

**Comments for the Members of
the Standing Committee on Economic Development and Infrastructure**

Re: Bill 16 – *An Act to Amend the Dog Act*



Photo Credit: Linda Eccles, President, Beaufort Delta Regional SPCA

Presented by

Lia Laskaris, Campaigner
Animal Alliance of Canada

Liz White, Leader
Animal Alliance Environment Voters Party of Canada

Barry MacKay, Canadian Representative
Born Free USA

January 14, 2011

Executive Summary

Bill 16 is a bill to amend the *Dog Act*. Bill 16 passed Second Reading November 2, 2010, with public hearings now taking place.

Our submission to the Standing Committee on Economic Development and Infrastructure demonstrates that one particular proposed amendment will provide dogs no protection from cruelty.

The proposed amendment prevents bylaw and RCMP officers from investigating and laying animal cruelty charges for “generally accepted local or traditional practices of dog care, use and management”.

We are asking for your assistance in correcting the deficiencies in Bill 16 by supporting the following amendments:

1. Amend Section 3, subsections (1) (a) to read “ensure that the dog has adequate food, water and exercise and if an animal is customarily kept out of doors, the person having the custody or control of the animal shall provide for its use at all times a structurally sufficient, weather-proofed and insulated enclosure of appropriate size and dimension”;
2. Remove Sections 3, subsection (2) and Section 4, subsection (3) recognizing that the exemptions leave animals without any protection from abuse and cruelty;
3. Require all Northwest Territories ministries and government and municipal agencies who are in possession of animals to comply with the Act;
4. Recommend to the Minister to adopt the code similar to Section 3 on Standards of Care of the Ontario Society for the Prevention of Cruelty Act, Regulation 60/09, which pertains to dogs who live primarily outdoors (Appendix C);
5. Recommend to the Minister to adopt the code similar to Regulation 23 of the Animals for Research Act, R.R.O. 1990 which pertains to the sheltering of animals in pounds (Appendix D); and
6. Recommend to the Minister that regulations require all Northwest Territories ministries and government and municipal agencies who are in possession of animals to keep records, including, but not limited to the number of licenses sold, animals admitted, animals adopted, animals claimed, animals euthanized, animals sold to research labs, how animals are euthanized, and reasons for euthanasia.



**Animal Alliance
of Canada**



TO: David Ramsay, Chair

**FROM: Lia Laskaris, Campaigner
Animal Alliance of Canada**

**Liz White, Leader
Animal Alliance Environment Voters Party of Canada**

**Barry MacKay, Canadian Representative
Born Free USA**

SUBJECT: Request for amendments to Bill 16: *An Act to Amend the Dog Act*

DATE: January 14, 2011

Dear Chairman Ramsay,

We are writing to thank you for tabling Bill 16: *An Act to Amend the Dog Act*. Increasing penalties, allowing enforcement officers to take custody of dogs in distress, and clarifying definitions are welcome improvements to the existing legislation.

We do, however, have concern with one particular amendment. Submissions by animal protection and environmental organizations, and constituents from across the country, recommend that Bill 16 be amended to remove the sections that exempt “generally accepted local or traditional practices of dog care, use and management”. We agree.

Media reports of dog abuse and neglect as a result of generally accepted local or traditional practices seem more numerous in the Northwest Territories than any other jurisdiction in Canada. Reports of acts of cruelty and neglect include a dog hoarding case in Hay River, dogs with their throats slit and left to die at the local garbage dump, dogs chained and left to starve to death, and dogs dying from exposure (Appendix A).

At first glance, Bill 16 appears to improve existing legislation by providing the tools needed to charge individuals who commit cruel acts against animals. The summary of the bill reads “This Bill amends the *Dog Act* to prohibit a person from causing a dog distress”.

However, wide ranging exemptions severely limit the effectiveness of what might ordinarily be viewed as progressive changes. They could well have the effect of reducing rather than expanding animal protection in the province.

While Section 2, subsection 1.1 prohibits distress and harm to animals, Section 3, subsection 2 exempts certain animals and activities from the

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prohibition. There appears no limit on the animals or activities that can be exempted.

The exemption for generally accepted local and traditional practices place severe limitations on who can be prosecuted and under what circumstances, making the prosecution of many animal cruelty events impossible. The *Act*, if the exemption remains in place, will at best allow for the prosecution of those people who subject individual animals to the most extreme cruelty and suffering – something that the existing legislation already does - and even that development may be so severely limited as to be meaningless.

Rather than a bold initiative that would improve animal protection, Bill 16 protects some animal users by exempting them from prosecution. By including this exemption in Bill 16, the government is applying different standards to the same violations.

These animal users are already very well protected by the legislation which governs their industry/activity and they already have protection through "colour of right" and "lawful excuse" defences. The result is that the very law that is supposed to address animal cruelty in this territory instead gives those who hurt animals even greater protection than they have under their own legislative regimes.

Appendix B, truncated after Section III on Companion Animals, provides a comparative article of United States and European animal cruelty laws through Michigan State University- Detroit College of Law. Canada's provincial animal welfare laws have most of the same deficiencies as those in the United States. Bill 16 will reinforce most of the existing deficiencies.

It is our hope that the Standing Committee takes this opportunity to create a progressive and humane piece of legislation by removing this exemption. Leaving animals tethered, unable to access food and clean water, unable to exercise, and unprotected from extreme weather conditions for *any* period of time can never be defined as acceptable, even if these practices are traditional. Leaving animals to languish in unsanitary living conditions and after unskilled attempts at euthanasia fail can never be defined as acceptable.

We are asking for your assistance in correcting the deficiency in Bill 16 by supporting the amendments as set out in the Executive Summary above. Thank you so much for reviewing this document. We urge you to support amending Bill 16 so that all animals in the Northwest Territories receive protection from all forms of abuse, cruelty and neglect. If you have any questions or concerns please contact us at 416-462-9541 or lia@animalalliance.ca. We very much appreciate your reply.

Sincerely,



Lia Laskaris, Campaigner



Liz White, Leader



Barry Kent-MacKay, Canadian Representative

Appendix A

http://www.nns.com/frames/newspapers/2010-06/jun7_10dgs.html



These dogs are among the 23 being cared for at the Hay River Animal Shelter after being removed by police from a kennel. - Paul Bickford/NNSL photo

Owner of 'hoarded' dogs faces charges in Hay River RCMP finds 109 animals in various states of health

Paul Bickford

Northern News Services

Published Monday, June 7, 2010

HAY RIVER - A Hay River woman is facing charges after the RCMP raided a property where she allegedly hoarded 109 dogs.

