

Animal Welfare Advisory Committee

Report

9th Meeting of the Animal Welfare Advisory Committee
September 6, 2018
Committee Room #3

Attendance PRESENT: W. Brown (Chair), K. Ashe, A. Cheng, H. de Hogg,
M. Gelinias, A. Hayes and P. Lystar: and P. Shack (Secretary)

REGRETS: A. Evans, M. Morris and M. Toplack

ALSO PRESENT: R. Oke

The meeting was called to order at 5:06 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Beaver Management - Update

That it BE NOTED that the attached presentation, dated September 6, 2018 from S. Chambers, Division Manager, Stormwater Management, with respect to the Beaver Management update, was received.

2.2 Savannah and Serval Cats

That it BE NOTED that a verbal update from R. Oke, Animal Welfare Coordinator with respect to Savannah and Serval cats, was received;

it being noted that Animal Welfare Advisory Committee will continue its research.

2.3 Pets in Hot Cars

That it BE NOTED that the Animal Welfare Advisory Committee heard a verbal presentation and the attached communications from C. Vanderheide, Senior Inspector, Ontario SPCA, with respect to Pets in Hot Cars, were received.

3. Consent

3.1 8th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 8th Report of the Animal Welfare Advisory Committee, from its meeting held on August 2, 2018, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Skunk Population around the City - Councillor V. Ridley

That the communication from V. Ridley, dated August 22, 2018 with respect to the skunk population BE REFERRED to Animal Welfare Advisory Committee's sub-committee with a report back by October 31, 2018.

5.2 (ADDED) Key Important Issues Regarding Vulnerable Animals in our City

That Alice Balluku, Ward 13 Councillor for London Youth Advisory Council BE INVITED to attend a future meeting of the Animal Welfare Advisory Committee, with respect to key important issues regarding vulnerable animals in our city.

6. Deferred Matters/Additional Business

6.1 (ADDED) Exotic Animal Training Workshop

That it BE NOTED that the Animal Welfare Advisory Committee received the attached communication dated September 14, 2018 from J. Cooper, World Animal Protection, with respect to Exotic Animal Training Workshop being held on October 5, 2018.

7. Adjournment

The meeting adjourned at 6:40 PM.



Stanton Drain & Beaver Management Update



Animal Welfare Advisory Committee

Shawna Chambers, P.Eng.
Division Manager
Stormwater Engineering
City of London

September 6, 2018



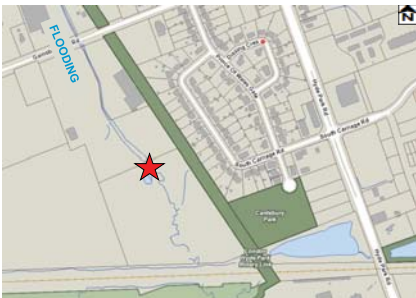
Overview

- Recap of Stanton Drain Memo
- Beaver Protocol
- UTRCA Partnership
- Work completed around the City



Stanton Drain Obstruction

- Obstruction in Stanton Drain on private property
- Significant flooding issues upstream



Summary Memo

- Summary memo provided to AWAC on February 28, 2018

Summer – Fall 2015	City received multiple flooding complaints due to an obstruction in the Stanton Drain. The obstruction was described to be downstream of Gainsborough Road on private property. Complaints were received from land owners upstream of Gainsborough Road and immediately downstream of Gainsborough Road.
Summer – Fall 2015	City sent multiple letters to downstream land owner (adjacent to CPR tracks) advising of the flooding complaints and requesting that the problem be rectified as soon as possible. It being noted that if the obstruction was caused by beaver activity, any work to rectify the situation should be completed in accordance with the City's Humane Urban Wildlife Conflict Policy - Beaver Protocol.
Summer 2017	City received multiple flooding complaints due to an obstruction in the Stanton Drain. The obstruction was described to be downstream of Gainsborough Road on private property. Complaints were received from land owners upstream of Gainsborough Road and immediately downstream of Gainsborough Road.
Summer 2017	City sent a letter and consent to enter form to downstream land owner (adjacent to CPR tracks) advising of the multiple complaints regarding an obstruction causing flooding in the Stanton Drain. The City advised that the obstruction was causing flooding on the adjacent upstream lands and north of Gainsborough Road. The City requested permission for the City and its authorized representatives and contractors to enter onto the property, to assess and assist in mitigating the flooding and to complete any associated work and maintenance at the City's expense. The City advised that if the obstruction is due to beaver activity, it will be addressed in accordance with the City's Humane Urban Wildlife Conflict Policy - Beaver Protocol.
Summer 2017	The consent to enter form was not returned to the City. Land owner immediately downstream of Gainsborough Road advised the City that they have been in contact with the UTRCA and IWRP to confirm property protection rights.
Summer 2017	UTRCA advised the City that the land owner immediately downstream of Gainsborough Road met onsite with representatives from the IWRP and UTRCA.
Summer 2017	Land owner immediately downstream of Gainsborough Road advised the City that he has opened a portion of the dam (portion located on his property) in order to drain some of the water behind the dam to relieve the significant flooding on his land, but has not opened up a large enough area that the water will be removed entirely. The land owner also advised the City that they have not removed the lodge.



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Fall 2015



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Fall 2015



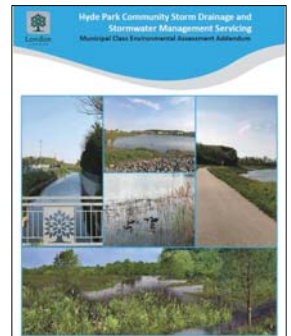
Stanton Drain Obstruction

- Similar complaints occurred again in Summer 2017
 - City requested a **consent to enter** form from the property owner to investigate blockage
 - Consent to enter form was **not returned**
 - Concerned upstream landowner contacted UTRCA and MNRF to confirm property protection rights
 - Met on site
 - City was advised
 - Upstream landowner opened a portion of the dam to drain some water to relieve **significant flooding** on his property
 - Water level around the dam was not compromised
 - Landowner advised City that the lodge was **not** removed



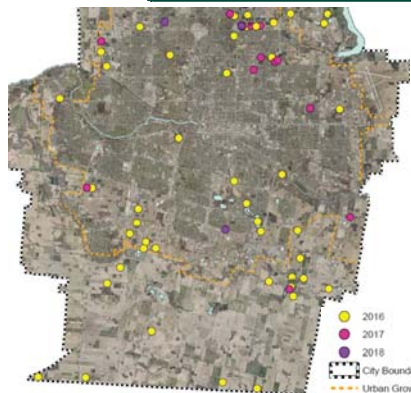
Next Steps

- Hyde Park Environmental Assessment (EA) Addendum
 - Currently underway
- Recommends a maintenance easement along Stanton Drain
 - Allows the City to undertake works in accordance with Beaver Protocol





Beaver Activity



- Locations of beaver activities logged since 2016
- 20 calls regarding beaver activity for 2018

• *Note: New dots are not added if beaver activity had previously been documented*



Management Strategies

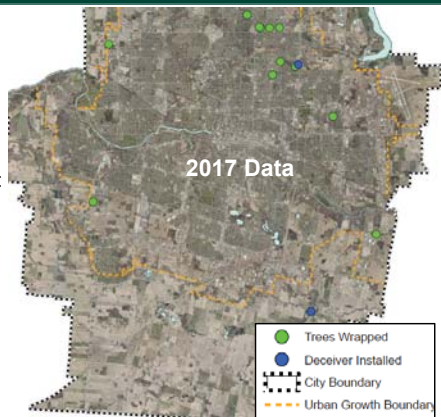
- Plant trees (Food source or Beaver resistant)
- Wrap trees
- Install beaver deceivers



