
HALDIMAND COUNTY

Report BME-02-2023 Animal Control By-law Amendments - Kennels For Consideration by Council in Committee on December 12, 2023



OBJECTIVE:

To amend the Animal Control By-law - Kennel definitions which are intended to appropriately regulate Kennels, to ensure any impacts on surrounding landowners are properly mitigated.

RECOMMENDATIONS:

1. THAT Report BME-02-2023 Animal Control By-law Amendments - Kennels be received;
2. AND THAT an amendment to the Animal Control By-law be presented for enactment, incorporating the definitions noted in Report BME-02-2023.

Prepared by: Randy Charlton, CMM III, MLEO(c), CPSO, Chief Building Official, Manager of Building and Municipal Enforcement Services

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

Staff are recommending amendments to update the Haldimand County Animal Control By-law's definition of a "kennel" and to include the addition of "rescue dog" as a new defined term/use. The recommended changes intend to clarify the eligibility requirements for a Kennel license, including those related to companion dogs. Staff are also recommending a new definition of "rescue dog" in order to clearly distinguish an operation that focuses on rescue as opposed to boarding/breeding. The changes are the result of a recent appeal to the Ontario Land Tribunal wherein some gaps in the by-law were identified and in need of updating.

BACKGROUND:

In June 2023, an application for a minor variance for a kennel led to an Ontario Land Tribunal hearing. While the hearing resulted in a settlement, several opportunities were identified for potential enhancements to the County's current Animal Control By-law. More specifically, opportunities were highlighted for a more robust kennel definition and the introduction of a new defined use of 'rescue dogs'. The subject report seeks to introduce amendments to the Animal Control By-law that respond to these.

ANALYSIS:

Animal Control By-law 1396/13 provides for regulating, licensing, restraining, governing and care of dogs, cats and other categories of animals. The Animal Control By-law (ACB) further provides for the licensing of kennels, the prerequisites for kennel licensing, and kennel care standards. The ACB does not cap the number of dogs that can be kept in a kennel; however, it does include the capping of the number of dogs that can be kept on a lot as pets, not related to a kennel.

Recent events involving a kennel purporting to be a dog rescue, has drawn attention to the need to better define the scope intended to be captured in the ACB and further respond to the regulatory gaps within the By-law that deal with dogs that are pets, dogs related to kennels and rescue dogs.

The first proposed amendment relates to the over-arching definition of “kennel”. The ACB contains a number of categories of dog keeping (kennel, personal pets), however, there is some lack of clarity around which categories require a license and which do not. More specifically, a clear delineation between a dog in a kennel and a dog as a pet would be established and would make clear that owner of pet dog(s) cannot obtain a kennel license. The amendment seeks to close the regulatory gap for people who want to keep more dogs than they are entitled to on their property. The first amendments in the table below seek to address this and represent how the County has interpreted the provisions of the ACB over the years.

The second proposed amendment is to add the term ‘rescue dogs’ into the kennel definition. As part of the amendment, it will be made clear that a rescue dog operation would require a kennel license. At present, with no such use identified in the ACB, it is not possible to obligate an owner/operator to obtain a license.

Current Definition	Proposed Definition	Rationale/Effect
“Kennel” includes a Purebred Kennel and Commercial Kennel and shall mean the premises of such an establishment in which more than two (2) dogs over sixteen (16) weeks of age, are boarded, bred, kept or trained, but does not include: i. a veterinary clinic or veterinary hospital; ii. a public pound or animal shelter used by the County for impounding animals; iii. any premises licensed under any statute of the Province of Ontario or the Government of Canada, which permits the keeping of dogs and other animals under certain conditions; iv. a pet shop.	“Kennel” shall mean a Purebred Kennel and Commercial Kennel and includes: 1. any premise of such an establishment, in which more than two (2) dogs over sixteen (16) weeks of age, are bred, or 2. any premise of such an establishment in which more than five (5) dogs are boarded or trained, or 3. any premise of such an establishment in which more than five (5) dogs are kept as Rescue Dogs, 4. but does not include: i. a veterinary clinic or veterinary hospital; ii. a public pound or animal shelter used by the County for impounding animals; iii. any premises licensed under any statute of the Province of Ontario or the Government of Canada, which permits the keeping of dogs	The change breaks out and clarifies the categories of where a kennel license is required. Additionally, the proposed definition specifically excludes eligibility for a kennel where a dog is kept as a pet or companion dog.

Current Definition	Proposed Definition	Rationale/Effect
	and other animals under certain conditions; iv. a pet shop; v. a dog(s) kept as a pet(s), or as a companion dog(s).	
There is no current definition.	"Rescue Dog" shall mean a dog which has been seized from an owner or was otherwise homeless or abandoned, and is subsequently hosted, sheltered or harbored for sanctuary or protective care purposes.	Clearly identifies Rescue Dog as a category to be captured in the ACB and regulated in the same manner as all of the kennels.

Currently, the County's Zoning By-law permits Kennels in agricultural zones subject to compliance with provisions including setbacks from specified zones, other uses or lot lines. A separate Planning Report will address changes to the County's Zoning By-law around the land use requirements and the setbacks associated with Kennels. Once the zoning requirements have been satisfied, the regulations found in the Animal Control By-law would apply.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

The proposed Animal Control By-law kennel definition amendments will create clarity and positive impacts. It will provide clarity for the general public and specifically Kennel operators when it comes to applying for Kennel licenses.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

None.