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June 10, 2020

Members of the Committee of the Whole
Town of Newmarket
395 Mulock Drive
Newmarket, Ontario
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Dear Committee Members:

RE: COW Meeting June 15, 2020, Animal Control and Pet Store Licensing

I was recently made aware of the staff report and recommendations being considered by the COW next week regarding animal control and pet store licensing in the Town of Newmarket. I have reviewed the staff report and recommendations, including the proposed by-laws to regulate, control and license animals and to regulate and license pet store businesses.

First, I would like to say that I was pleased to see that the proposed bylaws address some very key areas affecting animals, particularly dogs and cats, and that staff seemed to be very responsive to community concerns. I have worked with dogs and cats in the past, both as a humane society inspector and in the development of humane dog control programs for remote First Nations communities, so I am aware of the issues and applaud the proposed measures to address them in your municipality.

Having said that, I am also a biologist who has worked professionally to protect wildlife, including exotic animals kept by private citizens, for more than 35 years in Ontario and elsewhere. After reading the report and bylaws I wanted to bring to your attention several gaps that leave significant issues regarding non-domesticated animal species unaddressed. Fortunately an opportunity exists to align the Town of Newmarket with other nearby municipalities and a growing trend in exotic animal regulation, including the use of a '**Permitted List**' identifying animals allowed or 'permitted' in a municipality.

1. Advantages of a permitted list aligned with other municipalities

Page 6 of the staff report indicates that the Town of Newmarket, as part of a contracted partnership with the Town of Aurora and the Town of Georgina, will "...develop consistent regulations as closely as possible, while still recognizing individual community needs."

The Aurora animal control bylaw, passed in July 2019, features a fundamentally different kind of regulatory mechanism for exotic animals than the one in the proposed Newmarket animal control bylaw. Aurora has chosen to go with a **permitted animals list** (or **Positive List**), whereas Newmarket's bylaw incorporates a traditional prohibited list, which is increasingly being viewed as outdated from an animal welfare, animal control and municipal resources perspective.



The traditional prohibited list originated decades ago largely in response to local complaints about the keeping of potentially dangerous animals by private citizens. The lists were focused almost entirely on those animal species that were thought to pose a safety risk to their handlers, bystanders and/or community members and typically included big cats, bears, elephants, wolves and other obviously dangerous species. Over the years other mammal species, typically found in zoos and zoo-type exhibits, were added, as were giant snakes and venomous reptiles. Other than a tiny number of bird species (usually the ones that could lead to nuisance complaints), virtually no other birds and, until recently, almost no other reptile or amphibian species have ever been added to prohibited lists, even though some of the problems associated with them are just as serious as with other animals and, in some cases, are much more so. Prohibited lists are reactive, instead of being preventative, and tend to put more of a burden and increased costs on individual municipalities that try to deal with non-domesticated animal welfare and human and health and safety concerns. Yet, many of the problems associated with animals can be substantially mitigated or prevented through permitted list regulation.

Permitted lists, like the one in Aurora, are simple lists of animals that people can have. Any animal on the list would have to meet certain inclusion criteria established by the municipality before being placed on it. There are a standard set of criteria that guide most jurisdictions employing permitted list regulation, as well as suggested permitted lists such as the one Zoocheck has developed. Permitted lists are easier to understand, allow for more effective and less expensive enforcement, and they better protect human health and safety, the integrity of local natural environments and animal welfare.

It is worth noting that of the municipalities reviewed by staff, Kitchener already uses a permitted list in their animal control bylaw. The City of London has established the ability to create a permitted list in their pet store licensing program and the City of Toronto has a Council motion in the queue directing staff to explore the merits of permitted list regulation of animals. The City of Markham, another one of the reviewed municipalities, has a rather expansive prohibited list, but has also been exploring permitted list regulation. And, of course, Aurora has established a permitted list.

In addition, numerous municipalities in Quebec, the Provinces of New Brunswick and Nova Scotia, as well as multiple out of country jurisdictions now use permitted list regulation in their animal control programs and laws.

2. **Expanding the Prohibited List for animal welfare, environmental protection and human health and safety reasons**

If the prohibited list remains, it is important to note that many challenging and problematic animals have not been included in it. For example, frogs and salamanders in the pet trade have been known to carry chytrid fungus which has decimated wild amphibian populations around the world, including causing the extinction of a number of frog species. If even one infected individual were released into Ontario, or the water from its tank dumped outdoors, it could potentially introduce the disease into our native amphibian populations. US Fish and Wildlife has already banned the trade in more than 200 amphibian species because of the chytrid risk.

