated amounts in Table 3 capture several amendments recommended by staff including:

- Updated salary costs for Animal Control Officers, including supporting costs needed to fulfill their role.
- Updated estimates for program uptake and anticipated service request levels.
- Addition of a role for a TAS Supervisor to support inspection and enforcement actions, given the need for advanced knowledge and training to respond to hen issues and ensure biosecurity measures are being practiced.

To comply with the City's User Fee Policy the costs of delivering the UrbanHensTO program would be based on a cost-recovery model. The full cost recovery principle does not imply that all costs incurred need to be recovered through user fees, as there are many other factors, in addition to cost, to be considered in determining a user fee recovery rate and therefore the user fee price. However, the full cost recovery principle recognizes that even if the full cost is not recovered through user fees, understanding the full cost should be the starting point in determining the appropriate user fee. It also provides clarity to staff, Council, and the public on the extent to which user fee services must be offset by property tax revenues.

As has been noted, since the inception of the UrbanHensTO program, no user fees were charged; thus, the program has been managed, on a limited basis, through existing staff resources – a structure that is not sustainable. The updated fee amounts do not align with survey respondents, who supported a registration fee of under \$150 and a renewal fee of under \$50.

Table 3 – Fee amounts for a permanent program

Fee	Rationale	Amount proposed in 2022 (2022.EC28.10)	Updated amount
Registration fee	Staff time to process the registration and undertake a pro-active inspection of the coop and property	\$151.00	\$230.00
Annual renewal fee	Staff time to process the renewal, public education, and complaint-based enforcement	\$34	\$129.00
Re-inspection / proactive inspection fee	Each case where staff conduct a further site inspection to ensure compliance or if a violation has not been corrected within the specified timeframe	\$111.50	\$151.00

Based on these proposed requirements and updated fees, and the growing concern of HPAI, staff considered the costs associated with an expanded city-wide permanent program. The anticipated costs are outlined below in Table 4 and are deemed too significant for a program that benefits a low proportion of households in the city. It should be noted that this is an approximate estimate that would need to be re-evaluated if the number of participating households changed. New staff would need to be hired to support implementation of an expanded program, as this could not be supported within TAS' current staff complement.

As identified below, it is expected that 5,788 staff hours, shared amongst Animal Control Officers, Supervisors and Support Staff, would be required to implement a permanent City-wide program on an annual basis. This would require the hiring of three Animal Control Officers and one Supervisor, at a cost of \$493,670 annually. This does not include ancillary costs for TAS shelters, including equipment retrofits and additional shelter staff. Dependent on program uptake, TAS would have to scale any additional resources appropriately.

There is no room in MLS' budget to subsidize the UrbanHensTO pilot program any further. Existing resources are being dedicated to help support TAS meet its primary mandate of ensuring public safety and the welfare of Toronto's wildlife and domestic animal population. It should also be noted that TAS has been dealing with a significant increase in the number of service requests (both for enforcement and mobile response complaints) over the past few years that continues to grow, and which has put a strain on existing resources. 8,748 service requests for enforcement (e.g., prohibited animals, animal welfare and attacks, etc.) were received in 2022, a 12.5% increase from the

previous year and a 37.6% increase compared to 2020 levels. 46,911 service requests for mobile response (e.g., stray animals, wildlife cadavers, dangerous dog investigations, coyote responses, etc.) were received in 2022, a 24% increase from the previous year.

Table 4 – Associated costs with expansion of UrbanHensTO program

	Expansion City-wide
Staff resources needed	3 Animal Control Officers + 1 Supervisor
# of staff hours (annual)	5,788
Estimated annual costs	\$493, 670

The estimates provided in the tables above are based on cost recovery principles and ensure that users are paying sufficient and appropriate fees for a program that benefits specific individuals that have the money, space, and resources to participate. Staff have developed estimates that show significantly higher costs associated with a sustainable expanded program, which are not in line with stakeholder expectations, and which would further increase the financial barriers to participation.

