

To: Community and Protective Services Committee Meeting on January 31, 2023
From: Wendy Brown, Chair, Animal Welfare Community Advisory Committee
Subject: Exotic Animal Establishments, Agenda Item 4.1

This report addresses new issues raised in the January 31, 2023 staff report to the Community and Protective Services Committee on "Exotic Animal Establishments".

We have made some specific comments on the proposed draft by-laws. However, after careful consideration and analysis the **Animal Welfare Community Advisory Committee (AWCAC)** remains strongly opposed to and **continues to recommend against granting an exemption to the Animal Control By-law** to Reptilia Zoo to permit the keeping of Class 7 animals at Westmount Mall. In particular, our research has shown that there is no antivenin or protocols for exotic venomous reptile bites at our local hospitals. We feel strongly that this issue alone is substantial grounds to maintain the current prohibitions against keeping these animals.

We have identified the following weaknesses in the proposed by-laws:

Draft Amendment to the Animal Control By-Law:

The draft amendment is too broadly written. First, it would exempt all Class 7 animals, which includes animals such as tigers and other big cats, monkeys, and prohibited birds, as well as venomous reptiles. Second, the exemption would apply to the entire property designated as 785 Wonderland Road South, not just the interior square footage rented by Reptilia Zoo. This could impact the residential towers proposed by Westmount, and possibly open the door to live animal shows with reptiles or big cats or monkeys or other Class 7 animals in all parts of the mall and parking lot areas.

Regulations:

The requirements of a written public safety plan, insurance and indemnification as a condition for issuance of a license should be in the by-law rather than delegated to the License Manager.

Prohibitions:

We are concerned that there is no prohibition against the sale of animals.

We are also concerned that there is no prohibition against using potentially dangerous Class 7 animals as part of a mobile educational program or live animal show. Toronto's Municipal Code, Chapter 349, Animals, has this type of provision to prevent the transport of prohibited animals to birthday parties or schools.

Powers of License Manager:

We are concerned that there is no requirement that the License Manager inspect the location, as well any relevant records, at least once per year. Both the Ottawa and Vaughn Animal Control By-laws provide for inspection by city staff. An annual inspection by city staff is necessary because CAZA accreditation is reviewed only once every five years and PAWS is primarily complaint driven.

Other Concerns:

1. Antivenin - Toronto and St. Catharines both recently denied similar requests by Reptilia to open a zoo in a mall. We previously submitted the Toronto staff report. That report cited health and safety considerations, particularly the inability of local hospitals to manage antivenins. This is very worrisome since Toronto is home to the nearest large hospital where someone bitten by a venomous animal could be air-lifted.
2. Public Safety - Public safety is an animal welfare concern because when incidents occur, animals typically pay with their lives. The draft by-law would require an Emergency Management and Public Safety Plan, but we have concerns about relying on a private corporation that is not accredited by CAZA and city staff or police with no experience in handling venomous animals. Toronto city staff were similarly concerned about introducing staff into a regulatory area where they currently do not have a role, nor the expertise.
3. Animal Welfare - Captive bred reptiles are still wild. They retain the same biological, behavioural characteristics as their counterparts free-roaming in nature. Even if they have been bred for several generations in captivity, reptiles can experience discomfort, stress, pain, injury and suffering when confined in simplistic, minimal enclosures, or when being handled or transported. Toronto city staff were very troubled about past investigations of Reptilia Zoos by PAWS, and many other animal welfare issues related to private zoos and mobile zoos.
4. Precedent – Roadside and mobile zoos that currently operate outside city limits will likely apply for a license and request a similar exemption from the Animal Control By-law. Every mall in London has the potential to become a zoo with reptiles and other animals under the Place of Entertainment zoning. Toronto city staff were very concerned about an increase in requests for an exemption, especially from mobile live animal programs (MLAPs).
5. Location – We do not believe it is appropriate to permanently house venomous reptiles in a mall. Reptiles have specific housing needs and should not be in direct sunlight or drafts. Snakes are notorious for crawling into vents and can stay there for weeks. We have questions about how a zoo might impact Westmount’s proposed plans for residential towers. For instance, Hamilton’s By-law to Regulate Responsible Animal Ownership requires a facility housing venomous animals to be accredited by CAZA and
 - (a) be on a premises where there is no residential use,
 - (b) share no common wall with any other use or is self-contained, and
 - (c) share no NVAC system and no plumbing system with any other use.
6. Societal and Ethical Concerns - Our constituents made it clear they did not consider animals for entertainment humane, which is why we do not see animal circuses operate in London any longer. Zoning for zoos was removed in 2011 in response to animal welfare issues related to the private zoo Lickety Split. Council’s decision to not amend the Business Licensing Bylaw in 2018 in response to the issue of private zoos and MLAPs, and in particular Reptilia Zoo at the time, was a progressive recognition of all concerns related to such uses within the city.

Conclusion:

It is clear that a fulsome, informed deliberation on this issue will be hampered by the dearth of important, relevant information. For that reason and in the public interest, this matter should be referred back to staff for clarification regarding:

- all aspects of antivenin, including its acquisition, storage and use
- London's available medical expertise, hospital preparedness and Reptilia staff competencies
- the contents of a public safety plan, including how the plan was formulated and whether it has been reviewed by external experts with relevant knowledge and experience,
- whether training for city staff will be undertaken in this new regulatory area, and
- more specific and precise language for any proposed amendments to the Animal Control and Business By-laws.

However, AWAC would like to reiterate in the strongest possible way that **the better alternative is to maintain the current Animal Control By-law provisions on Class 7 animals, and not permit any exemptions**. Denying an exemption would not prevent Reptilia Zoo from operating with the current permitted animals and any animals they are licensed to keep by the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry.