

Agenda Including Addeds

Environmental Stewardship and Action

Community Advisory Committee

8th Meeting of the Environmental Stewardship and Action Community Advisory Committee

July 5, 2023, 3:00 PM

Committee Room #5

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Métis and Inuit today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact advisorycommittee@london.ca.

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7. Adjournment

Environmental Stewardship and Action Community Advisory Committee

Report

7th Meeting of the Environmental Stewardship and Action Community Advisory Committee
June 7, 2023

Attendance PRESENT: B. Samuels (Chair), D. Allick, I. ElGhamrawy, A. Hames, C. Hunsberger, C. Mettler, N. Serour, L. Vuong and A. Whittingham and H. Lysynski (Committee Clerk)

ABSENT: P. Almost, M. Griffith and L. Paulger

ALSO PRESENT: S. Chambers, P. Donnelly, M. Fabro, A. Rammeloo, S. Rowland, J. Skimming, J. Stanford, B. Westlake-Power and P. Yeoman

The meeting was called to order at 3:01 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were closed.

2. Scheduled Items

2.1 Climate Emergency Action Plan 2022 Progress Report

That it BE NOTED that the Environmental Stewardship and Action Community Advisory Committee received the presentation appended to the Added Agenda from J. Stanford, Director, Climate Change, Environment and Waste Management and held a general discussion with respect to the Climate Emergency Action Plan 2022 Progress Report.

2.2 Stormwater Engineering Waterway Projects: We're More Than Just Ponds

That it BE NOTED that the Environmental Stewardship and Action Community Advisory Committee received a presentation appended to the Added Agenda from S. Chambers, Division Manager, Stormwater Engineering, and held a general discussion with respect to Stormwater Engineering Waterway Projects.

3. Consent

3.1 6th Report of the Environmental Stewardship and Action Community Advisory Committee

That it BE NOTED that the 6th Report of the Environmental Stewardship and Action Community Advisory Committee, from its meeting held on May 3, 2023, was received.

3.2 Municipal Council Resolution - 4th Report of the Animal Welfare Community Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on May 16, 2023, with respect to the 4th Report of the Animal Welfare Community Advisory Committee, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

None.

6. Adjournment

The meeting adjourned at 5:18 PM.

June 25, 2023

To: Mayor and Council, City of London
From: Patricia Almost, Environmental Stewardship Action and Community
Advisory Committee

I sincerely regret that, due to significant personal and family reasons, I have had to limit my engagement and participation with the Environmental Stewardship Action and Community Advisory Committee (ESACAC) over the last few months.

I have continued to review all documents provided to me and continue to have confidence that my extensive experience with London based environmentally-related issues provide me with valuable insights to share with the committee, Council and the community.

However, considering ongoing efforts by Council to fill available seats on various Community Advisory Committees, I believe that this provides an opportunity to replace me.

Therefore, I request Council consider and approve my resignation.

I thank my colleagues for their support. I wish them the best in pursuing the mandate of the ESACAC and I regret my absence over the last few months.

My best regards to all.

Sincerely,
Patricia Almost



NOTICE OF PLANNING APPLICATION

Zoning By-Law Change

New Comprehensive Zoning By-law – ReThink Zoning



File: Z-9619

Applicant: Corporation of the City of London

What is Proposed?

New City-Wide Comprehensive Zoning By-law

- specific rules for all properties that restrict the use, intensity and form of land, buildings, or structures.
- implements the policy direction of the City's newest Official Plan, known as The London Plan
- replaces and repeals the existing comprehensive Zoning By-law, known as Zoning By-law No. Z.-1

LEARN MORE & PROVIDE INPUT

Please provide any comments by **October 2023**

ReThink Zoning Project Team

ReThinkZoning@london.ca

519-930-3500

Planning & Development, City of London

300 Dufferin Avenue, 6th Floor,

London ON PO Box 5035 N6A 4L9

File: Z-9619

london.ca/planapps

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Date of Notice: June 5, 2023

Application Details

Requested Zoning By-law Change

The Corporation of the City of London is considering a new comprehensive Zoning By-law that will affect all lands within the municipal boundary of the City of London. The purpose and effect of the proposed new comprehensive Zoning By-law is to establish the rules that restrict the use, intensity and form of land, buildings, or structures in the City of London.

