

23 mai 2012

Mme Valérie Roy

Secrétaire de la Commission de l'agriculture, des pêcheries, de l'énergie et des ressources naturelles

Direction des travaux parlementaires

Édifice Pamphile-Le May, 3e étage

Québec (Québec) G1A 1A3

Chers membres de la Commission de l'agriculture, des pêcheries, de l'énergie et des ressources naturelles,

Quelques mots d'abord pour solliciter votre indulgence sur l'utilisation que je fais de la langue anglaise au détriment du français pour m'adresser à vous. Voilà, j'ai plus de facilité à écrire en anglais puisque j'ai travaillé plusieurs années aux Etats-Unis et durant cette période j'ai aussi fondé le « Pet Foster Network » ce qui a largement contribué à forger mon vocabulaire usuel traitant particulièrement du bien-être des animaux. De plus, comme vous pouvez le constater, la majorité de mes sources incluses dans ce commentaire sont en anglais. Cependant si pour être recevable mon commentaire devait être obligatoirement écrit en français, vous m'obligeriez beaucoup en m'en avisant le plus rapidement possible. Le commentaire qui suit exige l'insertion d'une disposition spécifique aux animaleries dans le projet de loi n° 51, Loi modifiant la Loi sur la protection sanitaire des animaux concernant principalement la sécurité et le bien-être des animaux.

I am part of a group of active citizens working toward ending the sale of animals in pet stores and encouraging pet adoption in Quebec. Regulations regarding the sale of live animals in pet stores already exist in many American jurisdictions. In Canadian cities such as Richmond, BC and Toronto, pet shops can no longer sell dogs and cats sourced from commercial breeders. Other municipalities in Canada such as Vancouver B.C., Windsor, ON, Ottawa, ON, Hamilton, ON and Gatineau, QC, are also considering following suit. We wish that pet stores sell animals sourced from registered non-profit charitable animal shelters, humane societies, and rescue groups rather than commercial breeders. The Town of Mount-Royal city council where I live, keeps telling me that such decision cannot be made at the municipal level but rather at the provincial level.

On behalf of this group of citizens, I am asking the Commission, to require that dogs and cats sold in pet stores in the province of Quebec be sourced from registered shelters, humane societies, and rescue groups, rather than commercial breeders, in order to stop the sale of puppies that come from puppy mills and back yard breeders where animals are more likely to have physical ailments and emotional scars due to lack of veterinary care and socialization, bad breeding, and poor conditions. As you know, the seizures of 125 dogs from a commercial breeding operation in the Chaudière-Appalaches region recently, and of 527 dogs and puppies from a large-scale commercial breeding facility in Outaouais, Québec in September 2011 by the Humane Society International/Canada and the Quebec Department of Agriculture, Fisheries and Food, cost taxpayers around \$15 per dog, per day! Such rescue operations can cost hundreds of thousands of dollars to the government of Quebec.

Regulating the sale of animals in pet stores will also help to reduce pet overpopulation by stopping impulse purchases of unsterilized animals. A B.C. Supreme Court released a judgment last April ruling that a city council's decision to regulate the retail sale of dogs was a reasonable move to reduce unwanted and abandoned pets. Requiring owners to put additional thought and preparation into their decision to purchase a pet is rationally connected to reducing unwanted pets in the city. These unwanted pets are abandoned to animal shelters which are being supported with public funds. According to the Animal Alliance of Canada, Montreal boroughs have in average annually 11,000 abandoned animals and which 59% are euthanized. These boroughs spent in average annually \$63,000 for animal services contracts!

Pet stores and animal shelters in Quebec can collaborate together while ensuring citizens obtain healthy lifelong companions. Canadian pet stores like PJ's Pets, Pets Unlimited, Petcetera, PetSmart, Mondou and La Faune Domestique do not sell pets from puppy and kitten mills. Instead, through arrangements made with local animal rescue groups, these stores are providing them space within their stores to educate people about participating organizations and the pets they have available for adoption, and in some cases, provide kennel space for the shelters.

Nous vous demandons, chers membres de la Commission, d'exiger que les animaux vendus dans les animaleries au Québec proviennent de refuges pour animaux sans but lucratif ou d'organismes de secours animal, plutôt que d'éleveurs commerciaux. Le gouvernement pourrait ainsi économiser des milliers de dollars aux contribuables québécois et redistribuer cet argent à d'autres fins. De plus, en adoptant notre proposition, le Québec pourrait redorer son image, qui malheureusement, est perçu actuellement comme étant la capitale mondiale des usines à chiots.

Vous comprendrez que le groupe de citoyens pour qui j'ai réalisé ce dossier est anxieux de savoir si les membres de la Commission partagent notre point de vue sur une disposition spécifique aux animaleries dans le projet de loi n° 51, disposition qui pourrait faire une grande différence pour le bien-être des animaux et l'économie du Québec. Quant à moi grâce à mon expérience personnelle avec le « Pet Foster Network », je serais disposée à aider au besoin pour mettre en place ce nouveau concept au Québec.

Veuillez accepter Messieurs, Mesdames, mes sentiments les meilleurs.



Barbara Lapointe
455 avenue Dobie
Mont-Royal, QC
H3P 1S7

Nombre d'animaux par municipalités

	Recueillis			Adoptés			Euthanasiés		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Anjou-Berger Blanc (BB)									
- Chiens	110	111	133	29	25	40	48	51	55
- Chats	469	468	460	49	67	78	364	325	279
- Autres	35	60	56	0	0	2	26	37	18
Mercier/Hochelaga-Maisonneuve:BB									
- Chiens	549	554	747	126	138	190	270	299	383
- Chats	2670	2605	2648	174	216	300	1924	1925	1938
- Autres	172	143	164	3	7	4	98	61	95
Plateau Mont-Royal - BB									
- Chiens	73	114	144	13	31	31	28	35	66
- Chats	224	388	434	23	38	41	178	281	312
- Autres	26	25	28	0	7	1	12	11	11
Rivière des Prairies/Pte aux Trembles: - BB									
- Chiens	555	623	754	119	139	171	253	329	369
- Chats	2372	1995	2315	199	267	268	1758	1461	1630
- Autres	228	269	191	1	11	5	153	151	131
Rosemont/Petite Patrie: -BB									
-Tous animaux	1847	1818	1697	147	188	180	1260	1186	1220
Montréal Nord -SPCA									
- Chiens	296	235	182	117	91	56	28	14	13
- Chats	916	728	612	488	399	320	106	78	59
- Autres	167	143	107	45	32	14	21	11	2
St Laurent: SPCA									
- Tous animaux	449	368	651	-----	250	302	-----	118	100
Total	11,158	10,647	11,323	1,533	1,906	2,003	6,527	6,373	6,681

Moyenne annuelle d'animaux recueillis: 11,043

Moyenne annuelle d'animaux adoptés: 1,814

Moyenne annuelle d'animaux euthanasiés: 6,527

Source: Animal Alliance of Canada

Préparé par Barbara Lapointe. 17 avril 2012.

