

# **Animal Welfare Advisory Committee**

## **Report**

2nd Meeting of the Animal Welfare Advisory Committee

March 3, 2022

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

Attendance                      PRESENT: W. Brown (Chair), M. Blosh, A. Hames, P. Lystar,  
and M. Toplack; A. Pascual (Committee Clerk)

ALSO PRESENT: O. Katolyk, R. Laidlaw, M. McBride, and J.  
Woodyer

The meeting was called to order at 5:02 PM; it being noted that  
the following members were in remote attendance: M. Blosh, W.  
Brown, A. Hames, P. Lystar, and M. Toplack.

### **1. Call to Order**

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### **2. Consent**

#### 2.1 1st Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 1st Report of the Animal Welfare Advisory  
Committee, from its meeting held on December 9, 2021, was received.

#### 2.2 Municipal Council resolution with respect to the 1st Report of the Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council resolution from its meeting  
held on January 25, 2022, with respect to the 1st Report of the Animal  
Welfare Advisory Committee, was received.

### **3. Sub-Committees and Working Groups**

#### 3.1 Sub-Committee Update

That it BE NOTED that the verbal presentation from W. Brown, with  
respect to the Sub-Committee Update, was received.

### **4. Items for Discussion**

#### 4.1 R. Laidlaw - Delegation

That the following actions be taken with respect to the request for  
delegation status from R. Laidlaw, Executive Director, Zoocheck Inc.:

- a) the above-noted request BE APPROVED; and,
- b) the verbal presentation from R. Laidlaw and J. Woodyer, with  
respect to wildlife and reptilian welfare issues, BE RECEIVED.

#### 4.2 Private and Mobile Zoos

That the following actions be taken with respect to private and mobile  
zoos:

- a) the Municipal Council BE REQUESTED to affirm that the exemption in the City of London's Animal Control By-law for animals licensed by the Province of Ontario is limited to species listed as protected or game animals under the Ontario Fish and Wildlife Conservation Act;
- b) the Municipal Council BE REQUESTED to direct Civic Administration to clarify the above-noted exemption limitation with Reptilia Zoo;
- c) the attached document, with respect to this matter, BE FORWARDED to the Community and Protective Services Committee (CPSC) for their review and consideration; and,
- d) W. Brown, Chair, BE GRANTED delegation status at the CPSC meeting on March 29, 2022, to present the above-noted document.

#### 4.3 Recommendations to the Fireworks By-law

That it BE NOTED that the Animal Welfare Advisory Committee (AWAC) will compile their recommendations regarding potential amendments to the Fireworks By-law to be presented at the next AWAC meeting.

#### 4.4 Canid Signage Update

That Civic Administration BE REQUESTED to attend the next Animal Welfare Advisory Committee meeting to provide an update with respect to potential education and awareness initiatives related to canid and wildlife presence in the community.

### 5. **Adjournment**

The meeting adjourned at 6:22 PM.

# **Animal Welfare Advisory Committee**

## **Report**

1st Meeting of Animal Welfare Advisory Committee

December 9, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

Attendance                      PRESENT: W. Brown (Chair), M. Blosch, A. Hames, and M. Toplack; A. Pascual (Committee Clerk)

ABSENT: P. Lystar

ALSO PRESENT: O. Katolyk, M. McBride, and B. Westlake-Power

The meeting was called to order at 5:01 PM; it being noted that the following members were in remote attendance: M. Blosch, W. Brown, A. Hames, and M. Toplack.

### **1. Call to Order**

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### **2. Scheduled Items**

None.

### **3. Consent**

#### 3.1 10th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 10th Report of the Animal Welfare Advisory Committee, from its meeting held on November 18, 2021, was received.

### **4. Sub-Committees and Working Groups**

#### 4.1 Sub-Committee Update

That it BE NOTED that W. Brown provided a verbal presentation with respect to the Sub-Committee update.

### **5. Items for Discussion**

#### 5.1 Coyote Signage

That the following actions be taken with respect to the Budget Request - Coyote Signage:

a) the Civic Administration BE REQUESTED to issue a Public Service Announcement with respect to the placement of the updated coyote signs on City parks;

b) the Civic Administration BE REQUESTED to issue a Public Service Announcement during the spring and fall seasons as part of an awareness campaign to inform residents of the seasonal milestones for canids.

