



Committee of the Whole Report For the Meeting of February 3, 2022

To: Committee of the Whole
From: Curt Kingsley, City Clerk
Subject: Restricting Sale of Cats, Dogs, and Rabbits in Victoria
Date: January 4, 2022

RECOMMENDATION

That Council:

1. Bring forward the Animal Responsibility Amendment Bylaw No.22-011 for first and second readings.
2. Schedule an Opportunity for Public Comment at a regular Council meeting as an opportunity to make representations on the proposed bylaw in accordance with section 59 of the Community Charter.
3. Provide notice of the intention to adopt the Animal Responsibility Amendment Bylaw No.22-011 through advertising of the Council agenda.

EXECUTIVE SUMMARY

In March 2018, Council directed staff to amend City Bylaws to prohibit the sale of cats, dogs, and rabbits of all ages, other than for adoption from a recognized animal rescue society or shelter organization.

The *Animal Responsibility Bylaw* does not currently restrict sale of any type of animal. The City does not collect information about the availability of cats, dogs, and rabbits for sale through its business licensing system. Staff research indicates that no stores currently sell them. Similarly, the City does not have any data that directly indicates that the sale of cats, dogs, or rabbits at stores has an impact on municipal resources. However, staff reviewed animal-related calls for service to the Victoria Animal Control Services and Victoria Police Department and found that animals have an impact on municipal resources, which could warrant municipal intervention.

To implement Council's resolution, the *Animal Responsibility Bylaw* could be amended to prohibit sale of cats, dogs, and rabbits of all ages, except for by a recognized animal rescue society or animal shelter organization. Adoption of cats, dogs, and rabbits could continue from a network of animal rescue societies and animal shelter organizations. The impact of this amendment on municipal services is unclear because the City does not collect data about the impact of dogs, cats, and rabbits sold by retail stores in the City of Victoria. However, staff anticipate that it may help prevent future impacts to citizens and the use of municipal resources in relation to pets.

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PURPOSE

The purpose of this report is to provide amendments to the Animal Responsibility Bylaw that prohibit the sale of cats, dogs, and rabbits in retail stores, except by recognized animal rescue societies and animal shelter organizations and advise on the implications of the proposed prohibition.

BACKGROUND

On March 15, 2018, Council adopted the following motion:

Amend our Animal Control Bylaw to prohibit the sale of cats, kittens, dogs, puppies, and rabbits in pet stores and other types of retail premises. The only exemption is if these animals are offered for adoption from a recognized animal rescue society or shelter organization at which time the current bylaw policy would still apply.

The Council Member Report that established this direction is attached as Attachment A.

The *Animal Responsibility Bylaw* contains regulations that apply to stores that sell animals. The City does not currently ban the sale of cats, dogs, and rabbits. The Bylaw requires that a business keep a register of cats, dogs, and rabbits that it acquires and disposes of in addition to other information that must be kept. The Bylaw also requires that a rabbit be neutered or spayed before sold to a customer. The *Animal Responsibility Bylaw* is attached as Attachment B.

ISSUES AND ANALYSIS

Current Trends

The BC SPCA encourages all municipalities to adopt a ban on the sale of dogs, cats, and rabbits.

The sale of cats, dogs, and rabbits in stores in other municipalities has been linked to negative impacts on municipal services. Some municipalities have adopted regulations to reduce the number of cats, dogs, and rabbits that are abandoned or surrendered at municipal or other animal shelters. The following municipalities in British Columbia have enacted pet store bans: Burnaby, Delta, New Westminster, the District of North Vancouver, the City of North Vancouver, Richmond, and Vancouver. Esquimalt, Oak Bay, and Saanich do not restrict sale of cats, dogs, rabbits.

Impact on Municipal Resources

Staff are unable to identify any stores that currently sell cats, dogs, or rabbits. However, these animals are available for adoption from a network of animal rescue societies and animal shelter organizations, including from Victoria Animal Control Services. There is no available and reliable data about the impact of sale of cats, dogs, and rabbits from stores on municipal resources. Staff examined the available data provided by Victoria Animal Control Services and the Victoria Police Department to gain understanding of potential impacts of pet ownership on municipal resources.

The City contracts Victoria Animal Control Services for animal control services, which also provides services to other municipalities in the region. VACS collects data related to impoundments, canine-related, feline-related violations, and miscellaneous violations. Attachment C shows data about impoundments, dogs and cats at large, dog and cat welfare and cruelty concerns, and aggressive or threatening dog and dog attacks on human or animals. This data indicates some impact of pet ownership on municipal resources; however, it is unknown if these animals were sold in Victoria.

