

To: Corporate Services Committee

From: Jacqueline Long, Interim Commissioner,
Corporate Services Department & HR

Report Number: CORP-15-50

Date of Report: April 30, 2015

Date of Meeting: May 4, 2015

Subject: Proposed Research and Public Consultation Framework:
Responsible Pet Owner By-law 14-2010 and Animal Care
Standards

File: D-2200

1.0 Purpose

This report presents a proposed research and public consultation framework for addressing the Corporate Services Committee's direction for staff to report on amending the Responsible Pet Owner By-law 14-2010 ("R.P.O. By-law") to establish standards respecting the leashing and tethering of dogs and to include other standards of animal care.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-15-50 "Proposed Research and Public Consultation Framework: Responsible Pet Owner By-law 14-2010 and Animal Care Standards" dated April 30, 2015, that staff be authorized to schedule a public meeting to be held by the Corporate Services Committee in the third quarter of 2015 to consider potential policy options with respect to establishing additional animal care standards to Responsible Pet Owner By-law 14-2010.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

Not applicable.

5.0 Analysis

5.1 Background

At its meeting on February 5, 2015, the Community Services Committee considered delegations and correspondence requesting that the City amend the R.P.O. By-law to address a broad range of issues relating to animal care. The Community Services Committee referred the item to staff for a report. The item and all related correspondence were subsequently referred to the Corporate Services Committee for consideration at its March 23, 2015 meeting as the R.P.O. By-law and its administration are under its purview. Nevertheless, the Corporate Services Committee maintained the Community Services Committee's decision to refer the item to staff for a report.

Staff have been directed to report on amending the R.P.O. By-law to address the following animal care issues:

- Leashing and tethering of dogs
- Animals in vehicles and their care
- The keeping of pets outdoors during extreme weather conditions and access to adequate shelter, shade, food and water
- Animal enclosures, dog pens, and doghouses (including the size, area, quality, cleanliness and effectiveness of such structures)

5.2 Standards for Care of Animals and Legislative Framework

Animal care standards are established by all three levels of government in legislation and in some municipal by-laws. At the federal level, the Criminal Code of Canada creates offences for acts of cruelty to animals. Criminal Code provisions (Attachment 1) are enforced by police services and Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.) inspectors.

Standards for animal care are similarly addressed by the Province through Ontario Regulation 60/90, Standards of Care of the Ontario Society for the Prevention of Cruelty to Animals Act, 1990 (Attachment 2). Ontario Regulation 60/90 addresses standards of care for all animals including, among other items, ensuring that animals:

- have adequate and appropriate food and water
- receive appropriate medical attention
- receive the care necessary for their general welfare
- are transported in a manner that ensures their physical safety and general welfare
- are provided with adequate and appropriate protection from the elements, including harmful temperatures

O.S.P.C.A. inspectors and agents enforce the standards established in the O.S.P.C.A. Act. Local police services may enforce the standards within the O.S.P.C.A. Act in jurisdictions where the O.S.P.C.A. does not function. The Region of Durham is currently served by one O.S.P.C.A. inspector.

The role of municipalities in the provision of animal services has traditionally been limited to the control of animals as standards related to ensuring the adequate care of animals is the purview of the O.S.P.C.A. Notwithstanding this, some municipalities have included standards of care in their animal by-laws. The City's R.P.O. By-law broadly addresses animal standards of care in the following provisions under Section 24:

- 24.4. The Animal is provided with shelter, food and water that as appropriate to the Animal's species;
- 24.5. The Animal is treated humanely;
- 24.6. The Animal is forthwith examined and treated by a Veterinarian when the Animal's health reasonably requires it;

These standards are enforced on a complaint-basis by the City's Municipal Law Enforcement Officers. In addition, other police services are authorized to enforce the standards of the R.P.O. By-law.

5.3 Proposed Research and Consultation Framework

An extensive research and consultation process is required in order to consider the broad scope of issues related to the care of animals as detailed in Section 5.1 of this report. Staff have prepared a proposed research and consultation framework in the form of Table 1.

