

October 10, 2025

Niagara Regional Police Service
C/O: 2 District
5700 Valley Way
Niagara Falls, Ontario
L2E 1X8

Dear Officers:

Re: URGENT – Threatened Imminent Animal Suffering at Marineland

I write to you on behalf of Animal Justice, Canada’s leading national animal law organization, regarding imminent unnecessary pain and suffering that may be caused to animals at Marineland Canada Inc (“**Marineland**”) at 7657 Portage Rd in Niagara Falls, Ontario. Marineland has publicly and repeatedly threatened to “euthanize” 30 beluga whales.¹ Killing these animals will cause prolonged, extreme, and unnecessary pain and suffering. Immediate steps must be taken by the Niagara Regional Police Service to prevent this suffering from occurring.

Background

Marineland is the last facility in Canada to house cetaceans (ie. whales and dolphins). Thirty belugas and four dolphins remain confined at the facility in small, barren tanks. Marineland has been under investigation by Ontario’s Animal Welfare Services (“AWS”) since 2020. In 2021 AWS declared all marine mammals at the facility to be in distress due to poor water quality. Since 2020, AWS has issued many orders against the park under the *Provincial Animal Welfare Services Act, 2019*, SO 2019, c 13 (“**PAWS Act**”). As of September 4, 2025, Marineland remains subject to some of those orders including orders focused on the water quality and maintenance and repair of the water system.²

Marineland did not open to the public this year and has confirmed it is in the process of selling. As part of those efforts, it has expressed an intention to “expeditiously” remove remaining cetaceans from its property. Last month, media outlets confirmed the facility was seeking export permits to send all 30 remaining whales to Chimelong Ocean Kingdom – a theme park in China. On October 1, 2025, the Federal Minister of Fisheries announced that she had denied Marineland’s request to export the 30 belugas to China where they would be at risk of being bred and used in entertainment shows – activities which are illegal under Canada’s *Criminal Code*. On October 3, 2025, Marineland wrote to the Minister threatening to kill the belugas if she did not respond and commit to providing federal funding for their care by October 7, 2025. We are told by contacts in the aquarium industry

¹ See enclosed letter from Marineland dated October 3, 2025 as well as related media coverage, e.g.:
<https://www.cbc.ca/news/canada/hamilton/marineland-belugas-ontario-ottawa-1.7653553>.

² <https://www.cbc.ca/news/canada/hamilton/niagara-falls-seal-beluga-death-1.7624837>

that Marineland's representative may be actively seeking veterinarians to hire to kill these animals.

Killing 30 belugas would violate the *Criminal Code*

Not only does Marineland's threat to the Minister potentially amount to extortion under section 346 of the *Criminal Code*, but, if carried out, may result in animal cruelty contrary to section 445.1 by causing unnecessary suffering to these animals. Enclosed with this complaint is a letter submitted to Ontario's Solicitor General yesterday, which was signed by numerous leading scientists with expertise in cetacean welfare. Their letter details how killing these animals, even with the most humane means available, will result in significant distress.

As explained further in the letter, belugas are highly intelligent and social animals, who live in small and strongly bonded social communities. Disturbance to these social groups causes significant stress. The belugas at Marineland are confined in two small tanks. Killing the animals will cause immense distress and suffering as whales will be left to observe their relatives, offspring, and companions being killed, one by one, as they await their own turn.

Further, as Andrew Trites, director of the Marine Mammal Research Unit at the University of British Columbia told CBC, the exact dosage of the drugs needed to kill healthy whales may come with some "experimentation".³ The process may take hours and require multiple injections. It would be unacceptable to gamble with the lives and suffering of whales. This approach could lead to the "euthanasia" process being long and drawn out, causing prolonged suffering to both the animals being killed and their companions observing them slowly die.

Killing the belugas is not "necessary," as there are other options for their care, contrary to Marineland's misguided public claims. A whale sanctuary is in the works on the coast of Nova Scotia, and export to appropriate facilities with no breeding and no entertainment clauses should be considered. Various other potential solutions are available, which Animal Justice would be happy to share with the Police Service should that be helpful.

