



Corporate Services Committee Meeting Agenda

Monday, March 7, 2022, 9:30 a.m.

Electronic Meeting

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Pages

Public Meeting

Additional Agenda Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Committee Members)

Presentations

World Animal Protection and Zoocheck Inc. - Oshawa Animal Care Advisory Committee and Proposed Amendments to Responsible Pet Owners By-law 14-2010

Michele Hamers, World Animal Protection and Rob Laidlaw, Zoocheck Inc. to provide a presentation concerning Report CORP-22-12 regarding the Oshawa Animal Care Advisory Committee and Proposed Amendments to Responsible Pet Owners By-law 14-2010.

Delegations

None

Correspondence Requiring Action

None

Referrals from Council and Committees

None

Reports from Advisory Committees

None

Reports Requiring Action

CORP-22-12 - Oshawa Animal Care Advisory Committee and Proposed Amendments to Responsible Pet Owners By-law 14-2010 (All Wards)

5

Recommendation

That the Corporate Services Committee select an option detailed in Section 5.3.2.3 of Report CORP-22-12 dated March 2, 2022 concerning the Oshawa Animal Care Advisory Committee and proposed amendments to Responsible Pet Owners By-law 14-2010.

Public Consent Agenda

Correspondence

CORP-22-11 - 7-Eleven Canada Inc. - Withdrawal of Notice of Appeal - 245 Wentworth Street West (Ward 5)

31

Recommendation

That the Corporate Services Committee recommend to City Council:

That Correspondence CORP-22-11 dated February 23, 2022 from 7-Eleven Canada Inc. withdrawing its Notice of Appeal for the property located at 245 Wentworth Street West be received for information.

Staff Reports/Motions

CORP-22-13 - Vacancies on Heritage Oshawa (All Wards)
(Also See Pages C1 to C17)

33

Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-13 dated March 2, 2022 concerning the two vacancies on Heritage Oshawa, the applicants listed in Confidential Attachment 1 be appointed to Heritage Oshawa for the terms outlined in Confidential Attachment 1, or until such time as successors are appointed.

CORP-22-14 - Corporate Services Committee Outstanding Items List Status Report – First Quarter 2022 (All Wards)

37

Recommendation

That the Corporate Services Committee recommend to City Council:

That Report CORP-22-14, dated March 2, 2022 being the Corporate Services Committee's Outstanding Items Status Report for the first quarter of 2022 be received for information.

CORP-22-15 - Electronic and In-person City Council and Committee Meetings (All Wards)

47

Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-15 dated March 2, 2022 concerning electronic and in-person City Council and Standing Committee Meetings, that in-

person and/or electronic meetings begin effective April 11, 2022, subject to the provisions set out in the Council Procedure By-law and in accordance with Provincial Orders and Public Health restrictions.

CORP-22-16 - Restricted Acts (Lame Duck) Delegation of Authority Provisions (All Wards)

53

Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-16 related to the Restricted Acts (Lame Duck) Delegation of Authority Provisions, dated March 2, 2022, Council pass a by-law in the form appended as Attachment 1 to this report and in the form and content acceptable to the City Solicitor, the City Clerk and the Commissioner, Corporate Services Department.

Public Discussion Agenda

Matters Excluded from Consent Agenda

Items Introduced by Members

Closed Consent Agenda

Closed Correspondence

None

Closed Staff Reports/Motions

None

Closed Discussion Agenda

Matters Excluded from Consent Agenda

Items Requiring Action

None

Adjournment

To: Corporate Services Committee

From: Tracy Adams, Commissioner,
Corporate Services Department

Report Number: CORP-22-12

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Oshawa Animal Care Advisory Committee and Proposed
Amendments to Responsible Pet Owners By-law 14-2010

Ward: All Wards

File: D-2200

1.0 Purpose

The purpose of this report is to address direction 1 in CORP-21-31:

“That Report CORP-21-31 being the Third Report of the Oshawa Animal Care Advisory Committee concerning proposed amendments to the Responsible Pet Owners By-law, as amended, be referred to Animal Services and Municipal Law Enforcement and Licensing Services staff for a report.”