Management Strategies

2018 Data

- Trees Planted:
 - 7 Locations
- Deceivers Installed:
 - 1 Location



Shawna Chambers, P.Eng.
 Division Manager
 Stormwater Engineering
 City of London

London.ca

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ONTARIO REGULATION 60/09

made under the

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT

Made: February 24, 2009

Filed: February 25, 2009

Published on e-Laws: February 25, 2009

Printed in *The Ontario Gazette*: March 14, 2009**STANDARDS OF CARE****Application**

1. (1) The basic standards of care applicable to all animals are set out in section 2.
- (2) In addition to the basic standards of care applicable to all animals set out in section 2,
 - (a) standards of care specific to dogs that live primarily outdoors are set out in section 3; and
 - (b) standards of care specific to wildlife kept in captivity are set out in sections 4 and 5.
- (3) In addition to the basic standards of care applicable to all animals set out in section 2 and the standards of care specific to wildlife kept in captivity set out in sections 4 and 5, the standards of care specific to primates kept in captivity are set out in section 6.
- (4) A requirement that a standard of care be adequate and appropriate or necessary is a requirement that the standard of care be adequate and appropriate or necessary to the specific animal, having regard to its species, breed and other relevant factors.

Basic standards of care for all animals

2. (1) Every animal must be provided with adequate and appropriate food and water.
- (2) Every animal must be provided with adequate and appropriate medical attention.
- (3) Every animal must be provided with the care necessary for its general welfare.
- (4) Every animal must be transported in a manner that ensures its physical safety and general welfare.
- (5) Every animal must be provided with an adequate and appropriate resting and sleeping area.
- (6) Every animal must be provided with adequate and appropriate,
 - (a) space to enable the animal to move naturally and to exercise;
 - (b) sanitary conditions;
 - (c) ventilation;
 - (d) light, and;
 - (e) protection from the elements, including harmful temperatures.
- (7) If an animal is confined to a pen or other enclosed structure or area,
 - (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;
 - (b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are,
 - (i) safe and non-toxic for the animal, and
 - (ii) of a texture and design that will not bruise, cut or otherwise injure the animal; and
 - (c) the pen or other enclosed structure or area must not contain one or more other animals that may pose a danger to the animal.
- (8) Every animal that is to be killed must be killed by a method that is humane and minimizes the pain and distress to the animal; an animal's pain and distress are deemed to be minimized if it is killed by a method that produces rapid, irreversible unconsciousness and prompt subsequent death.

Standards of care for dogs that live outdoors

3. (1) Every dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times.

- (2) The enclosure must be weather-proofed and insulated.
- (3) The size and design of the enclosure must be adequate and appropriate for the dog.
- (4) A chain, rope or similar restraining device used to tether a dog that lives primarily outdoors,
 - (a) must be at least three metres long;
 - (b) must allow the dog to move safely and unrestricted (except by its length); and
 - (c) must allow the dog to have access to adequate and appropriate water and shelter.

Standards of care for captive wildlife

4. (1) Wildlife kept in captivity must be provided with adequate and appropriate care, facilities and services to ensure their safety and general welfare as more specifically set out in subsections (2) and (3) of this section and in sections 5 and 6.

(2) Wildlife kept in captivity must be provided with a daily routine that facilitates and stimulates natural movement and behaviour.

(3) Wildlife kept in captivity must be kept in compatible social groups to ensure the general welfare of the individual animals and of the group and to ensure that each animal in the group is not at risk of injury or undue stress from dominant animals of the same or a different species.

Standards for enclosures for captive wildlife

- 5. (1) A pen or other enclosed structure or area for wildlife kept in captivity must be of an adequate and appropriate size,
 - (a) to facilitate and stimulate natural movement and behaviour;
 - (b) to enable each animal in the pen or other enclosed structure or area to keep an adequate and appropriate distance from the other animals and people so that it is not psychologically stressed; and
 - (c) to ensure that the natural growth of each animal in the pen or other enclosed structure or area is not restricted.
- (2) A pen or other enclosed structure or area for wildlife kept in captivity must have,
 - (a) features and furnishings that facilitate and stimulate the natural movement and behaviour of each animal in the pen or other enclosed structure or area;
 - (b) shelter from the elements that can accommodate all the animals in the pen or other enclosed structure or area at the same time;
 - (c) surfaces and other materials that accommodate the natural movement and behaviour of each animal in the pen or other enclosed structure or area;
 - (d) one or more areas that are out of view of spectators; and
 - (e) one or more sleeping areas that can accommodate all the animals in the pen or other enclosed structure or area at the same time and that are accessible to all the animals at all times.
- (3) A pen or other enclosed structure or area for wildlife kept in captivity must be made of and contain only materials that are,
 - (a) safe and non-toxic for the animals kept in the pen or other enclosed structure or area; and
 - (b) of a texture and design that will not bruise, cut or otherwise injure the animals.
- (4) A pen or other enclosed structure or area for wildlife kept in captivity and any gates or other barriers to it, including moats, must be designed, constructed and locked or otherwise secured to prevent,
 - (a) interaction with people that may be unsafe or inappropriate for the wildlife;
 - (b) animals escaping from the pen or other enclosed structure or area by climbing, jumping, digging, burrowing or any other means; and
 - (c) animals or people (other than people who are required to enter the enclosure as part of their duties) from entering the pen or other enclosed structure or area by climbing, jumping, digging, burrowing or any other means.
- (5) A pen or other enclosed structure or area for wildlife kept in captivity and any gates or other barriers to it, including moats, must be designed, constructed and maintained in a manner that presents no harm to the wildlife.

Standards of care for captive primates

- 6. Every primate kept in captivity must be provided with,
 - (a) daily interaction with a person having custody or care of the primate;
 - (b) a varied range of daily activities, including foraging or task-oriented feeding methods; and

(c) interactive furnishings, such as perches, swings and mirrors.

Commencement

7. This Regulation comes into force on the later of March 1, 2009 and the day this Regulation is filed.

Made by:
Pris par :

Le ministre de la Sécurité communautaire et des Services correctionnels,

RICK BARTOLUCCI
Minister of Community Safety and Correctional Services

Date made: February 24, 2009.
Pris le : 24 février 2009.

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Ontario Society for the Prevention of Cruelty to Animals Act

R.S.O. 1990, CHAPTER O.36

Consolidation Period: From May 28, 2015 to the e-Laws currency date.

Last amendment: 2015, c. 10, s. 1-8.

Legislative History: 1993, c. 27, Sched.; 1997, c. 39, s. 11, 12; 2001, c. 9, Sched. M; 2002, c. 27; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 19, Sched. F, s. 1-4; 2006, c. 21, Sched. C, s. 124; 2006, c. 34, s. 39; 2008, c. 16; 2009, c. 33, Sched. 9, s. 9; 2015, c. 10, s. 1-8.