Prix du contrat pour services animaliers

Municipalité	2006	2007	2008	2009	2010
Anjou		\$ 33,071.59	\$ 36,838.91	\$ 44,021.26	
Mercier/Hochelaga-Maisonneuve		\$ 54,012.30	\$ 54,012.30	\$ 54,012.30	\$ 67,725.00
Plateau Mont-Royal		\$ 44,440.44	\$ 44,440.44		
Rivière des Prairies/Pte aux Trembles	\$ 94,895.70	\$ 94,895.70	\$ 94,895.70	\$ 94,895.70	
Rosemont/Petite Patrie				\$ 67,725.00	\$ 67,725.00
Ville Marie			\$ 40,635.00	\$ 67,725.00	\$ 112,762.50
Villeray/St. Michel/Parc Extension				\$ 101,587.50	\$ 101,587.50
St Leonard		\$ 48,816.18	\$ 33,778.60	\$ 38,714.95	\$ 39,761.30
Cotes-des-neiges/Notre-Dame-de-Grace				\$ 54,489.60	
Pierrefonds/Roxboro		\$ 20,966.80			
Moyenne annuelle		\$ 49,367.17	\$ 50,766.83	\$ 87,195.22	\$ 64,926.88

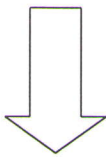
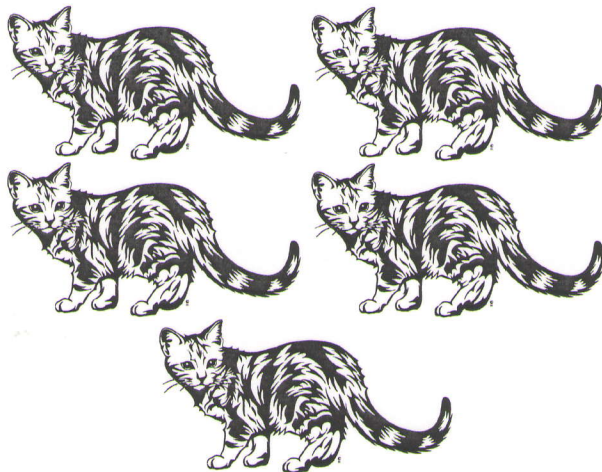
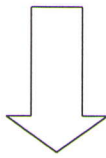
Moyenne annuelle du contrat pour services animaliers: \$ 63,064.02

Source: Animal Alliance of Canada

Préparé par Barbara Lapointe. 17 avril 2012

Amending Montreal by-law R.B.C.M. c. C-6: Cost Savings for Taxpayers

Cat sourced from commercial breeder



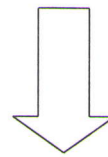
Cost for taxpayers:

\$605

Cat sourced from registered non-profit
charitable animal shelters, humane societies,
and rescue groups



0



Cost for taxpayers:

\$0

Montreal by-law R.B.C.M. c. C-6 ("By-law C-6") establishes a permit system for persons operating pet shops and specifies the requirements which must be met by such facilities. The by-law also imposes certain restrictions on the sale of animals in pet shops. By enacting an amendment to By-law C-6 requiring pet shops to obtain their dogs and cats exclusively from registered non-profit charitable animal shelters, humane societies, and rescue groups, taxpayers would save money. City of Montreal boroughs possess the legal authority to require that pet shops sell only dogs and cats obtained from registered shelters, humane societies, and rescue groups.¹

Cat purchased from Centre d'Animaux Safari vs cat adopted from the Montreal SPCA: Case Study

Facts:

- Dogs and cats are able to reproduce by the time they are six months old, sometimes even earlier.²
- The average mother cat will have a litter of three to five kittens, with the extended range being one to eight kittens.³
- The province of Quebec has determined that the cost of sheltering seized animals is around \$15 per dog, per day.⁴
- In San Diego, during the period of 1992 through 1994, the average cost of interning (holding the animal for the mandatory waiting period at the animal shelter), and then euthanizing a cat was \$121.⁵ In Orange County, Florida, the average cost of interning and then euthanizing a cat was \$105.⁶ Note that this fee does not include the cost of sending an officer to trap the animal, euthanizing and disposing of the carcass.
- Customers who express an interest in an animal sourced from registered non-profit charitable animal shelters, humane societies, and rescue groups must go through the adoption screening process. Requiring owners to put additional thought and preparation into their decision to purchase a cat is rationally connected to reducing unwanted cats in the city. Reducing impulse purchasing is one means of achieving the purpose of reducing unwanted cats.⁷

	Cat sourced from commercial breeder	Cat sourced from registered non-profit charitable animal shelters, humane societies, and rescue groups
Sterilized (spayed/neuter)	no	yes
Vaccinated	yes	yes
Microchip	no	yes
Health guarantee	yes (1-year)	yes (30-days)
Interview process	no	yes
Cost of sheltering	\$605	\$0

¹ Alanna Devine, B.A., B.C.L., LL.B. CSPCA Director of Animal Advocacy "City of Montreal Boroughs' Jurisdiction to Regulate the sale of dogs and cats in Pet Shops".

² Canadian Federation of Humane Societies

³ Dr. James Talbott, DVM, eHow Presenter

⁴ Humane Society International/Canada

⁵ (Chappell, Michelle, DVM, "A Model for Humane Reduction of Feral Cat Populations," California Veterinarian (Sept/Oct 1999).

⁶ (Hughes, K., Slater, M., Haller, L., "The Effects of Implementing a Feral Cat Spay/Neuter Program in a Florida County Animal Control Service," Journal of Applied Animal Welfare Science, Vol. 5, No. 4 (2002).

⁷ International Bio Research v. Richmond (City), 2011 BCSC 471

2 avril 2012

Toronto interdit la vente de chiens et de chats

Par Lise Bergeron

Mise en ligne : 29 septembre 2011

Les animaleries ne pourront plus vendre de chiens ni de chats sur le territoire de la ville, sauf s'ils proviennent d'un refuge pour animaux. Un exemple pour les municipalités du Québec?



Photo: Shutterstock

Les événements se bousculent dans l'industrie des animaux de compagnie. Après la chaîne de magasins PJ's Pets, qui vient d'abandonner la vente de chiens et de chats pour en promouvoir l'adoption, voilà que Toronto veut couper l'herbe sous le pied des «éleveurs de fond de cour» en leur fermant la porte des animaleries.

Les usines à chiots, dénoncées depuis des années par les groupes de défense des animaux, sont tristement célèbres pour l'élevage intensif qu'elles font de plusieurs races de chiens dans des conditions pitoyables et à des fins purement mercantile.

La décision de Toronto arrive au lendemain de la saisie de plus de 500 chiens sur une ferme de l'Outaouais, la plus grosse à survenir au Canada jusqu'à présent. «C'est une nouvelle extraordinaire! On aimerait que la Ville de Montréal adopte un tel règlement», dit Alanna Devine, directrice de

la protection des animaux à la SPCA de Montréal.

Les CAACQ (Centres d'adoption d'animaux de compagnie du Québec) sont aussi très enthousiastes: «Les Villes peuvent jouer un rôle important dans le bien-être des animaux de compagnie. Une interdiction aiderait à mettre un terme à la reproduction industrialisée et à la vente au détail des chiens et chats», dit Johanne Tassé, présidente de l'organisme.

À Toronto, les animaleries pourront proposer uniquement des animaux provenant de refuges, d'organismes de secours animal et de dons du public.

«Nous demandons la même chose aux maires et conseils des villes défusionnées dans l'espoir que l'idée se rende jusqu'à la Ville de Montréal et à toutes les autres villes du Québec, dit Johanne Tassé. Le maire de Gatineau, Marc Bureau, a déjà manifesté son intérêt à suivre l'exemple de Toronto.»

Ces initiatives suffiront-elles à mettre fin à l'élevage intensif des animaux de compagnie? «C'est un excellent moyen de couper les vivres aux usines à chiots. Surtout que Toronto est un très gros marché pour elles. Qu'attends donc Montréal?» dit Gabriel Villeneuve, de la SPA Canada, un organisme qui fait de la sensibilisation auprès du public et des élus.