“Use” is the main purpose or activity on a property or in a building or structure. “Intensity” is how much activity and the size of building or structure. “Form” is the shape and location of a building or structure. The proposed new comprehensive Zoning By-law may include rules that provide alternative standards to incentivize certain forms of development to achieve municipal housing goals, positive climate actions and improve resiliency to climate change impacts.

The proposed new comprehensive Zoning By-law is an implementation tool that will implement the policies of the City of London’s newest Official Plan – The London Plan and repeal and replace the existing comprehensive Zoning By-law No. Z.-1.

The existing Zoning By-law is available at london.ca.

Planning Policies

The proposed new comprehensive Zoning By-law must conform to the policies of the Official Plan, London’s long-range planning document. The proposed new comprehensive Zoning By-law will apply city-wide to all properties that are located in all Place Types in The London Plan

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the Planning Act. The ways you can participate in the City’s planning review and decision making process are summarized below.

See More Information

You can review additional information and material about this application by:

- Contacting the Rethink Zoning Project Team listed on the first page of this Notice; or
- Viewing the application-specific page at london.ca/planapps
- Opportunities to view any file materials in-person by appointment can be arranged through the file Planner.

Reply to this Notice of Application

We are inviting your comments. The next opportunity for consultation will be from June 2023 to October 2023 on a proposed working draft Zoning By-law document. Comments received will be considered prior to the completion of the proposed new comprehensive Zoning By-law and as we prepare a report that will include Planning & Developments staff’s recommendation to the City’s Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend an Open House Meeting

An Open House will be scheduled later for the purpose of providing interested members of the public an opportunity to review and ask questions about the proposed new comprehensive Zoning By-law. The City will send you another notice inviting you to attend this Open House, which is required by the Planning Act. Notice of this Open House and a future Public Meeting described below, may be given together or separately. Attendance at this Open House meeting does not create a right to appeal the decision of Council to the Ontario Land Tribunal.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the proposed new comprehensive Zoning By-law on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this Public Meeting, which is required by the Planning Act. You will also be invited to provide your comments at this Public Participation Meeting. A neighbourhood or community association may exist in your area. If it reflects your views on this application, you may wish to select a representative of the association to speak on your behalf at the Public Participation Meeting. Neighbourhood Associations are listed on the Neighbourgood website. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the new comprehensive Zoning By-law, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the Public Meeting about this application and leave your name and address with the Clerk of the Committee.

Right to Appeal to the Ontario Land Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Ontario Land Tribunal but the person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information go to <https://olt.gov.on.ca/appeals-process/forms/>.

Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the Municipal Act, 2001, as amended, and the Planning Act, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Evelina Skalski, Manager, Records and Information Services 519-661-CITY(2489) ext. 5590.

Accessibility

Alternative accessible formats or communication supports are available upon request. Please contact plandev@london.ca for more information.

July 5, 2023

Review of the [Yard and Lot Maintenance By-law PH-9](#)

This motion is being proposed by the City of London Environmental Stewardship and Action Community Advisory Committee (ESACAC) whose [mandate](#) includes the maximization of the retention of trees and natural areas. This motion aims to prioritize the well-being of our community, protect biodiversity, uphold constitutional rights, improve by-law enforcement, enhance public information, and mitigate legal risks.

That Municipal Council BE REQUESTED to pass a motion, in the spirit of the following, to direct staff to undertake a review of the Yard and Lot Maintenance By-law PH-9:

Whereas, biodiversity loss is a growing concern that requires immediate attention and action from municipal authorities;

Whereas, the Yard and Lot Maintenance By-law PW-9 poses conflicts with other objectives of the City of London to conserve natural heritage and biodiversity (Environmental Policies, the London Plan 2022), to mitigate and adapt to climate change (Climate Emergency Action Plan, 2022), and to create liveable, complete street designs (London Complete Streets Design Manual, s2.5 Green Infrastructure 2018);

Whereas, Londoners are increasingly engaging in environmental stewardship including maintaining boulevard-facing gardens, Low-Impact Development (LID) such as rain gardens, and naturalization projects;