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INTERPRETATION

Interpretation

1. (1) In this Act,
- “accredited veterinary facility” means a veterinary facility as defined in the *Veterinarians Act* that is accredited under that Act; (“établissement vétérinaire agréé”)
- “Board” means the Animal Care Review Board; (“Commission”)
- “business day” means a weekday, excluding a day that is a holiday; (“jour ouvrable”)
- “distress” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect; (“détresse”)
- “orca” means a member of the species *Orcinus orca*; (“épaulard”)
- “place” includes a vehicle or vessel; (“lieu”)
- “prescribed” means prescribed by regulation made under this Act; (“prescrit”)
- “veterinarian” means a person licensed as a veterinarian by the College of Veterinarians of Ontario. (“vétérinaire”) 2008, c. 16, s. 1; 2009, c. 33, Sched. 9, s. 9 (1); 2015, c. 10, s. 1.

Minor owner, custodian

- (2) Where the owner or custodian of an animal is a minor, the owner or custodian for the purposes of this Act is deemed to be the minor’s parents or guardians. 2008, c. 16, s. 1.

Section Amendments with date in force (d/m/y)

- 2008, c. 16, s. 1 - 01/03/2009
- 2009, c. 33, Sched. 9, s. 9 (1) - 15/12/2009
- 2015, c. 10, s. 1 - 28/05/2015

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Society continued

2. The Ontario Society for the Prevention of Cruelty to Animals, a body politic and corporate incorporated by *An Act to Incorporate the Ontario Society for the Prevention of Cruelty to Animals*, being chapter 124 of the Statutes of Ontario, 1919, is continued under the name The Ontario Society for the Prevention of Cruelty to Animals in English and Société de protection des animaux de l’Ontario in French. R.S.O. 1990, c. O.36, s. 2.

Object

3. The object of the Society is to facilitate and provide for the prevention of cruelty to animals and their protection and relief therefrom. R.S.O. 1990, c. O.36, s. 3.

Membership

4. The Society shall consist of class A members, being affiliated societies, class B members, being individual members, and class C members, being honorary members, and each class has such rights and obligations as are provided in the by-laws of the Society. R.S.O. 1990, c. O.36, s. 4; 2008, c. 16, s. 3.

Section Amendments with date in force (d/m/y)

- 2008, c. 16, s. 3 - 01/03/2009

Board of directors: executive committee

5. The affairs of the Society shall be controlled and managed by a board of directors and by an executive committee, both of which shall be composed and have such powers and duties as are provided in the by-laws of the Society. R.S.O. 1990, c. O.36, s. 5; 2008, c. 16, s. 4.

Section Amendments with date in force (d/m/y)

- 2008, c. 16, s. 4 - 01/03/2009

Officers

6. The Society shall have such officers with such powers and duties as are provided in the by-laws of the Society. 2008, c. 16, s. 5.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 5 - 01/03/2009

Chief Inspector

6.1 (1) The Society shall appoint an employee of the Society as the Chief Inspector. 2008, c. 16, s. 5.

Powers, duties

(2) In addition to the powers and duties of an inspector or an agent of the Society, the Chief Inspector shall have the powers and duties that may be prescribed by regulation, including the power to establish qualifications, requirements and standards for inspectors and agents of the Society, to appoint inspectors and agents of the Society and to revoke their appointments and generally to oversee the inspectors and agents of the Society in the performance of their duties. 2008, c. 16, s. 5.

Same

(3) The Chief Inspector of the Society may have additional powers and duties as are provided in the by-laws of the Society. 2008, c. 16, s. 5.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 5 - 01/03/2009

By-laws

7. (1) The Society may pass such by-laws, not contrary to law, as it considers necessary for the control and management of its affairs and the carrying out of its object. R.S.O. 1990, c. O.36, s. 7 (1).

Approval

(2) No by-law of the Society is valid or shall be acted upon until it has been approved by a majority of the votes cast in accordance with the by-laws of the Society at an annual or special general meeting. R.S.O. 1990, c. O.36, s. 7 (2).

Annulment

(3) The Lieutenant Governor in Council may annul any by-law of the Society. R.S.O. 1990, c. O.36, s. 7 (3).

Powers

8. The Society,

- (a) may acquire and hold as a purchaser, donee, devisee or legatee, or in any other capacity, any interest in real estate;
- (b) may accept, receive and hold gifts, bequests or subscriptions of personal estate;
- (c) may grant, lease, bargain for, mortgage, sell, assign or otherwise dispose of any of its real or personal estate;
- (d) may erect, construct, equip and maintain such buildings and works as it considers advisable for its purposes; and
- (e) may do all such other matters and things as it considers advisable for carrying out its object. R.S.O. 1990, c. O.36, s. 8.

Exemption of property from taxation

9. The lands and buildings of the Society are exempt from taxation except for local improvements and school purposes so long as they are held, used and occupied for the purposes of the Society. R.S.O. 1990, c. O.36, s. 9.

Prohibitions re holding out as Society, affiliated society

10. (1) No corporation or other entity, other than the Society or an affiliated society, shall,
- (a) hold itself out as being the Society or an affiliated society having authority under this Act; or
 - (b) use the name "humane society", "society for the prevention of cruelty to animals" or "spca" or the equivalent of any of those names in any other language, alone or in combination with any other word, name, initial or description. 2008, c. 16, s. 6.

Exception

(2) Despite clause (1) (b), a corporation or other entity that was an affiliated society on April 3, 2008 may continue to use the name “humane society”, “society for the prevention of cruelty to animals” or “spca”, or the equivalent of any of those names in any other language, alone or in combination with any other word, name, initial or description, even if it is no longer an affiliated society. 2008, c. 16, s. 6.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 6 - 01/03/2009

Inspectors and agents

Powers of police officer

11. (1) For the purposes of the enforcement of this Act or any other law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals, every inspector and agent of the Society has and may exercise any of the powers of a police officer. 2008, c. 16, s. 7 (1).

Inspectors and agents of affiliates

(2) Every inspector and agent of an affiliated society who has been appointed by the Society or by the Chief Inspector of the Society may exercise any of the powers and perform any of the duties of an inspector or an agent of the Society under this Act and every reference in this Act to an inspector or an agent of the Society is deemed to include a reference to an inspector or agent of an affiliated society who has been appointed by the Society or by the Chief Inspector of the Society. 2008, c. 16, s. 7 (2).

Local police powers

(3) In any part of Ontario in which the Society or an affiliated society does not function, any police officer having jurisdiction in that part has and may exercise any of the powers of an inspector or agent of the Society under this Act. R.S.O. 1990, c. O.36, s. 11 (3).

Identification

(4) An inspector or an agent of the Society who is exercising any power or performing any duty under this Act shall produce, on request, evidence of his or her appointment. 2008, c. 16, s. 7 (3).

Interfering with inspectors, agents

(5) No person shall hinder, obstruct or interfere with an inspector or an agent of the Society in the performance of his or her duties under this Act. 2008, c. 16, s. 7 (3).

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 7 (1-3) - 01/03/2009

OBLIGATIONS AND PROHIBITIONS RE CARE OF AND HARM TO ANIMALS

Standards of care and administrative requirements for animals

11.1 (1) Every person who owns or has custody or care of an animal shall comply with the prescribed standards of care, and the prescribed administrative requirements, with respect to every animal that the person owns or has custody or care of. 2015, c. 10, s. 2.

Exception

- (2) Subsection (1) does not apply in respect of,
- (a) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry; or
 - (b) a prescribed class of animals or animals living in prescribed circumstances or conditions, or prescribed activities. 2008, c. 16, s. 8.