Montréal emboîtera-t-elle le pas?

Les organismes de défense des animaux trouvent que les villes du Québec traînent la patte comparativement à plusieurs autres villes nord-américaines, où les services de gestion animalière sont très bien structurés.

Selon toute vraisemblance, Montréal a les pieds et poings liés: «La Ville n'a pas le pouvoir juridique d'interdire une activité économique comme la vente d'animaux dans les commerces», explique Martine Painchaud, attachée de presse au Cabinet du maire et du Comité exécutif de Montréal. Rien à faire, donc? «Nous travaillons avec un comité d'experts pour uniformiser la gestion animalière sur Montréal. Nous voulons mettre en place les meilleures pratiques», dit Mme Painchaud.

Ainsi donc, pas moyen de serrer la vis davantage aux usines à chiots, comme à Toronto? «C'est Québec qui réglemente le commerce des animaux. À la Ville, nos chartes et lois nous l'interdisent. Nous pouvons par contre faire des recommandations au gouvernement du Québec.»

La Ville de Montréal promet d'ailleurs une annonce importante prochainement au sujet de la gestion animalière sur son territoire. À suivre.

Possible au Québec?

Certaines municipalités ont pris les devants face à la crise qui sévit présentement. L'arrondissement de Verdun, par exemple, fait bonne figure en obligeant ses résidents à faire stériliser leurs animaux. Et il a aussi mis sur pied une *Charte du bon comportement du gardien d'un animal*.

«Mais on est très loin de Toronto où les services de contrôle animalier sont municipaux. Là-bas, il n'y a aucune fourrière à but lucratif, c'est la Ville qui prend en charge la population animale sur son territoire», dit Alanna Devine, directrice de la protection des animaux à la SPCA de Montréal.

De son côté, la SPA Canada entend intensifier la pression: «On a Verdun d'un côté et Toronto de l'autre, deux extrêmes en termes de taille. Pourtant, les deux ont trouvé des solutions pour endiguer le problème. Verdun n'a peut-être pas interdit la vente d'animaux, mais en obligeant la stérilisation, l'arrondissement a trouvé un bon moyen dissuasif», constate Gabriel Villeneuve.

Les élus en mal de solutions – ainsi que les citoyens qui veulent en savoir plus – sont invités à assister à la conférence du gourou canadien de la gestion des animaux, Bill Bruce, directeur des Services animaliers de la Ville de Calgary, qui sera de passage à Montréal les 28 et 29 octobre prochains. Pour plus d'information, visitez le site Web des CAACQ.

En savoir plus

Finis la vente de chiots?, *Protégez-Vous* - Septembre 2011

Usines à chiots: pas un cadeau!, *Protégez-Vous* - Décembre 2010

Cruauté animale: «Il faut fermer les fourrières à but lucratif!», *Protégez-Vous* - Mai 2011

Toutes les Nouvelles »

Authority: Licensing and Standards Committee Item 4.3, adopted as amended,
by City of Toronto Council on September 21 and 22, 2011

Enacted by Council: September 22, 2011

CITY OF TORONTO

BY-LAW No. 1163-2011

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the licensing of pet shops.

WHEREAS the *City of Toronto Act, 2006* grants the City of Toronto the authority to enact by-laws for the licensing, regulating and governing of businesses wholly or partly carried on in the City of Toronto and for the regulating of animals within the City; and

WHEREAS, in the interest of animal welfare, consumer protection and in aid of law enforcement, a register is currently required to be kept by pet shops recording the details of where and from whom their dogs were acquired; and

WHEREAS, these same considerations apply to the acquisition of cats as well as dogs; and

WHEREAS, in order to halt the proliferation of puppy mills, it is necessary to ensure that all animals kept for sale in licensed pet shops and otherwise are, in certain circumstances, acquired only from certain reputable sources;

The Council of the City of Toronto HEREBY ENACTS as follows:

City of Toronto Municipal Code Chapter 545, Licensing, is amended by:

1. Deleting § 545-255 and replacing it with the following:

§ 545-255. Receipt and certificate of health to be provided upon sale or disposal of dogs and cats.

- A. Whenever a keeper sells or otherwise disposes of a dog or cat, he or she shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description, including colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat.
- B. Every keeper who is obliged to provide a receipt showing the matters set out in § 545-255A shall post, in a conspicuous place, a notice provided by the Municipal Licensing and Standards Division advising customers of the required content of the receipt.

2. Adding the following as § 545-255C:

- C. Every keeper shall provide to every purchaser of a cat or dog, a health assessment report from a veterinarian for all cats and dogs kept in the store that receive veterinary care.

3. Deleting § 545-256 and replacing it with the following:

§ 545-256. Register concerning dogs and cats to be kept.

- A. Every keeper shall keep a register, in a format satisfactory to the Executive Director of Municipal Licensing Standards in which shall be entered in the English language, a record of each dog and cat purchased or otherwise obtained. Each entry shall be made at the time each dog or cat comes into such keeper's possession, and shall include, in addition to the date of purchase, a full description of the dog or cat, together with the name, address and description of the person from whom it was purchased or otherwise obtained. The keeper shall retain the register in respect of each such transaction for the period of 12 months thereafter.
- B. Every keeper shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the Municipal Licensing and Standards Division, or any person designated by the Executive Director, at all times during business hours and shall make it available to be removed at any time for inspection or for use in the courts, if necessary. The keeper shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from his or her premises for this reason.

4. Adding the following as § 545-262:

§ 545-262. Retailers to obtain animals from specified sources.

Every retailer, including any person or business that sells more than 10 dogs per year, must obtain animals from one of the following sources only:

- i. municipal animal shelters;
- ii. registered humane societies;
- iii. registered shelters or rescue groups; or
- iv. from people who have surrendered their pets to them at no charge.

5. This by-law shall come into effect on its enactment.

ENACTED AND PASSED this 22nd day of September, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

help to write to your mayor and council to voice your support. Please click 'Email Council' to send your automatic message now!

	Bylaws being considered	Status	Contact
	Please check back soon for updates on new municipal bylaw initiatives as they occur!		

Success! Approved Bylaws

Around B.C., many municipalities are stepping up and adopting progressive bylaws that solve animal problems in their communities.

The mayor and council in these communities deserve credit for their proactive approach, so please show them your thanks! This will go a long way towards ensuring your council continues to support animal-friendly policies.

