

## **Animal welfare in Vancouver**

### **A report from the Vancouver Humane Society**

#### **Introduction**

Animal control has long been an issue which municipal government has been required to address. In recent years, the issue of *animal welfare* has been rising up the public agenda, with local government being called upon to play a part in preventing cruelty, establishing welfare standards and promoting humane treatment of animals. This has happened partially because provincial and federal legislative bodies have neglected to address these issues.

A number of municipalities in British Columbia (and elsewhere in Canada and the US) are responding to these public concerns by passing a variety of bylaws dealing with animal welfare, as well as public health and safety issues relating to human/animal interaction.

The City of Vancouver currently has an animal control bylaw (No. 7528) and a bylaw to “prohibit performances involving certain wild animals in circuses” (No. 6940), but has no other legislation dealing with animal welfare. Historically, it has been claimed that the city has no powers to enact animal welfare bylaws under the provisions of the Vancouver Charter.

The Vancouver Humane Society (VHS) is of the view that the charter *does* permit the city to enact animal welfare bylaws and that such legislation is sorely needed in the city. This report explains the VHS position, makes reference to animal welfare bylaws working in other municipalities and puts forward several ‘model’ bylaws for Vancouver.

#### **Background**

Civic concern surrounding the relationship between people and animals often involves a number of overlapping issues. These include problems of nuisance, public health and public safety. Most municipalities have put in place animal control legislation to deal with these problems. Thus there are prohibitions on livestock in urban areas, requirements for dog licensing, restrictions on vicious dogs and so on. Increasing public concern over the care and treatment of animals has, however, left a regulatory and legislative void, which local government in Canada has been left to deal with.

Public concerns, as identified by VHS, have arisen in several key areas:

- The sale and keeping of exotic animals
- Humane conditions for and treatment of dogs
- The welfare problems caused by the over-population of domestic cats (unhealthy strays, unnecessary euthanasia)
- Pet store and pet services (i.e. dog day care) regulation relating to standards of animal care
- The use of animals in entertainment, such as rodeos and rodeo-type activities, dog racing and petting zoos
- The trapping and snaring of animals in urban areas

These issues are being addressed by a number of municipalities in BC. For example, the Central Okanagan Regional District (CORD) passed a bylaw in October 2003 prohibiting the **ownership and sale of exotic animals**. Similar bylaws are in place in the City of North Vancouver, Abbotsford, Richmond, Langley, the District of North Vancouver, New Westminster, Courtenay, Cranbrook and Powell River. (Surrey is currently considering such legislation.) Further a field, a number of major Canadian cities have put in place exotic animal legislation. For example:

- Toronto's municipal code prohibits the keeping of an extensive list of wild and exotic animals
- Winnipeg's exotic animal bylaw bans a similar list
- Ottawa's animal care and control bylaw prohibits the keeping of wild and exotic animals
- Saskatoon's animal control bylaw prohibits the keeping of wild and exotic animals.

A number of other Canadian municipalities have passed similar bylaws or addressed the issue in some way. For example, Regina requires a 'zoo licence' for anyone to purchase and own an exotic pet.

Animal welfare has also come to the fore in municipalities which have enacted bylaws going beyond dog *control* to deal with **dog protection, care and treatment**. Some of these seek to ensure only the most basic humane conditions for dogs (i.e. provision of potable water, sufficient food, access to exercise, access to veterinary care). Others offer somewhat greater protection, e.g. banning the use of 'choke chains' on tethered dogs (Ottawa) or regulating the length of such tethers (Toronto). Some are addressing the problem of

dangerous dogs or inhumane transport of dogs (i.e. dogs carried in the back of pickup trucks). West Vancouver, for example, bans the transport of animals in vehicles unless they are secured to “prevent the animal from jumping or falling off the vehicle or otherwise injuring itself”. New Westminster has similar bylaw provisions. Calgary recently passed a bylaw to ban pets riding in open trucks. The Village of Lions Bay, BC, has one of the strongest dog protection bylaws, as it completely bans the chaining or tethering of unattended dogs, as well as ensuring adequate exercise, shelter, and medical care.

A number of municipalities have enacted **‘spay and neuter’ legislation to deal with the over-population of domestic cats**. Such over-population results in large numbers of malnourished, unhealthy, stray cats and adds to the population of feral cats – all of which are without access to adequate food, protection from the elements and veterinary treatment of disease or injury. Spay and neuter legislation generally prohibits ownership of a cat (usually specifying those over six months old) unless it has been spayed or neutered or the owner has a cat breeding permit. Such bylaws are currently in place in several BC communities, including Surrey, Coquitlam, the City of North Vancouver, Delta, Richmond and Maple Ridge. These bylaws also contain strong provisions for identification requirements for cats (Less than 47% of cats turned into shelters are reunited with their owners.)

