

April 9, 2019

Municipal budgets may be affected by animal cruelty enforcement changes

A downward risk is developing for municipal governments and police services regarding the enforcement of animal cruelty laws.

AMO has been advised that the Ministry of the Solicitor General is canvassing all municipal CAOs and police services for information related to current practices. The Ministry is seeking input by April 24, 2019. A number of developments are driving the request for data to inform the redesign of Ontario's animal cruelty enforcement system:

- The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) announced that it has stopped enforcing animal cruelty legislation related to livestock and horses as of April 1, 2019.
- The OSPCA has also advised that all other animal cruelty enforcement activities will cease on June 28, 2019.
- A Superior Court of Justice ruling recently declared the OSPCA's enforcement powers to be unconstitutional. The decision is under appeal and the ruling has been suspended for one year.

Last week the Ministry of Community Safety and Correctional Services (now called the Ministry of the Solicitor General) wrote to all Chiefs of Police and the OPP advising that, "Police services may see an increase in calls for service related to these matters." Typically, police are not trained for specialized enforcement related to livestock and horses. Some fee-for-service resources will be available to support police to address the immediate enforcement gaps.

The Ministry has not indicated whether the downloading of livestock and horse related enforcement to the police is permanent or temporary. This represents a new unfunded

municipal mandate. Last year the OPSCA received 1,650 complaints related specifically to livestock and horses. In the long-term, AMO believes the Ministry of Agriculture, Food, and Rural Affairs should assume responsibility for livestock and horse cruelty enforcement.

The AMO's Board of Directors adopted a position with respect to this emerging issue. AMO encourages the Ontario government to:

- Adopt a **provincial service delivery model** for animal cruelty enforcement that could be based on other provincial models or a hybrid of these models, and
- Provide provincial funding to those municipal governments that might be willing to provide animal cruelty enforcement services.

Animal cruelty investigations are based on complaints only. To give a sense of the workload, in 2017 the OSPCA investigated 15,519 complaints which resulted in 3,988 animal care orders, 1,220 animals removed, 573 provincial charges, and 21 criminal charges. In 2017, the OSPCA's activities (including enforcement) were supported by \$5.6 million in provincial funding, \$7 million in private donations, and \$2.3 million worth of municipal contracts. The OSPCA has used 65 inspectors across the province.

OPSCA enforcement activities have varied considerably across the province depending, in part, on whether a specific municipality offers animal services or standards of care. At present, municipal bylaw enforcement officers lack the necessary powers for animal cruelty investigations. In addition, police officers and bylaw enforcement officers do not have the training required to conduct this work.

Municipal Councils seeking to inform the government's decisions are encouraged to contact their MPP or write to the Solicitor General (sylvia.jones@ontario.ca), the Minister of Municipal Affairs and Housing (minister.mah@ontario.ca), and the Minister of Agriculture, Food, and Rural Affairs (minister.omafra@ontario.ca). The AMO President, Jamie McGarvey, would appreciate receiving copies of any correspondence at: amopresident@amo.on.ca.

AMO Contact: Matthew Wilson, Senior Advisor, mwilson@amo.on.ca, 416-971-9856 extension 323.

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