Infectious Diseases

A potential concern with backyard poultry, which was raised during discussions of item [2022.EC28.10](#), is the transmission of HPAI from wild birds to backyard flocks, and subsequently to other mammals or humans. In addition to HPAI, backyard poultry may transmit other diseases (e.g., salmonellosis) that can cause illness in people, including severe illness in at-risk populations.

Enteric Diseases

According to Public Health Ontario, enteric diseases are caused by micro-organisms such as viruses, bacteria and parasites that cause intestinal illness. These diseases most frequently result from consuming contaminated food or water and some can spread from person to person.

Backyard poultry can carry pathogens (e.g., salmonella, campylobacter) that can be transmitted to people even if birds appear healthy and clean. These pathogens and the resulting diseases can easily spread in the environment where the poultry live and roam. The pathogens carried by backyard poultry can cause a variety of illnesses in people, ranging from minor skin infections to serious illnesses that could cause death.

Highly Pathogenic Avian Influenza (HPAI)

HPAI may show a variety of symptoms in birds, including high mortality and sudden death, decreased food consumption, respiratory signs (coughing and sneezing), and decreased egg production. HPAI's spread has been primarily attributed to the migration of infected waterfowl; wild birds, especially waterfowl, are a natural reservoir for HPAI. Per the federal Health of Animals Act and Reportable Diseases Regulations, bird owners, veterinarians and laboratories are legally responsible to immediately notify the CFIA of the presence of an animal that is contaminated or suspected of being contaminated with a federally reported disease, including HPAI. The spread of HPAI has already led to the culling of thousands of birds in Ontario, whether infected or healthy, to contain the spread. Outbreaks on farms also threaten food security and provide opportunities for the virus to spread to farm workers.

The CFIA is an agency of the Government of Canada that is responsible for safeguarding Canada's food supply and protecting animal health and plant health, has been responding to multiple outbreaks of HPAI in farmed birds, backyard poultry flocks and wild birds in various provinces within Canada, including Ontario. As of March 22, 2023, there have been 749,000 birds impacted by avian influenza in Ontario since the outbreak began in early 2022, and infections in waterfowl and poultry have been identified recently in commercial and non-commercial flocks in Brampton, Chatham-Kent, and West Lincoln. Further, HPAI has been confirmed in hawks and owls in Ontario in February and March 2023. To date, there have been no reported events in Toronto where backyard poultry have tested positive for HPAI, however there have been positive waterfowl identified. The virus is constantly evolving and spreading in animal populations worldwide, most notably in mammals, including mink, foxes, skunks, and dogs in Ontario. For example, in Toronto a raccoon tested positive for HPAI in 2022, and a domestic dog in Durham Region died from the virus in April 2023. This is particularly of concern to backyard hen keepers that may have other companion animals.

Both the Toronto Zoo and Toronto Wildlife Centre are implementing strict biosecurity practices given the presence of HPAI in Ontario. Biosecurity measures are intended to limit or prevent the introduction and spread of infectious agents. Toronto Zoo has noted to City staff that it conducts proactive meetings with the CFIA to discuss biosecurity measures for the birds in its aviaries. As of March 16, 2023, the Zoo has shut down its outdoor aviaries given an outbreak was present within a 200 km radius.

Biosecurity measures

According to Public Health Ontario, biosecurity measures to reduce the risks of HPAI spread, as well as other enteric and zoonotic diseases include the following:

- Hand washing after handling birds.
- Wearing dedicated shoes, gloves and clothes for cleaning.
- Appropriate housing for the flock: easy to clean, secure from predators and other animals, adequate space per bird, and adequate ventilation.
- Regular removal of manure, bedding and feed to reduce bacterial growth and flies.

- Seeking veterinary help in case of illness in the birds and reporting clusters of bird deaths.
- Storing poultry feed in rodent-proof containers.
- Not bringing poultry inside the house.
- Proper composting of poultry manure prior to use as a fertilizer.
- Prompt disposal of dead birds.
- Regular cleaning and sanitization of equipment.
- Refraining from kissing and snuggling live poultry, and not touching one's mouth, eating, or drinking around chickens.