Whereas, there is a lack of easily accessible public information regarding the Yard and Lot Maintenance By-law PW-9 and its enforcement, hindering residents' understanding of their responsibilities and the City's expectations;

Whereas, there have been concerns raised regarding poor and inconsistent complaint-driven enforcement of the Yard and Lot Maintenance By-law PW-9 leading to mischaracterizations of by-law provisions, destruction of private property and potential negative impacts on the City's reputation and liveability;

Whereas, the Yard and Lot Maintenance By-law PW-9 and Naturalized Areas and Wildflower Meadows policy include imprecise and prescriptive language that is not reproducible in enforcement, and therefore poses legal risks to the City that could potentially result in litigation and financial burdens;

Whereas, the Ontario Court of Justice has found other municipal by-laws similar in effect to the City of London's Yard and Lot Maintenance By-law PH-9 to be void for vagueness and uncertainty in their language and for unjustifiably violating the freedom of expression guaranteed by section 2(b) of the Canadian Charter of Rights and Freedoms, 1982;

Therefore, be it resolved that the London City Council directs municipal staff to undertake a comprehensive review of the Yard and Lot Maintenance By-law PW-9 and related policies;

Be it further resolved that the review should address the following aspects:

1. Clarifying the intent and purposes of the By-law;
2. Providing statistics on enforcement of the By-law and assessing the effectiveness of enforcement processes and procedures;
3. Identifying and addressing any legal risks associated with the By-law, aiming to minimize potential litigation and financial burdens on the City;
4. Comparing the By-law's alignment with other City policies and strategies, particularly those related to natural heritage, complete street designs, and the Climate Emergency Action Plan;
5. Consulting with Indigenous communities about the By-law and prohibited plants;
6. Evaluating and improving mechanisms and public education to ensure consistent enforcement and compliance with the By-law;

Be it further resolved that the municipal staff present their findings and recommendations to Council within a reasonable timeframe, allowing for further discussion and potential amendments to the Yard and Lot Maintenance By-law PW-9;

Be it further resolved that enforcement of the Yard and Lot Maintenance By-law PW-9 in cases where there is not an immediate safety risk be paused while the By-law's legal validity is under review;

Be it further resolved that the City hold a Public Participation Meeting (PPM) to invite feedback from the community on the Yard and Lot Maintenance By-law PW-9 and staff recommendations.

References

1. City of London Yard and Lot Maintenance By-law
<https://london.ca/by-laws/yard-lot-maintenance-law-pw-9>
2. City of London Naturalized Areas and Wildflower Meadows Policy
<https://london.ca/council-policies/naturalized-areas-wildflower-meadows>
3. By-laws for Biodiversity: Ecological Design Lab at the University of Toronto
<https://ecologicaldesignlab.ca/project/by-laws-for-biodiversity/>
4. City of Toronto, Model By-law (enacted in 2021)
<https://ecologicaldesignlab.ca/project/model-by-law/>
https://www.toronto.ca/legdocs/municode/1184_489.pdf
5. City of Kitchener, Boulevard Beautification guide
<https://www.lovelyhood.ca/en/cool-ideas/boulevard-beautification.aspx>
6. City of Ottawa (2023), Updates to the Use and Care of Roads By-law 2003-498
https://engage.ottawa.ca/use-and-care-of-roads-by-law-updates/news_feed/proposed-regulations
7. Judicial Summary: Naturalised Gardens and Municipal Standards By-Laws
<https://johnsankey.ca/charter.html>
8. CBC (2022): Couple's win forces Smiths Falls to revisit approach to 'naturalized' lawns
<https://www.cbc.ca/news/canada/ottawa/smith-falls-naturalized-lawn-yard-victory-by-law-environment-ecology-wildlife-diversity-1.6467370>
9. Bell v. Toronto (City) (1996), case before the Superior Court of Justice
http://northcountrynotes.org/jason-rohrer/natureOnTrial/bell_v_toronto.html
10. David Donnelly MES LLB (2021), letter regarding the proposed amendments to the City of Toronto Municipal Code, Chapter 489 “Grass and Weeds”
https://ecologicaldesignlab.ca/site/uploads/2023/05/20201005LettertoJ.Tory_.pdf
11. Nina-Marie Lister (2023), Deputation to Prince Edward County, Committee of the Whole: Draft bylaw on Lawn Naturalization
https://ecologicaldesignlab.ca/site/uploads/2023/05/PEC-Natural-Garden-Bylaw_Deputation_LISTER-230414.pdf