Linda Hobson has been accused of causing unnecessary suffering to some of the dogs and animal cruelty.

According to an RCMP news release, the Hay River detachment obtained a search warrant on May 29 after receiving information there were a significant number of dogs being "hoarded" and in distress.

Hay River RCMP Sgt. Scott Buchanan said hoarding means being kept together.

"That's exactly what this is, collecting them and keeping them," he said.

The kennel is located on roughly two acres of land on Lagoon Road, about three kilometres from the industrial area but still within town limits.

The RCMP, along with two High Level, Alta., veterinarians called in to help, found the dogs in various states of health, and some on chain tethers or in cages.

The veterinarians found three dogs in such distress they were put down for humanitarian reasons.

Hobson, 66, of Hay River has been charged with causing unnecessary suffering to dogs under Section 445.1 of the Criminal Code.

Hobson has also been charged with allowing a dog to remain unfed or unwatered sufficiently long enough to amount to animal cruelty under the GNWT's Dog Act.

She will appear in Hay River Territorial Court on July 21.

Attempts by News/North to contact Hobson for comment were unsuccessful.

Speaking on June 3, Buchanan said most of the dogs are still with the owner.

The dogs' welfare is being monitored by the Town of Hay River.

Buchanan said the younger dogs have been relocated to the Hay River Animal Shelter until the kennel can be cleaned up.

"The other ones were too wild to handle," he said.

The sergeant said there was a "distinct lack" of attention to cleanliness at the kennel and several of the dogs were without food and water.

However, he said he was happy to see a majority of the dogs looked to be fed.

Buchanan said the RCMP had heard rumours of conditions at the kennel, and then a witness came forward.

An anonymous person also dropped photos of the dogs off at the RCMP detachment.

Buchanan said he is unsure for what purpose the owner was keeping the dogs.

However, Jennifer Larkin, president of the Hay River SPCA, can say what the collection of dogs is not.

"It's not a sled dog operation," she said, explaining the dogs are not the kind used for racing.

Larkin said the SPCA was not involved in the laying of the charges.

"Our only involvement is the fact we have been tasked by the town to care for some of the animals," she said.

Twenty-three of the animals - aged from four months to a year - are being cared for at the shelter, which the SPCA operates with an arrangement with the town.

The SPCA was also asked to assist the RCMP in rounding up the dogs.

The charges concern the SPCA, Larkin said. "Of course we're concerned about animal welfare, whether it's on a large scale or small scale."

Puppies found alive with throats cut

Charlotte Hilling

Northern News Services

Published Monday, October 19, 2009

BEHCHOKO - Six newborn puppies, eyes still closed, were found left for dead at Behchoko dump last week, with only one remaining alive thanks to round the clock care from the Great Slave Animal Hospital.

The animal hospital was called Sunday, Oct. 11, by a man who would not identify himself, saying he found six puppies with their throats slit, and two had already died.

"He didn't want to tell us the name, I don't know why," said Dr. Tom Pisz of the Great Slave Animal Hospital.

The puppies were not brought into the clinic until the Tuesday, by which time two more of the litter had died. Both of the remaining puppies were severely dehydrated and despite the desperate efforts of Pisz and his team, one of the two puppies died.

"Somebody tried to kill them by cutting their throats, but they didn't do a very good job," said Pisz. "They died from dehydration, not from having their throats cut."

Now, one week on, the sole surviving puppy, a surprisingly chipper little female, is receiving round the clock care by the clinic's staff, taking turns to bottle feed her every four hours.

The results of the clumsy effort to terminate the puppy are disturbingly visible. The wound cannot be stitched up because she is too weak to handle the anaesthetic surgery would require.

Dr Pisz hopes she will be strong enough for surgery in the next few days. The puppy will need to be bottle fed for the next four weeks, and after six weeks Pisz hopes she will be adopted out.

Meanwhile, Pisz said he is angry about the callousness of the act but said it was not a common occurrence.

"This doesn't happen very often but it's a very cruel and rude thing to do," he said. "It makes me very angry. It's just terrible."

He said the likelihood of finding the culprit is extremely low, and the consequences of their actions would not be severe.

"It's animal cruelty, but we don't know who did it so nothing will happen," he said. "There are usually not very big consequences. It's usually just a fine."

Pisz said there are more humane ways to euthanize puppies but there is one solution that would eliminate the need. "The best thing is to spay the female and not have puppies at all."

Sarah Hunt, NWT SPCA president, said that while spaying and neutering a pet can cost between \$100 to \$200, her organization offers interest free loans for people struggling to afford the process.

"We work out the terms and conditions of that loan based on the individual's circumstances, it's very flexible," She said.

"We've given out loans where the minimum requirement is \$10 a month, and we haven't gotten a lot of uptake on that."

She said even if the owner of the puppies could not afford to keep them, there are other options.

"They could have called us... We do have limited resources but we try our best and if we get a call with an emergency situation, we pull the resources together and do whatever we can," she said. "They have a responsibility for their dog but they also have responsibility for any offspring that the dog produces. They're not disposable beings."

<http://www.cbc.ca/canada/north/story/2008/12/24/dead-dogs.html>

3 dogs found dead, 3 starving in Tuktoyaktuk

Last Updated: Wednesday, December 24, 2008 / 10:11 AM CT [CBC News](#)

RCMP have been asked to investigate the deaths of three sled dogs found frozen to the ground in Tuktoyaktuk, N.W.T., on Tuesday.



Tuktoyaktuk dog catcher Chuck Gruben was shocked to find three dead sled dogs in a local dog yard Tuesday. (Photo courtesy of Chuck Gruben)

Local dog catcher Chuck Gruben made the grisly discovery when he chased some loose dogs back to the dog yard of Randal Boogie Pokiak.

There he found six dogs tied to the line — three were dead and three others were in extremely poor condition, he said.

"Looked like they've been there a while, pretty much starving," he said.

Although Pokiak has been in jail since the summer, Gruben said the man's sons were supposed to be looking after the animals.

The dog yard is about 100 metres from a local subdivision and within sight of neighbouring houses.

"It's sad to see something like that," Gruben said. "If you can't watch your dogs, why bother to keep dogs at all? I think that's cruelty."

He has asked the RCMP to look into the case and euthanize the three surviving dogs.

'Horrible, horrible way to die,' says SPCA

There is no excuse for letting animals suffer, said Linda Eccles, who runs the Beaufort Delta SPCA.

