

August 21, 2023

Hon. Graydon Smith
Minister of Natural Resources and Forestry
Whitney Block, 99 Wellesley St W
Toronto, ON M7A 1W3

Via email

Dear Minister Smith:

Re: Issuance of new licences for dog “train and trial” areas

On behalf of Animal Justice, World Animal Protection, The Fur-Bearers, Humane Canada, Zoocheck, Humane Society International/Canada, Animal Alliance of Canada, and Coyote Watch Canada we write to urgently request that your Ministry cancel its plans to issue licences for new dog “train and trial” areas and allow for the transfer of such licences in 2024. “Train and trial” areas allow live wild animals such as foxes, coyotes, rabbits, or hares to be trapped and kept in a fenced-in area to be used as live bait for dogs. They are widely regarded as inhumane and are prohibited in all other Canadian provinces and the majority of American states.¹

In lobbying for these changes, organizations including the Ontario Federation of Anglers and Hunters and Ontario Sporting Dog Association appear to have represented to you and other elected officials that animals are not injured or killed in these facilities.² We wish to be absolutely clear that these claims are false. Wild animals, as well as dogs themselves, can and do suffer injuries and death in these penned-in areas in which dogs are trained and encouraged to pursue, fight, and kill captive wild animals.

The Conservative Mike Harris government took steps to phase these facilities out in Ontario in 1997, yet your Ministry reversed course with the recent passage of amendments to the *Fish and Wildlife Conservation Act* made through Bill 91, the *Less Red Tape Stronger Economy Act*, 2023. This move is irresponsible and out of step with the values of Ontarians, and appears intended to appease a small but vocal segment of Ontario’s hunting community.

¹ See, e.g. Animal Care Regulation, Man Reg 126/98 s 5; Captive Hunting Regulation, Man Reg 176/2001 ss 2, 4; *The Wildlife Act*, CCSM c W130 s 35; Hunting Dogs Regulation, Man Reg 79/95; Wildlife Regulation, Alta Reg 143/1997 at s 115; The Dog Training Regulations, 1982, RRS c W-13.1 Reg 11; Wildlife Act General Regulation, BC Reg 340/82 ss 10.01, 10.02; *Wildlife Act*, RSBC 1996, c 488 s 78; Hunting Regulation, BC Reg 190/84 s 18(2). For recent U.S. bans, see, e.g. <https://awionline.org/awi-quarterly/2010-summer/victory-florida-bans-coyote-and-fox-penning>; https://www.washingtonpost.com/local/virginia-politics/fox-penning-will-be-phased-out-ultimately-banned-in-virginia/2014/04/08/a2528aea-bf5f-11e3-b574-f8748871856a_story.html.

² See, e.g. <https://www.cbc.ca/news/canada/toronto/ontario-expand-dog-trialing-areas-1.6833693>.

In response to opposition to this proposal, you and many of your colleagues have stated that wildlife contained in these facilities are “safe” and reliably able to escape dogs released into the pens and encouraged to hunt them. This is not the case. These operations subject captive animals to horrific physical and psychological distress. In particular, please take note that:

- As the enclosed photographs and videos prove, dogs can and do catch, fight with, and kill captive animals in these facilities. At times they are ripped apart by packs of dogs while they are still alive. This is confirmed also by public accounts provided by previous conservation officers.³
- Animals who are not injured or killed during a given “trialing” event are nonetheless subjected to significant psychological distress as they are kept captive and forced to endure repeated, prolonged, and unavoidable tracking and pursuit by dogs released into their enclosure. Subjecting wildlife to repeated pursuit and hunting puts them at risk of chronic physiological stress and even death.⁴
- These facilities are used not only for “training” dogs, but also for entertainment. Many facilities hold contests where dogs are scored based on their ability to track and hunt captive wild animals, with prizes awarded to participants and with spectators in attendance.
- There is a significant lack of oversight at existing facilities – a gap that will be exacerbated by allowing even more “train and trial” facilities to operate in Ontario. This lack of oversight is confirmed by former conservation officers, as noted above.
- Dogs forced to participate in these cruel events are also exposed to undue and unnecessary risks to their well-being. These dogs have been documented as suffering from injuries or even death at these events and have been shown to be housed in small cages when they are not being used.
- Capturing wild coyotes, foxes, and rabbits, and transferring them to these facilities not only causes significant distress to these animals, but also poses a significant public health and safety risk. Interacting with wildlife contributes to the spread of disease and parasites, including zoonotic diseases that put wild animals, domestic animals, and humans at risk.⁵

