

February 29, 2016

City of Ottawa
110 Laurier Avenue West
Ottawa, Ontario
K1P 1J1
VIA EMAIL: bylawreviews@ottawa.ca

To Whom It May Concern:

**RE: Schedule 29 of the Business Licensing By-law (2002-189, as amended)
respecting pet shops**

Animal Justice Canada Legislative Fund (“**Animal Justice**”) is Canadian non-profit dedicated to animal law; we work to secure legal protections for animals. We represent tens of thousands members across Canada, including many in Ottawa.

Animal Justice appreciates the opportunity to provide comments regarding proposed changes to Schedule 29 under the Business Licensing By-law (“**By-law**”).

Proposed Changes

As you are aware, the proposed options to amend Schedule 29 under the By-law are as follows:

- a) Restrict the sale of cats, dogs and rabbits (“companion animals”) from pet shops, except through adoption from approved non-commercial sources, such as humane societies and rescue groups (“**Proposal A**”);

OR

- b) Retain the existing regulation and increase monitoring of pet shops (from at-request to mandatory inspections) to improve compliance with licensing standards (“**Proposal B**”).

Provided Justification

There are several proposed justifications for both proposals to amend the regulations respecting the sale of companion animals in pet shops.

In regards to Proposal A, it is noted that the sale of companion animals from pet shops results in fewer adoptions, leading to overpopulation and euthanasia at local shelters. The commercial sale of companion animals also contributes to the ‘impulse buying’ of pets, often resulting in pet abandonment and pet surrender, thus, endangering the animals, and placing further strain on shelters’ limited resources. Further, it is noted that the commercial sale of pets contributes to the economic demand for commercial breeders, many of whom raise companion animals in substandard conditions to maximize profits i.e. puppy and kitten mills. Finally, it is noted that most pet shops in the city already do not sell cats or dogs, and most of those which did sell cats and dogs sourced from local shelters.

In regards to Proposal B, it is suggested that the existing licensing regime for pet shops, including inspection and record-keeping requirements provides necessary protection to companion animals being sold, but that changing the at-request inspections to mandatory inspections could provide greater protection to companion animals than the complete prohibition found in Proposal A, which may prompt buyers to seek out unlicensed breeders.

Commentary

Animal Justice submits that Proposal A should be adopted as it is best capable of protecting the lives and welfare of animals. Although Proposal B represents a very slight improvement to existing regulations, it fails to address the problems inherent in the sale of companion animals at pet shops, as identified by the Council and outlined below. Furthermore, there is no evidence to suggest that ending companion animal sales at pet shops leads people to purchase animals from unlicensed vendors. Rather, the evidence suggests that adoption rates in animal shelters increase when pet sales in pet stores are not permitted. Indeed, the fact that most Ottawa pet shops have already stopped selling cats and dogs apart from those sourced from shelters would indicate that this is not a serious or central concern. Restricting pet sales will help educate the public on responsible pet adoption.

Underadoption at Local Shelters

The largest animal shelter in Ottawa, the Ottawa Humane Society (“OHS”) claims to care for over 10,000 lost, abandoned, neglected and abused animals every year.¹ Although the OHS does not provide statistics as to the number of animals euthanized under its care, it states that only an estimated 4,000 animals are adopted every year.² Thus, a substantial number of animals at the OHS are not adopted and, as a consequence, face euthanasia. Mandating that companion animals sold in pet shops be adopted from the OHS and other animal shelters would help address this problem, providing existing animals in shelters with much-needed loving homes.

¹ Ottawa Humane Society, “Ottawa Humane Society”, online: <<http://www.ottawahumane.ca>>.

² Ottawa Humane Society, “Ottawa Humane Society – FAQ”, online: <<http://www.ottawahumane.ca/adopt/adoption-faq/>>.