"I feel really sorry for everybody involved and the animals, especially, that died such a slow death. It would not have been an overnight thing — it would have been a starvation, a freezing," she said.

"They wouldn't be able to stand up for very long after they lost their body weight and freezing to the snow like that, that's just a horrible, horrible way to die."

<http://www.cbc.ca/canada/north/story/2009/01/12/nwt-doglaw.html>

N.W.T. to look at increasing fines for negligent dog owners

Last Updated: Monday, January 12, 2009 / 5:06 PM CT

CBC News

Recent allegations of neglect against dog owners in the Northwest Territories have prompted the government to look at making fines tougher under existing dog legislation.

The N.W.T. does not have any territorial laws that specifically protect animals from negligence.

The only legislation that addresses the treatment of dogs is the Dog Act, which was enacted in 1988 but is rooted in legislation from the 1950s. The act currently carries a \$25 fine for not feeding a dog.

"It may reflect the sense that at the time people weren't likely to neglect their dogs, because people used their dogs as working animals," said Sheila Bassi-Kellett, the N.W.T.'s assistant deputy minister of municipal and community affairs. "And if you neglected your dog, you didn't have a dog team to transport you places."

"I mean, it may have been based on something like that. But who knows? It's old legislation."

Bassi-Kellett said federal legislation that addresses animal cruelty does not help much, either.

"[Under] the Criminal Code right now, there has to be an actual intent to do harm, and so that's pretty deliberate as opposed to someone who is just negligent," she said.

"I think that there is a difference."

Neglecting dogs became an issue in Tuktoyaktuk, N.W.T., when the local dog catcher discovered three sled dogs dead and frozen to the ground in the yard of resident Randall Pokiak. Another three dogs were found to be skinny and very weak.

Tuktoyaktuk RCMP decided not to lay charges against Pokiak.

Pokiak's brother, local outfitter James Pokiak, told CBC News that he believes the dogs were sick, not neglected.

But James Pokiak said people — including some in his community — do neglect their animals, and they're the ones police and bylaw officers should be going after.

"There was some bunch of dogs tied up over at the fisheries camp by Liverpool Bay and left there to die," he said.

"Another time prior to that, a person here within the community who had a bunch of dogs ... basically those dogs themselves starved, and nothing was done about that issue."

Bassi-Kellett said the government may also have to consider following the Yukon's lead and introducing its own animal protection act.

<http://www.cbc.ca/canada/north/story/2010/12/07/nwt-puppy-animal-cruelty.html>

N.W.T. puppy sole survivor of litter left to freeze

Man charged with animal cruelty after leaving pregnant dog outside in -35 C

Last Updated: Tuesday, December 7, 2010 / 8:29 PM CST [CBC News](#)

A two-week-old puppy is in the care of a Yellowknife animal hospital after it was rescued from temperatures below -35 C in Whati, N.W.T., in what police say is a case of animal cruelty.



Yuki, a two-week-old puppy who just recently opened its eyes for the first time, was rescued from a home in Whati, N.W.T., late last month. The owner of the home, Anthony Bishop, 39, has been charged with animal cruelty-related offences. (CBC

RCMP say Anthony Bishop, 39, had pushed the puppy's mother out of his home, even though she was in labour at the time. The adult dog and most of its litter froze to death, except for the one puppy.

Bishop has been charged with one count of animal cruelty and one count of causing unnecessary suffering to an animal.

He has already appeared before a justice of the peace and was released on the condition that he not own, possess or be

in the same residence as an animal. He is slated to appear in court on March 9.

Whati RCMP Cpl. Jeremie Landry said he received a complaint from a neighbour on Nov. 22 about a dead female dog on Bishop's property. By the time he arrived, Bishop had brought the surviving puppy indoors.

"I went into the residence with the homeowner and seized the puppy," Landry told CBC News on Monday. "[It] was three days old, had suffered severe hypothermia and was frostbitten in various parts of [its] body

Landry took the newborn puppy into his home and cared for it until it could be flown to Yellowknife, where it is now in the care of staff at the Great Slave Animal Hospital.

Sole survivor

The puppy, now named Yuki, lost part of its nose to frostbite but otherwise seems to be doing fine, say staff at the animal hospital.



Yuki the puppy is bottle-fed by staff at the Great Slave Animal Hospital in Yellowknife. (CBC)

"We were amazed that she survived because the rest of the litter actually didn't," said Ashley Woodfine, a receptionist at the animal hospital. "We were just so happy that she was the sole survivor. She's very sweet."

Since the puppy is too young to be without its mother, hospital staff are bottle-feeding it, helping it go to the bathroom and generally keeping a close eye on it.

"She's doing really good, but down the road, there's so many diseases, like parvo and kidney failure, liver failure," Woodfine said.

"Right now, we don't know any of that — if she's a carrier of any of that. So it's a day-by-day basis to make sure she's surviving."

Staff say Yuki should be ready for adoption early in the new year.

4 other dogs found

Several days after the Nov. 22 complaint, Landry returned to Bishop's home with a search warrant and found even more dogs in poor condition.

"We located four adult dogs who were on the property," Landry said. "They were without food, water, adequate shelter."

"They were tied up to snow machines in the yard. The leashes they were tied up to were extremely short. One leash was only six inches long; the dog was not able to lay down."

Whati, a remote community of about 500, is located 167 kilometres north of Yellowknife.

The four dogs have also been brought to Yellowknife, where they are being kept in shelter space the Northwest Territories SPCA borrows from the animal hospital.

The SPCA borrows that space because it currently does not have its own animal shelter. The need for a shelter in the N.W.T. has become more urgent in recent years, as more animal neglect and abuse cases come to light.

The N.W.T. SPCA is vying for funding under the Aviva Community Fund, a national competition sponsored by the insurance company Aviva Canada.

The organization's proposal for a northern animal shelter is currently a semi-finalist in the competition. The SPCA is encouraging the public to vote for its bid.

International Comparative Animal Cruelty Laws

(International Comparative Animal Cruelty Laws, Paige M. Tomaselli,
Animal Legal and Historical Center, Publish Date: 2003, Place of Publication: Michigan State University-
Detroit College of Law <http://www.animallaw.info/articles/ddusicacl.htm>)

(NOTE: This article compares United States animal protection laws with those in Europe. Canada's laws have most of the same deficiencies as the United States animal protection laws and Bill 50 will re enforce most of the existing deficiencies.)