Same

- (3) Subsection (1) does not apply to,
- (a) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the *Veterinarians Act*;
 - (b) a person acting under the supervision of a veterinarian described in clause (a); or

- (c) a person acting under the orders of a veterinarian described in clause (a), but only in respect of what the person does or does not do in following those orders. 2008, c. 16, s. 8.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 8 - 01/03/2009

2015, c. 10, s. 2 - 28/05/2015

Prohibitions re distress, harm to an animal

Causing distress

- 11.2 (1) No person shall cause an animal to be in distress. 2008, c. 16, s. 8.

Permitting distress

- (2) No owner or custodian of an animal shall permit the animal to be in distress. 2008, c. 16, s. 8.

Training, permitting animals to fight

- (3) No person shall train an animal to fight with another animal or permit an animal that the person owns or has custody or care of to fight another animal. 2008, c. 16, s. 8.

Owning animal fighting equipment, structures

- (4) No person shall own or have possession of equipment or structures that are used in animal fights or in training animals to fight. 2008, c. 16, s. 8.

Harming law enforcement animals

- (5) No person shall harm or cause harm to a dog, horse or other animal that works with peace officers in the execution of their duties, whether or not the animal is working at the time of the harm. 2008, c. 16, s. 8.

Exception

- (6) Subsections (1) and (2) do not apply in respect of,
- (a) an activity permitted under the *Fish and Wildlife Conservation Act, 1997* in relation to wildlife in the wild;
 - (b) an activity permitted under the *Fish and Wildlife Conservation Act, 1997* or the *Fisheries Act (Canada)* in relation to fish;
 - (c) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry; or
 - (d) a prescribed class of animals or animals living in prescribed circumstances or conditions, or prescribed activities. 2008, c. 16, s. 8.

Same

- (7) Subsections (1) and (2) do not apply to,
- (a) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the *Veterinarians Act*;
 - (b) a person acting under the supervision of a veterinarian described in clause (a); or
 - (c) a person acting under the orders of a veterinarian described in clause (a), but only in respect of what the person does or does not do in following those orders. 2008, c. 16, s. 8.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 8 - 01/03/2009

Veterinarians' obligation to report

11.3 Every veterinarian who has reasonable grounds to believe that an animal has been or is being abused or neglected shall report his or her belief to an inspector or an agent of the Society. 2008, c. 16, s. 8.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 8 - 01/03/2009

PROHIBITION RE ORCA POSSESSION AND BREEDING

Prohibition of orca possession and breeding

11.3.1 (1) No person shall possess or breed an orca in Ontario. 2015, c. 10, s. 3.

Transition

(2) Despite subsection (1), a person may continue to possess an orca in Ontario if the person possessed the orca in Ontario on March 22, 2015. 2015, c. 10, s. 3.

Same

(3) Despite subsection (1), a person who first possessed an orca in Ontario on or after March 23, 2015, but before the day the *Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 2015* received Royal Assent, may continue to possess the orca in Ontario until the day that is six months after the day the *Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 2015* received Royal Assent. 2015, c. 10, s. 3.

Section Amendments with date in force (d/m/y)

2015, c. 10, s. 3 - 28/05/2015

PROTECTION OF ANIMALS BY SOCIETY

Inspection — animals kept for animal exhibition, entertainment, boarding, hire or sale

11.4 (1) An inspector or an agent of the Society may, without a warrant, enter and inspect a building or place where animals are kept in order to determine whether the standards of care or administrative requirements prescribed for the purpose of section 11.1 are being complied with if the animals are being kept for the purpose of animal exhibition, entertainment, boarding, hire or sale. 2015, c. 10, s. 4 (1).

Accompaniment

(1.1) An inspector or an agent of the Society conducting an inspection under this section may be accompanied by one or more veterinarians or other persons as he or she considers advisable. 2015, c. 10, s. 4 (1).

Dwellings

(2) The power to enter and inspect a building or place under this section shall not be exercised to enter and inspect a building or place used as a dwelling except with the consent of the occupier. 2008, c. 16, s. 8.

Accredited veterinary facilities

(3) The power to enter and inspect a building or place under this section shall not be exercised to enter and inspect a building or place that is an accredited veterinary facility. 2008, c. 16, s. 8.

Time of entry

(4) The power to enter and inspect a building or place under this section may be exercised only between the hours of 9 a.m. and 5 p.m., or at any other time when the building or place is open to the public. 2008, c. 16, s. 8.

(5) REPEALED: 2015, c. 10, s. 4 (2).

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 8 - 01/03/2009

2015, c. 10, s. 4 (1, 2) - 28/05/2015

Power to demand record or thing

11.4.1 (1) An inspector or an agent of the Society may, for the purpose of ensuring that the standards of care or administrative requirements prescribed for the purpose of section 11.1 are being complied with, demand that a person produce a record or thing for inspection if the person owns or has custody or care of animals that are being kept for the purpose of animal exhibition, entertainment, boarding, hire or sale. 2015, c. 10, s. 5.

Subject of demand shall produce record or thing

(2) If an inspector or an agent of the Society demands that a record or thing be produced for inspection, the person who is subject to the demand shall produce it for the inspector or agent within the time provided for in the demand. 2015, c. 10, s. 5.

Section Amendments with date in force (d/m/y)

2015, c. 10, s. 5 - 28/05/2015

Warrant – places where animals kept

11.5 (1) A justice of the peace or provincial judge may issue a warrant authorizing one or more inspectors or agents of the Society named in the warrant to enter a building or place specified in the warrant, either alone or accompanied by one or more veterinarians or other persons as the inspectors or agents consider advisable, and to inspect the building or place and do anything authorized under section 11.4 if the justice of the peace or provincial judge is satisfied by information on oath that,

- (a) an inspector or an agent of the Society has been prevented from entering or inspecting the building or place under section 11.4; or
- (b) there are reasonable grounds to believe that an inspector or an agent of the Society will be prevented from entering or inspecting the building or place under section 11.4. 2008, c. 16, s. 8.

Telewarrant

(1.1) If an inspector or an agent of the Society believes that it would be impracticable to appear personally before a justice of the peace or provincial judge to apply for a warrant under subsection (1), he or she may, in accordance with the regulations, seek the warrant by telephone or other means of telecommunication, and the justice of the peace or provincial judge may, in accordance with the regulations, issue the warrant by the same means. 2009, c. 33, Sched. 9, s. 9 (2).

When warrant to be executed

- (2) Every warrant issued under subsection (1) or (1.1) shall,
 - (a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and
 - (b) state when the warrant expires. 2008, c. 16, s. 8; 2009, c. 33, Sched. 9, s. 9 (3).

Extension of time

(3) A justice of the peace or provincial judge may extend the date on which a warrant issued under this section expires for no more than 30 days, upon application without notice by the inspector or agent named in the warrant. 2008, c. 16, s. 8.

Other terms and conditions

(4) A warrant issued under this section may contain terms and conditions in addition to those provided for in subsections (1) to (3) as the justice of the peace or provincial judge considers advisable in the circumstances. 2008, c. 16, s. 8.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 8 - 01/03/2009

2009, c. 33, Sched. 9, s. 9 (2, 3) - 15/12/2009

Entry where animal is in distress**Warrant**

12. (1) If a justice of the peace or provincial judge is satisfied by information on oath that there are reasonable grounds to believe that there is in any building or place an animal that is in distress, he or she may issue a warrant authorizing one or more inspectors or agents of the Society named in the warrant to enter the building or place, either alone or accompanied by one or more veterinarians or other persons as the inspectors or agents consider advisable, and inspect the building or place and all the animals found there for the purpose of ascertaining whether there is any animal in distress. 2008, c. 16, s. 9.