Further, in *R v Menard*,⁴ the leading case interpreting the meaning of "unnecessary suffering" in the *Criminal Code*, the Quebec Court of Appeal concluded that the accused caused unnecessary suffering when he euthanized stray dogs by way of a carbon monoxide chamber. The evidence in that case was that this method caused death "rapidly" within two minutes or a little bit longer, and that animals were only conscious for less time, for at least 30 seconds. During that period of consciousness, however, the Court concluded the animals experienced unjustified suffering. The Court concluded that although euthanizing the dogs was not illegal, the means employed rendered Mr. Menard's acts an offence, and his conviction was restored.

³ <https://www.cbc.ca/news/science/euthanizing-marineland-belugas-9.6932252>

⁴ [1978 CanLII 2355 \(QC CA\)](#).

Additionally, in *R v Fawcett*,⁵ Mr. Fawcett was convicted of causing unnecessary suffering to dogs for the manner in which he “euthanized” them, which included killing dogs in full view of other dogs, including those who were not going to be euthanized.

Any killing of whales that sees them conscious and aware of their own, or their companions' deaths, even if for a short period, will result in similarly unnecessary pain and suffering. And unlike smaller companion animals, euthanizing large marine mammals such as belugas is an incredibly complicated endeavour that takes hours, and is particularly prone to error when 30 belugas are being killed en masse.

Conclusion

We urge the Police Service to immediately investigate this threatened criminal offence and communicate to Marineland that killing these animals could be an offence under the *Criminal Code*. If necessary, we ask the Police Service to take other steps to prevent this offence from occurring including arresting individuals planning to commit an offence, employing powers within the *PAWS Act*,⁶ and securing the facility and animals to enable other necessary steps to ensure their protection.⁷

Thank you,



Alexandra Pester (she/her)
Staff Lawyer

⁵ [2012 BCPC 421](#) (sentencing decision).

⁶ See for instance sections 31, 33 and 60.

⁷ See for instance *Criminal Code* at section 490.8.



VIA EMAIL

October 3, 2025

The Honourable Joanne Thompson
Minister of Fisheries, Oceans and the Canadian Coast Guard
House of Commons
Ottawa, Ontario

DFO.Minister-Ministre.MPO@dfo-mpo.gc.ca.

Dear Minister Thompson,

RE: Marineland – Beluga Whales

We have received the Minister's decision denying the export permits and her directive that she will not authorize permits for export to any facility that houses animals in captivity for "entertainment." This decision has far-reaching implications and effectively prohibits the export of the Beluga whales to any operational aquarium worldwide.

Furthermore, the Minister has acknowledged the troubling reality that there are no operational "sanctuaries" globally that can accommodate the whales. This leaves us in a precarious situation, as Marineland is not aware of any facility, anywhere in the world, that meets the conditions set forth by the Minister for the export of these majestic animals.

We understand and appreciate that the Minister holds a strong belief against captivity, and we do not oppose this viewpoint. However, it is important to recognize that these whales were born in captivity. Releasing them into the ocean would unfortunately lead to their immediate demise.

In light of these circumstances, we earnestly request confirmation of whether the Minister is aware of any facility that the Beluga whales could potentially be exported to. Time is of the essence, and we are deeply concerned about the future of these whales.

It has been made clear to the Minister that Marineland is in a critical financial state. We are fully indebted and rapidly running out of resources to provide adequate care for the whales. Our only options at this point are to either relocate the whales or face the devastating decision of euthanasia. This is an outcome we are desperately trying to avoid.

In this context, we must ask whether the Federal Government is prepared to provide immediate operating funding for ongoing whale care until a suitable relocation can be arranged in accordance with the Minister's conditions. The gravity of the funding crisis at Marineland cannot be overstated; any further delay jeopardizes the welfare and security of the whales, and we fear we are running out of time to act.

We respectfully request a response to each of these critical questions by no later than October 7, 2025. If we do not receive a response by that date, we will have no choice but to presume that the answers to our inquiries are negative. In such an unfortunate scenario, we will inform all stakeholders and the public accordingly and proceed with actions that will be a direct consequence of the Minister's decision.

We are hopeful for your understanding and support in this urgent matter. The lives of these whales depend on our collective action, and we implore you to assist us in finding a compassionate resolution.

Sincerely,
MARINELAND OF CANADA INC.

A handwritten signature in blue ink, consisting of a series of connected loops and a long horizontal stroke, positioned below the typed name.