5.2 Clear Your Gear

That the Civic Administration BE REQUESTED to undertake an awareness campaign following the installation of the recycling receptacles for the Clear Your Gear program;

it being noted that the Animal Welfare Advisory Committee will continue to engage with Civic Administration with respect to the placement of the recycling receptacles.

5.3 Fireworks and Impacts on Wildlife and Pets

That Civic Administration BE ADVISED that the Animal Welfare Advisory Committee (AWAC) will compile and provide information with respect to pet safety tips for inclusion on the Fireworks By-law brochure;

it being further noted that AWAC will continue to conduct research on the effects of fireworks on wildlife and pets in order to provide a formal recommendation to Council with respect to potential changes to the Fireworks By-law.

5.4 Review of Animal Welfare Advisory Committee Initiatives and Accomplishments

That it BE NOTED that the Animal Welfare Advisory Committee (AWAC) held a general discussion with respect to the review of AWAC's Initiatives and Accomplishments.

**6. Adjournment**

The meeting adjourned at 6:05 PM.



London  
CANADA

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

January 26, 2022

S. Stafford  
Manager, Parks and Forestry

I hereby certify that the Municipal Council, at its meeting held on January 25, 2022, resolved:

That the following actions be taken with respect to the 1st Report of the Animal Welfare Advisory Committee, from its meeting held on December 9, 2021:

a) the following actions be taken with respect to the Budget Request - Coyote Signage:

i) the Civic Administration BE REQUESTED to issue a Public Service Announcement with respect to the placement of the updated coyote signs in City parks; and,

ii) the Civic Administration BE REQUESTED to issue a Public Service Announcement during the spring and fall seasons as part of an awareness campaign to inform residents of the seasonal milestones for canids;

b) the Civic Administration BE REQUESTED to undertake an awareness campaign following the installation of the recycling receptacles for the Clear Your Gear program;

it being noted that the Animal Welfare Advisory Committee will continue to engage with Civic Administration with respect to the placement of the recycling receptacles;

c) the Civic Administration BE ADVISED that the Animal Welfare Advisory Committee (AWAC) will compile and provide information with respect to pet safety tips for inclusion on the Fireworks By-law brochure;

it being further noted that AWAC will continue to conduct research on the effects of fireworks on wildlife and pets in order to provide a formal recommendation to Council with respect to potential changes to the Fireworks By-law; and,

d) clauses 1.1, 3.1, 4.1 and 5.4 BE RECEIVED. (4.2/2/CPSC)

M. Schulthess  
City Clerk  
/sd

cc: O. Katolyk, Director, Municipal Compliance and Chief Municipal Law  
Enforcement Officer  
Chairs and Members, Animal Welfare Advisory Committee

From: Rob Laidlaw  
Sent: Thursday, February 17, 2022 5:45 PM  
To: Advisory Committee <AdvisoryCommittee@london.ca>  
Subject: [EXTERNAL] Request for delegation AWAC

Dear Advisory Committee Clerk:

I am writing to request permission to make a delegation at the next meeting of the City of London Animal Welfare Advisory Committee on Thursday March 3, 2022.

I would like to provide relevant information about wildlife/ reptilian animal welfare issues and brief commentary regarding a proposed new zoo in the City of London.

Please let me know if you require additional information. I look forward to receiving confirmation of my request.

Sincerely,

Rob Laidlaw

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Rob Laidlaw  
CBiol MRSB Executive Director  
Zoocheck Inc.  
P.O. Box 1389  
Gravenhurst, Ontario  
P1P 1V5

## The Animal Welfare Advisory Committee to the City of London

### Recommendation to Council March 2022:

1. Council affirm that the exemption in the Animal Control By-law for animals licensed by the province is limited to the animals held under their provincial license, (i.e. those listed as specially protected or game animals under the Ontario Fish and Wildlife Conservation Act), and that all other animals will be subject to the municipal animal control by-law.
2. Council direct staff to send a clarification to the owner of Reptilia Zoo regarding the exemption limitation and a copy of the by-law highlighting that many animals within the Reptilia Zoo collection may be prohibited or restricted in the City of London pursuant to the by-law.

### Reasons for Recommendation

On February 16, 2022, the president of Reptilia Zoo, Brian Child, is quoted in a CBC News article by Colin Butler as saying that “It almost looks like the left hand and the right hand don’t know what’s going on” in the city of London.

The Animal Welfare Advisory Committee believes that clarification would be beneficial to Reptilia Zoo, the City, and to the welfare of any reptiles or other animals that may be transported in anticipation of a reptile zoo opening at Westmount Mall.