I. Introduction

Animal laws vary from one country to the next. What one country may value as life, another values only as property. This leads to fundamental differences in the existing laws designed to protect animals. An animal's moral status, be it sentient being or machine, inevitably determines how an animal will be viewed in the eyes of the law.

Aristotle's philosophy included a hierarchy. This hierarchy is known by scholars as the great chain of being. It was proposed that the things lower on the chain were made for those higher on the chain. In other words, plants were made for animals, animals were made for people, slaves were made for masters, women were made for men, and men were at the top of the earthly chain, made only for God. According to this philosophy, animals were natural slaves, made for man to be used as a means to an end.

The Bible is another source of our society's current status of animals. In Genesis, God gave man dominion over every living thing that crept on the earth. Every moving thing that lived was meant for man. Some people argue that this is the reason why animals can be treated as property, or in some cases, as machines. It is easy to justify the use of animals for food, research or pleasure when it is believed that they exist for us.

Another argument for the use of animals without moral consequence comes for the largely Aristotelian belief that human beings are the only beings with a rational soul. Rene Descartes expanded on this, enforcing the idea that because animals cannot speak, they cannot reason. Reason is what Descartes claimed separated man from animal. Immanuel Kant took this even further, demanding that the only value an animal has is instrumental. Kant believed that humans do not owe direct duties toward animals but that any duty owed to an animal is just an indirect duty, the duty owed is toward mankind.

These religious beliefs and philosophies have paved the path for our current legal system as it relates to animals. In the United States, animals are property. This follows directly from the ideas presented above. Whether we are just higher on the great chain of being or just granted dominion over the animals by God, asserting moral rights on animals would hinder their current role in our society. This trend has slowly begun to change through the way we view companion animals in the United States. Companion animals are placed in a special class, far removed from farm animals and research animals.

Contemporary philosophers such as Jeremy Bentham have argued that the question is not can animals reason, but can they suffer? Peter Singer, a well known philosopher and author, argues that the utilitarian principle of the greatest good for the greatest number should include animals because they too can feel pleasure and pain. In Europe, some entities have begun to assert moral rights on animals. It is present in the legislation pertaining to animals and the regulation of out-dated animal husbandry practices. No longer does animal legislation just exist to protect the owner of an animal. In Germany, legislation has expressed the responsibility of human beings to protect animals. This idea steps away from the belief that animals are here for us to use as a means to an end.

This paper will address some of the fundamental differences in animal cruelty legislation relating to companion animals and farm animals in Europe and the United States. First, an overview of the sources of animal law in the US and Europe is presented. This is followed by a thorough discussion of companion animals. Finally, all aspects of farm animal legislation will be looked at, from regulation of animals on the farm, to transport and finally slaughter.

II. Sources of Animal Law

A. Sources of United States Animal Law

In the United States there are three main federal statutes relating to animal welfare: the [Humane Methods of Slaughter Act](#) (discussed below), the [Twenty-Eight Hour Law of 1877](#) (also discussed below) and the [US Animal Welfare Act](#). These three Federal statutes do not regulate the treatment of animals reared for food while on the farm, nor do they regulate treatment of companion animals. Additionally, there is no federal anti-cruelty statute in the United States.

The US Animal Welfare Act¹ is the most comprehensive of the federal statutes. It does not, however, apply to the treatment of farm animals used for food or the treatment of pet animals by owners or in pet stores and therefore is not relevant to this discussion. ² It applies to some animals used in or bred for research, exhibitions and zoos, animal fights and auctions. ³ The definition of animal is limited under the US Animal Welfare Act and applies mainly to warm blooded animals such as dogs, cats, non-human primates, guinea pigs and rabbits.⁴ The US Animal Welfare Act is not a federal anti-cruelty law; instead, anti-cruelty legislation is determined by states. For more information in the Animal Welfare Act, see the [AWA Topic Page](#).

The states have individual anti-cruelty statutes that may regulate the handling of animals reared for food, depending on whether or not the state has an exemption for farm animals. Additionally, there is no Federal law regulating the treatment of pet animals. Pet abuse falls under the ambit of state anti-cruelty statutes.

B. Sources of EU Animal Law

The European Union was founded as the European Economic Community by the treaty of Rome in 1956. From this point to the present, the EU has been developing through the introduction of several other treaties. In 1997, the Treaty of Amsterdam created the political

union by establishing a common police force, a foreign policy, international security and a centralized EU citizenship. Currently there are fifteen member states in the EU.⁵

Many laws in the EU are based on conventions or treaties constructed through the Council of Europe. The Council of Europe is an Intergovernmental body designed to promote human rights and democracy in Europe. It was set up in 1949, has forty-one members, including all of the EU member states. When the members of the EU sign a Council of Europe convention, they will incorporate the principles in the laws of the EU through directives, regulations and decisions. There are currently six conventions relating to the protection of animals, four of which will be discussed below. The conventions not discussed relate to animal research and wildlife in their natural habitats.

C. Sources of Law for Other Countries

This discussion will include the individual laws of Switzerland, Germany, and Norway. Sweden, the Netherlands and the United Kingdom will also be referenced. Germany, Sweden, the UK and the Netherlands are member states of the EU. This means that the laws of these countries must at a minimum meet the laws adopted by the EU, but can go above and beyond those protections. In Switzerland, two pieces of legislation exist on animal welfare. The first is the [Federal Act on Animal Protection](#) which lays out the basic rule regarding the specific animal welfare topic of concern. The Federal Council created the [Animal Protection Ordinance](#), which contains the actual regulations governing specific practices. In Norway, animal welfare is protected by the [Norwegian Animal Welfare Act](#).

III. Companion Animals

A. US: State Anti-Cruelty Laws and Companion Animals

In the United States, pets are protected through state anti-cruelty statutes. Every state has an anti-cruelty statute. State anti-cruelty statutes protect against intentional infliction of pain or suffering on an animal, killing an animal and sometimes animal fighting. They are often an animals only source of legal protection. These laws were formed in the agrarian societies of the 1800's, mainly for the protection of animals with economic value, such as farm animals.⁶ Today, many animals are exempt from these statutes, while companion animals are protected. Common exemptions include: veterinary practices, research animals, wildlife, farm animals, slaughtering animals for food, pest control, rodeo, zoos, and circuses.⁷ Commonly seen provisions in these laws are: counseling, community service, restitution, seizure, reimbursement for cost of care, forfeiture of the animal, veterinary reporting, and arrest policies. Each state's provisions are different. For examples of state animals cruelty statutes see the [Texas Cruelty Topic Area](#) and the [Michigan Cruelty Topic Area](#).