	Bylaws passed	Date	Contact
Victoria	- Rabbit sale regulation - Basic animal care requirements - Tethered dogs - Dangerous dog prevention	August 2011	—
Saanich	- Spay/neuter requirement for rabbits sold from pet stores - Prohibition on rabbit abandonment - Prohibitions on feeding feral rabbits and deer	March 2011	Email Council
	Food, water & care requirements for dogs		

Pemberton	• A ban on dog tethering • Bans on unrestrained dogs in pick-ups and pets left in hot cars • Bans on wild and exotic animals	March 2011	Email Council
Delta	• <u>New dangerous dog bylaws that eliminate breed-banning</u> • <u>A ban on dog tethering</u> • <u>Bans on unrestrained dogs in pick-ups and pets left in hot cars</u>	November 2010	Email Council
Coquitlam	• Spay/neuter requirement for rabbits sold from pet stores	July 2010	Email Council
New Westminster	• Prohibition on the sale of rabbits from pet stores	May 2010	Email Council
District of North Vancouver	• Spay/neuter requirement for rabbits sold from pet stores	May 2010	Email Council
Courtenay	• Provided a \$5000 grant to assist low-income residents spay/neuter their pets	April 2010	Email Council
Richmond	• Prohibition on the sale of rabbits and puppies from pet stores	March and October 2010, respectively	Email Council
Sechelt	• New animal care requirements for animal guardians	February 2010	Email Council
Creston	• Cat licensing	May 2009	Email Council
Kelowna	• Spay/neuter requirement for rabbits sold from pet stores and other rabbit regulations	November 2008	Email Council

From: Louise.Dion@mamrot.gouv.qc.ca
Subject: Réglementation de la provenance des animaux en vente dans les animaleries
Date: April 10, 2012 16:06
To: barbara@arabrab.com

*Affaires municipales,
Régions et Occupation
du territoire*

Québec 

Bonjour madame Lapointe,

En réponse à votre interrogation voici les informations dont nous disposons:

En matière de vente d'animaux, il n'y a pas de pouvoir expresse prévu à la Loi sur les compétences municipales permettant aux municipalités de régir ce domaine d'activités.

Le pouvoir réglementaire en matière d'activités économiques a été introduit à la Loi sur les compétences municipales en 2006. Il n'aurait jamais été interprété par les tribunaux. Il reviendrait donc aux municipalités d'évaluer si ce pouvoir peut servir de fondement à une réglementation sur la vente de chiens et de chats et comme vous le savez sans doute, le conseil a entière discrétion pour juger de l'opportunité de réglementer ou non.

Espérant ces informations à votre satisfaction, je vous prie d'accepter mes salutations les plus distinguées,

Louise Dion

Conseillère

Direction métropolitaine de l'aménagement et des affaires municipales

Ministère des Affaires municipales, des Régions et de l'Occupation du territoire

514-873-6403 poste #6200

AVIS DE CONFIDENTIALITÉ

Ce courriel peut contenir des informations confidentielles qui ne vous sont pas destinées.

Si ce message vous a été adressé par erreur, veuillez le détruire et en informer l'expéditeur immédiatement.

Rosemont-La Petite-Patrie interdit l'ouverture de nouveaux commerces de vente d'animaux

Mise à jour le vendredi 11 novembre 2011 à 11 h 38 HNE



© iStockphoto

L'arrondissement de Rosemont-La Petite-Patrie a décidé de lancer un message clair à ses citoyens relativement à l'achat d'animaux domestiques en interdisant l'ouverture de nouveaux commerces de vente d'animaux.

La décision a été prise au dernier conseil d'arrondissement, le 8 novembre. Les deux animaleries présentes dans l'arrondissement pourront toutefois maintenir leurs activités, puisque l'arrondissement ne peut légiférer sur des questions commerciales.

« Nous voulons rendre l'achat d'animaux moins impulsif et davantage sélectif et inciter ainsi les gens à envisager cela de façon plus responsable et avisée. Nous espérons plutôt favoriser l'adoption d'animaux abandonnés et destinés à l'euthanasie », a expliqué le maire de l'arrondissement, François W. Croteau.

En entrevue avec Radio-Canada.ca, le maire Croteau a admis avoir été hautement interpellé par le reportage de l'émission *Enquête*, en avril dernier, qui constatait des mauvais traitements à la fourrière Le Berger Blanc, présente dans 10 arrondissements de Montréal.

Lui-même propriétaire d'animaux domestiques, il avait agi dans les jours suivants en instaurant des mesures contraignantes pour surveiller les activités de la fourrière, notamment des visites surprises, des inspections et l'installation de caméras de surveillance.

Le maire Croteau compte par ailleurs revoir les clauses des contrats qui régissent les fourrières dans l'arrondissement avant le prochain appel d'offres, en 2012, pour y intégrer des mesures beaucoup plus contraignantes. « Je ne lésinerai sur aucune mesure radicale pour m'assurer que les animaux sont bien traités et pour changer cette culture d'abandon », a-t-il déclaré.

Déjà en 2009, l'arrondissement interdisait la possession de plus de trois chats ou de deux chiens par résidence.

Début 2011, un inspecteur canin était nommé pour vérifier l'enregistrement des chiens dans les parcs, une mesure prévue dans le budget voté l'année précédente.

D'autres règlements visant à responsabiliser les propriétaires d'animaux domestiques sont aussi à l'étude, ainsi que des méthodes pour contrer le problème des chats errants.

Une mesure innovante à Montréal

L'arrondissement de Rosemont-La Petite-Patrie est le premier à prendre des mesures concrètes pour prévenir l'abandon d'animaux.

Le maire Croteau a pourtant souligné que son équipe a été contactée par plusieurs membres d'arrondissements montréalais et de municipalités québécoises, après l'annonce, pour vérifier les détails juridiques du règlement et évaluer la possibilité de le faire appliquer dans leur secteur.

Ailleurs au Canada, la Société pour la prévention de la cruauté envers les animaux (SPCA) de Saskatoon avait demandé au conseil municipal, en octobre dernier, d'interdire aux animaleries de vendre des chiens et des chats provenant d'usines à chiots, afin de privilégier les refuges locaux.

La ville de Richmond, en Colombie-Britannique, a de son côté été la première au pays à interdire la vente de chats et de chiens dans les animaleries, en octobre 2010.

Toronto avait suivi en septembre dernier, inspirant d'autres villes, comme Gatineau, à étudier la possibilité.

Les organismes de protection des animaux estiment que de 30 000 à 50 000 animaux sont abandonnés annuellement à Montréal, et près de 500 000 au Québec.

Un article de Laila Maalouf

Court upholds Richmond's ban on retail sale of dogs

By [Matthew Hoekstra - Richmond Review](#)

Published: **April 15, 2011 3:00 PM**

Updated: **April 15, 2011 3:43 PM**

A B.C. Supreme Court has dismissed a petition launched by three Richmond pet stores seeking to quash a bylaw restricting the sale of dogs in retail outlets.

In a judgement released yesterday, Justice John Savage ruled Richmond council's decision to ban the retail sale of dogs was a reasonable move to reduce unwanted and abandoned pets.

Last fall city council approved the bylaw, which is set to take effect later this month. That raised the ire of Pet Habitat, PJ's Pets and Pets Wonderland, which jointly launched legal action against the city.

Pets Wonderland sells approximately 150 dogs per year, netting the store \$700 to \$2,500 each, while PJ's sells approximately 50 dogs annually.

In the lead-up to the approval of the bylaw, the city received plenty of written submissions, including two petitions: a 2,160-signature petition supporting the ban, another 1,174-signature petition opposing it.

The pet stores argued the bylaw wouldn't reduce unwanted and abandoned dogs and Richmond acted in bad faith. The judge disagreed.

"In my view Richmond had a valid municipal purpose in enacting the bylaw, reducing the number of unwanted and abandoned dogs in Richmond," wrote Savage.

Pet stores also argued the bylaw discriminated against them because breeders, kennels and others are still able to sell through the Internet. They further stated there was no clear evidence relating to the impulse buying of pets, which the city sought to stop.

"People do most things on impulse including getting married. There is no connection established that people who do things on impulse change their minds. To the contrary decisions made very quickly can be every bit as good as decisions made cautiously and deliberately," argued the petition.

But Justice Savage ruled the bylaw would only be discriminatory if the bylaw didn't act within the public interest.

