

AMCTO Municipal Law Enforcement & Licensing Forum

Bogaerts Decision and it's impact on Municipalities

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The Current Landscape

- The Ontario SPCA
 - Branches and Affiliates
 - *The Ontario SPCA Act*
- Municipal Animal Services
 - *The Municipal Act*
 - Municipal By-laws
- The Police

Municipalities

- 440 municipalities across Ontario
 - Varying resources
 - Things to consider
 - Types of calls and types of animals
 - Resources needed depending on type of call – shelter for livestock or exotics, case management, veterinary care
 - Who to call?
 - Police
 - OSPCA
 - OMAFRA

What about Municipal By-laws?

- **Broad authority, lower-tier and upper-tier municipalities**
- **11** (1) A lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4). 2006, c. 32, Sched. A, s. 8.
- **By-laws**
- (2) A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), **respecting the following matters:**
 - 1. Governance structure of the municipality and its local boards.
 - 2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
 - 3. Financial management of the municipality and its local boards.
 - 4. Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
 - 5. Economic, social and environmental well-being of the municipality, including respecting climate change.
 - 6. **Health, safety and well-being of persons.**
 - 7. Services and things that the municipality is authorized to provide under subsection (1).
 - 8. Protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 2.
- **By-laws re: matters within spheres of jurisdiction**
- (3) A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), **respecting matters within the following spheres of jurisdiction:**
 - 1. Highways, including parking and traffic on highways.
 - 2. Transportation systems, other than highways.
 - 3. Waste management.
 - 4. Public utilities.
 - 5. Culture, parks, recreation and heritage.
 - 6. Drainage and flood control, except storm sewers.
 - 7. Structures, including fences and signs.
 - 8. Parking, except on highways.
 - 9. **Animals.**
 - 10. Economic development services.
 - 11. Business licensing. 2006, c. 32, Sched. A, s. 8.

What about.....

- Cases which need more than an order to comply?
- Animals which may need to be removed?
- The authority to keep animals based on what authority was used to remove them in the first place?
- What will the transition period look like?
 - Province released *O. Reg 101/19* on May 17, 2019 to amend *O. Reg 59/09*
 - Intent is to allow agents/inspectors of Affiliated Humane Societies/SPCA's to continue to enforce if they have an interest
 - What could that look like?
- Public survey by the Province