Table 1 Proposed Research and Consultation Framework

Phase	Timeline (2015)	Status
(a) Research	May	In progress
(b) Internal Departmental Consultation: <ul style="list-style-type: none"> • Legal Services • Animal Services • Planning Services • Building Services 	May	In progress
(c) External Agency Consultation <ul style="list-style-type: none"> • Other municipalities • O.S.P.C.A • Canadian Veterinary Medical Association • Canadian Federation of Human Societies • Association of Animal Shelter Administrators of Ontario 		
(d) Interim Staff Report: Findings and Potential Policy Options	Second Quarter	Pending
(e) Public Consultation	Third Quarter	Pending

6.0 Financial Implications

There are no financial implications directly related to this report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report is consistent with the Strategic Goal 4.2, "Social Equity: Ensure an inclusive, healthy and safe community" and its theme, "A Safe Community".

A handwritten signature in black ink, appearing to read "Jerry Conlin".

Jerry Conlin, Director,
Municipal Law Enforcement and Licensing Services

A handwritten signature in blue ink, appearing to read "Jackie Long".

Jacqueline Long, Interim Commissioner,
Corporate Services Department & HR

Attachments

Criminal Code — March 31, 2015

Punishment	<p>(2) Every one who commits an offence under subsection (1) is guilty of</p> <p>(a) an indictable offence and liable to imprisonment for a term of not more than five years; or</p> <p>(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.</p> <p>R.S., 1985, c. C-46, s. 444; 2008, c. 12, s. 1.</p>	<p>(2) Quiconque commet l'infraction visée au paragraphe (1) est coupable :</p> <p>a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;</p> <p>b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'une amende maximale de dix mille dollars et d'un emprisonnement maximal de dix-huit mois, ou de l'une de ces peines.</p> <p>L.R. (1985), ch. C-46, art. 444; 2008, ch. 12, art. 1.</p>	Peine
Injuring or endangering other animals	<p>445. (1) Every one commits an offence who, wilfully and without lawful excuse,</p> <p>(a) kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose; or</p> <p>(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle and are kept for a lawful purpose.</p>	<p>445. (1) Commet une infraction quiconque volontairement et sans excuse légitime, selon le cas :</p> <p>a) tue, mutile, blesse, empoisonne ou estropie des chiens, oiseaux ou animaux qui ne sont pas des bestiaux et qui sont gardés pour une fin légitime;</p> <p>b) place du poison de telle manière qu'il puisse être facilement consommé par des chiens, oiseaux ou animaux qui ne sont pas des bestiaux et qui sont gardés pour une fin légitime.</p>	Tuer ou blesser des animaux
Punishment	<p>(2) Every one who commits an offence under subsection (1) is guilty of</p> <p>(a) an indictable offence and liable to imprisonment for a term of not more than five years; or</p> <p>(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.</p> <p>R.S., 1985, c. C-46, s. 445; 2008, c. 12, s. 1.</p>	<p>(2) Quiconque commet l'infraction visée au paragraphe (1) est coupable :</p> <p>a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;</p> <p>b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'une amende maximale de dix mille dollars et d'un emprisonnement maximal de dix-huit mois, ou de l'une de ces peines.</p> <p>L.R. (1985), ch. C-46, art. 445; 2008, ch. 12, art. 1.</p>	Peine
CRUELTY TO ANIMALS		CRUAUTÉ ENVERS LES ANIMAUX	
Causing unnecessary suffering	<p>445.1 (1) Every one commits an offence who</p> <p>(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;</p> <p>(b) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;</p> <p>(c) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an ani-</p>	<p>445.1 (1) Commet une infraction quiconque, selon le cas :</p> <p>a) volontairement cause ou, s'il en est le propriétaire, volontairement permet que soit causée à un animal ou un oiseau une douleur, souffrance ou blessure, sans nécessité;</p> <p>b) de quelque façon encourage le combat ou le harcèlement d'animaux ou d'oiseaux ou y aide ou assiste;</p> <p>c) volontairement, sans excuse raisonnable, administre une drogue ou substance empoisonnée ou nocive à un animal ou oiseau do-</p>	Faire souffrir inutilement un animal

mal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;

(d) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated; or

(e) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (d).

mestique ou à un animal ou oiseau sauvage en captivité ou, étant le propriétaire d'un tel animal ou oiseau, volontairement permet qu'une drogue ou substance empoisonnée ou nocive lui soit administrée;

d) organise, prépare, dirige, facilite quelque réunion, concours, exposition, divertissement, exercice, démonstration ou événement au cours duquel des oiseaux captifs sont mis en liberté avec la main ou par une trappe, un dispositif ou autre moyen pour essayer un coup de feu au moment de leur libération, ou y prend part ou reçoit de l'argent à cet égard;

e) étant le propriétaire ou l'occupant, ou la personne ayant la charge d'un local, permet que ce local soit utilisé en totalité ou en partie pour une fin mentionnée à l'alinéa d).