Telewarrant

(2) If an inspector or an agent of the Society believes that it would be impracticable to appear personally before a justice of the peace or provincial judge to apply for a warrant under subsection (1), he or she may, in accordance with the regulations, seek the warrant by telephone or other means of telecommunication, and the justice of the peace or provincial judge may, in accordance with the regulations, issue the warrant by the same means. 2008, c. 16, s. 9.

When warrant to be executed

- (3) Every warrant issued under subsection (1) or (2) shall,
 - (a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and
 - (b) state when the warrant expires. 2008, c. 16, s. 9.

Extension of time

(4) A justice of the peace or provincial judge may extend the date on which a warrant issued under this section expires for no more than 30 days, upon application without notice by the inspector or agent named in the warrant. 2008, c. 16, s. 9.

Other terms and conditions

(5) A warrant issued under subsection (1) or (2) may contain terms and conditions in addition to those provided for in subsections (1) to (4) as the justice of the peace or provincial judge considers advisable in the circumstances. 2008, c. 16, s. 9.

Immediate distress – entry without warrant

(6) If an inspector or an agent of the Society has reasonable grounds to believe that there is an animal that is in immediate distress in any building or place, other than a dwelling, he or she may enter the building or place without a warrant, either alone or accompanied by one or more veterinarians or other persons as he or she considers advisable, and inspect the building or place and all the animals found there for the purpose of ascertaining whether there is any animal in immediate distress. 2008, c. 16, s. 9.

Accredited veterinary facilities

(7) The power to enter and inspect a building or place under subsection (6) shall not be exercised to enter and inspect a building or place that is an accredited veterinary facility. 2008, c. 16, s. 9.

Definition – immediate distress

(8) For the purpose of subsection (6),
 “immediate distress” means distress that requires immediate intervention in order to alleviate suffering or to preserve life. 2008, c. 16, s. 9.

Section Amendments with date in force (d/m/y)

1997, c. 39, s. 11 (1) - 30/04/1999

2002, c. 27, s. 1 (1-3) - 13/12/2002

2006, c. 19, Sched. F, s. 1 (1-3) - 22/06/2006

2008, c. 16, s. 9 - 01/03/2009

Authorized activities**Inspect animals, take samples, etc.**

12.1 (1) An inspector or an agent of the Society or a veterinarian, who is lawfully present in a building or place under the authority of any provision of this Act or of a warrant issued under this Act, may examine any animal there and, upon giving a receipt for it, take a sample of any substance there or take a carcass or sample from a carcass there, for the purposes set out in the provision under which the inspector’s, agent’s or veterinarian’s presence is authorized or the warrant is issued. 2008, c. 16, s. 9.

Same

(2) An inspector, agent or veterinarian who takes a sample or carcass under subsection (1) may conduct tests and analyses of the sample or carcass for the purposes described in subsection (1) and, upon conclusion of the tests and analyses, shall dispose of the sample or carcass. 2008, c. 16, s. 9; 2009, c. 33, Sched. 9, s. 9 (4).

Supply necessities to animals

(3) If an inspector or an agent of the Society is lawfully present in a building or place under the authority of any provision of this Act or of a warrant issued under this Act and finds an animal in distress, he or she may, in addition to any other action he or she is authorized to take under this Act, supply the animal with food, care or treatment. 2008, c. 16, s. 9.

Seizure of things in plain view

(4) An inspector or an agent of the Society who is lawfully present in a building or place under the authority of any provision of this Act or of a warrant issued under this Act may, upon giving a receipt for it, seize any thing that is produced to the inspector or agent or that is in plain view if the inspector or agent has reasonable grounds to believe,

- (a) that the thing will afford evidence of an offence under this Act; or
- (b) that the thing was used or is being used in connection with the commission of an offence under this Act and that the seizure is necessary to prevent the continuation or repetition of the offence. 2008, c. 16, s. 9.

Report to justice, judge

(5) An inspector or an agent of the Society shall,

- (a) report the taking of a sample or a carcass under subsection (1) to a justice of the peace or provincial judge; and
- (b) bring any thing seized under subsection (4) before a justice of the peace or provincial judge or, if that is not reasonably possible, report the seizure to a justice of the peace or provincial judge. 2008, c. 16, s. 9.

Order to detain, return, dispose of thing

- (6) Where any thing is seized and brought before a justice of the peace or provincial judge under subsection (5), the justice of the peace or provincial judge shall by order,
 - (a) detain it or direct it to be detained in the care of a person named in the order;
 - (b) direct it to be returned; or
 - (c) direct it to be disposed of, in accordance with the terms set out in the order. 2008, c. 16, s. 9.

Same

- (7) In an order made under clause (6) (a) or (b), the justice of the peace or provincial judge may,
 - (a) authorize the examination, testing, inspection or reproduction of the thing seized, on the conditions that are reasonably necessary and are directed in the order; and
 - (b) make any other provision that, in his or her opinion, is necessary for the preservation of the thing. 2008, c. 16, s. 9.

Application of *Provincial Offences Act*

- (8) Subsections 159 (2) to (5) and section 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized by an inspector or an agent of the Society under subsection (4). 2008, c. 16, s. 9.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 9 - 01/03/2009

2009, c. 33, Sched. 9, s. 9 (4) - 15/12/2009

Order to owner of animals, etc.

13. (1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

- (a) take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or
- (b) have the animal examined and treated by a veterinarian at the expense of the owner or custodian. R.S.O. 1990, c. O.36, s. 13 (1).

Order to be in writing

(2) Every order under subsection (1) shall be in writing and shall have printed or written thereon the provisions of subsections 17 (1) and (2). R.S.O. 1990, c. O.36, s. 13 (2).

- (3) REPEALED: 2008, c. 16, s. 10 (1).

Time for compliance with order

(4) An inspector or an agent of the Society who makes an order under subsection (1) shall specify in the order the time within which any action required by the order shall be performed. R.S.O. 1990, c. O.36, s. 13 (4).

Idem

(5) Every person who is served with an order under subsection (1) shall comply with the order in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed. R.S.O. 1990, c. O.36, s. 13 (5); 2008, c. 16, s. 10 (2).

Authority to determine compliance with order

(6) If an order made under subsection (1) remains in force, an inspector or an agent of the Society may enter without a warrant any building or place where the animal that is the subject of the order is located, either alone or accompanied by one or more veterinarians or other persons as he or she considers advisable, and inspect the animal and the building or place for the purpose of determining whether the order has been complied with. 2008, c. 16, s. 10 (3).

Revocation of order

(7) If, in the opinion of an inspector or an agent of the Society, the order made under subsection (1) has been complied with, he or she shall revoke the order and shall serve notice of the revocation in writing forthwith on the owner or custodian of the animal that is the subject of the order. 2008, c. 16, s. 10 (3).