Background: Yard and Lot Maintenance By-law PH-9

Prepared by Brendon Samuels, Chair of ESACAC, July 5, 2023

The purpose of this note is to provide background information related to the Yard and Lot-Maintenance By-law PH-9 and to clarify the intent behind requesting a review of the by-law and its enforcement. I will describe potential legal risks to the City associated with the by-law's enforcement. While it is generally not feasible to sue a government for a by-law or policy, governments can be sued for their operation of a law, such as through enforcement of a municipal by-law. Inconsistent or unjust enforcement of a by-law can expose a municipality to liability. In its current form, London's Yard and Lot Maintenance By-law poses numerous plausible liability scenarios.

The by-law and the Naturalized Areas and Wildflower Meadows policy it references contain language that is vague and inappropriately prescriptive. The resulting uncertainty may lead staff to rely upon subjective interpretations of the by-law, to use varying discretion when following up on enforcement complaints and assessing compliance, or to follow procedures outside of what is written in the by-law itself. For example, the by-law defines "*domestic waste*" as including "*leaves and garden refuse*". Sections 4.6 and 4.7 indicate perennial gardens and wildflower meadows may be exempted from enforcement of the by-law, especially section 2.5 "*Land – clean- cleared – free of refuse: Every owner shall keep his land clean, cleared and free of refuse*", if only "*provided that there is no waste*". If the by-law is to be read literally, then leaves that have naturally fallen on the ground could technically be considered "waste" and must therefore be cleared for an exemption outlined in sections 4.6 or 4.7 to apply.

The by-law's definition of "*cleared*" includes "*removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located*". The by-law defines "*border*" as "*the cleared land between the side and/or rear property line and a naturalized area or wildflower meadow*" and it defines "*buffer strip*" as "*a border of a minimum of 0.9 m wide that delineates a wild flower meadow or naturalized area.*" Section 3.7, Private property, clear buffer strip, states: "*No person shall fail to clear a buffer strip.* Based on the by-law's definition of "*cleared*", how much soil, compost or other material is considered a "stock pile" that must be removed from a buffer strip? Could leaves that fall from trees and are allowed to decompose, or exposed sand or soil maintained as habitat for solitary bees, be considered a "stock pile" by a complainant or enforcement officer?

Suppose that municipal compliance staff decide they are not going to enforce a certain part of the by-law, or they are going to carry out enforcement in ways that are not directly prescribed in the by-law. For example, last month I personally received a by-law notice that instructed me to "*clear all grass/weeds exceeding 8 inches in height*", even though my yard clearly includes a naturalized area that qualifies as exempt under the by-law. "*Grass*" and "*weeds*", as they appeared in my notice and in the by-law itself (but are never defined) are not legally valid terms because they describe broad categories that encompass many species, and are therefore too vague for the law to be reproducible (*Bell v. City of Toronto, 1996*). What does by-law enforcement consider to be "*weeds*"? Only a subset of species that are subject to complaints are listed as noxious weeds under the provincial Weed Control Act, and by-law enforcement staff do not seem to have the capability to identify specific plants to determine their status.

When I corresponded with City staff about the notice I received for my yard, I was told that the primary scope of enforcement of the grass/weeds part of the by-law is where there is a right-of-way (e.g., sidewalk, boulevard) and a buffer strip has not been cleared, potentially blocking lines of sight or impacting pedestrian safety. Unlike by-laws in other municipalities like Toronto or Ottawa, London's Yard and Lot Maintenance By-law does not reference right-of-way or site lines, and instead prescribes a cleared border between the side and/or rear property line. So, following the instructions given in the notice I received to "*clear all grass/weeds exceeding 8 inches in height*", then the by-law appears to indicate that I must remove weeds and grass growing within the border between the side

and/or rear property line, including in my naturalized backyard. This reading of the by-law differs from what was explained to me by City staff. The complaint brought against my yard did not lead to enforcement.