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.

(2) Quiconque commet l'infraction visée au paragraphe (1) est coupable :

a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;

b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'une amende maximale de dix mille dollars et d'un emprisonnement maximal de dix-huit mois, ou de l'une de ces peines.

Peine

Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it pain, suffering or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering or injury was caused or was permitted to be caused wilfully, as the case may be.

(3) Aux fins des poursuites engagées en vertu de l'alinéa (1)a), la preuve qu'une personne a omis d'accorder à un animal ou à un oiseau des soins ou une surveillance raisonnables, lui causant ainsi de la douleur, des souffrances ou des blessures, fait preuve, en l'absence de toute preuve contraire, que cette douleur, ces souffrances ou blessures ont été volontairement causés ou permis, selon le cas.

L'omission d'accorder des soins raisonnables constitue une preuve

Presence at baiting as evidence

(4) For the purpose of proceedings under paragraph (1)(b), evidence that an accused was present at the fighting or baiting of animals or birds is, in the absence of any evidence to the contrary, proof that he or she encouraged, aided or assisted at the fighting or baiting.

(4) Aux fins des poursuites engagées en vertu de l'alinéa (1)b), la preuve qu'un prévenu était présent lors du combat ou du harcèlement d'animaux ou d'oiseaux fait preuve, en l'absence de toute preuve contraire, qu'il a encouragé ce combat ou ce harcèlement ou y a aidé ou assisté.

La présence lors du harcèlement d'un animal constitue une preuve

2008, c. 12, s. 1.

2008, ch. 12, art. 1.

Causing damage or injury

446. (1) Every one commits an offence who (a) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed; or

446. (1) Commet une infraction quiconque, selon le cas :

a) par négligence volontaire cause une blessure ou lésion à des animaux ou à des oi-

Causer blessure ou lésion

(b) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.

seaux alors qu'ils sont conduits ou transportés;

b) étant le propriétaire ou la personne qui a la garde ou le contrôle d'un animal ou oiseau domestique ou d'un animal ou oiseau sauvage en captivité, l'abandonne en détresse ou volontairement néglige ou omet de lui fournir les aliments, l'eau, l'abri et les soins convenables et suffisants.

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of

(2) Quiconque commet l'infraction visée au paragraphe (1) est coupable :

Peine

(a) an indictable offence and liable to imprisonment for a term of not more than two years; or

a) soit d'un acte criminel et passible d'un emprisonnement maximal de deux ans;

(b) an offence punishable on summary conviction and liable to a fine not exceeding five thousand dollars or to imprisonment for a term of not more than six months or to both.

b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'une amende maximale de cinq mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines.

Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it damage or injury is, in the absence of any evidence to the contrary, proof that the damage or injury was caused by wilful neglect.

(3) Aux fins des poursuites engagées en vertu de l'alinéa (1)a), la preuve qu'une personne a omis d'accorder à un animal ou à un oiseau des soins ou une surveillance raisonnables, lui causant ainsi des dommages ou des blessures, fait preuve, en l'absence de toute preuve contraire, que ces dommages ou blessures ont été causés par négligence volontaire.

L'omission d'accorder des soins raisonnables constitue une preuve

R.S., 1985, c. C-46, s. 446; 2008, c. 12, s. 1.

L.R. (1985), ch. C-46, art. 446; 2008, ch. 12, art. 1.

Keeping cockpit

447. (1) Every one commits an offence who builds, makes, maintains or keeps a cockpit on premises that he or she owns or occupies, or allows a cockpit to be built, made, maintained or kept on such premises.

447. (1) Commet une infraction quiconque construit, fait, entretient ou garde une arène pour les combats de coqs sur les lieux qu'il possède ou occupe, ou permet qu'une telle arène soit construite, faite, entretenue ou gardée sur ces lieux.

Arène pour combats de coqs

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of

(2) Quiconque commet l'infraction visée au paragraphe (1) est coupable :

Peine

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.

