January 18, 2022

Executive Policy Committee
Winnipeg City Council
510 Main St
Winnipeg, Manitoba
R3B 1B9

Via email

Dear Executive Policy Committee Members:

Re: Proposed Responsible Pet Ownership By-law Amendments

Please accept the enclosed comments on behalf of Animal Justice regarding the proposed Responsible Pet Ownership Bylaw ("**RPO Bylaw**") amendments set out in the Report of the Standing Policy Committee on Protection, Community Services and Parks dated January 14, 2022. Animal Justice is Canada's leading national animal law organization. It gives animals a voice in courtrooms across the country and works with all levels of government to strengthen legal protections for animals. We are a national organization headquartered in Toronto with a staff lawyer in Winnipeg.

Animal Justice commends the City of Winnipeg for its thorough, science-based, and progressive proposals to update the RPO Bylaw. The current RPO Bylaw is outdated and does not adequately address, among other things, outdoor animal trapping, wildlife control and coexistence, the City's cat and dog overpopulation problem, irresponsible cat and dog breeding, or the animal welfare and public safety risks posed by irresponsible companion animal guardianship and the proliferation of exotic animals, many of whom are not well-suited to life in captivity.[1]

Animal Justice encourages the Executive Policy Committee to strongly support a number of the proposed By-law changes outlined in Winnipeg Animal Services' January 10, 2022 Report (the "**Report**").[2] Although Animal Justice recommends certain revisions and clarifications to strengthen particular elements of the proposed Bylaw amendments, as noted in greater detail below, we believe that that on the whole the recommendations made in the Report will help to establish Winnipeg as a leader in Canada when it comes to protecting the well-being of companion animals and wildlife.

1. **Stopping Irresponsible Cat and Dog Breeders**

[1] See, e.g. https://www.winnipegfreepress.com/local/pet-peeves-574392442.html.

[2] See: https://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=21503&SectionId=629267&InitUrl=

Winnipeg has a cat and dog overpopulation problem.[3] Animals, as well as local shelters that work to house and care for them, are the ones who pay the price. The City's overpopulation of cats and dogs has imposed a significant burden on the animal rescue and sheltering organizations that step in to assist – most of which rely on public donations. Government oversight of cat and dog breeding is necessary to reduce the offloading of this public service onto private, non-profit organizations.

Along with World Animal Protection, Animal Justice commissioned a poll by Nanos Research regarding the opinions of Winnipeg residents on the regulation of cat and dog breeders. As shown in the enclosed Power Point slides, the poll found that a strong majority of residents (89.5%) are in support of the City regulating cat and dog breeders.

Animal Justice supports the City's proposal to require that all dogs and cats over six months of age be spayed or neutered, subject to the exemptions set out in the Report. Programs like those mentioned in the Report which assist residents living in low income situations to spay/neuter their pets should be wholeheartedly supported by the City. Incentives like reduced annual pet licencing fees should also be supported. Moreover, Animal Justice supports the proposed authorization being granted to animal shelters to spay/neuter certain impounded unlicensed stray dogs and cats prior to release to a guardian (at the expense of that guardian).

Animal Justice also supports the proposal to require a breeding permit for all breeders of dogs and cats. The unregulated breeding of animals, both by puppy mills and smaller "backyard breeders", poses significant risks to animals. In addition to contributing to the overpopulation of cats and dogs, which results in unnecessary euthanasia of unwanted companion animals, these facilities often place profit over the well-being of the animals being forced to breed. As a result, these animals often suffer, whether from chronic conditions, short-term abuse or neglect, or genetic defects.[4]

In addition to the permit requirements set out in the Report, Animal Justice suggests that the City require that breeders keep records of the animals in their care, their health status, and the number of offspring they have produced, and that bylaw enforcement officers be given the authority to conduct unannounced inspections of breeding facilities.[5]

The Report mentions that breeders would be required to display their permit number everywhere "where puppies or kittens are advertised for sale." It is essential that this requirement applies to both physical locations (such as stores and homes) and to online ads. Because puppies and

---

[3] See, e.g. https://winnipeg.ctvnews.ca/winnipeg-humane-society-says-backyard-breeders-go-unchecked-wants-more-teeth-in-bylaws-1.5423900.