### Analysis

#### 1. What by-law applies to reptiles?

Animals are regulated by the City of London’s Animal Control By-law (PH-3), which

- (a) restricts the keeping of Class 5 animals (non-venomous snakes, lizards and spiders) and
- (b) prohibits the keeping of Class 7 animals (any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, *crocodile*, *alligator*, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, racoon, *venomous lizard*, *venomous snake*, *venomous spider*, all birds the keeping of which is prohibited in the Migratory Birds Convention Act, S.C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997 and regulations thereto.) [emphasis added]

#### 2. Are zoos exempt from the Animal Control By-law?

The Animal Control By-law section 3.6 states that the by-law “shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus *operated or licensed by a municipal or other governmental authority.*” [emphasis added]

There is no Province of Ontario “zoo license”, i.e., a license to own or operate a zoo. Nor is there a municipal license to keep animals in a zoo in London. At the December 2018 city council meeting,

council rejected Reptilia Zoo's proposal to open a facility in London. Council declined to amend the Business Licensing By-law to regulate private and mobile zoos. Accordingly, a zoo cannot be exempted from the by-law on the basis that it is *licensed by* a municipal or other governmental authority. A zoo can only be exempted on the basis that it is *operated by* a municipal or other governmental authority. The same applies to animals "maintained in a public park". This section of the by-law accommodated the former zoo that the City operated at Storeybook Gardens years ago.

### **3. Is there a Provincial law or license that trumps the municipal by-law?**

The only license available is one issued by the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) under the Fish and Wildlife Conservation Act (FWCA) section 40(1), which states that "A person shall not keep live game wildlife or live specially protected wildlife in captivity except under the authority of a license and in accordance with the regulations."

For purposes of the FWCA, Ontario Regulation 668/98 Wildlife in Captivity (WIC) provides that "A person who owns or operates a zoo may, in accordance with a licence issued under the Act, (a) keep or propagate game wildlife and specially protected wildlife; and

(b) buy or sell game wildlife and specially protected wildlife" (WIC 3).

The license applies to "game wildlife and specially protected wildlife". All other animals are not covered under the license. These animals continue to be regulated and/or prohibited by municipal by-laws.

### **4. What's the difference between a zoo and a "place of entertainment"?**

The Provincial regulations define a "zoo" to mean "a place where game wildlife or specially protected wildlife is kept in captivity for display to the public and for conservation, educational or scientific purposes". (WIC 1(1))

Neither the FWCA nor the Regulations define or make any provisions for licensing a "place of entertainment". London's Animal Control By-law also does not exempt a "place of entertainment".

### **5. Will this decision set a precedent?**

Failure to uphold Council's 2011 and 2018 Council decisions as they relate to Private Zoos such as Reptilia Zoo and London's current Bylaw, Zoning, and Business License Prohibitions sets a precedent for other like private zoos and mobile zoo programs to operate in the City of London. Private zoos and mobile live animal programs and other activities that take place off-site, which are key components of Reptilia Zoo's operations brings exotic and potentially dangerous animals to London and offsite, posing significant health and safety risks such as the potential for an animal to escape, increased incidence of handling the animals and exposure to infectious disease, and a lack of municipal and provincial oversight, and other safety features that are contained in the facility itself.



## **6. What other consequences are there?**

The potential increase in exotic animal businesses seeking exceptions and expansion in the number of these animals kept in the city could undermine:

- deliberate past improvements to animal welfare.
- municipal oversight
- the environment in terms of exotic animals entering the City and threatening native wildlife species, and undermines the City's reputation as a national leader in this space.
- concerns regarding the ability to properly care for such animals.
- the intention of the current bylaw and zoning prohibitions pertaining to private zoos and mobile zoos, as it relates to animal welfare as well as the City's leadership in this space.
- efforts to reduce the commercialization of wildlife, expansion of reptile pet keeping and trade, and escalate an undue burden to city staff and to public health and safety.

## **7. What does zoo association membership/accreditation mean?**

Association membership or accreditation does not guarantee optimal animal welfare and public safety standards. For instance, CAZA (Canadian Association of Zoos and Aquariums) is a private charitable organization representing the zoo industry in Canada. They conduct pre-announced inspections of their member zoos not more than once every 5 years. Some CAZA accredited zoos have been issued orders and even charged under animal cruelty legislation.