The recommendation in the O.A.C.A.C.’s Third Report considered by City Council is as follows:

“That Schedule ‘A’, ‘Prohibitive List’, in the Responsible Pet Owners By-law 14-2010, as amended, be amended to that of a ‘Permitted List’.”

Furthermore, this report presents minor technical amendments for consideration. Finally, this report addresses the following direction in CS-21-64:

“That Report CS-21-64 being the Fourth Report of the Oshawa Animal Care Advisory Committee regarding proposed amendments to the Pet Shop Licensing By-law be referred to staff for a report.”

The recommendation in the Oshawa Animal Care Advisory Committee (O.A.C.A.C.) Fourth report considered by City Council is as follows:

“That rabbits be added to the Pet Shop Licensing By-law in addition to cats and dogs to ensure cats, dogs and rabbits are subject to being sourced solely from a municipal shelter, the humane society and/or approved rescue groups.”

Attachment 1 is a scholarly article from Schuppli and Fraser “A Framework for Assessing the Suitability of Different Species as Companion Animals”.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

That the Corporate Services Committee select an option detailed in Section 5.3.2.3 Report CORP-22-12 “Oshawa Animal Care Advisory Committee and Proposed Amendments to Responsible Pet Owners By-law 14-2010” dated March 2, 2022.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following City branches and external stakeholders were consulted as part of this review:

- Animal Services
- Legal Services
- Humane Society of Durham Region
- Pet Stores in Oshawa
- Pet Industry Joint Advisory Committee (P.I.J.A.C.)
- World Animal Protection
- Zoocheck

5.0 Analysis

5.1 Prohibited Animal List

5.1.1 Background

The R.P.O. By-law regulates the keeping of animals which are deemed to be appropriate pets through Schedule “A”, the Prohibited Animals List, which lists animals that are not permitted to be kept as pets.

In September 2012, Council approved an independent review of the Prohibited Animals List by animal experts to ensure the list was suitable and that the scientific classification of animals was accurate. The independent review assessed the suitability of animals listed in the Prohibited Animals List using a robust criteria (see Attachment 1) which considered the following:

- Welfare of the animal
- Welfare of others (humans)
- Risks to the environment

This independent review was conducted by the following experts:

- Dr. Graham Crawshaw, Senior Veterinarian for the Toronto Zoo
- Rob Laidlaw, Executive Director for Zoocheck
- Louis McCann, Executive Director for the P.I.J.A.C.

Staff performed an extensive literature review and reviewed the R.P.O. By-law with experts to ensure the Prohibited Animal List was modern, effective, and addressed public health as well as animal welfare concerns. In December 2012, staff presented the findings in [CORP-12-263](#) “Expert Review of Proposed Amendments to Schedule ‘A’ of the Responsible Pet Owners By-law 14-2010” which amended Schedule “A” to permit certain non-venomous snakes and lizards, sugar gliders, and tarantulas as pets. Following these enhancements, the Prohibited Animals List has been an effective tool in regulating the keeping of prohibited animals.

In May 2021, the O.A.C.A.C. submitted [OACAC-21-25](#) to the Corporate Services Committee recommending that the R.P.O. By-law’s Prohibited Animals List be amended to a permitted list. O.A.C.A.C.’s reasoning was that a permitted list would simplify the list making it easier for staff to maintain and enforce and easier for residents to interpret. At its June 21, 2021 meeting, the City Council directed ([CORP-21-31](#)) this item to staff for a report back.

In addition to reporting on proposed amendments to the R.P.O. By-law to include a permitted list, the Corporate Services Committee provided the following direction:

“That the representatives of the agencies who presented to the Oshawa Animal Care Advisory Committee be invited to make a presentation to the Corporate Services Committee when the report comes back.”

Staff has invited World Animal Protection and Zoocheck to present to Corporate Services Committee on March 7, 2022 to address this recommendation.

5.1.2 Analysis

The current Prohibited Animals List identifies animals that are not allowed to be kept as pets. A permitted list would indicate animals that are allowed to be kept as pets.