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 10 (1-3) - 01/03/2009

Taking possession of animal

14. (1) An inspector or an agent of the Society may remove an animal from the building or place where it is and take possession thereof on behalf of the Society for the purpose of providing it with food, care or treatment to relieve its distress where,

- (a) a veterinarian has examined the animal and has advised the inspector or agent in writing that the health and well-being of the animal necessitates its removal;
- (b) the inspector or agent has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or
- (c) an order respecting the animal has been made under section 13 and the order has not been complied with. R.S.O. 1990, c. O.36, s. 14 (1).

Order for Society to keep animal

(1.1) A justice of the peace or provincial judge may make an order authorizing the Society to keep in its care an animal that was removed under subsection (1) if,

- (a) the owner or custodian of the animal has been charged, in connection with the same fact situation that gave rise to the removal of the animal under subsection (1), with an offence under this Act or any other law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals; and
- (b) the justice of the peace or provincial judge is satisfied by information on oath that there are reasonable grounds to believe that the animal may be harmed if returned to its owner or custodian. 2008, c. 16, s. 11 (1).

Order re costs

(1.2) Where a justice of the peace or provincial judge makes an order under subsection (1.1), he or she may also order that the whole or any part of the cost to the Society of providing food, care or treatment to the animal pursuant to its removal under subsection (1) and pursuant to the order under subsection (1.1) be paid by the owner or custodian of the animal to the Society. 2008, c. 16, s. 11 (1).

Same

(1.3) The Society or owner or custodian of the animal may at any time apply to a justice of the peace or provincial judge to vary an order made under subsection (1.2) and the justice of the peace or provincial judge may make such order as he or she considers appropriate. 2008, c. 16, s. 11 (1).

Order to return animal

(1.4) The Society or the owner or custodian may apply to a justice of the peace or provincial judge to order the return of an animal that is the subject of an order made under subsection (1.1) and, if satisfied that there are no longer reasonable grounds to believe that the animal may be harmed if returned to its owner or custodian, the justice of the peace or provincial judge may order the return of the animal to its owner or custodian, subject to any conditions that the justice of the peace or provincial judge considers appropriate. 2008, c. 16, s. 11 (1).

Destruction of animal

- (2) An inspector or an agent of the Society may destroy an animal,
 - (a) with the consent of the owner; or
 - (b) if a veterinarian has examined the animal and has advised the inspector or agent in writing that, in his or her opinion, it is the most humane course of action. R.S.O. 1990, c. O.36, s. 14 (2); 2008, c. 16, s. 11 (2).

Notice

(3) An inspector or an agent of the Society who has removed or destroyed an animal under subsection (1) or (2) shall forthwith serve written notice of his or her action on the owner or custodian of the animal, if known. 2008, c. 16, s. 11 (3).

Same

(4) Every notice under subsection (3) respecting the removal of an animal under subsection (1) shall have printed or written on it the provisions of subsections 17 (1) and (2). 2009, c. 33, Sched. 9, s. 9 (5).

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 11 (1-3) - 01/03/2009

2009, c. 33, Sched. 9, s. 9 (5) - 15/12/2009

Liability of owner for expenses

15. (1) If an inspector or an agent of the Society has provided an animal with food, care or treatment, the Society may serve on the owner or custodian of the animal a statement of account respecting the food, care or treatment and the owner or custodian is, subject to an order made under subsection 14 (1.2) or (1.3) or 17 (6), liable for the amount specified in the statement of account. 2008, c. 16, s. 12.

Power to sell

(2) Where the owner or custodian refuses to pay an account under subsection (1) within five business days after service of the statement of account or where the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto. R.S.O. 1990, c. O.36, s. 15 (2); 2006, c. 19, Sched. F, s. 2 (2).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. F, s. 2 (1, 2) - 22/06/2006

2008, c. 16, s. 12 - 01/03/2009

Society, affiliated society deemed to be owner of abandoned animal

15.1 If the Society or an affiliated society takes custody of an animal and no person is identified as the animal's owner or custodian within a prescribed period of time, the Society or affiliated society, as the case may be, is deemed to be the owner of the animal for all purposes. 2008, c. 16, s. 13.

Section Amendments with date in force (d/m/y)

2002, c. 27, s. 2 - 13/12/2002

2008, c. 16, s. 13 - 01/03/2009

ANIMAL CARE REVIEW BOARD

Board continued

16. (1) The Animal Care Review Board is continued under the name Animal Care Review Board in English and Commission d'étude des soins aux animaux in French. R.S.O. 1990, c. O.36, s. 16 (1).

Idem

(2) The Board shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. O.36, s. 16 (2); 2006, c. 34, s. 39.

Chair, vice-chair

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chair and another of the members as vice-chair. R.S.O. 1990, c. O.36, s. 16 (3).

Composition of Board for hearings

(4) A proceeding before the Board shall be heard and determined by a panel consisting of one or more members of the Board, as assigned by the chair or vice-chair of the Board. 2001, c. 9, Sched. M, s. 1.

Remuneration of members

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. R.S.O. 1990, c. O.36, s. 16 (5).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. M, s. 1 - 29/06/2001

2006, c. 34, s. 39 - 20/12/2006

Appeal to Board

17. (1) The owner or custodian of any animal who considers themselves aggrieved by an order made under subsection 13 (1) or by the removal of an animal under subsection 14 (1) may, within five business days of receiving notice of the order or removal, appeal against the order or request the return of the animal by notice in writing to the chair of the Board. R.S.O. 1990, c. O.36, s. 17 (1); 1993, c. 27, Sched.; 2006, c. 19, Sched. F, s. 3 (1).

Same

(1.1) The notice shall set out the remedy or action sought and the reasons for the appeal or request. 2006, c. 19, Sched. F, s. 3 (2).

No appeal if there is order for Society to keep animal

(1.2) Subsection (1) does not apply if an order in respect of the animal under subsection 14 (1.1) is in force. 2008, c. 16, s. 15 (1).

Application for revocation of order

(2) Where, in the opinion of the owner or custodian of an animal in respect of which an order under subsection 13 (1) has been made, the animal has ceased to be in distress, the owner or custodian may apply to the Board to have the order revoked by notice in writing to the chair of the Board. R.S.O. 1990, c. O.36, s. 17 (2); 2008, c. 16, s. 15 (2).

Notice of hearing

- (3) Within five business days of the receipt of a notice under subsection (1) or (2), the chair of the Board shall,
- (a) fix a time, date and place at which the Board will hear the matter; and
 - (b) notify the Society and the owner or custodian who issued the notice of the time, date and place fixed under clause (a). R.S.O. 1990, c. O.36, s. 17 (3); 2006, c. 19, Sched. F, s. 3 (3); 2008, c. 16, s. 15 (3).

Date of hearing

(4) The date fixed for a hearing shall be not more than 10 business days after the receipt of a notice under subsection (1) or (2). R.S.O. 1990, c. O.36, s. 17 (4); 2006, c. 19, Sched. F, s. 3 (4).

Procedure at hearing

(5) At a hearing, the Society and the owner or custodian are entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by persons authorized under the *Law Society Act* to represent them. R.S.O. 1990, c. O.36, s. 17 (5); 2006, c. 21, Sched. C, s. 124.