[4] See, e.g. Amy Morris, "Policies to Promote Socialization and Welfare in Dog Breeding" (Simon Fraser University, 2013) at pp 12-18. Available online: https://www.animallaw.info/sites/default/files/morrisamy2013_0.pdf; https://winnipeghumanesociety.ca/animal-issues/animal-cruelty/puppy-mills/.

[5] Amy Morris, *ibid*, at pp 59-60.

kittens are often advertised for sale online and in newspapers, the City should require that breeders provide their permit number in such advertisements as well as displaying the permit number at physical places where puppies and kittens are advertised for sale. The City should complement these efforts with a public education campaign aimed at increasing public awareness about the risks posed by unregulated dog and cat breeding, and encouraging residents to adopt animals from shelters or to look for registered local breeders in the event that they choose to purchase cats and dogs from private sellers.[6]

The City's proposal to limit the number of litters a cat or dog can have per year, as well as over the course of the animal's life, will also be beneficial. This will ensure that breeders cannot force animals to consistently breed without breaks for their bodies, as this can pose serious risks for their physical and psychological health.[7] The Report notes that a breeding permit would be valid for the life of the dog or cat at issue. However, Animal Justice proposes that to ensure enforcement of restrictions on the number of litters an animal may be made to have over the course of their lifetime, that the breeding permit would be valid for a set amount of time (e.g. 4 years). This would ensure that when a dog or cat used for breeding is no longer being used for this purpose, they would be spayed or neutered to prevent unintended breeding that could put their health at risk.

While Manitoba's *Animal Care Act*, CCSM, c. A84 ("**ACA**") sets out some requirements for companion animal breeders, it does not adequately protect the health and well-being of animals from the risks posed by many cat and dog breeders. The ACA requires that most large-scale breeders obtain a licence to operate,[8] but it does not apply to most backyard breeders as it only requires licences for cat and dog breeders that keep more than four females that are capable of reproduction.[9] Moreover, the ACA licencing regime has faced operational challenges and the entire licencing program was suspended in 2012/2013 on account of flaws with third party inspections conducted as a part of the licencing process.[10] The licensing program remains suspended as of January, 2022.

Even if they were to come into effect at some point in the future, the licencing requirements set out in the ACA are also not as stringent as those proposed to be included in the RPO Bylaw and there is no prescribed limit in the Act on the number of litters per year or over the course of an animal's life. Because the ACA falls short of adequately addressing animal welfare risks posed by cat and dog breeding operations, the proposed revisions to the RPO Bylaw discussed above are sorely needed.

---

[6] See, e.g. https://winnipeghumanesociety.ca/animal-issues/animal-cruelty/puppy-mills/ for recommended steps prior to the purchase of a new puppy.

[7] See, e.g. https://blog.animalemergencyservice.com.au/overbreeding-a-major-animal-welfare-issue

[8] See: ss. 25-33, ACA, available online: https://web2.gov.mb.ca/laws/statutes/ccsm/a084e.php

[9] Animal Care Regulation, M.R. 126/98 at s 6.1.

[10] See: https://www.cbc.ca/news/canada/manitoba/manitoba-suspends-licence-requirement-for-dog-breeders-1.1385078

2. Protecting Companion Animals from Neglect and Mistreatment

Animal Justice supports the City's proposal to prohibit 24/7 tethering of dogs (and suggest enforcing this prohibition by disallowing tethering between 9pm and 6am), tethering of dogs to bicycles and similar devices in extreme weather, 24/7 outdoor dog housing, and leaving animals unattended in vehicles when the outside temperature is warmer than 22C, or colder than -10C. In cases where an animal is left unattended in a vehicle in these conditions, Animal Justice further suggests that peace officers, firefighters, security guards, veterinarians, humane officers, animal control officers, municipal bylaw officers, or other emergency responders should be permitted to take all steps that are reasonably necessary to save the animal from critical distress. Moreover, Animal Justice suggests that any individual passing by such a situation should be able to intervene if that individual has a good faith belief that the animal is in critical distress (and will continue to be in such a condition unless removed from the vehicle); has contacted, or made best efforts to contact, law enforcement or animal control before forcibly entering the vehicle; and provides a notice on the vehicle or to law enforcement officials that includes their contact information if they must leave the scene.