**Pet store regulation** has been addressed by some local councils, sometimes within business regulation bylaws, otherwise in separate, specific bylaws. The aim of such bylaws is to ensure that humane treatment and care are provided to animals for sale in pet stores. They require pet stores to, for example, employ people who are trained and knowledgeable in animal care; to keep animals in a comfortable environment; to ensure ‘species-appropriate’ accommodation; to provide adequate food and water; to refrain from selling sick, injured or prohibited animals; and other welfare-orientated provisions. One key requirement is that proprietors keep records of animal acquisitions and sales, identifying both suppliers and purchasers of animals. In the Lower Mainland, Richmond addresses animal welfare within pet stores through its business regulation bylaw, while the District of North Vancouver has a comprehensive and specific pet shop regulation bylaw (as do some cities elsewhere, such as North Bay, Ontario).

**Animals continue to be used in various forms of entertainment**, much of which puts their welfare at risk. One of the most disturbing examples is rodeo or rodeo-type entertainment, which use pain or discomfort to encourage certain behaviours. Other forms of entertainment, such as dog racing, pig racing, certain magic acts and even exotic dancing involving animals, can compromise animals' well being. A District of North Vancouver bylaw prohibits rodeos, dog racing, petting zoos and circuses. Several US jurisdictions have banned rodeos, as have Britain and parts of Europe and Australia.

Urban animals, both wild and domestic, can be at **risk from traps, snares and other forms of harassment**. Vancouver's Parks Control Bylaw provides protection for animals from such risks within the city's parks. This protection should be afforded to animals throughout the city.

**Dog day care**, a new and growing industry, is not yet widely regulated, raising concerns about standards. The VHS has received complaints from consumers about poor standards of local dog day care services. This field needs more research before standards and regulatory measures could be recommended.

It is clear that local government across Canada is, in a variety of ways and to varying degrees, addressing the public's concern over animal welfare. Vancouver, with its absence of any animal welfare legislation (with the exception of its circus bylaw), risks becoming an anomaly. More importantly, it risks rising public dissatisfaction with its failure to address animal welfare concerns and is leaving thousands of animals at risk of harm.

### **The Charter issue**

The reason for the absence of animal welfare bylaws in Vancouver, given by city staff in the past, is that the Vancouver Charter does not give the city the power to enact such bylaws.

Yet, the charter states (in Chapter 55, Part XIV, section 324):

"The Council may make by-laws providing...

(a) for the seizure, impounding, and detention of unlicensed dogs and of dogs, horses, cattle, and other animals unlawfully permitted to be upon a street or at large

and

“(g) for regulating the keeping of horses, dogs, cows, goats, swine, rabbits and other animals, and for defining areas within which such animals may be kept or within which the keeping of them is prohibited.”

and

“(h) for regulating kennels or other places for the care, breeding, hospitalization, or boarding of cats, dogs, or other animals, including mink, foxes, and other undomesticated animals, and for defining areas within which such kennels or places shall be permitted or within which they are prohibited.”

The term “other animal” is defined in the city’s Animal control bylaw (No. 7528) as: “any animal except a dog and a domestic cat.” Assuming the city has no alternative definition for the reference to “other animals” in the charter, this clearly suggests that the city has the power to regulate the keeping of a wide range of animals, including exotic and wild animals.

The VHS has also obtained a legal opinion (from Bull, Housser & Tupper) which concludes that a combination of the three charter provisions cited above would allow the city to regulate cats. (See appendix 1)

In any case, the city has never published a detailed legal opinion as to why it *cannot* regulate animal welfare, as so many other cities, towns and villages have done.

It is worth noting that the Community Charter, which describes the powers available to other municipalities in BC, and the Local Government Act preceding it, allowed councils to address animal welfare issues (as seen in the examples quoted above). It would seem odd if the spirit or intention of the Vancouver Charter was to prevent the city from enacting animal welfare legislation, which is now commonplace in jurisdictions across BC and the rest of Canada. An open-minded, common-sense interpretation of the charter leads to the conclusion that it does not seek to prohibit Vancouver from having such powers.

## **Conclusion**

The VHS has worked with a number of BC municipalities to help in the drafting of animal welfare legislation. Additionally, the society has committed its resources to raise awareness of new animal welfare bylaws – a key to their success, as most citizens will obey a law once they are notified of its existence. The VHS would offer this type support to the City of Vancouver in legislating new animal welfare bylaws.

Vancouver has the opportunity to enact some of the most effective animal welfare legislation in North America. The VHS believes that there is a moral imperative to move forward with such legislation. We believe there is also public support for the City Council to act on this long-neglected issue. With the necessary political will Vancouver could help protect thousands of animals, reduce risks to public health and safety, and enhance its reputation as a progressive and compassionate city.

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