"Here council distinguished between businesses which made it relatively easy to purchase a dog and those which made it more difficult. There was some evidence

that it was easier to purchase a dog from a pet store; it was possible to buy the dog and take it home the same day with little screening. Breeders and kennels had stricter criteria and often there was a delay between choosing a dog and taking it home."

Savage concluded the pet stores "overstated their case."

"The decision to prohibit the sale of dogs in pet stores falls within a range of acceptable outcomes that are defensible with regard to the facts and law. There is a rational connection between the bylaw and its objective."

The bylaw, initiated by Coun. Ken Johnston, goes into effect April 30.

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Find this article at:

<http://www.richmondreview.com/news/119949494.html>

Page 2
International Bio Research v. Richmond (City)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *International Bio Research v. Richmond (City)*,
2011 BCSC 471

Date: 20110415
Docket: S107947
Registry: Vancouver

Between:

**International Bio Research dba Pet Habitat
and 3499481 Canada Inc. dba PJ's Pets
and Pets Wonderland**

Petitioners

And:

The Corporation of the City of Richmond

Respondent

Before: The Honourable Mr. Justice Savage

Reasons for Judgment In Chambers

Counsel for the Petitioners:

J. Baker

Counsel for the Respondent:

F. Marzari

Place and Date of Hearing:

Vancouver, B.C.
March 23-24, 2011

Place and Date of Judgment:

Vancouver, B.C.
April 15, 2011

Highlights

[48] In my view the evidence here supports a finding that Council passed the Bylaw based on its conclusion that preventing retail pet stores from selling dogs would (a) reduce the number of unwanted and abandoned dogs in Richmond, and (b) improve the conditions of dogs sold as pets in Richmond. The Pet Stores do not seriously dispute this characterization of Council's purpose. Richmond funds animal shelters in its jurisdiction that accept returned and abandoned pets. In light of the cost to Richmond in caring for unwanted dogs, at the very least reducing the number of unwanted and abandoned dogs in Richmond is a valid municipal purpose.

[59] In this case, the municipal purpose is to reduce the number of returned or abandoned dogs. There is a rational connection between the objective of reducing the number of unwanted dogs and placing impediments to purchasing a dog.

[65] In my view Richmond had a valid municipal purpose in enacting the Bylaw, reducing the number of unwanted and abandoned dogs in Richmond. Reducing impulse purchasing was not a purpose of the Bylaw, as the petitioners contend, but one means of achieving the purpose of reducing unwanted dogs.

[66] Therefore, as I have found that Richmond sought to reduce the number of unwanted dogs and that this was a valid municipal purpose, it is not necessary that I consider whether the municipality might have had other objectives in enacting the Bylaw.

[74] The Bylaw is not discriminatory because it treats pet stores differently. It is discriminatory if the distinction is not made with reference to the public interest. Here Council distinguished between businesses which made it relatively easy to purchase a dog and those which made it more difficult. There was some evidence that it was easier to purchase a dog from a pet store; it was possible to buy the dog and take it home the same day with little screening. Breeders and kennels had stricter criteria and often there was a delay between choosing a dog and taking it home.

[75] In my view, imposing an obstacle to purchasing a dog is a rational way to minimize the number of unwanted and abandoned dogs in the city.

[76] In addition, it goes without saying that there is a public interest in ensuring that dogs which have already been abandoned to animal shelters and which are being supported with public funds find a new home, and Richmond cannot be faulted for treating those facilities differently from pet stores.

[77] Council has made the political decision not to ban the sale of dogs in Richmond but to prohibit sales from locations which may encourage impulse buying. The Bylaw will not solve the problem entirely. However, in trying to craft a solution, Richmond is not required to completely eradicate the problem of unwanted dogs. Requiring owners to put additional thought and preparation into their decision to purchase a dog is rationally connected to reducing unwanted dogs in the city.

[81] There was anecdotal evidence from the operators of the animal shelters including the SPCA and RAPS regarding their own adoption procedures and some statistical evidence regarding dog abandonment to shelters, some within a very few months of purchase.

LE JOURNAL DE MONT-ROYAL

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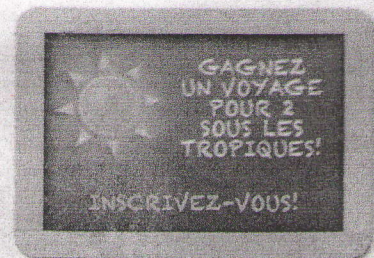
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Les défenseurs des droits des animaux font pression sur la ville

MARTIN C. BARRY

Durant la réunion du conseil municipal de Ville de Mont-Royal du 20 février, Barbara Lapointe de l'avenue Dobie demanda au conseil quand est ce que l'on pourrait attendre voir un règlement municipal qui obligerait les propriétaires d'animaleries de vendre seulement des animaux provenant de refuges à but non lucratif ou des groupes de secours.

Le maire Philippe Roy répliqua que la ville a effectué des recherches sur l'aspect légal de cette démarche, en vue du fait que la ville n'a qu'une seule animalerie sur son territoire.

« Si nous étions pour adopter un règlement de ce genre, ce serait l'équivalent d'un règlement de spot zonage, ce qui est illégal et ne peut se faire », il a déclaré. « Nous, l'avis juridique qu'on a est à l'effet qu'on ne peut pas pour l'instant faire ça ».

Le maire a tout de même insisté « que je suis, et le conseil aussi est très sym-



Barbara Lapointe wants to know when town council will pass a bylaw forcing pet shop owners to sell only animals from non-profit groups or rescue shelters.

photo: M.C. Barry

pathique à cette cause là. On a adopté, d'ailleurs, une résolution pour encourager les citoyens à faire cette démarche là, à regarder d'où viennent les animaux avant

de les acheter et tout ça.

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www.proxima-p.qc.ca

LA MUSIQUE À PIERRE-LAPORTE PIED DE NEZ À L'HIVER... OU DE QUEL BOIS SE CHAUFFE

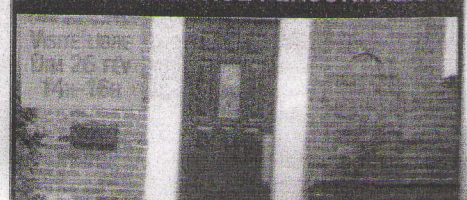
Malgré les rigueurs du mois de février, 20 élèves du programme de musique de l'école secondaire Pierre-Laporte chauffent les planches et annoncent le retour imminent des robes à fleurs. Ils présentent le spectacle Pied de nez à l'hiver, le 1er mars de 18 h à 19 h. Une occasion unique d'entendre ce que produisent les élèves issus du volet Musique création de l'établissement Pierre-Laporte.

d'ensemble. Orchestre à cordes, harmonie, guitare, piano, création, chant choral, formation auditive, littérature musicale et musique assistée par ordinateur sont au menu. Les instruments sont fournis aux élèves et il en coûte entre 450 \$ et 500 \$ annuellement, selon l'instrument choisi.

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M. André Roy et
sa fille, Virginie

Une animalerie qui dit enfin «NON! AUX USINES À CHIOTS!»

Monsieur André Roy, propriétaire d'une animalerie et soucieux du bien-être des animaux et de la satisfaction de ses clients, a mis sur pied un programme d'adoption en partenariat avec la SPA de Québec afin de ne plus s'approvisionner dans les usines à chiots et à chats.