The Texas case of [Celinski v. State](#) ⁹ is illustrative of the way in which an anti-cruelty statute is typically applied. The Texas Court of Appeals upheld an animal cruelty conviction in this case. The appellant was accused of animal cruelty when his roommate, the cat owner, returned home to find her two cats very ill. The appellant denied having caused harm to the animals. When the cat owner took the animals to the veterinarian, it was discovered that a fatal dose of acetaminophen, the active ingredient in Tylenol, had been given to the cats. The cats' paws were also burned. The cat owner returned home to find cat hair in the microwave.

Both the lower court and the court of appeals found that there was sufficient evidence to show that the appellant had tortured and subsequently caused the death of two cats by poisoning them and burning them in a microwave oven.

A person who has suffered from an act of animal cruelty inflicted upon their pet may also bring a civil case. In this way, a pet owner who has been aggrieved may collect damages. However, as pets are viewed in nearly all states as the property of their owners, recovery is often limited to the market value of the pet. This figure is usually nominal at best and rarely a substitute for the companionship of the pet. See the [Pet Damages Topic Area](#) for a further discussion of this subject. The status of pets as property is changing in some states. For an example of this see [Colorado's Companion Animal Bill](#).

Despite the application of state anti-cruelty statutes to companion animals and the successes of convicting those who have violated the statutes, the provisions in these statutes are typically geared toward protecting the owner of an animal from harm or, as some would argue, for protecting society itself. The court in *Knox v. Massachusetts SPCA* explained: "These statutes [state anti-cruelty statutes] are 'directed against acts which may be thought to dull humanitarian feelings and to corrupt morals of those who observe or knowledge those acts.'"¹⁰ In other words, anti-cruelty laws in the US were not created to protect the animals themselves, but to protect the morality of human members of society. Companion animals are protected because of the special relationship they have with human beings, one based on love and compassion. Farm animals, circus animals, and research animals are commonly exempted because they are used as means to human ends. It follows that it would harm a human being to "observe or knowledge" the infliction of harm on a companion animal, while it may not harm them if pain were inflicted on an animal they solely use as a means to an end.

B. EU: The European Convention for the Protection of Pet Animals

In contrast to the US, the [European Convention for the Protection of Pet Animals](#) ¹¹ expands the guardian role of humans with regard to their companion animals. While the Convention on Pets has not yet been ratified by France, Italy, the Netherlands and Turkey, the basic principles for animal welfare presented in this treaty are that nobody shall cause a pet unnecessary pain, suffering or distress. Additionally, it provides that no one shall abandon a pet animal. The provision on keeping explains that a person who keeps a pet or who has agreed to look after it is responsible for its health and welfare. That person must provide accommodation, care and attention, water, food, exercise and must take reasonable measures to prevent the animals escape. Animals that cannot adapt themselves to captivity shall not be kept as pets.

The convention has additional provisions related to who may own, sell, train and breed pets. These provisions help to ensure that companion animals are not placed with people who cannot provide for them or in facilities that are not equipped to handle animals. Unlike the US, these provisions on companion animals exist to protect the animals themselves, as well as for the benefit of the owners and society. In providing that nobody shall cause an animal to suffer, the treaty is specifically conveying the value of protecting the animal for the animal's benefit. By placing moral value on protecting an animal for the well-being of that animal, an animal gains a status higher than just property.

C. The Laws Relating to Companion Animals in Other European Countries

The following laws are examples of the ways in which companion animals are granted protection in western nations outside the US and EU. Each of these laws conveys some value on companion animals greater than their value as property. None of the laws have specific sections on companion animals but the general provisions in all three examples do apply to companion animals.

In Swiss animal legislation ([The Federal Act on Animal Protection](#) and [The Animal Welfare Ordinance](#))¹², provisions relating to pets are scattered throughout. The legislation is designed to ensure the animal's protection and welfare. Some examples of provisions that apply to companion animals illustrate the existence of the regulation for the good of the animal as well as the protection of the owner. Animals cannot be kept in a way as to interfere with their bodily functions. This ensures that animals have room to eat properly, lie down, urinate and defecate and that there is nothing restraining them from doing these things naturally. Additionally, animals must be fed, housed and cared for in a way that is consistent with their physiology and behavior. Therefore, dogs should be walked or allowed to run, in order to provide them with sufficient exercise. Animals must be cared for so that disease and injury may be averted. If an animal becomes sick or injured, this animal must immediately be housed, looked after and treated. The legislation includes many other provisions relating to temperature, tethering and fresh air, all of which are for the protection and welfare of the animal. They are preventative regulations, used to outline the responsibilities of animal owners in order to help prevent cruelty to animals. In the US, animal cruelty statutes have a tendency to be prescriptive, only addressing behavior that is in violation of the statute and the appropriate punishment for that violation. The Swiss law, on the other hand, gives guidelines to ensure the welfare of animals before violations of animal cruelty occur.

The [Norwegian Animal Welfare Act 13](#) is premised on the statement that animals shall be treated well, and consideration shall be given to the instinctive behavior and natural needs of animals, so that there is no risk of causing them unnecessary suffering. Although this statement does not define necessary suffering, it is implied that unnecessary suffering is a violation of animal welfare legislation. Like the EU convention on pets and the Swiss legislation, the [Norwegian Animal Welfare Act](#) raises animals to a status that is more than merely property. By creating regulations which forbid the unnecessary suffering of animals, the status of these animals grows from that of property to that of a being, deserving of consideration in treatment.

Germany has signed and ratified the Companion Animal Convention mentioned above, therefore Germans are subject to the confines of that treaty. The [German Animal Welfare Act 14](#) is premised on the responsibility of human beings for their fellow creatures to protect the lives and well-being of animals. This provision is an enormous step in the right direction. The existence of this "responsibility" premise illustrates that animals are not seen as merely property in Germany, but as fellow creatures deserving protection from unnecessary harm. It conveys an expressed duty on human beings to protect animals. In the other legislation, this duty is implied through the mandate to promote animal welfare. Here, Germany is specifically stating the responsibility, enforcing the idea that humans are stewards rather than dominators.