If enforcement of the by-law in cases such as my yard, or the [infamous pollinator garden with Common Milkweed](#) (not a noxious weed) that was destroyed last year, lead to harms, including destruction of property or violation of section 2(b) of the Canadian Charter of Rights and Freedoms which guarantees freedom of expression, then there is a significant risk that enforcement of London's by-law could be challenged in court. The Ontario Superior Court of Justice has repeatedly ruled that the guarantee of freedom of expression provided in the Charter applies to yards, in cases where other comparable municipal by-laws were found to be unconstitutional.

There are numerous negative environmental impacts associated with enforcement of the by-law. Many indigenous species of grass and other plants used in landscaping naturally grow to over 8 inches in height. The by-law requires that all plants must be continuously cleared within borders and buffer strips, or in yards where an exemption does not apply, even in cases where there is no apparent risk to safety and the yard is otherwise in compliance with the Weed Control Act. Clearing may affect these species' ability to reproduce (e.g., to generate flowers and seeds, or to spread rhizomatically) and reduce their ecosystem services (e.g., providing habitat, shade, limiting stormwater). Given the dearth of available public information about the by-law, complaint-driven enforcement is perceived in the London community as reinforcing antiquated cultural practices of maintaining manicured lawns that are contributing to biodiversity decline. The threat of being targeted by complaint-driven by-law enforcement and held to an ambiguous, prohibitive standard, and the risk of incurring monetary penalties from failing to comply with the by-law, may discourage Londoners from undertaking environmental stewardship projects on private property.

The Naturalized Meadows and Wildflower Policy referenced in the Yard and Lot Maintenance By-law includes the following definition: "*Wildflower Meadow means a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) in order to prevent the growth and establishment of woody shrubs and trees.*" This language prescribes that in order to be considered a Wildflower Meadow, by definition an area would require mowing once or twice per year. The City does not seem to consistently enforce this requirement. Annual or biannual mowing is not recommended practice for establishing and maintaining meadows in many situations. Furthermore, mowing is not strictly necessary to prevent the growth and establishment of woody shrubs and trees, which may not occur in every meadow and may include beneficial native species. Undesired woody shrubs and trees can be managed by other means that are less harmful to surrounding vegetation.

Enforcement procedures used by municipal staff should be clearly prescribed in the by-law, so they can be standardized, transparent and reproducible, to protect the City from liability, and to protect residents from undue harassment by complainants who dislike their landscaping. The [City of Toronto's municipal code](#) can serve as a model by-law. For instance, in Toronto, any complainant who claims that a private land is in contravention of the by-law is required to identify which harmful species are present and the specific risk or harm they pose.

The proposed motion includes a clause requesting that enforcement of the Yard and Maintenance By-law, in cases where there is not an immediate safety risk, be paused while the by-law is under review. If the City undertakes a review of the by-law, the by-law will receive additional public attention and there may be an increase in the number of complaints about yards submitted to the City. Given the ambiguities and conflicts within the by-law as outlined above, the legal defensibility of its enforcement may be brought into question. Suspending enforcement of the by-law would address this concern, but if this is not possible, I recommend that the City publishes additional information online to clarify the scope of by-law enforcement to help limit the volume of complaints (i.e., sharing currently prohibited and permitted landscaping practices, compliance requirements as outlined in the by-law).

Yard and Lot Maintenance By-law PH-9 Definitions:

Domestic Waste

“domestic waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit that appears to be waste material and includes but is not limited to the following classes of waste material:

(a) grass clippings, tree cuttings, brush, leaves and garden refuse;

...

Cleared

“cleared” includes the removal of weeds or grass more than 20 centimetres (8 inches) in height and the ***removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located***, and includes the draining, the treatment and/or the disposing of water on any property where there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes;

Border

“border” shall mean the cleared land between the side and/or rear property line and a naturalized area or wildflower meadow.

Buffer Strip

“buffer strip” shall mean a border of a minimum of 0.9 m wide that delineates a wild flower meadow or naturalized area.