Par Martine Huard

Le programme permet l'adoption de chats et de chiens dans l'animalerie de M. Roy, qui provient d'un refuge plutôt que d'un élevage industriel, et ce, afin de diminuer le nombre d'euthanasies. Des animaux de la SPA sont ainsi placés à La Faune Domestique afin de favoriser leur adoption. Ils demeurent cependant sous la responsabilité de la SPA pour que celle-ci puisse assurer un suivi continu des protocoles d'hygiène et de salubrité des lieux, qui se sont avérés jusqu'à présent excellents. Par ailleurs, en ce qui concerne les animaux à adopter, l'animalerie offre la même garantie en matière de santé que celle de la SPA, comme s'ils avaient été adoptés dans les locaux de celle-ci. Les chiens et les chats sont regroupés dans une zone identifiée, et les employés de l'animalerie veillent à leur bien-être pendant leur séjour.



Alexandre Deslauriers

M. Roy, comment l'idée de mettre sur pied un tel programme vous est-elle venue?

«Au début, je m'approvisionnais dans les usines à chiots et à chats. Mais, j'étais de plus en plus mal à l'aise par rapport à cette situation, et comme je désirais continuer à vendre des animaux, j'ai tenté de boycotter ces usines et de faire appel aux éleveurs, mission impossible. Les éleveurs ne peuvent pas fournir une animalerie de 12 000 pi², étant donné le nombre de chiens vendus tous les jours. C'est à ce moment-là que mon fils, qui a été aux États-Unis, m'a fait part des partenariats qui existent entre les refuges et les animaleries chez nos voisins du Sud. Après diverses rencontres avec les dirigeants de la SPA de Québec, des modalités de fonctionnement ont été convenues, et le projet a pris son envol.»



Le petit chien attend sagement de rencontrer sa nouvelle famille.

Depuis plusieurs années, La Faune Domestique offre 20 % de rabais sur les produits aux clients dont l'animal a été adopté à la SPA (sur présentation obligatoire du contrat d'adoption). Toujours par souci de privilégier ces animaux en quête d'un nouveau foyer, l'animalerie propose les mêmes cotés d'adoption que ceux de la SPA, à qui elle remet d'ailleurs une partie des frais d'adoption. En conséquence, cette animalerie ne réalise pas de gros revenus par le biais de cette bonne action.

M^{me} June Gormley, chargée de projets à la SPA de Québec, indique qu'elle «est toujours disposée à s'associer à d'autres projets similaires, dans la mesure où ceux-ci sont réalistes et avantageux pour les animaux du refuge».

M^{me} Gormley, combien d'animaux sont mis en adoption à l'animalerie?

Sur neuf cages de La Faune Domestique, sept sont réservées aux animaux de la SPA de Québec. Au fur et à mesure qu'une cage se libère, à la suite d'une adoption, elle accueille un autre pensionnaire. Grâce à l'achalandage du commerce, ces animaux bénéficient d'une plus grande visibilité qu'à la SPA. Ainsi, chaque mois, environ 20 à 30 chats et chiens trouvent une nouvelle famille grâce à l'animalerie.

Comment les sélectionnez-vous?

Nos critères de sélection sont la santé générale, l'âge et le comportement. Les animaux envoyés à l'animalerie sont habituellement des chiens de petite taille et des chats de couleurs variées. Il nous est impossible d'envoyer des chiens de grande taille, le format des cages ne le permet pas.

De quelle façon avez-vous fait connaître le programme au public?

À ses débuts, le programme a fait l'objet d'un article dans le journal. Puis, la SPA ainsi que La Faune Domestique ont réalisé une campagne d'affichage. De plus, les animaux offerts à La Faune bénéficient d'une visibilité supplémentaire sur le site Internet de la SPA.

Le programme fonctionne-t-il bien?

De mars à décembre 2009, plus de 180 animaux du refuge ont été adoptés à La Faune Domestique. Depuis janvier 2010, près de 80 animaux ont pu trouver une nouvelle famille par le biais de celle-ci. Ces quelque 260 animaux ont évité une euthanasie probable, qu'on pratique notamment pour éviter la surpopulation.

Prévoyez-vous élargir le programme à d'autres animaleries?

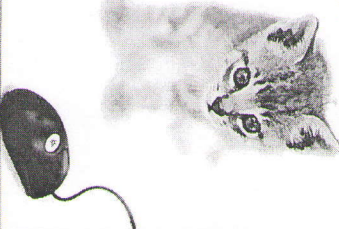
Nous le souhaitons grandement! Dans certaines régions de l'Amérique du Nord, des animaleries ne peuvent mettre en adoption que des animaux en provenance de refuges comme la SPA. Il est à espérer qu'une telle philosophie puisse s'implanter ici et que ce modèle, unique au Québec, adopté par La Faune Domestique servira d'exemple.

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Mettons fin à la vente d'animaux en animaleries et encourageons l'adoption des animaux au Québec.

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Contre la vente. Pour l'adoption.

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Demain rencontre avec des étudiants du Student Animal Legal Defense Fund (SALDF) de McGill.

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Monday

Une étudiante en droit de l'Université McGill fera son stage sur la réglementation de la vente d'animaux en animaleries à Ville Mont-Royal cet été!

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Nancy Belanger

Bravo ! Je partage :)

1 · May 9 at 8:05pm



Enya C. Désautels

Bravo! Je te supporte à 110% on devrait tous suivre ton ex...

1 · April 10 at 2:13pm

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Contre la vente. Pour l'adoption.

May 10

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Ministère de la Justice

Québec, le 3 mai 2012

Madame Barbara Lapointe

Madame

CITY OF MONTREAL BOROUGHS' JURISDICTION TO REGULATE THE SALE OF DOGS AND CATS IN PET SHOPS

The following is a legal opinion regarding City of Montreal boroughs' authority to require that dogs and cats sold in pet shops be sourced from registered non-profit charitable animal shelters, humane societies, and rescue groups, rather than from puppy or kitten mills.

We conclude that Montreal boroughs have clear authority to regulate the types of dogs and cats that can be sold in pet shops through their power to regulate economic activities and pets in general, as well as their specific power to regulate pet and research animal trade. Requiring that dogs and cats sold in pet shops be sourced from registered shelters, humane societies, and rescue groups, rather than commercial breeders, will help stop the sale of puppies that come from puppy mills and back yard breeders where dogs are kept in shockingly poor conditions. It will also help to reduce overpopulation by stopping impulse purchases of unsterilized animals and send the message to citizens that companion animals are not a commodity that can simply be purchased on a whim like an inanimate object.

I. Introduction

On September 22 2011, Toronto City Council enacted By-law No. 1163-2011 (the "Toronto By-law"), which modifies and supplements those sections of the *Toronto Municipal Code* that regulate the sale of dogs and cats in pet stores.¹ Importantly, the by-law provides that "every retailer, including any person or business that sells more than 10 dogs per year, must obtain animals from one of the following sources only: (i) municipal animal shelters, (ii) registered humane societies, (iii) registered shelters or rescue groups, or (iv) from people who have surrendered their pets to them at no charge."² Toronto pet shops can therefore no longer sell dogs and cats sourced from commercial breeders.

Toronto is the second Municipality in Canada to adopt such a by-law, following the Municipality of Richmond in British Columbia. Regulations regarding the sale of live animals in pet stores already exist in many American jurisdictions.³ Other Municipalities in Canada are also considering following suit.⁴

The impetus for Toronto's decision to adopt such legislation stems from the city's desire to "halt the proliferation of puppy mills" and its recognition that regulating pet shops is a key factor in this fight.⁵ Pet shops and puppy mills are inherently linked because pet store windows

¹ City of Toronto, By-law No. 1163-2011, *To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the licensing of pet shops* (22 September 2011) [*Toronto By-law*]; *City of Toronto Municipal Code*, Chapter 545, § 246-260.