In a Report by the City of Toronto (written in consultation with Economic Development and Culture, Toronto Public Health, and Corporate Real Estate Management) in 2021 with regards to Reptilia Zoo's request for an exemption to the Bylaw to allow its operations, the report noted:

“As part of this review, staff requested information from the Ontario Ministry of the Solicitor General's Provincial Animal Welfare Services (PAWS) regarding any animal welfare concerns associated with Reptilia's operations in other jurisdictions. Based on the information received, staff have significant concerns regarding the outcomes of past investigation and inspections by PAWS.”

### **Conclusion:**

- Reptilia Zoo is anticipating opening a reptile zoo in London's Westmount Mall in the next few months.
- The City's Animal Control By-law prohibits the keeping of many of the animals in Reptilia Zoo's collection.
- There is no Provincial or municipal “zoo license”. Zoos are exempted from London's Animal Control By-law only if they are operated by a municipal or other governmental authority.

- The license issued by the NDMNRF permits the owner of a zoo to keep, propagate, buy, or sell “game wildlife and specially protected wildlife”. The license does not extend to allow the license holder to keep any other animal they choose, for example, a tiger or an alligator, despite local laws. These animals continue to be regulated and/or prohibited by the municipal by-law. The majority of species in Reptilia Zoo’s collection are prohibited or restricted in London.
- Clarification on the limitation of the animal control By-law exemption is essential to avoid unnecessary waste of time and other city resources, as well as implications and concerns outlined in the Analysis section of this recommendation report.

## The Animal Welfare Advisory Committee to the City of London

### Recommendation to Council March 2022:

1. Enforce the policy position taken by City Council on December 18, 2018 to reject private zoos.
2. Council affirm that the exemption in the Animal Control By-law for animals licensed by the province is limited to the animals held under their provincial license, (i.e those listed as specially protected or game animals under the Ontario Fish and Wildlife Conservation Act), and that all other animals will be subject to the animal control by-law.
3. Council direct staff to send a clarification to the owner of Reptilia Zoo regarding the exemption limitation and a copy of the by-law highlighting that many animals within the Reptilia Zoo collection may be prohibited or restricted in the City of London pursuant to the by-law. Clarification on the limitation of the animal control By-law exemption is essential to avoid unnecessary waste of time and other city resources.
4. Council articulate their policy on captive wildlife to ensure the zoning and other by-laws are consistent with the policy.

### Reasons for Recommendation

On February 16, 2022, the president of Reptilia Zoo, Brian Child, is quoted in a CBC News article by Colin Butler as saying that “It almost looks like the left hand and the right hand don’t know what’s going on” in the city of London.

The Animal Welfare Advisory Committee believes that clarification would be beneficial to Reptilia Zoo, the City, and to the welfare of any reptiles or other animals that may be transported in anticipation of a reptile zoo opening at Westmount Mall.

### Analysis

#### 1. What by-law applies to reptiles?

Animals are regulated by the City of London’s Animal Control By-law (PH-3), which

- (a) restricts the keeping of Class 5 animals (non-venomous snakes, lizards and spiders) and
- (b) prohibits the keeping of Class 7 animals (any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, *crocodile*, *alligator*, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, racoon, *venomous lizard*, *venomous snake*, *venomous spider*, all birds the keeping of which is prohibited in the Migratory Birds Convention Act, S.C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997 and regulations thereto.)  
[emphasis added]

## **2. Are zoos exempt from the Animal Control By-law?**

The Animal Control By-law section 3.6 states that the by-law “shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus *operated or licensed by a municipal or other governmental authority.*” [emphasis added]

There is no Province of Ontario “zoo license”, i.e., a license to own or operate a zoo. Nor is there a municipal license to keep animals in a zoo in London. At the December 2018 city council meeting, council considered whether to amend the Business Licensing By-law to provide for a zoo license to be issued by the municipality. The majority of council members voted to not amend the by-law. The intent was to not provide a license and as a result to not allow zoos.

Accordingly, a zoo cannot be exempted from the by-law on the basis that it is *licensed by* a municipal or other governmental authority. A zoo can only be exempted on the basis that it is *operated by* a municipal or other governmental authority. The same applies to animals “maintained in a public park”. This section of the by-law was most likely written to accommodate the former zoo that the City operated at Storeybook Gardens years ago.

## **3. Is there a Provincial law or license that trumps the municipal by-law?**

The only license available is one issued by the MNR&F under the Fish and Wildlife Conservation Act (FWCA) section 40(1), which states that “A person shall not keep live game wildlife or live specially protected wildlife in captivity except under the authority of a license and in accordance with the regulations.”

