

The Animal Welfare Advisory Committee (AWAC) received a delegation at our March 3, 2022 meeting from Zoocheck representatives Rob Laidlaw, Executive Director, and Julie Woodyer, Campaigns Director. They spoke about mobile zoos and Reptilia Zoo and provided two documents :

1. a legal opinion from Peter Gross, Partner, WeirFoulds LLP, dated October 5, 2021, and
2. a Toronto city staff report from Carleton Grant, Executive Director, Municipal Licensing and Standards, to the Economic and Development Committee, dated November 17, 2021.

The legal opinion looked at whether a zoo is exempted from London's Animal Control By-law if it holds a Provincial license. The conclusion was that a zoo would be exempt only with respect to native game wildlife and specially protected wildlife.

In its analysis, the opinion pointed out that the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) can issue a license to a zoo, but the NDMNR has jurisdiction over native game wildlife and specially protected wildlife only, so any license they can issue to a zoo applies to these animals only.

The opinion goes on to say that non-native species, such as the reptiles, amphibians and arachnids commonly held in a mobile or reptile zoo, cannot be kept just because a zoo has a license to keep native wildlife. The regulation of native and non-native animals is completely different. The Province does not currently regulate non-native species. The NDMNR has no jurisdiction over them. Instead, they are regulated and/or prohibited by municipal by-laws.

That is what happened in Toronto. Reptilia Zoo had a license from the NDMNR for its other locations. Yet it needed an exception to the Prohibited Animals restrictions in the city's Municipal Code so it could have these prohibited animals in a zoo at Harbourfront Centre. Toronto city staff wrote a report and recommended against granting the exception. City council followed that recommendation.

The report acknowledged that there may be potential economic benefits if Reptilia Zoo opened a facility. However, after a full analysis, the conclusion was that any potential benefits were outweighed by health and safety considerations, animal welfare considerations, and concerns about setting a precedent that was contrary to previous direction set by city council.

Specifically mentioned were the potential for injuries and the spread of infectious diseases such as salmonella, particularly when animals are taken off-site for events such as birthday parties. The report also discussed past investigations and inspections of Reptilia Zoo facilities by the Ontario Ministry of the Solicitor General's Provincial Animal Welfare Services (PAWS). While the zoo eventually came into compliance, there were concerns about the adequacy of care provided to the animals.

In conclusion, the report noted that Reptilia Zoo could open a facility without a by-law exception but would not be permitted to house species listed in Toronto's Prohibited Animals list.

Taken together, these two documents confirm that a license issued by the Province to a zoo permits the license holder to keep or propagate native game wildlife and specially protected wildlife only. Non-native species continue to be regulated by municipal by-law. If an animal is prohibited by the municipal by-law, a zoo is not permitted to keep or display that animal, regardless of whether the zoo has a license from the NDMNR or not.