Animal Justice supports increased regulation of dog daycares such that minimum standards are put in place to help keep dogs and staff safe. In particular, Animal Justice supports substantial staff training and emergency care plans being introduced at these facilities to ensure that crises are properly managed.

3. Lethal Trapping and Poisoning of Wildlife

a) Poisons

Animal Justice supports the City's proposal to restrict the outdoor use of rodenticides to licensed pest control companies or governmental agencies only. Although this ban is a step in the right direction, Animal Justice suggests that the City go even further and ban the use of these poisons outdoors by any individual or at a minimum place restrictions on when licensed companies can apply such pesticides outdoors (e.g. in situations where there is a risk to public health). Poisons placed outside are indiscriminate, causing pain, suffering and death throughout urban ecosystems. Even restricting the use of these poisons to "qualified" individuals does not necessarily mitigate the unnecessary risks they create.

The City should additionally consider public education efforts aimed at informing residents about options other than rodenticide poisoning, including wildlife-proofing homes (as discussed in the Report) and co-existing with certain species.

Animal Justice notes that the Report mentions that British Columbia has instituted an 18 month ban on second generation anticoagulant rodenticides, and that several cities in that province have banned their use on municipal properties. This is because of serious risks of secondary

poisoning to non-target animals, including owls and companion animals. Animal Justice encourages Manitoba to similarly explore a ban on the use of these products.

b) Lethal Traps

The Report proposes that the use of outdoor body hold traps be prohibited in the City. Animal Justice supports this proposal but requests that the City provide further clarity on which types of traps will be specifically prohibited.

The Nanos Research poll mentioned above, commissioned by World Animal Protection in partnership with Animal Justice, found that most Winnipeg residents (65.8%) support a ban on the outdoor use of lethal wildlife traps in the city. These results are illustrated in the enclosed Power Point slides.

It is Animal Justice's position that leg-hold traps, snare traps, cuff-style traps, and Conibear traps should all be expressly prohibited in the RPO Bylaw. These types of traps kill and injure target and non-target animals alike, resulting in painful injuries, and slow and agonizing deaths. Photographs of all four types of traps are included in the enclosed Power Point slides for clarity.

Leg-hold traps immobilize animals, causing significant pain and distress and preventing them from eating, drinking, caring for their young, fending off predators, or sheltering themselves from the elements. Animals may become so distressed and desperate to escape that they resort to chewing or wringing off their trapped limbs, breaking their teeth and bones. Small animals caught in leg-hold traps may be slowly killed, while larger animals may die from exhaustion, blood loss, predation, dehydration, hypothermia, or by a range of methods (e.g., clubbing, stomping) by the individual who set the trap.[11] Similarly, cuff-style traps are often marketed as a "dog-safe" form of leg-hold traps, butt these traps also cause extreme and prolonged suffering to racoons, cats, and other small animals and should be explicitly prohibited in Winnipeg.

Snare traps are similarly cruel and indiscriminate, causing agonizing pain and suffering to target and non-target animals alike. Animals may die by slow strangulation, while others (such as deer) can become caught by the leg, causing them to break limbs and suffer pain and distress as they struggle to free themselves.