Other animals that are almost impossible to keep in home settings or that shelters and rescue centers and sanctuaries can't take in and rehome also come with substantial challenges and problems. The proposed



Newmarket prohibited list doesn't include any of the world's more than 350 species of parrots. The larger parrots, such as macaws and cockatoos, are amongst the most intelligent, social and active animals anywhere. In nature, they travel long distances, engage in an enormous variety of complex behaviours and they are virtually never alone. They are almost impossible to keep in home settings as people can't provide the space, mental stimulation and social environment they need and, compared to dogs and cats, relatively few of them (or other birds) are ever taken to a qualified avian veterinarian. When kept as pets they are often socially isolated and rendered unable to fly, so they become bored, frustrated, noisy, aggressive and destructive. Many owners are unable to cope, so their birds are forced into cages for most or all of the time while their owners look to surrender or give them away. The normally active birds are forced to sit idle which results in a range of welfare problems, including abnormal repetitive behaviours, such as self mutilation or rocking back and forth. Birds are the fourth most popular pet in North America and rank among the most abandoned animals but few shelters have the capacity or expertise to take many of them in, and fewer still can accommodate the larger, more challenging and long-lived species.

With expanded municipal authority regarding animals, increased knowledge and changing public sentiment, new kinds of animals are now showing up on prohibited lists in Ontario and elsewhere. They include, but are not limited to, snapping turtles, other turtles and tortoises, many snakes, the larger lizards, such as iguanas, monitors and tegu lizards and African clawed frogs, to name just a few. There are numerous challenging and problematic animals that should be considered for inclusion on the Newmarket prohibited list as those animals may already be in or could be brought into the municipality. My own organization and others with relevant expertise are happy to assist should the Town of Newmarket wish to explore further additions.

3. Consistency is less confusing and may help improve broader protections for animals

The Aurora and Newmarket animal control bylaws are not consistent. A person could purchase a large *Sulcata* tortoise or a snake that exceeds 45 centimeters in length in Newmarket, but they couldn't buy or keep those same animals across the border in Aurora. If the intent is to create consistency, what is and isn't allowed should be harmonized. If they are not, this may be confusing to the public and may detract from efforts to create a progressive baseline municipal standard for exotic animal bylaws in Ontario.

4. Addressing unethical sourcing of exotic animals

The proposed pet store bylaw recognizes that the sourcing of animals, particularly dogs and cats, must be carefully considered and controlled, but that principle isn't applied to other animals. There are bird mills and reptile breeders than mass produce these animals just as puppy mills and catteries produce dogs and cats. The exotic animals experience the same, if not worse, problems than dogs and cats, as do many of the consumers who purchase them. In addition, significant numbers of reptiles, amphibians, fish and other creatures are removed from wild habitats, often in destructive, ecologically damaging ways. And many of these animals, such as green anole lizards from Florida, come into Canada by the thousands and are not tracked. Ethical sourcing of all animals utilized by the pet trade in the Town of Newmarket should be required.

5. Basic standards of care should apply to all animals

The proposed animal control bylaw contains some provisions regarding the care of **domestic** dogs and cats but those provisions are not extended to exotic animal species. Basic standards of care, such as proper food, water, shelter, clean environment, and veterinary should not be applied selectively as nearly



all animals share many, or all, of the same physical and psychological needs and possess very complex, intellectual, emotional and social capacities. All animals should be afforded protection through standards of care.

6. Lack of specific provision regarding prohibited animal keeping in Newmarket

The proposed animal control bylaw includes a definition of prohibited animal and a list of those animals (by group) as a Schedule but there is no provision in the body of the bylaw saying that those animals cannot be kept in Newmarket. A provision should be inserted into the bylaw to address this oversight.

As I indicated earlier in this letter, I applaud staff for so comprehensively addressing a broad range of important issues in the proposed animal control and pet store licensing bylaws. I think they are a positive step forward. However, there are gaps and inconsistencies that, with somewhat minimal effort, could be addressed resulting in an even better, more effective set of bylaws that provide enhanced protections for animal welfare, human health and safety, the protection of our own native wildlife and ecosystems and the conservation of the animals involved. Since this is an area we have actively been studying and addressing for more than three decades, we are happy to provide the Town of Newmarket with whatever assistance is required.

Thank you for considering this correspondence.

Sincerely,



Rob Laidlaw
Executive Director

Zoocheck is an international wildlife protection charity established in 1984 to promote and protect the interests and wellbeing of wildlife.