(b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'une amende maximale de dix mille dollars et d'un emprisonnement maximal de dix-huit mois, ou de l'une de ces peines.

Confiscation

(3) A peace officer who finds cocks in a cockpit or on premises where a cockpit is located shall seize them and take them before a justice who shall order them to be destroyed.

(3) Un agent de la paix qui trouve des coqs dans une arène pour les combats de coqs ou sur les lieux où est située une telle arène doit s'en

Confiscation

R.S., 1985, c. C-46, s. 447; 2008, c. 12, s. 1.

Order of prohibition or restitution	<p>447.1 (1) The court may, in addition to any other sentence that it may impose under subsection 444(2), 445(2), 445.1(2), 446(2) or 447(2),</p> <p>(a) make an order prohibiting the accused from owning, having the custody or control of or residing in the same premises as an animal or a bird during any period that the court considers appropriate but, in the case of a second or subsequent offence, for a minimum of five years; and</p> <p>(b) on application of the Attorney General or on its own motion, order that the accused pay to a person or an organization that has taken care of an animal or a bird as a result of the commission of the offence the reasonable costs that the person or organization incurred in respect of the animal or bird, if the costs are readily ascertainable.</p>	<p>emparer et les transporter devant un juge de paix qui en ordonnera la destruction.</p> <p>L.R. (1985), ch. C-46, art. 447; 2008, ch. 12, art. 1.</p> <p>447.1 (1) Le tribunal peut, en plus de toute autre peine infligée en vertu des paragraphes 444(2), 445(2), 445.1(2), 446(2) ou 447(2) :</p> <p>a) rendre une ordonnance interdisant au prévenu, pour la période qu’il estime indiquée, d’être propriétaire d’un animal ou d’un oiseau, d’en avoir la garde ou le contrôle ou d’habiter un lieu où se trouve un animal, la durée de celle-ci étant, en cas de récidive, d’au moins cinq ans;</p> <p>b) à la demande du procureur général ou d’office, ordonner au prévenu de rembourser à la personne ou à l’organisme qui a pris soin de l’animal ou de l’oiseau les frais raisonnables engagés par suite de la perpétration de l’infraction, si ceux-ci peuvent être facilement déterminables.</p>	Ordonnance de prohibition ou de dédommagement
Breach of order	<p>(2) Every one who contravenes an order made under paragraph (1)(a) is guilty of an offence punishable on summary conviction.</p>	<p>(2) Est coupable d’une infraction punissable sur déclaration de culpabilité par procédure sommaire quiconque contrevient à une ordonnance rendue en vertu de l’alinéa (1)a).</p>	Violation de l’ordonnance
Application	<p>(3) Sections 740 to 741.2 apply, with any modifications that the circumstances require, to orders made under paragraph (1)(b).</p> <p>2008, c. 12, s. 1.</p>	<p>(3) Les articles 740 à 741.2 s’appliquent, avec les adaptations nécessaires, à l’ordonnance prononcée en vertu de l’alinéa (1)b).</p> <p>2008, ch. 12, art. 1.</p>	Application

PART XII

OFFENCES RELATING TO CURRENCY

INTERPRETATION

Definitions

“counterfeit money”
« monnaie contrefaite »

448. In this Part, “counterfeit money” includes

(a) a false coin or false paper money that resembles or is apparently intended to resemble or pass for a current coin or current paper money,

(b) a forged bank-note or forged blank bank-note, whether complete or incomplete,

(c) a genuine coin or genuine paper money that is prepared or altered to resemble or pass for a current coin or current paper money of a higher denomination,

PARTIE XII

INFRACTIONS RELATIVES À LA MONNAIE

DÉFINITIONS

Définitions

448. Les définitions qui suivent s’appliquent à la présente partie.

« courant » Ayant cours légal au Canada ou à l’étranger en vertu d’une loi, d’une proclamation ou d’un règlement en vigueur au Canada ou à l’étranger, selon le cas.

« mettre en circulation » S’entend notamment du fait de vendre, de payer, d’offrir et de mettre en cours.

« monnaie contrefaite »

a) Fausse pièce ou fausse monnaie de papier qui ressemble ou est apparemment destinée à ressembler à une pièce courante ou à de la monnaie de papier courante ou destinée à

« courant »
“current”

« mettre en circulation »
“utter”

« monnaie contrefaite »
“counterfeit money”



[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.

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