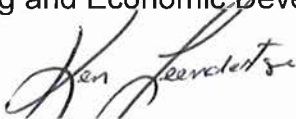




Hamilton

INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 26, 2019
SUBJECT:	Ontario Society for the Prevention of Cruelty to Animals (OSPCA) (2019) Update
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

On March 4, 2019, the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) advised the Province of Ontario that they would not be signing a new contract to offer enforcement services under the *Ontario Society for the Prevention of Cruelty of Animals Act, R.S.O. 1990, c.0.36* after the current contract expires at the end of March 2019. The OSPCA offered a three-month transition phase, by way of contract, until June 28, 2019. The OSPCA advised that it would then shift into a support role for animal cruelty investigations by providing animal shelter, forensic evidence collection and veterinary services.

On March 19, 2019, staff provided Council with an Information Report outlining some of the potential impacts this action may have on the municipality. Impacts to be considered were:

- Significant increase in call volume from the public;
- Additional officers to investigate and respond;
- Cruelty investigation and response training for officers and administrative staff;
- Additional administrative and animal care staff;
- Increase animal impoundment sheltering area;
- Court services;
- Increase in contractual veterinary services for medical response and investigations;
- Rewrite of Municipal By-law(s) to include animal welfare and cruelty; and/or,
- Public education.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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On June 28, 2019 the Province announced it would be taking over responsibility for animal cruelty investigation. The Solicitor General of Ontario (SGO) appointed a new temporary Chief Inspector, Ontario Provincial Police Insp. Paula Milne, and opened a 24-hour animal cruelty hotline. This ended the three-month commitment from the OSPCA to continue their enforcement powers with the government.

Through a Freedom of Information request by Animal Welfare Watch Ontario (AWWO) to the Ministry, a list of humane societies and SPCAs that now have contracts with the Province to conduct law enforcement has been made public. The following agencies have animal related law enforcement contracts:

1. Lincoln County Humane Society
2. Kingston Humane Society
3. Hamilton and Burlington SPCA
4. Sarnia and District Humane Society
5. Windsor Essex Humane Society
6. London and Middlesex Humane Society
7. Oakville and Milton Humane Society
8. Guelph Humane Society
9. Thunder Bay and District Humane Society
10. Northumberland Humane Society
11. Kitchener Waterloo and Stratford Perth Humane Society
12. Kawartha Lakes Humane Society
13. Timmins and District Humane Society

On October 29, 2019, the Province introduced Bill 136 – The Provincial Animal Welfare Services (PAWS) Act, 2019 to replace the OSPCA Act. The proposed legislation would better protect animals from abuse and neglect.

The Province advises that the proposed legislation would improve animal welfare by:

- Introducing new offences to combat activities such as dog fighting;
- Giving inspectors necessary powers to help animals in distress and to hold owners accountable;
- Giving government the ability to empower others, beyond inspectors, to take action when an animal is in imminent risk of serious injury or death when a pet is left in a hot car;
- Significantly increasing penalties for serious, repeat and corporate offenders. The new penalties would be the strongest in Canada;
- Improving oversight and ensuring increased transparency and accountability, including establishing a one-window complaints mechanism for the public; and,
- Establishing a multi-disciplinary advisory table made up of a wide range of experts, including veterinarians, agriculture representatives, academics, animal

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advocates and others to provide ongoing advice to the ministry to improve animal welfare.

The Bill will enable the SGO to appoint a Chief Animal Welfare Inspector that has the authority to appoint Animal Welfare Inspectors. The Province is working to strengthen the system by hiring more Provincial Inspectors to ensure better coverage across the Province, including specialists in livestock, agriculture, horses, zoos and aquariums.

The Province has advised that the new animal welfare system is being developed based on input from municipalities, police, industry, technical experts, veterinarian organizations, animal sheltering and advocacy organizations, and the public. A survey was sent to Animal Services for input.

If Legislation is passed, the government would continue to work with partners to ensure the best protection and support for animals.

On November 14, 2019 the Court of Appeal for Ontario found that the lower court judge erred in introducing "reasonable standards of transparency and accountability" as a principle of fundamental justice. This ruling does not change the direction the Province is going with respect to putting in a new animal welfare enforcement system and required legislation (Bill 136).

Until such time that the new proposed PAWS Act is passed and finalized, the impacts on the municipality previously identified remain a concern.

Staff will continue to monitor the outcome and provide Council with more information as it becomes available.

If you have any questions respecting this communication, please contact Ken Leendertse, Director, Licensing and By-law Services by phone at Ext. 3059 or by e-mail.

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