D. Conclusions on the Laws Relating to Companion Animals

There are two ways in which companion animals gain greater legal status. First, when animals are generally granted a legal status greater than property through legislation. Second, when companion animals are given their protection through laws created primarily for their protection. Germany leads the way with an expressed duty to protect animals premising their animal legislation. Norway and Switzerland imply this duty when they make animal welfare the guiding reason for their animal legislation. The EU is the only body discussed above that has an actual selection of laws on companion animals. The United States only covers the treatment of companion animals through state anti-cruelty statutes and possible civil suits. Additionally, with the exception of few states, anti-cruelty laws exist mainly for the benefit of the owner, not the animal itself. Civil suits are entirely for the benefit of the owner of an animal. This changes when laws are premised with clauses that confer a desire to protect the life of an animal for the animal's sake. Animals are no longer seen as just property, the harm no longer being just to the owner of the animal. The most significant difference between the laws in Europe and the laws in the United States is the desire to protect an animal for the sake of the animal.

[Français](#)

Ontario Society for the Prevention of Cruelty to Animals Act

ONTARIO REGULATION 60/09

STANDARDS OF CARE

Consolidation Period: From March 1, 2009 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Application

1. (1) The basic standards of care applicable to all animals are set out in section 2. O. Reg. 60/09, s. 1 (1).

(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. O. Reg. 60/09, s. 1 (2).

(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. O. Reg. 60/09, s. 1 (3).

(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. O. Reg. 60/09, s. 1 (4).

Basic standards of care for all animals

2. (1) Every animal must be provided with adequate and appropriate food and water. O. Reg. 60/09, s. 2 (1).

(2) Every animal must be provided with adequate and appropriate medical attention. O. Reg. 60/09, s. 2 (2).

(3) Every animal must be provided with the care necessary for its general welfare. O. Reg. 60/09, s. 2 (3).

(4) Every animal must be transported in a manner that ensures its physical safety and general welfare. O. Reg. 60/09, s. 2 (4).

(5) Every animal must be provided with an adequate and appropriate resting and sleeping area. O. Reg. 60/09, s. 2 (5).

(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. O. Reg. 60/09, s. 2 (6).

(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. O. Reg. 60/09, s. 2 (7).

(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. O. Reg. 60/09, s. 2 (8).

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. O. Reg. 60/09, s. 3 (1).

(2) The enclosure must be weather-proofed and insulated. O. Reg. 60/09, s. 3 (2).

(3) The size and design of the enclosure must be adequate and appropriate for the dog. O. Reg. 60/09, s. 3 (3).

(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. O. Reg. 60/09, s. 3 (4).

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. O. Reg. 60/09, s. 4 (1).

(2) Wildlife kept in captivity must be provided with a daily routine that facilitates and stimulates natural movement and behaviour. O. Reg. 60/09, s. 4 (2).

(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. O. Reg. 60/09, s. 4 (3).

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. O. Reg. 60/09, s. 5 (1).

(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. O. Reg. 60/09, s. 5 (2).

(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. O. Reg. 60/09, s. 5 (3).

(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. O. Reg. 60/09, s. 5 (4).

(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. O. Reg. 60/09, s. 5 (5).

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. O. Reg. 60/09, s. 6.

7. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 60/09, s. 7.

Appendix D

Français

Animals for Research Act

R.R.O. 1990, REGULATION 23

POUNDS

Consolidation Period: From March 27, 2009 to the [e-Laws currency date](#).

Last amendment: O. Reg. 108/09.

This is the English version of a bilingual regulation.

1. In this Regulation,

“anaesthetic” means a procedure that causes the loss of sensation of pain in the whole or any part of the body of an animal and “anaesthesia” and “anaesthetize” have corresponding meanings; (“anesthésique”, “anesthésie”, “anesthésier”)

“communal” means containing more than one animal; (“commun”)

“environment” means the total of all the conditions and elements that make up the surroundings of an individual animal; (“environnement”)

“euthanasia” means the deliberate infliction of an intended death upon an animal; (“euthanasie”)

“intraperitoneal” means delivered into the abdominal cavity; (“intrapéritonéal”)

“intravenous” means delivered into a vein; (“intraveineux”)

“sanitize” means to clean for the purpose of controlling disease-producing organisms and “sanitized” has a corresponding meaning; (“désinfecter”, “désinfecté”)

“vermin” means an animal the presence of which may be harmful to the health, comfort or welfare of an animal in a pound. (“ravageurs”) R.R.O. 1990, Reg. 23, s. 1.

2. Every pound shall,

(a) be located in a place free from conditions that might injuriously affect the sanitary operation of the pound; and

(b) be constructed in such manner that it is capable of being maintained in a sanitary condition. R.R.O. 1990, Reg. 23, s. 2.

3. Every part of a pound that is adjacent to any building that is part of a pound shall be maintained in a neat and orderly condition free of refuse, debris and vermin. R.R.O. 1990, Reg. 23, s. 3.

4. (1) This section applies to,

(a) every room that is used for the housing of dogs or cats or that is occupied at any time by a dog or cat in a pound; and

(b) every room that is used for storing feed, bedding or waste or for the preparation of food in a pound. R.R.O. 1990, Reg. 23, s. 4 (1).

(2) Floors shall be,

(a) soundly constructed of hard, durable material;

(b) impervious to water;

(c) constructed of a material that may be readily sanitized; and

(d) maintained in a good state of repair from cracks, holes and other damage.

R.R.O. 1990, Reg. 23, s. 4 (2).

(3) Where there are floor drains,

(a) a floor drain and any trench installed in connection therewith that is used for waste disposal shall be flushed at such intervals as may be necessary to prevent any accumulation of waste that might impair the health or welfare of any dog or cat in the room;

(b) the floor shall be so constructed and maintained that surface liquids thereon will drain into the drain; and

(c) the operator of the pound shall cause the drains to be examined as often as is necessary to ensure that they are functioning properly, have an adequate water seal and are not harbouring vermin. R.R.O. 1990, Reg. 23, s. 4 (3).

(4) Walls shall be,

(a) soundly constructed of hard, durable material;

(b) impervious to water to a height adequate for sanitary maintenance;

(c) constructed of a material that may be readily sanitized; and

(d) maintained in a good state of repair free from cracks, holes and other damage.

R.R.O. 1990, Reg. 23, s. 4 (4).

(5) Where there is a door,

(a) every frame or moulding around the door opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin; and

(b) the door shall be maintained in a good state of repair free from cracks, holes and other damage. R.R.O. 1990, Reg. 23, s. 4 (5).

(6) Where it is not practicable to sanitize any equipment that is in the room unless it is removed from the room, the opening of at least one door in the room shall be of sufficient size to permit the removal of the equipment from the room. R.R.O. 1990, Reg. 23, s. 4 (6).