By-law provisions:

3.7 Private property – clear buffer strip

No person shall fail to clear a buffer strip.

4.6 Perennial gardens – exemption

This by-law does not apply to perennial gardens, provided that the perennial gardens are managed in accordance with the Weed Control Act and provided that there is no waste.

4.7 Wildflower meadow – exemption

This by-law does not apply to a wildflower meadow or a naturalized area provided that those areas are managed in accordance with the Weed Control Act, provided that there is no waste, and provided that they do not encroach within the buffer strip.

Hi Heather,

I am emailing to inform you that I am resigning from the ESACAC.


I apologize for any inconvenience this may cause you.




Lucas Paulger

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London
CANADA

P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

June 28, 2023

Chair and Members
Environmental Stewardship and Action Community Advisory Committee

I hereby certify that the Municipal Council, at its meeting held on June 27, 2023, resolved:

That the following actions be taken with respect to the 6th Report of the Animal Welfare Community Advisory Committee, from the meeting held on June 1, 2023:

a) the following actions be taken with respect to the attached report from the Animal Welfare Community Advisory Committee Sub-Committee:

i) the above-noted report BE FORWARDED to the Environmental Stewardship and Action Community Advisory Committee (ESACAC); and,
ii) the ESACAC BE REQUESTED to consider the following actions from the above-noted report:

- A) the recommendations;
- B) the proposed language for the brochure;
- C) the image from the Upper Thames River Conservation Authority signage; and,
- D) the example from the Province of Alberta's Don't Let it Loose Campaign;

it being noted that the above-noted report from the Animal Welfare Community Advisory Committee Sub-Committee was received;

b) clauses 1.1, 3.1, 3.2, 5.1, 5.3 and 5.4 BE RECEIVED. (2.1/10/CPSC)

M. Schulthess
City Clerk
/jb

cc: Chair and Members, Animal Welfare Community Advisory Committee

Report from Sub-Committee to AWCAC Meeting June 1, 2023

Comments on Proposed Goldfish Brochure

Background

At the April AWCAC meeting, a draft brochure titled “Protecting our waterways” was discussed. The brochure was prepared by the City’s Ecological Community Advisory Committee and submitted to AWCAC for comments. AWCAC members made some editorial comments and raised two issues. The editorial comments were:

1. The title “Protecting our waterways” does not indicate that the information is about goldfish.
2. The sign in the photo is too small to read.
3. The photo of the goldfish needs some text to explain that these fish can grow very large. A reader might assume they are different types of fish.
4. Include stormwater ponds as a place where infestations currently occur. These ponds are near homes and are an attractive place to release a pet fish because the kids can “visit” their fish. Goldfish are routinely captured and killed when these ponds are drained for maintenance or cleaning.
5. The three references to fish as “it” should be deleted because fish are not inanimate objects. Using plurals allows “it” to be changed to “them”.

The two issues discussed by AWCAC members focused on whether the brochure should include a list of alternative fish to purchase instead of goldfish, and a proposal by a member of the Ecological Community Advisory Committee to include information about euthanizing unwanted goldfish. These issues were referred to the AWCAC Sub-Committee. Brendan Samuels, Chair of the Ecological Community Advisory Committee, attended the May AWCAC meeting as a delegation to discuss these issues.

Recommendation

The AWCAC Sub-Committee has two recommendations:

- Delete the suggestion to purchase other types of fish.

Like goldfish, these other species should not be released into waterways as they also cause problems and will likely die.

The suggestion to purchase African Dwarf Frogs is particularly troublesome as they are often sold in inhumanely small plastic containers inaccurately described as “biospheres” or “frogospheres”.

Instead of suggesting alternative species to buy, more information about the lifespan of a goldfish and the difficulty of re-homing should be included to encourage people to think about the consequences of acquiring a fish as a pet.

- Omit information on euthanasia.

The AWCAC Sub-Committee looked at materials used in other jurisdictions and is including those used in Alberta as a good example because they are informative and easy to read.

The AWCAC Sub-Committee feels strongly that it is beyond the role and scope of advisory committees to recommend euthanizing an unwanted pet. Further, advising someone on how to “humanely” euthanize a pet is fraught with problems if performed by pet owners. It may result in unintended suffering for the animal, is considered cruel, and must be performed by trained veterinarians.