Pursuant to CORP-21-31, staff undertook an analysis of O.A.C.A.C.’s recommendation to amend Schedule “A” to the R.P.O. By-law, as amended (“Prohibited Animals List”), to that of a ‘Permitted List’. This section highlights staff’s findings.

5.1.2.1 Municipal Benchmarking

Staff undertook a comprehensive search of municipal animal care and control by-laws in Ontario. Staff were only able to identify Newmarket, Aurora, and Kitchener as using permitted lists. In contrast, the majority of Ontario municipalities that regulate the keeping of animals use prohibited animal lists.

Staff surveyed Newmarket, Aurora, and Kitchener in an attempt to understand the reasons for their use of a permitted list and received one (1) response. Animal shelter staff from Newmarket indicated they felt residents could better understand a permitted list (e.g. if your animal is not on the list, you cannot have it).

5.1.2.2 Literature Review

Animal regulation through listing has been a topic of discussion in Canada for decades and there are stakeholders on both sides of the debate. The pet industry is generally in favor of a prohibited list approach and animal welfare organizations are typically in support of a permitted animal list.

Reasons for Supporting a Prohibited List

In 1988, P.I.J.A.C. developed the first ever prohibited species list which has been used as a framework for prohibited lists ever since. P.I.J.A.C. contends that there are a number of benefits of a prohibited list:

- **Simpler Criteria:** It is easier to develop criteria that is not allowed rather than what is.
- **Application and Management:** A permitted list would constantly require modification due to changes in consumer demand, market trends, etc. as well as in-depth training and education for Municipal Law Enforcement Officers (M.L.E.O.). A prohibited list is simpler to maintain and enforce.
- **Length:** A permitted list can become quite long if it contains every animal that is permitted whereas a prohibited list is more concise. For example, a permitted list from Flanders, Belgium has four hundred and twenty-two (422) different reptile species that can be traded or kept.

Reasons for Supporting a Permitted List

Literature from scholars and animal welfare organizations (e.g. World Animal Protection, Zoocheck) have advocated for governments to adopt permitted lists to regulate the keeping of animals. Some of the reasoning for favoring a permitted list approach include:

- **More Robust Criteria:** Evidence-based risk assessment offers consumer protection as well as animal health and welfare. Prohibited lists often do not offer that same assessment, and only consider the welfare of humans (e.g. prohibiting dangerous animals) rather than animal welfare as well.
- **Easier to Interpret:** Administratively simple and easier to enforce, greater clarity for the public regarding which species can be kept.
- **Precautionary:** Similar to how certain professions (e.g. doctor, veterinarian) and products (e.g. cars, drugs) are required to meet acceptable conditions before working or operating, permitted lists adopt a precautionary principle where the burden of proof is placed on the proponent of the animal to prove it should be permitted.

5.1.2.3 Staff Analysis

After considering the benchmarking and research surrounding the reasons for supporting both lists, staff recommend maintaining the Prohibited Animals List for the following reasons:

- The current Prohibited Animals List was reviewed by animal experts in 2012 who felt it was the best framework to regulate the keeping of exotic animals. The framework used in CORP-12-263 to develop criteria for Oshawa's Prohibited Animals List (see Attachment 1) addresses the welfare of animals, others, and environmental risks.
- There have been no complaints regarding the use of the Prohibited Animals List.
- In 2021, Municipal Law Enforcement (M.L.E.) Services received only six (6) inquiries from residents about the Prohibited Animals List.
- The Prohibited Animals List has been successfully enforced on numerous occasions.
- According to the City's Enforcement By-law 92-2014, the goal of the City's enforcement activities is compliance with its municipal by-laws and provincial legislation through the most efficient and effective means. Staff, including M.L.E.O.s, consider a prohibited list the most efficient and effective way to enforce animal ownership standards as by-laws that establish prohibitions and create obligations are a legal best practice for ensuring clarity in an enforcement context.
- The format of the R.P.O. By-law is consistent with other City by-laws, in that it defines what is prohibited, rather than permitted.
- A permitted list would likely limit more animals that we currently do, which could lead to more complaints.
- Short form wording for issuing orders such as charges under the Provincial Offences Act, R.S.P. 1990, c. P.33, Administrative Monetary Penalties, etc. would need to be rewritten to reflect violations of a permitted list.