Powers of Board

- (6) After a hearing or, with the consent of the Society and the person who issued the notice under subsection (1) or (2), without a hearing, the Board may,
- (a) respecting an order made under subsection 13 (1), confirm, revoke or modify the order appealed against;
 - (b) respecting the removal of an animal under subsection 14 (1), order that the animal be returned to the owner or custodian and may make an order in the same terms as an order may be made under subsection 13 (1);
 - (c) order that the whole or any part of the cost to the owner or custodian of an animal of complying with an order made under subsection 13 (1) be paid by the Society to the owner or custodian; or
 - (d) order that the whole or any part of the cost to the Society of providing food, care or treatment to an animal pursuant to its removal under subsection 14 (1) be paid by the owner or custodian of the animal to the Society. R.S.O. 1990, c. O.36, s. 17 (6); 2008, c. 16, s. 15 (4, 5).

Notice of decision

(7) Notice of the decision of the Board made under subsection (6), together with reasons in writing for its decision, shall be served forthwith on the Society and the owner or custodian of the animal. 2008, c. 16, s. 15 (6).

Society order not stayed

(8) An appeal to the Board in respect of an order made under subsection 13 (1) does not stay the operation of the order. 2008, c. 16, s. 15 (7).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991

2006, c. 19, Sched. F, s. 3 (1-4) - 22/06/2006; 2006, c. 21, Sched. C, s. 124 - 01/05/2007

2008, c. 16, s. 15 (1-7) - 01/03/2009

Appeal

18. (1) The Society or the owner or custodian may appeal the decision of the Board to a judge of the Superior Court of Justice. R.S.O. 1990, c. O.36, s. 18 (1); 2006, c. 19, Sched. C, s. 1 (1).

Notice of appeal

(2) The appeal shall be made by filing a notice of appeal with the local registrar of the court and serving a copy thereof on the other parties before the Board within 15 business days after the notice of the Board's decision is served on the appellant under subsection 17 (7). R.S.O. 1990, c. O.36, s. 18 (2); 2006, c. 19, Sched. F, s. 4 (1).

Date of hearing

(3) The appellant or any person served with notice of appeal may, upon at least two business days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal. R.S.O. 1990, c. O.36, s. 18 (3); 2006, c. 19, Sched. F, s. 4 (2).

Decision

(4) The appeal shall be a new hearing and the judge may rescind, alter or confirm the decision of the Board and make such order as to costs as he or she considers appropriate, and the decision of the judge is final. R.S.O. 1990, c. O.36, s. 18 (4).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006; 2006, c. 19, Sched. F, s. 4 (1, 2) - 22/06/2006

OFFENCES

Offences

18.1 (1) Every person is guilty of an offence who,

- (a) contravenes subsection 11 (5);
- (b) contravenes or fails to comply with section 11.1;
- (c) contravenes subsection 11.2 (1), (2), (3), (4) or (5);
- (c.1) contravenes subsection 11.3.1 (1);
- (c.2) contravenes subsection 11.4.1 (2);
- (d) contravenes subsection 13 (5);
- (e) contravenes or fails to comply with an order of the Board; or
- (f) knowingly makes a false report to the Society in respect of an animal being in distress. 2008, c. 16, s. 16; 2015, c. 10, s. 6 (1).

Penalty – individuals

(2) Every individual who commits an offence under clause (1) (a), (c.2), (d), (e) or (f) is liable on conviction to a fine of not more than \$1,000 or to imprisonment for a term of not more than 30 days, or to both. 2008, c. 16, s. 16; 2015, c. 10, s. 6 (2).

Same

(3) Every individual who commits an offence under clause (1) (b), (c) or (c.1) is liable on conviction to a fine of not more than \$60,000 or to imprisonment for a term of not more than two years, or to both. 2008, c. 16, s. 16; 2015, c. 10, s. 6 (3).

Penalty – corporations

(4) Every corporation that commits an offence under subsection (1) is liable on conviction to the same fine to which an individual is liable for the offence. 2008, c. 16, s. 16.

Penalty – directors, officers

(5) Every director or officer of a corporation who authorized, permitted or participated in the corporation's commission of an offence under subsection (1) is also guilty of the offence and on conviction is liable to the same penalty to which an individual is liable for the offence, whether or not the corporation has been prosecuted or convicted. 2008, c. 16, s. 16.

Prohibition order

(6) If a person is convicted of an offence under clause (1) (b) or (c), the court making the conviction may, in addition to any other penalty, make an order prohibiting the convicted person and, if the convicted person is a corporation, the directors and officers of the corporation described in subsection (5), from owning, having custody or care of, or living with any animal, or any kind of animal specified in the order, for any period of time specified in the order, including, in the case of an individual, for the remainder of the person's life and, in the case of a corporation, forever. 2008, c. 16, s. 16.

Restitution order

(7) If a person is convicted of an offence under clause (1) (b) or (c), the court making the conviction may, in addition to any other penalty, make an order that the convicted person pay the whole or any part of the cost to the Society of providing food, care or treatment to an animal that was the victim of the offence of which the convicted person was convicted. 2008, c. 16, s. 16.

Other orders

(8) If a person is convicted of an offence under clause (1) (b) or (c), the court making the conviction may, in addition to any other penalty, make any other order that the court considers appropriate, including an order that the convicted person undergo counselling or training. 2008, c. 16, s. 16.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 16 - 01/03/2009

2015, c. 10, s. 6 (1-3) - 28/05/2015

Order to remove orca

18.2 (1) When a person is convicted of possessing an orca in Ontario in contravention of subsection 11.3.1 (1), the court shall order the person to remove the orca from Ontario within a period of time specified by the court. 2015, c. 10, s. 7.

Prohibition does not apply

(2) The prohibition against possessing an orca in subsection 11.3.1 (1) does not apply in respect of an orca that is the subject of an order under subsection (1) until the period of time specified by the court has elapsed. 2015, c. 10, s. 7.

Offence, failure to remove orca

(3) A person who fails to comply with an order described in subsection (1) is guilty of an offence. 2015, c. 10, s. 7.

Penalty — individuals

(4) An individual who commits an offence under subsection (3) is liable on conviction to a fine of not more than \$250,000 or to imprisonment for a term of not more than two years, or to both. 2015, c. 10, s. 7.

Penalty — corporations

(5) A corporation that commits an offence under subsection (3) is liable on conviction to the same fine to which an individual is liable for the offence. 2015, c. 10, s. 7.

Penalty — directors, officers

(6) A director or officer of a corporation who authorized, permitted or participated in the corporation's commission of an offence under subsection (3) is also guilty of the offence and on conviction is liable to the same penalty to which an individual is liable for the offence, whether or not the corporation has been prosecuted or convicted. 2015, c. 10, s. 7.

Section Amendments with date in force (d/m/y)

2015, c. 10, s. 7 - 28/05/2015

Order to allow Society to cause orca to be removed

18.3 (1) If a person has been convicted of an offence under subsection 18.2 (3) for failing to comply with an order to remove an orca from Ontario, and if the person continues to possess the orca in Ontario, the Society may apply to a judge of the Ontario Court of Justice for any order necessary to allow the Society to cause the orca to be removed from Ontario. 2015, c. 10, s. 7.

Costs

(2) If an order is made under subsection (1), the person referred to in subsection (1) shall pay the Society any costs that the Society incurred in bringing the application and any costs the Society incurs in causing the orca to be removed from Ontario. 2015, c. 10, s. 7.

Section Amendments with date in force (d/m/y)

2015, c. 10, s. 7 - 28/05/2015

MISCELLANEOUS MATTERS

Inspector, etc., not personally liable

19. No inspector or agent of the Society and no veterinarian or member of the Board is personally liable for anything done by him or her in good faith under or purporting to be under the authority of this Act. R.S.O. 1990, c. O.36, s. 19.