Although Conibear traps (also known as body-hold traps) may kill target animals more quickly than other traps, such as leg-hold traps, they can and do cause prolonged pain and suffering to non-target animals who are not the "appropriate" size for the trap, as well as target animals who do not trigger the trap at the right speed and in the right position for instantaneous death.[12]

---

[11] See: https://thefurbearers.com/our-work/make-fur-history/trapping/trapping-and-wildlife/types-of-traps/.
[12] See, e.g. https://www.winnipegfreepress.com/opinion/analysis/tragedy-highlights-kill-trap-danger-573716892.html

Given the foregoing, Animal Justice strongly supports a robust prohibition on the outdoor use of all lethal wildlife traps. Requiring signage for lethal trapping is simply not enough: animals and children cannot read signs and the risks posed by these traps are simply too significant. Although there is some limited provincial regulation of trapping, these regulations are insufficient to protect animals and public safety, particularly in an urban environment, and particularly in light of the ease with which many types of traps can be purchased online. Clear direction is needed from the City that lethal wildlife traps are prohibited.

c) Glue Traps

Animal Justice strongly supports the City's proposal to ban the outdoor use of glue traps. These devices use strong adhesive to trap animals – including target mice and rats, as well as small non-target animals such as birds, amphibians, and even kittens[13] – and render them unable to escape. Animals often die a long, slow, and agonizing death caused by starvation, dehydration, or exhaustion.

Furthermore, the US Centers for Disease Control and Prevention recommends against the use of glue traps for human health reasons. Animals stuck to traps are often left to slowly die, during which time they continue to produce urine and feces which can transmit disease.

Glue traps are cruel and archaic products, and are entirely unnecessary. Animal Justice recommends banning their local sale and use entirely. By banning them, as many jurisdictions around the world have done, Winnipeg would become a leader for other Canadian jurisdictions to follow.

4. Prohibition on Feeding Wildlife

Animal Justice supports the proposed restrictions on the feeding of wildlife in the City in both public and private spaces. Feeding wildlife creates behaviours and changes in an ecosystem that we cannot always predict – and even though we may not see immediate harm, the potential consequences can be devastating. In many cases, animals who have been habituated as a result of consistent feeding are killed by officials for the potential risk they pose to the public.[14] In other cases, the dependency on humans that animals develop becomes dangerous in and of itself, putting animals at risk of undernourishment or malnourishment. Moreover, these animals may lose their natural behaviour and fear of both humans and their companion animals, which increases the likelihood of human-wildlife and pet-wildlife conflict. Wildlife may also begin to congregate in large numbers where they are being fed, resulting in them being a nuisance to the area.

---

[13] See: https://www.cbc.ca/news/canada/british-columbia/lola-the-cat-rescued-from-rat-glue-trap-1.3180782

[14] See e.g.: https://toronto.ctvnews.ca/police-shoot-and-kill-suspected-aggressive-coyote-on-grounds-of-north-york-school-1.5676237

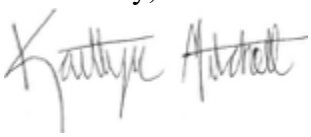
Animal Justice recognizes the necessary role that animal rescue and animal welfare organizations play in the community in caring for wildlife. As such, we wholeheartedly support the exemption proposed for these groups/organizations to continue to provide healthy diets for animals in need.

5. Conclusion

Animal Justice commends the City on its thorough and progressive proposals to protect the health and well-being of companion animals and wildlife. We would be pleased to provide further information or to assist staff in any way as they continue this important work.

Moreover, Animal Justice looks forward to the next set of recommendations being put forward to City Council regarding the RPO Bylaw this spring. We encourage the City to move as quickly as possible on these recommendations as well. Animal Justice strongly supports eliminating Winnipeg's ban on pit bull-type dogs and regulating the keeping of exotic animals, and will supply detailed comments on these recommendations when they are finalized and presented to City Council. Animal Justice will oppose any proposals that would see backyard chickens allowed in non-rural parts of the City given the significant animal welfare risks posed by the keeping of urban chickens and the strain that it can place on local animal rescue groups.

Yours truly,



Kaitlyn Mitchell
Staff Lawyer, Animal Justice

Animal Justice Canada
5700-100 King Street West, Toronto, Ontario M5X 1C7
info@animaljustice.ca