(7) Where there is a window,

(a) every frame or moulding around the window opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin;

(b) means shall be provided to prevent the effects of direct sunlight through the window;

(c) the window shall be so constructed and maintained as to prevent the entrance of vermin through the window; and

(d) the window shall be maintained in a good state of repair free from cracks, holes and other damage. R.R.O. 1990, Reg. 23, s. 4 (7).

(8) Roofs and ceilings shall be,

(a) soundly constructed; and

(b) maintained in a good state of repair free from cracks, holes and other damage.

R.R.O. 1990, Reg. 23, s. 4 (8).

(9) Where any pipe, drain, conduit or other service facility is installed through any floor, wall or ceiling, the place where the pipe, drain, conduit or other service facility enters

or leaves the room shall be so sealed as to prevent the entrance of vermin into the room. R.R.O. 1990, Reg. 23, s. 4 (9).

(10) Alleyways and service aisles between cages or pens shall be of sufficient width to permit the safe and efficient movement of persons and equipment and shall not be used for storage or accumulation of materials or equipment of any kind. R.R.O. 1990, Reg. 23, s. 4 (10).

(11) Every room in a pound shall be maintained in a clean condition. R.R.O. 1990, Reg. 23, s. 4 (11).

(12) The operator of every pound shall take all reasonable steps to prevent the spread of and to destroy vermin and invertebrates that may be harmful to the health, comfort or welfare of any dog or cat in the pound. R.R.O. 1990, Reg. 23, s. 4 (12).

5. (1) Every room that is used for the housing of dogs or cats within a pound shall be equipped with a lighting system that is so designed, constructed and maintained that,

(a) it distributes light as evenly and with as little glare as possible; and
(b) it provides adequate light for the proper observation of every animal in the room. R.R.O. 1990, Reg. 23, s. 5 (1).

(2) Every room that is used for the housing of dogs or cats within a pound shall be adequately lighted for a continuous period or at least eight hours in every twenty-four hour period. R.R.O. 1990, Reg. 23, s. 5 (2).

6. Every room that is used for the housing of dogs or cats within a pound shall at all times be adequately ventilated for the health, welfare and comfort of every dog or cat therein. R.R.O. 1990, Reg. 23, s. 6.

7. Every room that is used for the housing of dogs or cats within a pound shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog or cat therein. R.R.O. 1990, Reg. 23, s. 7.

8. (1) The operator of every pound shall ensure that there is, in every day, on the premises on which the pound is located, an adequate number of persons competent in the care of dogs and cats to properly care for every dog or cat in the pound. R.R.O. 1990, Reg. 23, s. 8 (1).

(2) Subject to subsection (3), the operator of every pound shall post or cause to be posted a notice in a conspicuous location outside the pound stating the hours and days on which the pound is open to persons who wish to claim any dogs or cats impounded therein and every pound shall be open for such purpose at least once in every day while there is a dog or cat in the pound. R.R.O. 1990, Reg. 23, s. 8 (2).

(3) A pound may remain closed on a holiday and on one day in every week that is not a holiday. R.R.O. 1990, Reg. 23, s. 8 (3).

(4) Where a pound remains closed on a day that is not a holiday, every unexpired redemption period for any dog or cat in the pound on that day is extended by one day. R.R.O. 1990, Reg. 23, s. 8 (4).

9. Only persons competent to handle dogs and cats shall handle dogs or cats in a pound. R.R.O. 1990, Reg. 23, s. 9.

10. (1) Every dog or cat in a pound shall be identified by a neckband, individual tag, physical mark or a tag or marking on the cage in which the dog or cat is kept. R.R.O. 1990, Reg. 23, s. 10 (1).

(2) The operator of every pound shall maintain within the pound a record of every animal in the pound and shall preserve the record within the pound for at least two years from the date that the animal was last in the pound and the record shall include:

- (a) the sex of the animal;
- (b) the estimated age and weight of the animal;
- (c) the colour, markings and any physical abnormalities of the animal;
- (d) the breed or type of the animal;
- (e) a record of the circumstances under which the animal came to be in the pound;
- (f) the time, date and place where the animal was found;
- (g) the date and time at which the animal arrived at the pound;
- (h) a record of any tag, name plate or other means of identification on the animal when it came into the pound;
- (i) where the animal is returned to its owner, the name and address of the owner and the date of return;
- (j) where the animal is sold or disposed of by gift, the name and address of the person to whom it was sold or disposed of and a statement of the purpose of the sale or disposal;
- (k) where the animal is sold to the operator of a research facility, the name and address of the research facility and evidence of the sale;
- (l) where the animal is destroyed, the date on which it is destroyed and a statement setting out the clause of subsection 20 (7) of the Act under which the animal is destroyed. R.R.O. 1990, Reg. 23, s. 10 (2).

11. Every cage or pen used in a pound for the housing of dogs or cats shall be so constructed and maintained that,

- (a) every animal in the cage or pen may comfortably,
 - (i) extend its legs to their full extent,
 - (ii) stand,
 - (iii) sit,
 - (iv) turn around, and
 - (v) lie down in a fully extended position;
- (b) it is not likely to harm any animal therein;
- (c) any animal therein cannot readily escape therefrom;
- (d) it minimizes as nearly as practicable the transfer of pathogenic agents; and
- (e) it may be readily sanitized. R.R.O. 1990, Reg. 23, s. 11.

12. Where a group of dogs or cats in a pound is housed in a communal cage, pen or dog run no individual dog or cat, as the case may be, shall be placed in the cage, pen or dog run with the group of dogs or cats where the placing of the individual dog or cat would result in harm to any of the dogs or cats and, where the behavior of the dogs or cats in the cage, pen or dog run is such that harm is likely to result, any dog or cat whose removal will prevent the harm from occurring shall forthwith be removed. R.R.O. 1990, Reg. 23, s. 12.

13. (1) This section applies to all pens or cages in every pound. R.R.O. 1990, Reg. 23, s. 13 (1).

(2) Litter or bedding material in every cage or pen shall be changed as often as is necessary to keep it dry, clean and free of noxious fumes. R.R.O. 1990, Reg. 23, s. 13 (2).

(3) Pens or cages and collecting pans for the collecting of excreta and waste shall be clean and any excreta or waste therein removed as often as is necessary for the health and comfort of every dog or cat therein. R.R.O. 1990, Reg. 23, s. 13 (3).

(4) Every dog or cat that is housed in a cage or pen shall be removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort. R.R.O. 1990, Reg. 23, s. 13 (4).