² *Toronto By-law*, *ibid.*, § 545-262.

³ Such as Hermosa Beach, South Lake Tahoe and West Hollywood, California; Austin, Texas; and Fort Lauderdale, Coral Gables, Lauderdale Lakes, Flagler Beach, North Bay Village and Opa-Locka, Florida.

⁴ Including Vancouver B.C., Windsor ON, Ottawa ON, Hamilton ON and Gatineau QC. See <http://www.globaltvbc.com/npa+candidate+wants+sale+of+dogs+banned+in+vancouver+pet+stores/6442494213/story.html>

⁵ *Toronto By-law*, *supra* note 1, Preamble.

provide the opportunity to showcase adorable puppies without any indication that these dogs are the product of unethical commercial breeding. Simply put, reputable breeders do not sell puppies and kittens in pet stores; puppy/kitten mills and backyard breeders do.⁶

By-laws regulating the sale of animals in pet stores are also enacted with consumer protection in mind.⁷ Puppies purchased in pet stores often have or will develop genetic defects, health, or behaviour problems due to poor breeding practices, inbreeding, and the deplorable conditions into which they were born. Health and behavioural issues in dogs purchased from pet stores have become such a consumer protection problem that certain states in the U.S. have enacted specific legislation to deal precisely with this issue, commonly known as “puppy lemon laws.”⁸ Regulating where dogs and cats sold in pet stores come from ensures that they are only obtained from reputable sources and that there is accountability to consumers who purchase these animals.

Such legislation will also help address the pet overpopulation problem, which results in the euthanasia of thousands of healthy and adoptable dogs and cats each year. There are simply too many animals being bred, bought, sold, and abandoned in the City of Montreal. Estimates for the number of animals impounded in animal control facilities or brought into shelters for 2011 alone is over 50,000! This by-law will help increase the adoption of animals from shelters, thereby reducing the number of shelter animals that are euthanized, and diminish the market for animals from substandard breeding facilities.⁹

Finally, the educational aspect of legislation such as this cannot be overlooked. By-laws regulating the sale of animals in pet stores send the message to the community at large that the City is concerned about pet overpopulation, animal welfare, and consumer protection, and is taking measures to address these issues. By curbing the number of impulse purchases of dogs and cats, the City would be sending a strong message that pet owners must be responsible and think about the commitment involved in taking in a new pet.

It is our position that City of Montreal boroughs are legally empowered to follow Toronto’s lead on this important issue. Firstly, boroughs have jurisdiction to regulate economic activities, as well as dogs and other pets. Secondly, the amendments sought would not in any way ban an economic activity, but rather regulate it by specifying from what sources pet stores can obtain dogs and cats. Thus, the regulations sought would be no different in nature from what is already imposed by legislation currently in force in City of Montreal boroughs.

II. Municipal Authority to Enact Regulations Relative to Economic Activities and Dogs and Other Pets

⁶ In fact, the Canadian Kennel Club’s (CKC) breeder code of ethics specifically prohibits their members from selling dogs in pet stores (The CKC is the primary registry body for purebred dogs in Canada, incorporated under the Animal Pedigree Act of Canada). See <http://www.ckc.ca/en/Default.aspx?tabid=81>.

⁷ See e.g. *Toronto By-law*, *supra* note 1, Preamble

⁸ See http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy_mill_lemon_law_chart_1.pdf.

⁹ Many cities implementing this type of regulation see results in their euthanasia and adoption rates. For example, Albuquerque New Mexico implemented a restriction on the sale of dogs and cats in pet stores in 2006 and between 2006 and 2009 the euthanasia rate for adoptable dogs and cats decreased by 32%, adoptions increased by 23%, and intakes decreased by 6%.

The *Charter of Ville de Montreal* provides that “the borough council exercises on behalf of the city [...] all the powers and is subject to all the obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (chapter C-19) or any other Act.”¹⁰ The *Charter* thereby grants boroughs all powers given to a local municipality by any other act. The *Municipal Powers Act* provides that “a local municipality may, by by-law, regulate [...] economic activities.”¹¹ It further specifies that “in exercising a regulatory power under this Act, a local municipality may, in particular, prescribe prohibitions”¹² and “specify the cases where a permit is required, limit the number of permits and prescribe the cost, conditions and terms of issue and the rules governing the suspension or revocation of a permit.”¹³ City of Montreal boroughs thus have clear authority to enact by-laws regulating the sale of dogs and cats in pet shops. In regulating this activity, boroughs can prescribe prohibitions, create licensing schemes, and impose obligations on licensees.

In addition to granting boroughs the power to regulate economic activities under the *Municipal Powers Act*, the *Charter of Ville de Montreal* gives boroughs a second source of jurisdiction for regulating the sale of dogs and cats in pet shops. The *Charter* provides that “the borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to [...] dogs and other house pets.”¹⁴

In fact, Montreal boroughs already regulate the sale of animals in pet shops. Montreal by-law *R.B.C.M. c. C-6* (“By-law C-6”), a City of Montreal by-law administered by its boroughs, establishes a permit system for persons operating pet shops and specifies the requirements which must be met by such facilities.¹⁵ For example, the by-law requires that “each pet and research animal must be supplied with drink and fed properly, and sheltered from drafts and blazing rays of sunlight.”¹⁶ The by-law also imposes certain restrictions on the sale of animals in pet shops. For example, pet shops may not “sell, give or exchange dogs or cats that are not 8 weeks old, or sick animals.”¹⁷

There is no reason why City of Montreal boroughs could not impose an additional constraint on the sale of dogs and cats in pet shops by enacting an amendment to By-law C-6 requiring pet shops to obtain their dogs and cats exclusively from non-profit charitable animal shelters, humane societies, and rescue groups.

III. The Modifications Sought Are Not a Ban and Are No Different in Nature to Restrictions Currently in Force

The Toronto By-law does not create an outright ban on the sale of dogs and cats in pet stores. Rather, it requires that dogs and cats sold in pet stores be obtained only from certain

¹⁰ R.S.Q., c C-11.4, s. 130 [*Charter*].

¹¹ R.S.Q., c C-47.1, s. 10(2).

¹² *Ibid.*, s. 6(1).

¹³ *Ibid.*, s. 6(2).

¹⁴ *Supra* note 10, s. 185.1(2) of Schedule C.

¹⁵ City of Montreal, By-law R.B.C.M. c. C-6, *By-law Concerning Pet and Research Animal Trade* [By-law C-6].

¹⁶ *Ibid.*, s. 13.

¹⁷ *Ibid.*, s. 18(2).

sources.¹⁸ The by-law proposed by the Montreal SPCA is no different. It does not seek to ban an economic activity as a whole, but merely aims to regulate it by imposing certain additional restrictions. As discussed in the preceding section, the power to regulate an economic activity in this way falls squarely within the scope of Montreal boroughs' powers.

Further, the restrictions imposed by the proposed by-law are no different in nature from the type of restrictions currently in force in the boroughs. By-law C-6 already restricts the types of animals that can be sold in pet shops. For example, pet shops are prohibited from selling dogs or cats younger than eight weeks old,¹⁹ sick animals,²⁰ as well as monkeys.²¹ Prohibiting pet shops from selling dogs and cats obtained from certain sources would simply place an additional restriction on the types of animals that can be sold. This is no different from the restrictions already set out in By-law C-6.

IV. Conclusion

City of Montreal boroughs possess the legal authority to require that pet shops sell only dogs and cats obtained from registered shelters, humane societies, and rescue groups. This authority stems from the boroughs' power to regulate economic activities and pets in general, as well as from their specific jurisdiction over the types of animals that can be sold in pet shops as evidenced by By-law C-6.²²

V. Appendices

- (1) City of Toronto, By-law No. 1163-2011
- (2) City of Montreal, By-law R.B.C.M. c. C-6
- (3) Suggested amendment to City of Montreal, By-law R.B.C.M. c. C-6 to include regulations on sourcing of dogs and cats

¹⁸ *Toronto By-law*, *supra* note 1, § 545-262.

¹⁹ *Supra* note 17, s. 18(2).

²⁰ *Ibid.*

²¹ *Ibid.*, ss. 1 & 18(3).

²² *Supra* note 17.

May 26, 1995 C-6 / 1

R.B.C.M.

c. C-6

BY-LAW CONCERNING PET AND RESEARCH ANIMAL TRADE

PROPOSED AMENDMENT

1. In this by-law, the following words mean:

"birdshop": an establishment where birds, fish or reptiles referred to in the definition of pets are kept for trading, breeding, boarding, hygienic or esthetic treatment or care;

"director": the director of the Service des permis et inspections;

"kennel": an establishment where dogs, cats or small pet mammals are kept for trading, breeding, boarding, hygienic or esthetic treatment or care;

"menagerie": a place where research animals are kept;

"nuisance": any act or omission likely to endanger the life, health or safety of people or impede the exercise of their rights;

"pets": dogs, cats and other small pet mammals except monkeys, caged birds except Gallinaceae, Columbidae and Anatidae, fish in aquariums, and small non-venomous, harmless reptiles;

"research animals": animals used for educational or experimental purposes.

"non-profit animal shelter": any shelter, humane society, SPCA or SPA with non-profit or charitable status and approved of by the Municipality or its agent

"non-profit registered rescue groups": any animal rescue organization with non-profit or charitable status and approved of by the Municipality or its agent

95-085, a. 18.

2. Each person who operates a kennel or a birdshop must secure an annual permit for that purpose.

3. A permit is required to build or alter a kennel or a birdshop. An application must be submitted to the director, together with a copy of construction or alteration plans, for approval purposes.

4. Each kennel, birdshop or menagerie must meet the following requirements:

- (1) have walls, floors and ceilings built of waterproof and washable materials;
- (2) be heated in keeping with the various animal species kept there;
- (3) be provided with the necessary cleaning and disinfection materials;
- (4) be kept clean, in good condition, and free of vermin at all times;
- (5) be provided with a washroom equipped with an individual towel dispenser and with liquid soap or soap powder in convenient dispensers, as well as a container for used towels.

5. Cages or shop windows where pets are kept in kennels, birdshops or menageries must have watertight bottoms, without cracks, be easy to wash and spacious enough so that one or more

animals may move freely within them. Aquariums or other shelters must be solidly built, with waterproof materials approved by the director.

Wood may be used in the construction of cages, on condition that it be covered with a waterproof material on all its faces.

A space of at least 91 cm must be provided between each row of cages.

6. Waste and litter from a kennel, birdshop or menagerie must be placed in watertight bags and stored, until their collection, in an isolated place approved by the director. No nuisance may be caused.

7. Each kennel and birdshop must be at least 2.4 m high, as measured from floor to finished ceiling under the joists.

8. Kennels in which dogs, cats and other pet mammals are kept together must be separated from the birdshop by a wall made of solid materials, extending from floor to ceiling.

9. Kennels or birdshops in a department store must be physically separated from premises where foodstuffs are stored, displayed, sold or served. The premises where pets are sold, given or exchanged must be used exclusively for that purpose.

10. At the time of a transaction, the seller must hand the purchaser a certificate:

- (1) providing an identification of the dog or cat purchased, given, exchanged or sold;
- (2) bearing the signature of a veterinarian;
- (3) certifying that the animal, before entering the kennel and according to his age, was given a serum or vaccine injection
 - (i) For dogs: against distemper, infectious hepatitis, parvovirus, parainfluenza and leptospirosis; and given a dewormer against internal and external parasites
 - (ii) For cats: against rhinotracheitis, calicivirus, panleukopenia; and given a de-wormer against internal and external parasites
- (4) specifying, as the case may be, the duration of the prophylactic treatment applied and the date of injection of the serum or vaccine
- (5) certifying that the dog or cat has been sterilized and specifying the date of sterilization

11. Each operator of a kennel or birdshop must keep a register together with individual files indicating the origin, date of birth, and date of purchase of each pet dog, cat or bird.

12. Each operator of a kennel, birdshop or menagerie must abide by all laws and regulations concerning contagious animal diseases.

13. Each pet and research animal must be supplied with drink and fed properly, and sheltered from drafts and blazing rays of sunlight.

14. Animals suffering from an endoparasitic or ectoparasitic infection must be isolated and

treated without delay. Those suffering from an incurable disease must be euthanized without delay, at the expense of the kennel, birdshop or menagerie operator.

15. Cages or other shelters having housed sick animals must be washed and disinfected immediately after the isolation or death of those animals, to the satisfaction of the director.

16. Suitable premises provided with the necessary equipment to handle and restrain animals must be put at the director's disposal for the examination of animals in a kennel or birdshop.

17. Each carcass of a pet or research animal must be placed in a plastic bag as soon as death occurs, then stored in a container reserved for that purpose. Each container must be placed in a location approved by the director.

Each container must be washed and disinfected when empty.

18. No kennel, birdshop or menagerie operator may:

- (1) interfere with the director in the discharge of his duties;
- (2) sell, give or exchange dogs or cats that are not 8 weeks old, or sick animals;
- (3) sell, purchase, give, exchange or keep, in a kennel or a birdshop, any animal other than one of those referred to in the definition of kennel or birdshop in article 1;

19. No kennel or birdshop operator may:

(1) sell, purchase, give or exchange any dog or cat not obtained from one of the following sources:

i. non-profit animal shelters;

ii. non-profit registered rescue groups.

(2) sell, give or exchange dogs or cats that are not sterilized.

19. (Repealed)

95-085, a. 19.

20. Where the director finds that a kennel, birdshop or menagerie is not operating in compliance with the provisions of this by-law, he may order in writing that all operations be suspended until those provisions are complied with, and the ban has been lifted.

21. The director may:

- (1) inspect at any time kennels, birdshops and menageries, and examine or cause to be examined all animals kept there;
- (2) require that kennel, birdshop or menagerie operators provide all useful or necessary information, including a list of suppliers and customers;
- (3) order the isolation of any animal that he considers sick, and prevent it from being sold, given or exchanged until it has fully recovered;
- (4) order the euthanasia of any animal considered incurable;
- (5) perform autopsies on carcasses.

22. The executive committee may, by ordinance:

- (1) regulate the ventilation, airing and heating of kennels, birdshops and menageries;
- (2) modify the definition of pets in article 1;
- (3) regulate the boarding, breeding and sale of research animals;
- (4) set additional health standards relating to the boarding, breeding and sale of pets and research animals.

95-085, a. 20.

23. Each violation of this by-law constitutes a nuisance.

24. Any person who contravenes this by-law is guilty of an offence and is liable:

- (1) for a first offence, to a fine of \$100 to \$300;
- (2) for a second offence, to a fine of \$300 to \$500;
- (3) for a subsequent offence, to a fine of \$500 to \$1000.

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95-085, a. 19.

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(5) perform autopsies on carcasses.