CC: The Right Honourable Mark Carney pm@pm.gc.ca

On Behalf of the Undersigned

October 9, 2025

The Honourable Michael Kerzner
Solicitor General of Ontario
25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Solicitor General Kerzner,

Re: Mass euthanasia of beluga whales kept at Marineland Canada

We are cetacean specialists, veterinarians, and researchers from across Canada and around the world with extensive experience in the care, biology, and welfare of marine mammals.

We understand that Marineland is making efforts to sell the land on which its amusement park once operated, which currently includes the presence of 30 beluga whales housed on the property. Marineland recently applied for permits to export all 30 of the whales to Chimelong Ocean Kingdom in China, a request that was denied by federal Fisheries Minister Joanne Thompson. In light of that denial, and claims of diminishing access to financial resources, Marineland has recently begun making public threats to euthanize all 30 of the whales in its care.

In view of the foregoing, we believe there is an urgent need for the government to intervene to protect these animals from the prolonged and significant suffering that would inevitably result from an attempt to kill them en masse.

Beluga whales in the wild live in small, strongly bonded groups that join, from time-to-time, with larger aggregations of individuals. Adult females are intensely bonded with their newborns as well as with older offspring and other family members. Family groups are critically important to their stability and, in the wild, females work together to create nursery groups in which juveniles are cared for and protected. Bonded groups are held together and organized by complex communication and, at times, shared calls, across individuals. Beluga whales are highly intelligent and emotionally sophisticated animals who become highly stressed when their social group is disturbed. There is published evidence of helping and grieving behaviour.

In summary, significant scientific evidence indicates that if the beluga whales at Marineland are killed, it will become evident to those animals in the other tanks. The relatives and friends of the belugas being killed will become highly agitated and distressed. As such, the process of killing all 30 animals would cause fear and profound psychological suffering across the population, which would be prolonged as each whale is left to wait their turn to be subjected to a fatal injection. This simply cannot be justified on any sound basis.

We urge you to intervene to prevent Marineland from following through on its threat and to ensure that Ontario's animal protection laws are upheld.

Sincerely,

Jaclyn Aubin, PhD

Beluga researcher

Mennill Lab at University of Windsor, CA

Maddalena Bearzi, PhD

President

Ocean Conservation Society, US

Heather Browning, PhD

Philosophy and Animal Welfare

University of Southampton, UK

Clément Chion, PhD

Professeur au Département de Sciences naturelles

Université du Québec en Outaouais (UQO)

Toni Frohoff, PhD

Director

Terramar Research, US

Deborah A. Giles, PhD

Resident Scientist

University of Washington Friday Harbor Labs, US

David Gruber, PhD

Distinguished Professor of Biology and Environmental Sciences

City University of New York, Baruch College & The CUNY Graduate Center, US

William Halliday, PhD

Conservation Scientist

Wildlife Conservation Society CA

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Lori Marino, PhD
 President
 Whale Sanctuary Project, US

Alexandra Morton, B. Sc.
 Biology
 Independent Scientist

Heather Rally, DVM
 ThriveWild, US

Diana Reiss, PhD
 Professor
 Animal Behavior & Conservation Program
 Hunter College, US

Valeria Vergara, PhD
 Senior Scientist & Co-Director
 Cetacean Conservation Research Program
 Raincoast Conservation Foundation, CA

cc: Premier Doug Ford
 Michael Harris, MPP

Citations

Ames, A. E., & Vergara, V. (2020). Trajectories of Vocal Repertoire Development in Beluga (Delphinapterus leucas) Calves: Insights from Studies a Decade Apart. *Aquatic Mammals*, 46(4).

Aubin, J. A. (2025). *Vocal Communication, Social Structure, and Responses to Disturbance in Belugas (Delphinapterus leucas)* (Doctoral dissertation, University of Windsor (Canada)).

Hudson, J. M., & Watt, C. A. (2025). Beluga Whale (Delphinapterus leucas) Behavior Towards a Dead Conspecific. *Marine Mammal Science*, e70077.

O’Corry-Crowe, G., Suydam, R., Quakenbush, L., Smith, T. G., Lydersen, C., Kovacs, K. M., ... & Ferrer, T. (2020). Group structure and kinship in beluga whale societies. *Scientific Reports*, 10(1), 11462.