Impulse Buying Pets and Pet Abandonment/Surrender

People who purchase companion animals on impulse, whether for themselves or for others, may be unaware of the needs of the animal and ill-prepared for impact of an animal on their lives. Animals bought on impulse frequently suffer neglect, and are often abandoned or surrendered to shelters and rescues. This can be traumatic for the animals, and puts a further strain on the resources of local shelters.

Prohibiting the sale of animals in pet shops and promoting adoption addresses this problem by serving as a reminder that pets are not commodities but that having a pet is a lifelong responsibility. Unlike pet stores, shelters and adoption agencies also have screening procedures that help determine the suitability of the prospective home, to the benefit of both the animal and the adopting parties.

Commercial Breeding

The animal welfare implications of commercially breeding companion animals have been extensively documented.³ Commercial breeders frequently prioritize profit over the wellbeing of the animals, creating puppy and kitten mills where animals are treated as commodities and not as individuals. Animals from these environments may suffer from mental and physical distress. Commercial breeders of companion animals in Canada generally do not require a provincial license, meaning that law enforcement agencies are often unaware of their existence and unable to inspect them. There is no requirement in Ontario that breeding operations be inspected with any degree of regularity, and much of this suffering goes on behind closed doors and undetected.

Puppy and kitten mills often produce animals who suffer from genetic disorders, severely compromising their health. Indeed, the problems surrounding commercial breeding and pet shop sales are such that the Canadian Kennel Club prohibits members from selling their puppies to pet shops.⁴

Further, pet shop employees may not be able to identify animals sourced from puppy or kitten mills, or their health problems, resulting in owners unknowingly adopting animals with special needs that they may not be able or willing to meet. Again, such situations can lead to neglect of the pet, surrender and/or abandonment. Although pet shops in Ottawa may claim to source their prospective pets from “responsible breeders”, this is not a legally defined term and has no associated standard.

³ Humane Society International, “Puppy Mills in Canada”, online:
<http://www.hsi.org/world/canada/work/puppy_mills/facts/canada_puppy_mills.html>.

⁴ Canadian Kennel Club, “Code of Practice for CKC Member Breeders”, online:
<<http://www.ckc.ca/en/Breeding-Dogs/Code-of-Practice-for-CKC-Member-Breeders>>.

Prohibiting the sale of companion animals in pet shops will help create a cultural shift, curbing the practice of commercial breeding to the benefit of animals and human guardians alike.

Conclusion

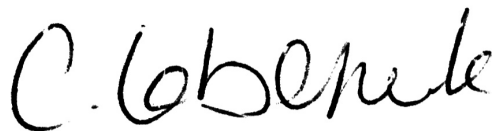
Animal Justice recommends the adoption of Proposal A, prohibiting the sale of dogs, cats and rabbits in pet shops due to animal welfare considerations. Indeed, improved understanding of the problems caused by the sale of companion animals in pet shops have led major cities across Canada including Richmond, Toronto, and Mississauga to adopt rules similar to Proposal A. Although Proposal B's strategy of increased enforcement also poses some potential benefits, Proposal A will address the plethora of issues arising from the commercial sale of companion animals and is in keeping with evolving attitudes towards companion animals in Canada.

Animal Justice further submits that the City of Ottawa should strongly consider extending Proposal A beyond simply cats, dogs, and rabbits. Other exotic animals like many species of birds, fishes, and reptiles are sold at pet stores. These animals also suffer from poor welfare due to commercial breeding or wild capture, are also widely available for adoption at humane societies and shelters, and would also benefit from the protections you are considering affording to cats, dogs, and rabbits. The same arguments in favour of ending sales of cats, dogs, and rabbits apply equally to other animals.

Animal Justice appreciates the opportunity to comment on the proposed changes and hopes the Community and Protective Services Committee and Council will take the concerns highlighted in this submission into consideration in respect of the proposed changes.

Please do not hesitate to contact me if you should wish to discuss this matter further.

Yours sincerely,



Camille Labchuk, BA, JD
Barrister & Solicitor
Executive Director