For purposes of the FWCA, Ontario Regulation 668/98 Wildlife in Captivity (WIC) provides that “A person who owns or operates a zoo may, in accordance with a licence issued under the Act,

- (a) keep or propagate game wildlife and specially protected wildlife; and
- (b) buy or sell game wildlife and specially protected wildlife” (WIC 3).

The license applies to “game wildlife and specially protected wildlife”. All other animals are not covered under the license. These animals continue to be regulated and/or prohibited by municipal by-laws.

## **4. What’s the difference between a zoo and a “place of entertainment”?**

The Provincial regulations define a “zoo” to mean “a place where game wildlife or specially protected wildlife is kept in captivity for display to the public and for conservation, educational or scientific purposes”. (WIC 1(1))

Neither the FWCA nor the Regulations define or make any provisions for licensing a “place of entertainment”. London’s Animal Control By-law also does not exempt a “place of entertainment”.

## **5. Will this decision set a precedent?**

Failure to uphold Council's 2011 and 2018 Council decisions as they relate to Private Zoos such as Reptilia Zoo and London's current Bylaw, Zoning, and Business License Prohibitions sets a precedent for other like private zoos and mobile zoo programs to operate in the City of London. Private zoos and mobile live animal programs and other activities that take place off-site, which are key components of Reptilia Zoo's operations brings exotic and potentially dangerous animals to London and offsite, posing pose significant health and safety risks such as the potential for an animal to escape, increased incidence of handling the animals and exposure to infectious disease, and a lack of municipal and provincial oversight, and other safety features that are contained in the facility itself.

## **6. What other consequences are there?**

The potential increase in exotic animal businesses seeking exceptions and expansion in the number of these animals kept in the city could undermine:

- deliberate past improvements to animal welfare.
- municipal oversight
- the environment in terms of exotic animals entering the City and threatening native species, and undermines the City's reputation as a national leader in this space.
- concerns regarding the ability to properly care for such animals.
- the intention of the current bylaw and zoning prohibitions pertaining to private zoos and mobile zoos, as it relates to animal welfare as well as the City's leadership in this space.
- efforts to reduce the commercialization of wildlife and expansion of reptile pet keeping and trade and escalate an undue burden to city staff and to public health and safety.
- Efforts to reduce threats to native wildlife in the City of London and beyond.

## **7. What does Canadian Association of Zoos and Aquariums (CAZA) accreditation mean?**

Accreditation or association memberships (for example, CAZA) do not guarantee optimal animal welfare and public safety standards. CAZA is a private charitable organization representing the zoo industry in Canada. They conduct pre-announced inspections of their member zoos not more than once every 5 years. Because they are not an enforcement agency, they are unable to verify if their members are violating any laws. Some CAZA accredited zoos have been issued orders and even charged under animal cruelty legislation.

In a Report by the City of Toronto (written in consultation with Economic Development and Culture, Toronto Public Health, and Corporate Real Estate Management) in 2021 with regards to Reptilia Zoo's request for an exemption to the Bylaw to allow its operations, the report noted:

“As part of this review, staff requested information from the Ontario Ministry of the Solicitor General's Provincial Animal Welfare Services (PAWS) regarding any animal welfare concerns associated with Reptilia's operations in other jurisdictions. Based on the information received, staff have significant concerns regarding the outcomes of past investigation and inspections by PAWS.”

**Conclusion:**

- Reptilia Zoo is anticipating opening a reptile zoo in London's Westmount Mall in the next few months.
- The City's Animal Control By-law prohibits the keeping of many of the animals in Reptilia Zoo's collection.
- There is no Provincial or municipal "zoo license". Zoos are exempted from London's Animal Control By-law only if they are operated by a municipal or other governmental authority.
- The license issued by the MNR&F permits the owner of a zoo to keep, propagate, buy or sell "game wildlife and specially protected wildlife". The license does not extend to allow the license holder to keep any other animal they choose, for example, a tiger or an alligator, despite local laws. These animals continue to be regulated and/or prohibited by the municipal by-law. The majority of species in Reptilia Zoo's collection are prohibited or restricted in London.
- Clarification on the limitation of the animal control By-law exemption is essential to avoid unnecessary waste of time and other city resources, as well as implications and concerns outlined in the Analysis section of this recommendation report.