

EXTRACT OF DRAFT
MINUTES 11
21 MARCH 2016

EXTRAIT DE L'ÉBAUCHE
DU PROCÈS-VERBAL 11
LE 21 MARS 2016

CITY OPERATIONS

EMERGENCY AND PROTECTIVE SERVICES DEPARTMENT

1. PET SHOP BY-LAW REVIEW

ACS2016-COS-EPS-0011

CITY WIDE

REPORT RECOMMENDATION

That the Community and Protective Services Committee recommend that Council:

1. ***Approve amendments to Schedule 29 of Licensing By-law No. 2002-189 (as amended) relating to Pet Shops, as described in this report and in Document 1, to:***
 - a. ***Restrict the sources of cats and dogs available for sale in new pet shops and existing licensed pet shops, other than those described in recommendation 1b), to municipal animal shelters, humane societies, societies for the prevention of cruelty to animals, and rescue organizations; and***
 - b. ***Permit the three (3) licensed pet shops currently selling cats and dogs sourced from commercial establishments to continue to sell cats and dogs sourced from those establishments identified in recommendation 1a) as well as those from commercial establishments that have been***

inspected annually by an agent authorized under the *Ontario Society for the Prevention of Cruelty to Animals Act* or the (Quebec) *Animal Welfare and Safety Act*, who has confirmed in writing that the commercial establishment's premises, and the animals therein, meet the requirements of the relevant Act, and that there are no convictions or outstanding Orders against the owner or operator of the commercial establishment under the relevant Act;

- 2. Delegate the authority to finalize and make minor adjustments to the required amending by-law to give effect to the intent of Council to the General Manager, Emergency and Protective Services, in consultation with the City Clerk and Solicitor, as described in this report.**

Anthony Di Monte, General Manager Emergency and Protective Services gave an overview of the report before the Committee. The PowerPoint presentation is held on file with the City Clerk's office. He introduced Christine Hartig, Coordinator, Strategic Support, Emergency and Protective Services who would be assisting him in the presentation.

Following the presentation the Committee heard from various delegations, the majority not in favour of staff recommendation to grandfather the 3 pet stores presently selling dogs and cats for profit.

The following are points made by the delegations opposed to the staff recommendations:

- Puppy mills are nothing but a dog factory.
- Registered breeders will not sell to pet stores.
- They are requesting an outright ban on sale of cats and dogs from stores that sell for profit.
- There would be no shortage of puppies or kittens if not sold in stores.
- Customers have no idea where animals are from when bought at a pet

store. There is little or no documentation.

- Rather see adoption of rescued or shelter animals.
- 93% of Ottawa pet stores use the Humane Society for pet adoption.
 - 1) *Keely Gregory - Opposed
 - 2) Dave Swift, Knighterrant (Mastiff Breeder) - Opposed
 - 3) *Eileen Woodside, PAWS (Puppymill Awareness Working Solutions) - Opposed
 - 4) Marissa Dillon - Opposed
 - 5) Dr. Anne Downes - Opposed
 - 6) *Ginette Bourdeau - Opposed
 - 7) Barbara Cartwright, CEO, Canadian Federation of Humane Societies - Opposed
 - 8) Taylor Griffin - Opposed
 - 9) Shannon Giust, Riverside South's Pet Store - Opposed
 - 10) Wanda Thompson - Opposed
 - 11) *Karen Greenberg and Lori Dalton - Little Critters Pet Shop – In favour of the recommendations. They have been in business since 1974 and have been responsible and go to great lengths to ensure the pets health. They have 100% guarantee on any pets they sell. They have requested to work with the Ottawa Humane Society but have not heard back.
 - 12) Laurie Martin - Opposed
 - 13) *Theresa Snell - Opposed
 - 14) Bruce Roney, Executive Director, Ottawa Humane Society - Opposed
 - 15) *Michael Haynes, Pet World – They have been in operation for 34

years and work only with reputable breeders that have been inspected.

- 16) Stephanie Renaud – Wants the right to choose where to go. Sees no problem with the pet stores as long as inspected.
- 17) Brenda Howse – They purchased from a pet store and have been very happy. She feels that the pet stores in Ottawa are not unethical. Feels as long as inspected should be no problems and no one has shown proof that the 3 existing stores have done anything wrong.
- 18) *Carol Broadhurst, President, Ottawa Kennel Club - Opposed
- 19) *Ewa Demianowicz, Humane Society International - Opposed
- 20) *Louis McCann, PIJAC Canada (Pet Industry Joint Advisory Council of Canada) - Only 10% of pet sales is from pet stores, 90% from other sources. There is no proof that the 3 remaining pet stores who sell for profit have done anything wrong.
- 21) Natalie Zeldin and Kizil Dunlap, Cricket & Company - Opposed
- 22) John Dacombe - Opposed
- 23) *France Turcotte, Valley Mastiff Rescue - Opposed
- 24) Angela Cowan - Opposed
- 25) Kasey Dunn, The Social Petwork - Opposed
- 26) Nancy Penrose - Opposed
- 27) Donna Harris - Opposed
- 28) Galaxy Phan - Opposed
- 29) Christopher Shaw – Lots of opportunity to attain pets through other channels other than pet stores but City has opportunity to ensure the 3 remaining are in compliance.
- 30) Valerie Lanthier, Canine Water Wellness - Opposed

- 31) Karla Briones, Global Pet Foods - Opposed
- 32) Aiden Cullis, Furry Tales Rescue - Opposed
- 33) Claire Laroche - Opposed
- 34) Garry Collier - Opposed
- 35) Lynn Cain - Opposed
- 36) Karen Sendybyl - Opposed
- 37) John Rossiter – He was involved with the establishment of the old by-law and feels it has met the needs of residents and ensures well being of the pets. He feels no evidence or proof has been given that the 3 stores have violated any by-laws or the health of any animals.

[* *All individuals marked with an asterisk either provided their comments in writing or by email; all such comments are held on file with the City Clerk.]*

The Committee recessed at 1:55 PM for a lunch break and resumed at 2:30 PM.

Following the recess, staff responded to Committee members' questions regarding the concerns raised by the delegations as well as other concerns listed below:

- What regulations presently exist? The harmonized by-law of 2011 stipulates inspections, proper record keeping, veterinary care of animals, knowledgeable staff and all records to be available.
- Do other municipalities make stores post breeders details in the stores? Not to staff's knowledge but nothing stopping Ottawa from doing so.
- Could the City mandate a cooling off period before clients could pick up cats or dogs from the pet store? This would have to be justified but could be based on consumer protection and the health of the animals.
- Does By-law Services regularly inspect stores and records? Staff stated yes on a regular basis. One store was charged last year for lack of records. There are 2 inspections per year or upon receiving a complaint.

- Can the City do anything regarding inspections outside of its borders since most of the animals sold in the stores come from outside? The City can ask for details from either the Quebec or Ontario Societies for the Prevention of Cruelty to Animals.
- Have other jurisdictions or municipalities taken action on the on-line sale of animals? This continues to be an issue with all since it is difficult to regulate.
- If the Committee decided to go for a full ban, could there be a legal risk? Legal Counsel stated that they were unsure if it would be challenged but there would be a risk since there is no empirical data to prove that the 3 remaining stores have done anything wrong. Would be going against staff recommendation and research. The phasing out over 5 years does not lessen the risk.
- Under the present by-law what can be done to enforce? By-law Services has significant power over licensing. It can charge, revoke or suspend any licenses.
- The new by-law is adding legislative requirements to the 3 existing stores. Not really grandfathering.

Committee members then introduced motions as set out below.

The Committee CARRIED the recommendations as amended by Councillor Fleury's motion, which was moved on behalf of Councillor Taylor.

Councillor R. Chiarelli moved the following motion on behalf of Councillor J. Leiper

MOTION 11/01

Moved by Councillor R. Chiarelli

WHEREAS City staff recommends amendments to Schedule 29 of Licensing By-law No. 2002-189 by calling for a restriction on the sources of dogs and cats for sale in both new and existing licensed pet shops; and

WHEREAS these restrictions indicate pet shops are only to source their dogs and cats from municipal animal shelters, humane societies, societies for the prevention of cruelty to animals, and rescue organizations; and

WHEREAS the breeding conditions of rabbits being sold in pet stores,

another prevalent issue, is not being addressed;

THEREFORE BE IT RESOLVED that the City of Ottawa include rabbits in this ban and restricts their sources to municipal animal shelters, humane societies, societies for the prevention of cruelty to animals, and rescue organizations.