Service of orders, notices, etc.

20. Any order, notice or statement of account required or authorized to be served under this Act shall be served personally or by registered mail, courier, fax, electronic mail or other prescribed method in accordance with the regulations. 2008, c. 16, s. 18; 2009, c. 33, Sched. 9, s. 9 (6).

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 18 - 01/03/2009

2009, c. 33, Sched. 9, s. 9 (6) - 15/12/2009

Conflict with municipal by-laws

21. In the event of a conflict between a provision of this Act or of a regulation made under this Act and of a municipal by-law pertaining to the welfare of or the prevention of cruelty to animals, the provision that affords the greater protection to animals shall prevail. 2008, c. 16, s. 18.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 18 - 01/03/2009

REGULATIONS

Regulations

22. (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing activities that constitute activities carried on in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry for the purposes of clauses 11.1 (2) (a) and 11.2 (6) (c);
- (b) prescribing classes of animals, circumstances and conditions or activities for the purposes of clauses 11.1 (2) (b) and 11.2 (6) (d);
- (c) exempting any person or class of persons from any provision of this Act or of a regulation made under this Act, and prescribing conditions and circumstances for any such exemption. 2008, c. 16, s. 18.

Same

(2) The Minister responsible for the administration of this Act may make regulations,

- (a) prescribing and governing the powers and duties of the Chief Inspector of the Society, including the power to establish qualifications, requirements and standards for inspectors and agents of the Society, to appoint inspectors and agents of the Society and to revoke their appointments and generally to oversee the inspectors and agents of the Society in the performance of their duties;
- (b) prescribing standards of care for the purposes of section 11.1;
- (b.1) prescribing administrative requirements for the purposes of section 11.1 relating to animals that a person owns or has custody or care of, including, but not limited to,
 - (i) requiring the establishment of a committee to oversee an animal's welfare and prescribing the functions, duties, governance and operation of such a committee,
 - (ii) requiring a committee referred to in subclause (i) to develop and implement a plan to promote an animal's care,

- (iii) requiring the development and implementation of a program designed by a veterinarian to provide care for an animal, and
- (iv) requiring specified records to be kept or disclosed;
- (c) governing the report required under section 11.3, including its contents and the manner of making the report;
- (d) prescribing forms for the information on oath required by subsection 11.5 (1), 12 (1) or 14 (1.1), for a warrant issued under subsection 11.5 (1) or 12 (1) and for an order issued under subsection 14 (1.1) or (1.4);
- (e) governing applications for and the issue of warrants by telephone or other means of telecommunication for the purposes of subsections 11.5 (1.1) and 12 (2), prescribing the forms required to apply for a warrant under those subsections and the forms for the warrants issued under those subsections, prescribing rules for the execution of such warrants and prescribing evidentiary rules with respect to such warrants;
- (f) prescribing a period of time for the purpose of section 15.1;
- (g) governing the service of orders, notices and statements of account for the purposes of section 20. 2008, c. 16, s. 18; 2009, c. 33, Sched. 9, s. 9 (7); 2015, c. 10, s. 8.

Section Amendments with date in force (d/m/y)

2008, c. 16, s. 18 - 01/03/2009

2009, c. 33, Sched. 9, s. 9 (7) - 15/12/2009

2015, c. 10, s. 8 - 28/05/2015

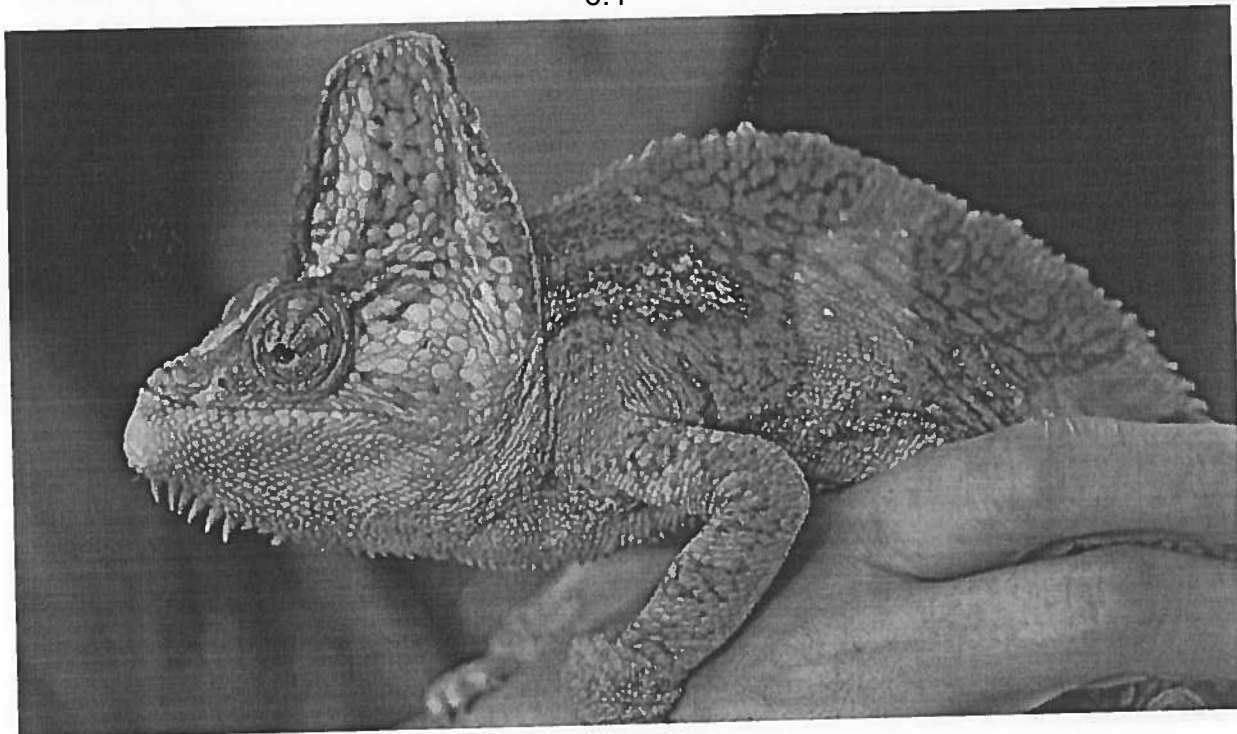
FORMS 1, 2 REPEALED: 1997, c. 39, s. 12.

Section Amendments with date in force (d/m/y)

1997, c. 39, s. 12 - 30/04/1999

Français

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Save the date

Exotic Animal Training Workshop in Toronto, October 5, 2018

World Animal Protection and Zoocheck would like to invite you to a training workshop on issues pertaining to the trade, regulation, seizure and sheltering of exotic animals and the associated animal welfare, public health and safety and environmental risks.

Exotic animals are growing in popularity as pets but research indicates few people are aware of their specialized needs. Improper care can lead to illness, injury and death of these animals and their human caregivers. If not addressed appropriately, this can put a strain on local animal shelters, compromise community health and safety and threaten native wildlife populations.

The training workshop will be led by experts in the field and is a must for animal control workers, enforcement personnel and animal welfare, public health and wildlife conservation professionals.

Admission is free.

For more information or to RSVP, please contact Jade Cooper-Clark at World Animal Protection Canada:
416 369 0044 x120 or jadecooper-clark@worldanimalprotection.ca