³ See: <https://globalnews.ca/news/9735057/ontario-dog-hunting-expansion/>

⁴ See e.g.: Vilela et al., “Physiological Stress Reactions in Red Deer Induced by Hunting Activities” *Animals* 2020, 10(6), 1003, available online: <https://www.mdpi.com/2076-2615/10/6/1003>; Bryan et al., “Heavily hunted wolves have higher stress and reproductive steroids than wolves with lower hunting pressure”, *Functional Ecology* 2015, 29, 347 - 356, available online: <https://besjournals.onlinelibrary.wiley.com/doi/pdfdirect/10.1111/1365-2435.12354>; Project Coyote Joint Submission, available online: http://www.projectcoyote.org/action/IN_coyote_fox_penning_sign_on_letter_PC_AWI.pdf.

⁵ See e.g.: Wikramanayake et al., “Evaluating wildlife markets for pandemic disease risk”, *The Lancet* 2021, 5(7), available online: [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(21\)00143-1/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(21)00143-1/fulltext); <https://www.nature.org/en-us/newsroom/tnc-wildlife-trade-pandemics-analysis/>; Can et al., “Dealing in deadly pathogens: Taking stock of the legal trade in wildlife and potential risks to human health”, *Global Ecology and Conservation* 2019, 17, available online: <https://www.sciencedirect.com/science/article/pii/S2351989418302312>;

- Animal fighting is illegal under the *Criminal Code* (ss 445.1(1)(b)(ii), 445.1(4), 447) and Ontario's *Provincial Animal Welfare Services Act* ("PAWS Act") (s 16). Owners and operators of "train and trial" areas knowingly and intentionally pit hounds bred for speed, persistence, and aggression against captive wild animals who serve as live bait and are at times injured, maimed, and killed following fights with these dogs. Because the proposed permitting regime would enable activities that are prohibited under the federal *Criminal Code*, the regime may very well be unconstitutional and vulnerable to legal challenge.

More than four in five Canadians oppose hunting animals for sport.⁶ The numbers opposed to hunting captive animals with dogs are undoubtedly higher still. Yet there was no meaningful opportunity for public comment on this proposal and it was developed based on input from hunting industry lobbyists alone. The amendments were contained in a broader "red tape reduction" bill which had already been reviewed and considered by the Standing Committee on Justice Policy before the mandatory Environmental Registry comment period ended, making that comment opportunity of little to no practical value.

Furthermore, the activities for which the dogs used at these facilities are being trained – tracking, harassing, mauling, and killing wild animals throughout the province for sport – causes tremendous physical and psychological distress to Ontario wildlife. Sport hunting with dogs also poses risks to farmed animals and people who inadvertently come in contact with dogs running at large. Using dogs to hunt and kill animals such as coyotes and foxes is illegal in several Canadian provinces.⁷

In conclusion, penned hunting with dogs is widely condemned, controversial, and causes extreme and unnecessary stress, suffering, and death to wild animals, while also posing threats to public health and safety. Allowing this practice in Ontario would be unethical, indefensible, and likely unconstitutional. We urge you not to proceed with the issuance of new licences next year, and to instead end this practice altogether.

Ordinarily, we would recommend in the alternative that, if Ontario does proceed with its plans to allow new facilities, a robust licencing and oversight regime be put in place, including unannounced inspections by conservation officers, animal welfare services inspectors present for all "trialing" events, a clear statutory prohibition on all fighting, injuring, or killing animals in these facilities, and public record keeping rather than merely log books, among other requirements. However, such recommendations do not address the way in which animals are captured from the wild and transported, or the underlying physical and

and Project Coyote Joint Submission, available online:

http://www.projectcoyote.org/action/IN_coyote_fox_penning_sign_on_letter_PC_AWI.pdf.

⁶ See: <https://researchco.ca/2022/04/08/animals-canada-2/>.

⁷ See, e.g. footnote 1 above.

psychological harm caused to wildlife confined and used in these facilities. As your own retired COs who tried to enforce dog train-and-trial regulations note, the enclosures should be banned outright as there is no way to meaningfully and effectively protect the health and well-being of animals used at “trialing” events.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kaitlyn Mitchell', with a stylized, cursive script.

Kaitlyn Mitchell

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On behalf of:

Animal Justice

World Animal Protection

The Fur-Bearers

Humane Canada

Zoocheck

Humane Society International/Canada

Animal Alliance of Canada

Coyote Watch Canada

CC: MPP Guy Bourgouin - NDP Critic, Natural Resources and Forestry
MPP Mike Schreiner - Green Party of Ontario Leader
MPP John Fraser - Ontario Liberal Party Interim Leader