Rather, we recommend a preventative approach such as highlighting the consequences of acquiring goldfish. Information on how to re-home them if necessary and other considerations that should be given careful thought before purchasing a goldfish should be included in the brochure.

Proposed Language for Brochure

Is a Goldfish the Right Pet for You?

Goldfish might seem like inexpensive, easy to keep, and fun starter pets for kids. But they are not for everyone.

- A goldfish is not a temporary pet. They need proper care for their entire lifespan of five, ten or even more years.
- A bowl is not an appropriate container. It costs money to set up an aquarium and buy essential equipment like a gravel vacuum, filter, heater and air pump, all of which run on electricity.
- Caring for goldfish is more than just feeding. You must regularly clean the aquarium and test the water chemistry. Sick goldfish need special care.
- Aquariums are not portable. Someone will have to come to your house to take care of your goldfish while you are away.
- It may be difficult to find a new home for your goldfish if you cannot care for them. Goldfish should never be flushed or released in a pond or waterway. Killing a pet for convenience is never right.

Signage

Upper Thames River Conservation Authority and the City of London have posted signs saying do not release goldfish. This was posted at Sifton Bog:



Alberta's "Don't Let It Loose" Campaign

In 2015, in response to large numbers of goldfish in stormwater ponds, Alberta Environment and Parks (AEP) launched a "Don't Let It Loose" campaign. Educational materials included a poster and leaflets on several species. A screen capture of the poster, general brochure, and specific brochure about goldfish are included in this report for reference. In addition to a catchy slogan (we would prefer "Don't Let Them Loose"), they have interesting graphics and a fair amount of information. There is no mention of alternative species to buy or euthanasia.



DON'T LET IT LOOSE

Never release aquarium or domestic pond water, plants, dead or live animals into waterbodies. Common aquarium and pond plants and animals can become invasive when released in the wild, potentially causing both ecologic and economic harm.

FOR MORE INFORMATION ON INVASIVE SPECIES, CALL:
1-855-336-BOAT (2628)





Never release aquarium or domestic pond water, plants, dead or live animals into waterbodies. Common aquarium and pond plants and animals can become invasive when released in the wild, altering habitat, increasing competition for limited resources and spreading disease to native species.

- Releasing fish or other aquatic species is illegal and can result in large fines, or even jail time!
- Goldfish populations have been found throughout Alberta. They are surviving the winter, altering water quality, and reproducing rapidly.
- Pour unwanted aquarium water over dry land and freeze aquarium plants before throwing them in the garbage.
- Unwanted pets can be disposed of humanely by returning them to pet stores, donating to schools or community organizations or given away.
- Make sure to bury your fish after it passes away – flushing it down the toilet can lead to the spread of unwanted diseases.

FOR MORE INFORMATION OR TO REPORT INVASIVE SPECIES, CALL:

1-855-336-BOAT (2628)

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Alberta
Government

GOLDFISH

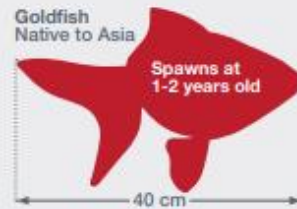
(CARASSIUS AURATUS)



Bull Trout
Native to Alberta



Goldfish
Native to Asia



100+ LOCATIONS
across Alberta where goldfish
have been **illegally dumped**

45,000

Number of goldfish removed
in 2017 from storm water
ponds in St. Albert

Goldfish in the wild:

- ↑ increase water cloudiness, blocking light
- ↑ increase the growth rate of blue-green algae
- ↓ reduce native plants that produce oxygen
- ☠ carry exotic diseases and parasites

Average number of eggs
laid by a single female
in a spawning period



- What to do with unwanted goldfish?**
- Donate to a friend or school
 - Return them to the pet store



Don't flush your fish!
Goldfish carry diseases
that could harm native fish
Bury them instead



**DON'T
LET IT
LOOSE**

Help us protect Alberta's
waters by never releasing
aquarium water, plants and
animals into the environment.

Alberta