Similarly, the Victoria Police Department data indicates the impact of pet ownership on municipal resources, but not if these animals were sold in Victoria. Attachment C shows the number of animal related calls for service received and dispatched. Vic PD officers are dispatched in response to:

- Dog bites
- Animals in distress – i.e., dog left in a hot car and the owner cannot be contacted
- Dogs barking when VACS is not available, and the animal may be in distress
- Aggressive or predatory animals that cause a public safety risk

The City's data indicates that pet ownership impacts City resources and citizens, therefore actions are warranted to limit these impacts.

Impact on Sale of Cats, Dogs, and Rabbits

Few if any stores in Victoria sell cats, dogs, or rabbits. The proposed amendment is intended to prevent increased impacts to citizens and municipal resources. It would not apply to private sellers who may use other methods to sell cats, dogs, and rabbits, such as online. Expanding the scope of the proposed amendment to include these private sellers would be difficult to enforce.

Legal Implications

Municipalities in BC have authority provided under the Community Charter to regulate both businesses and animals. Court decisions have confirmed that municipalities may regulate animal businesses so long as there is a proper municipal purpose supporting the regulation.

Bylaw Amendment

The proposed bylaw amendment will prohibit stores from selling cats, dogs, and rabbits of any age in Victoria. Sale of these animals could still occur by recognized animal rescue societies and animal shelter organizations which administer robust adoption processes that promote responsible pet ownership and match prospective owners and pets according to their needs. Shelters and organizations could continue to work with stores to provide space for adoption.

Given that there are no federal or provincial registry of animal shelters and rescues, staff defined "registered animal shelters or rescue organizations" as:

- a) Municipal animal shelters;
- b) Animal shelters or rescues that are registered charities with the Canada Revenue Agency; and,
- c) Animal shelters or rescues that are not-for-profit organizations under the B.C. Societies Act, except for member funded societies.

This definition is used by the City of Vancouver for the same purposes and encompasses popular and legitimate sources of animals in need of adoption.

Staff recommend keeping the current regulations that require a store to keep a register to document on what dates the animal was placed in the store and removed from the store.

The proposed change requires several amendments to the Animal Responsibility Bylaw. If Council wishes to adopt the proposed amendment, 'house-keeping' amendments to the definition of cat, dog, and rabbit would be needed to sections that rely on the current definitions, such as those that limit the number of cats or dogs in a premises at one time.

The proposed amendments are included in Attachment D.

Consultation with Businesses

Staff are not aware of any business that sells these animals or that any business has contacted staff to express concern about Council's direction. Staff did not conduct engagement with businesses for this reason. To proceed, the City would advertise Council's agenda and an opportunity for public comment at a Council meeting to satisfy the consultation requirement.

OPTIONS AND IMPACTS

Option 1 – Proceed with proposed amendments to ban sale of cats, dogs, and rabbits (Recommended)

This option would require an opportunity for public comment at a Council meeting to give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make representations to council. It is unknown if any businesses have an interest in this matter. The proposed amendment would ensure that animal shelter and rescue organization could continue to seek help from stores to facilitate adoptions.

Option 2 – Do not proceed with amendments to the Animal Responsibility Bylaw

This option would mean that the *Animal Responsibility Bylaw* would continue to allow the sale of cats, dogs, and rabbits of any age. The requirement to keep a register of cats, dogs, and rabbits sold would remain. SPCA would continue to enforce if there are concerns about animal welfare.

Accessibility Impact Statement

The recommendation has no accessibility implications. Registered charities and non-profit organizations providing assistance animals, such as guide and service dogs, would not be impacted by a proposed ban.

2015 – 2018 Strategic Plan

The recommended option has no Strategic Plan implications.

Impacts to Financial Plan

The recommended option has no financial implications.

Official Community Plan Consistency Statement

This issue has no specific Official Community Plan implications.

CONCLUSION

The City may regulate sale of animals by a business for municipal purposes. Council direction to ban retail sale of cats, dogs, and rabbits of all ages would support municipal purposes of reducing and preventing abandoned or surrendered pets in the city and contribute to preventing impacts on municipal resources and citizens associated with pet ownership. A ban may reduce the number of abandoned or surrendered cats, dogs, and rabbits, and prevent future sales of these pets and its impacts on municipal services and citizens.

Respectfully submitted,

Monika Fedyczkowska
Legislative and Policy Analyst

Curt Kingsley
City Clerk

Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A: Council Member Report

Attachment B: Animal Responsibility Amendment Bylaw

Attachment C: Data about Animal-Related Calls for Service

Attachment D: Animal Responsibility Amendment Bylaw 22-011