LOST, on a division of 1 YEA and 7 NAYS, as follows:

YEAS (1): Councillor R. Brockington

NAYS (7): Councillors R. Chiarelli, G. Darouze, M. Fleury, J. Mitic, S. Qadri, M. Qaqish, D. Deans

Councillor R. Chiarelli moved the following motion on behalf of Councillor J. Leiper

MOTION 11/02

Moved by Councillor R. Chiarelli

WHEREAS City staff recommends amendments to Schedule 29 of Licensing By-law No. 2002-189 by calling for a restriction on the sources of dogs and cats for sale in both new and existing licensed pet shops; and

WHEREAS with the exception of three pet shops, the only acceptable sources for dogs and cats are municipal animal shelters, humane societies, societies for the prevention of cruelty to animals, and rescue organizations; and

WHEREAS it is recommended that these three existing pet shops be permitted to continue selling dogs and cats for profits on the condition that these animals originate from establishments inspected on an annual basis by an authorized agent; and

WHEREAS these inspections are permitted to take place upon request therefore giving faulty commercial establishments ample notice to temporarily rectify all animal welfare issues, while over the other 364 days of the year, providing poor care to their dogs and cats; and

WHEREAS this proposed ban places the onus and cost for inspection on

the provinces of Quebec and Ontario, whose cooperation and willingness to pay is unlikely thus placing costs on the City of Ottawa; and

WHEREAS this proposed ban does nothing to address existing issues of impulse purchasing, lack of sterilization, abandonment, and overpopulation; and

WHEREAS in other jurisdictions including Kingston, Waterloo, and Vaughan, legislations have been passed to completely ban the sales of dogs and cats for profit;

THEREFORE BE IT RESOLVED that the City of Ottawa extend the proposed ban to include the three currently exempt pet shops and require that the only reputable sources for dogs and cats at all Ottawa pet shops be municipal animal shelters, humane societies, societies for the prevention of cruelty to animals, and rescue organizations, with an implementation date of 6 months from the date of enactment of the proposed by-law amendments.

LOST, on a division of 0 YEAS and 8 NAYS, as follows:

YEAS (0): Councillors (None)

NAYS (8): Councillors R. Chiarelli, G. Darouze, M. Fleury, J. Mitic, S. Qadri, M. Qaqish, R. Brockington, D. Deans

Councillor M. Fleury moved the following motion on behalf of Councillor M. Taylor

MOTION 11/03

Moved by Councillor M. Fleury

WHEREAS it is Council's objective to, in the longer term, have all pet shops operate under an adoption model through which cats and dogs are available from municipal animal shelters, humane societies, societies for the prevention of cruelty to animals, or rescue organizations;

AND WHEREAS the proposed amendments to Schedule 29 to the

Licensing By-law relating to pet shops, as set out in the staff report, include an amendment to provide for the aforementioned objective;

AND WHEREAS also included in the staff report is an amendment that will permit the 3 licensed pet shops (Appendix A, Document 1) currently selling cats and dogs originating from commercial sources to continue doing so provided that those sources have been inspected by the relevant authorized animal welfare agency and are found to meet the requirements of the applicable animal welfare legislation enforced by that agency, and to have no convictions or outstanding Orders under that legislation;

AND WHEREAS, to allow those 3 pet shops time to adapt to Council's longer term objective and to adjust their business approach in order to transition to the recommended adoption model during the term of their license, which is not transferrable under the by-law;

BE IT THEREFORE RESOLVED that the 3 pet shops identified in Appendix A in Document 1 of the staff report be required to transition to an adoption model where they sell, keep or offer for sale cats and dogs originating only from a municipal animal shelter, a registered humane society, a registered society for the prevention of cruelty to animals, or a rescue organization within five (5) years of the date of enactment of the proposed by-law amendments, and should the pet shop be relocated, or sold or its ownership otherwise transferred, a new license will be required and the adoption model will take effect immediately.

CARRIED, on a division of 7 YEAS and 1 NAY, as follows:

YEAS (7): Councillors G. Darouze, M. Fleury, J. Mitic, S. Qadri, M. Qaqish, R. Brockington, D. Deans

NAYS (1): Councillor R. Chiarelli

Item 1 CARRIED, as amended by Councillor M. Fleury's Motion.

The following Directions to Staff were given:

DIRECTIONS TO STAFF

1. That staff work with Legal Services to determine what, if any, authority the City may have with respect to regulating online services that offer cats and dogs for sale, and ascertain if any municipalities are dealing with this issue and how.
2. That staff examine, in consultation with the three pet stores mentioned in the report that are selling cats and dogs from commercial sources, the feasibility of requiring those stores to:
 - a) Publicly post in their premises information on the breeders supplying the cats and dogs to them; and,
 - b) Implement a 48 hour period between the intent of a customer to purchase a cat or dog and its final purchase, during which the final purchase would not be permitted.