

The Corporation of the Town of Lakeshore

Report to Council

Legislative & Legal Services

Legislative Services



To: Mayor & Members of Council

From: Brianna Coughlin, Manager of Legislative Services

Date: January 10, 2020

Subject: *Provincial Animal Welfare Services Act, 2019*

Recommendation

The report of the Manager of Legislative Services entitled “Provincial Animal Welfare Services Act, 2019”, presented at the January 28, 2020 Council meeting, be made available during the Animal Control Public Consultation open house on January 29, 2020.

Background

In July 2019, Administration brought forward a report regarding changes to the *Ontario Society for the Prevention of Cruelty to Animals Act* and the introduction of Bill 117, an *Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act* (the “Interim Act”).

The Interim Act, which received royal assent June 6, 2019, allowed the Solicitor General to appoint a Chief Inspector, who could then appoint any person as an inspector for animal cruelty and animal welfare concerns for the interim period. The Windsor/Essex County Humane Society was duly appointed as an inspector for the area until January 1, 2020.

At the time of the July 2019 report, the Province was in the process of developing a new structure for animal welfare investigations. There was concern that the Province could download the responsibilities to municipalities or the police, which could have a large impact on staff and budgets.

Comments

On October 29, 2019, the Province enacted the *Provincial Animal Welfare Services Act, 2019* (the “PAWS Act”). This Act creates an animal welfare program enforced by

provincial inspectors. The Province has confirmed that all enforcement mechanisms will be performed by them.

The following is a broad overview of provisions found in the PAWS Act that came into force January 1, 2020:

- Every person who owns or has custody of an animal is required to comply with standards of care and administrative requirements outlined in the PAWS Act, with specific exceptions for certain agricultural and veterinary activities;
- Veterinarians have a duty to report abuse, undue physical or psychological hardship, privation or neglect;
- Harming or attempting to cause harm to law enforcement or service animals is prohibited;
- There are several prohibitions relating to animal fights, including the prohibition to possess equipment or structures used in animal fights;
- Animal welfare inspectors may enter and inspect places to determine compliance with the PAWS Act. A warrant is required to enter a dwelling unless the occupant consents to the entry, however the inspector may enter without a warrant if the time required to obtain a warrant may result in serious injury or death to the animal;
- Animal welfare inspectors may apply for warrants to investigate potential offences. Warrantless searches may be authorized if the inspector has reasonable grounds to believe that the time required to obtain the warrant would result in the loss, removal or destruction of evidence;
- Animal welfare inspectors may take possession of animals in distress if orders to comply with the PAWS Act are not complied with, if the owners or custodian cannot be found quickly or on the advice of a veterinarian. The Chief Animal Welfare Inspector may keep an animal if there are concerns about returning the animal to the owner or custodian;
- Animals seized as a result of animal fighting are automatically forfeited to the Province.
- Animal welfare inspectors are subject to a code of conduct.

Animal welfare concerns may be reported 24 hours/day by calling 1-833-9ANIMAL (1-833-926-4625).

It is important to note that, should there be a conflict between a municipal by-law and the PAWS Act, the provision that affords the greater protection to animals will prevail. For example, when the Town of Lakeshore enacts the 4-hour tethering limit under the new animal control by-law, complaints will be directed to the Windsor/Essex County Humane Society.

Other Consulted

Windsor/Essex County Humane Society

Financial Impacts

There are no financial impacts as a result of receiving this report. However, it is acknowledged that the provincial animal welfare system is still being implemented and that the Province has indicated that only 100 inspectors are to be appointed throughout Ontario. Should an urgent animal cruelty matter be identified, it is likely that local police will be requested to investigate and intervene, which may result in additional call-for-service costs.

Attachment(s): None.

Report Approval Details

Document Title:	Provincial Animal Welfare Services Act, 2019.docx
Attachments:	
Final Approval Date:	Jan 20, 2020

This report and all of its attachments were approved and signed as outlined below:

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