Public Health Ontario published a research brief in 2017 which concluded that close contact with backyard chickens may contribute to infectious disease transmission from birds to humans, even in the absence of illness in poultry. Biosecurity measures may limit or prevent the introduction and spread of infectious agents; however, various studies noted limited awareness regarding backyard chickens and zoonotic diseases among flock owners.

In light of these issues, TAS will regularly communicate with households with backyard flocks to advise about proper biosecurity measures if the pilot program concludes. With the limited number of current participants in the program, risk of disease transmission is generally low and would increase if more hens were permitted in the City and/or if participants were able to replace or secure additional hens. It should be noted that TAS will have the authority to inspect participating households if needed and can suspend someone's hen keeping permissions if public health or the health of the hen is jeopardized or is causing community disruption. TAS may also issue protective care and seizure fees if needed on a case-by-case basis.

Risk of human transmission

Currently, HPAI does not easily spread from animals to humans, however, those in close contact with infected birds and their environments have been infected. Human infections have been reported in people who had close, unprotected contact with infected poultry or the infected poultry's contaminated bedding, feed, or water troughs. As of December 2022, the World Health Organization (WHO) stated that the risk of infection for humans remains low and no sustained human-to-human transmission has been reported.

According to data from the Ministry of Health, there have been eight human cases that have been reported worldwide since December 2021, six of which are from the virus clade of H5N1 circulating in North America – all have been a result of direct contact with infected poultry. There have been no cases of H5N1 in people in Canada.

Note on veterinary services

Access to a veterinarian is critical to ensure a prompt response to HPAI and other animal health concerns that may require emergency care. There are veterinarians who focus on poultry medicine, but they typically work for the commercial sector and do not

provide service for non-commercial clients due to biosecurity risks and/or the costs of being accredited to care for backyard flocks.

The College of Veterinarians of Ontario (CVO) regulates the delivery of veterinary medicine in Ontario and all veterinarians who practice in the province must be licensed by the College. The CVO currently requires veterinarians caring for urban farm animals (including hens) to obtain accreditation as food animal mobile veterinarians. Two veterinary practices in Toronto have this accreditation as of March 2023. CVO is interested in expanding poultry vet access and is proposing new accreditation standards to provide additional flexibility to meet accreditation standards, and permit veterinarians to define their scope of practice and species they treat. CVO is conducting consultations on the new model, and it has not yet been implemented.

Due to the limited availability of veterinarians accredited to care for hens in the city, it may take time for the number of accredited veterinarians to meet demand, if demand were to increase with an expanded program. In the meantime, the lack of urgent access to a veterinarian in the city to control for HPAI and other health risks, is a significant concern.

Next Steps

If the recommendation is adopted, staff would communicate the changes with currently registered households. If the program concludes, any households that had participated in the pilot program would be permitted to keep their hens until the end of the animals' lives as long as they comply with the terms and conditions established with the pilot program.

Households participating in the program would need to submit information on their hens to TAS and would be requested to band their hens, so they are easily identified. Follow-ups will be issued to clearly identify the hens (e.g., photos, wing bands, or microchip) as needed. TAS staff would check-in with households to ensure they are aware of the conclusion of the program, confirm that no new hens were procured, and, in consultation with Toronto Public Health, educate on measures to mitigate health risks, ensure adequate biosecurity, and prevent HPAI spread. Although dependent on the breed, the typical lifespan of a hen in backyard flock is 8 to 10 years. TAS expects households outside of the pilot boundaries may continue to have chickens not affiliated with the program and will continue to respond on a complaint basis.

TAS would work with its partners, including rescue groups and sanctuary farms outside of Toronto, to ensure a process is established if any hens are surrendered to an animal shelter in the City. To date, TAS has provided surrendered hens to partners, unless otherwise directed by the Ministry (e.g., during an avian influenza outbreak where there is a directive that birds cannot move).

CONTACT

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SIGNATURE

Carleton Grant
Executive Director, Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Summary of UrbanHensTO Additional Consultation