

2. Alleged Contravener(s)

Provide the name and address of each person(s) or corporation(s) alleged to have been involved in the commission of the contravention:

Chesher's Outdoor Store

Company/Individual Name

300 Maitland Dr

Address

Unit/Apartment

Belleville

ONTARIO

K8N 4Z5

City

Province

Postal Code

()

(613-966-8080

Residence Telephone

Business Telephone

3(a) Alleged Contravention

Act(s) Fish and Wildlife Conservation Act Section Number 11(1)

Regulation(s) _____ Section Number _____

Instrument Type and Number _____

Condition Number _____

3.(b) Provide a statement of the nature of the alleged contravention(s):

See attached statement on the following page

If you need more space, attach additional pages, each referenced with "Question #3(b)"

Question #3(b)

The Applicants in this matter are Animal Justice (being comprised of Animal Justice Canada and Animal Justice Canada Legislative Fund) and Lesley Sampson (on behalf of Coyote Watch Canada).

Chesher's Outdoor Store, located at 300 Maitland Dr, Belleville, ON K8N 4Z5 ("Chesher's") hosted a coyote hunting competition throughout February, 2023 in which participants paid an entry fee to the store to have a chance to win cash and prizes based on the weights of coyotes that they killed and submitted to the store (the "**2023 Hunting Contest**"). The entirety of the rules for the 2023 Hunting Contest were posted online on Facebook by Chesher's on January 17, 2023 and are attached to this application. As per the rules, approximately \$2,500 in prizes and cash were to be awarded to the individual(s) who killed the 5 largest coyotes, based on weight. The more animals that a given contestant killed and entered, the greater their chances of being awarded cash and merchandise prizes through the contest.

Section 11(1) of the *Fish and Wildlife Conservation Act* (the "**Act**") states that except with authorization of the Minister, a person shall not: (a) hunt for gain or the expectation of gain, (b) induce another person to hunt for gain, or (e) pay or accept a bounty. Pursuant to s 97(2) of the Act, it is also an offence to attempt to do anything that is prohibited under s 11— that is, it is an offence to attempt to hunt for gain, or to attempt to induce another person to hunt for gain. Any authorization issued by the Minister under s 11 must be in writing (s 65).

Ministry officials have confirmed that no Ministerial authorizations were granted to Chesher's to host the 2023 Hunting Contest. As such, Chesher's was in direct contravention of the clear wording of s 11(1) of the Act by hosting the 2023 Hunting Contest.

Question #3(c)

We first became aware of coyote hunting contests hosted by Chesher's in January, 2021 upon receiving calls and emails from supporters of our organizations. Based on Freedom of Information documents which we have reviewed, we are aware that the Ministry received an email on January 21, 2021 alerting them to the 2021 contest. The Ministry was also made aware of Chesher's coyote hunting contests being hosted in both 2022 and 2023 by our organizations directly, as well as by thousands of emails sent from the public. In each of 2021, 2022, and 2023, the Ministry has refused to take steps to prevent the contest from taking place or to ensure the requirements of the Act are upheld.

In 2022, Animal Justice, Coyote Watch Canada, and The Fur Bearers launched an application for judicial review of the 2022 hunting contest. In this application, we challenged the government's decision to allow the 2022 contest to take place throughout the month of February (in violation of the Act). The Minister has taken the position that he did not allow the 2022 contest to proceed. The question of whether the Minister allowed the 2022 contest is still before the courts. Since the contest took place again this year, and we have yet to obtain copies of correspondence between the Minister and Chesher's through Freedom of Information requests, we do not know what was communicated to store or what decisions were made within the Ministry in respect of the 2023 contest. We are requesting that the Minister take action to investigate the 2023 Hunting Contest.

This application is important as it concerns the Minister's statutory duties under the Act – one of Ontario's most important wildlife conservation laws. It raises a serious issue with significant implications for animals – a segment of society whose moral worth has been repeatedly recognized by Canadian courts. Furthermore, conservation of the natural environment, including wildlife and biodiversity, both for present and future generations is a matter of significant public interest. Coyotes are a keystone species who are already subject to unlimited open season hunting throughout most of Southern Ontario. They play an important role in ecosystems throughout Ontario, directly and indirectly helping to control disease transmission, keeping rodent populations in check, and increasing biodiversity. Encouraging individuals to kill more coyotes through the contest can have impacts on other species throughout the ecosystems where the contest takes place.

While the Ministry may not have concerns about the population levels of coyotes in Ontario, s 11 of the Act does not accord any discretion to allow hunting for gain or the expectation of gain, or to allow inducing another to hunt for gain or paying a bounty where it does not pose a population-level risk or a threat to public safety. Section 11 sets out a clear prohibition against hosting these types of contests. Moreover, given that there are no geographic boundaries on the Chesher's contest, there is also a risk of hunters attempting to shoot as many coyotes as possible in order to win cash and prizes incidentally shooting other animals, such as the threatened Algonquin wolf. This species occupies similar regions as eastern coyotes and are often indistinguishable from eastern coyotes.

Question #5

In our capacities as the Executive Directors of Animal Justice and Coyote Watch Canada, we have corresponded with, or directed supporters to correspond with, the Ministry of Natural Resources and Forestry (the “**Ministry**”), including the Minister specifically, on several occasions concerning the 2021, 2022, and 2023 coyote hunting contests that Chesher’s has hosted. Based on Freedom of Information documents which we have reviewed, we understand that the Ministry received over 5,700 emails and hundreds of calls relating to the Chesher’s contest in 2021. Similarly, in 2022, the Ministry was “flooded with calls” and received hundreds of unique emails from members of the public. Between January, 2023 and the date of this application, over 1,500 individuals have used Animal Justice’s ‘action page’ alone to write to the Minister. As such, a wide variety of Ministry staff have reviewed our comments/position on the Chesher’s hunting contest, as well as those of our supporters and concerned members of the public, over the past several years. Examples of correspondence between our organizations and the Ministry with regard to this matter are enclosed.

Additionally, and as noted above, in 2022, Animal Justice and Coyote Watch Canada were co-applicants in a legal challenge against the Minister, alleging that the Minister unlawfully decided to allow the 2022 Chesher’s contest to proceed contrary to s 11(1) of the Act and without issuing statutorily required written authorizations to the Store and participants (*Animal Justice et al. v Minister of Northern Development, Mines, Natural Resources, and Forestry (Ontario)*, Court File No. 119/22). We are still awaiting the court’s decision in this matter.

6. Documentation and other materials

Provide a description of any document or other material that the applicants believe should be considered in the investigation;

A copy of these materials should be included in your application if you can reasonably obtain them

Please provide copies of all written materials and photographs referred to in your summary above. These materials can be submitted by mail or electronically. Reference each document and photograph against the list you have created.

Item #	Document or material, including description	Copy included
2	Chesher's 2021 Hunting Contest Rules	Y
3	February 18, 2021 Letter to Minister re Chesher's	Y
4	Chesher's 2022 Hunting Contest Rules	Y
5	February 7, 2022 Letter to Minister re Chesher's	Y
6	February 14, 2022 Letter to Minister re Chesher's	Y
7	January 26, 2023 Letter to Minister re Chesher's	Y

If you need more space, attach additional pages, each referenced with "Question #6"