(5) No dog or cat shall be placed in a cage or pen that is vacant and of which it has not been the last occupant unless the cage or pen and equipment used in connection therewith have first been sanitized. R.R.O. 1990, Reg. 23, s. 13 (5).

(6) Where a cage is cleaned or sanitized, the cage rack or portion thereof used in connection with the cage shall be cleaned or sanitized at the same time. R.R.O. 1990, Reg. 23, s. 13 (6).

(7) Every animal shall be protected against liquid spray while a cage or pen is being cleaned. R.R.O. 1990, Reg. 23, s. 13 (7).

(8) Every device used to supply drinking water to a dog or cat shall be maintained in a sanitary condition and shall be so constructed and maintained as to ensure,

- (a) that the dog or cat is receiving water; and
- (b) that the device is functioning properly. R.R.O. 1990, Reg. 23, s. 13 (8).

(9) Every container for food or water shall be maintained in a sanitary condition. R.R.O. 1990, Reg. 23, s. 13 (9).

14. (1) Every dog or cat in a pound shall be supplied with food of a type and in amounts nutritionally adequate for the dog or cat and that is palatable and free from contamination. R.R.O. 1990, Reg. 23, s. 14 (1).

(2) Food and water for a dog or cat in a pound shall be provided in containers or devices that may be readily sanitized and that do not interfere with the activities referred to in clause 11 (a) and food shall not be placed directly on the floor of the cage or pen in which the dog or cat is located. R.R.O. 1990, Reg. 23, s. 14 (2).

(3) Every dog or cat in a pound shall be supplied with adequate amounts of potable water. R.R.O. 1990, Reg. 23, s. 14 (3).

(4) Where a dog or cat is fed with perishable food the remnants of the food shall be removed from the cage or pen every day. R.R.O. 1990, Reg. 23, s. 14 (4).

15. (1) In every pound, waste materials and excreta shall be collected and disposed of in a sanitary manner. R.R.O. 1990, Reg. 23, s. 15 (1).

- (2) In any pound, the carcass of an animal shall be,
- (a) forthwith removed from its cage or pen; and
 - (b) except for the whole or a part of the carcass that is retained in a sanitary manner for research, forthwith disposed of by,
 - (i) burying it with a covering of at least two feet of earth,
 - (ii) incineration, or

(iii) delivery to a disposal facility as defined in Ontario Regulation 105/09 (Disposal of Deadstock) made under the Food Safety and Quality Act, 2001. O. Reg. 108/09, s. 1.

(3) REVOKED: O. Reg. 108/09, s. 1.

16. In any pound, the operator thereof shall take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in any animal and to prevent distress to any animal. R.R.O. 1990, Reg. 23, s. 16.

17. (1) Every cat housed in a pound shall be supplied with litter material for the collection of excreta and waste. R.R.O. 1990, Reg. 23, s. 17 (1).

(2) Every communal cage and pen used for the housing of cats in a pound shall be equipped with resting perches so constructed and maintained as to provide clean, dry and safe surfaces of sufficient size to permit the cats to lie down in comfort and the resting perches shall not all be at the same height. R.R.O. 1990, Reg. 23, s. 17 (2).

18. (1) Where a dog has been housed for twenty-one days in a cage that is not at least twice the height of the dog measured to the point of the withers and the dog has not had reasonable daily access to an exercise area outside of the cage, the dog shall be housed in a cage or pen that is at least twice the height of the dog measured to the point of the withers. R.R.O. 1990, Reg. 23, s. 18 (1).

(2) Every pen used for the housing of dogs in any pound shall be so constructed and maintained as to provide a clean, dry and safe surface adequate to permit the dogs to lie down in comfort at all times. R.R.O. 1990, Reg. 23, s. 18 (2).

19. An outdoor dog run in a pound may be used to provide dogs in the pound with exercise subject to the following conditions:

1. No dog shall be removed from indoor housing and placed in the outdoor dog run or removed from the outdoor dog run and placed in indoor housing where to do so would result in a change in environment likely to cause harm to the dog.
2. The surface on which the dog run is established shall be so maintained as to rapidly drain all excess surface water.
3. The dog run shall be so fenced as to prevent any dog from escaping.
4. The dog run shall be kept in a clean condition free from any materials or equipment likely to cause harm to a dog.
5. Every dog in the dog run shall have access to a shelter that is,
 - (a) readily accessible to the dog;
 - (b) large enough to comfortably accommodate all of the dogs in the dog run;
 - (c) so constructed and maintained as to provide protection from the effects of direct sunlight, precipitation and wind; and
 - (d) that is dry and well drained. R.R.O. 1990, Reg. 23, s. 19.

20. (1) Where euthanasia is carried out with respect to any dog or cat in a pound, it shall be carried out,

- (a) by a person or persons properly trained in the euthanasia procedure to be used;
- (b) in such manner that the death of the dog or cat occurs without unnecessary pain, delay or discomfort; and
- (c) in a manner that does not endanger or disturb other animals in the pound.

R.R.O. 1990, Reg. 23, s. 20 (1).

[\(2\)](#) No person shall use an euthanasia procedure with respect to any dog or cat in a pound unless it is a procedure that is permitted under section 21 or 22 and that is carried out with equipment of a type and used in a manner approved by the Director. R.R.O. 1990, Reg. 23, s. 20 (2).

[21. \(1\)](#) This section applies to euthanasia of dogs or cats other than by the use of chemicals. R.R.O. 1990, Reg. 23, s. 21 (1).

[\(2\)](#) The following euthanasia procedures are permitted:

1. In the case of dogs, killing by means of a captive bolt pistol.
2. Shooting by means of a firearm.
3. Exsanguination, but only where the animal is completely anaesthetized prior to and during the procedure.
4. In the case of dogs, electrocution. R.R.O. 1990, Reg. 23, s. 21 (2).

[22. \(1\)](#) This section applies to euthanasia of dogs or cats by the use of chemicals. R.R.O. 1990, Reg. 23, s. 22 (1).

[\(2\)](#) The following euthanasia procedures are permitted:

1. Administration of barbiturates intravenously or intraperitoneally.
2. Slow intravenous administration of Hoechst Pharmaceutical product T-61.
3. Administration of chloral hydrate intravenously.
4. Administration of ether by inhalation.
5. Administration of carbon dioxide by inhalation.
6. Administration of chloroform by inhalation.
7. Administration of carbon monoxide by inhalation but only where substantially all impurities have been removed therefrom and the temperature of the carbon monoxide does not exceed 25 degrees centigrade. R.R.O. 1990, Reg. 23, s. 22 (2).

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