5.2 Technical Amendments to R.P.O. By-law

It is further recommended that the following technical amendments be approved to enhance the effectiveness and efficiency of enforcing the R.P.O. By-law:

- **Tiered and Escalating Administrative Monetary Penalties (A.M.P.)** - A.M.P.s are an emerging approach to dealing with minor by-law infractions in a manner that is fair, effective and efficient. Resolving minor by-law infractions can potentially take months in the congested court system. The A.M.P. system helps to speed up this process by resolving infractions in weeks while maintaining an individual's right to request a review of their Penalty Notice.

It is recommended that tiered and escalating A.M.P.s be established in the City's R.P.O. By-law. The proposed tiers will be one hundred and fifty dollars (\$150), two hundred and fifty dollars (\$250), and three hundred and fifty dollars (\$350).

- **Adding regular mail as a method of service** – Section 46 of the R.P.O. By-law establishes various methods in which documents pursuant to the R.P.O. By-law

(e.g. licence decisions, Animal Control Orders, etc.) may be deemed served to a person. It is recommended that regular mail be included as a method of service to ensure consistency with other City by-laws.

5.3 Limiting Sale of Rabbits

5.3.1 Background

The City of Oshawa's ("City") Responsible Pet Owners By-law 14-2010, as amended ("R.P.O. By-law") regulates the care and control of animals in the City of Oshawa. It establishes standards respecting the keeping and control of animals, the well-being of animals, and creates licensing standards for dogs, cats, ferrets, pet stores and rescue groups in Oshawa. One standard which particularly impacts pet stores is that the sale, transfer or disposition of a cat or dog is banned, except for those acquired from an animal shelter operated by or on behalf of an Ontario municipality, the Humane Society of Durham Region, or from a rescue group.

In 2014, Oshawa City Council ("Council") directed staff to amend the R.P.O. By-law to ban the sale of cats and dogs in pet stores. Input on the subject was received from representatives of the animal-welfare community and City residents in 2015. Staff compiled Report [CORP-16-57](#) "Banning the Sale of Cats and Dogs in Pet Stores and Regulating Rescue Groups in the City of Oshawa", which supported the ban. The report found that banning the sale of cats and dogs may positively address issues such as:

- Reducing dog and cat euthanasia
- Reducing the existence of puppy mills and/or backyard breeders
- Reducing pet overpopulation
- Reducing impulse purchases of pets
- Improving animal welfare through responsible pet ownership

After consulting key stakeholders, staff supported the ban on the sale of cats and dogs in pet stores the City of Oshawa for the following reasons:

- Broad support from the community
- Majority of pet stores in the City selling cats and dogs supported the ban
- There would not be an adverse effect on any established Pet Store in the City

Following this report, Committee and Council approved [CORP-17-88](#) "Pet Adoption Initiatives in the City of Oshawa", which amended the R.P.O. By-law, creating a licensing system for pet stores that have cats and dogs available for adoption/sale, and restricted the sourcing of them. The pet store licensing system came into effect on April 30, 2018, establishing that stores dealing in cats and/or dogs require a one-time, free licence.

In May 2021, the O.A.C.A.C., recommended in [OACAC-21-25](#) to the Corporate Services Committee that rabbits be added to the R.P.O. By-law in addition to cats and dogs as animals that are only to be permitted to be sold in pet stores in Oshawa if they are sourced from a municipal shelter, humane society and/or approved rescue group. O.A.C.A.C.'s reasoning was that the sheltering system receives many rabbits into its care, and that many other municipalities include rabbits in their pet shop by-laws.

At the June 21, 2021 City Council meeting, staff were directed ([CS-21-64](#)) to report back on the proposed amendment regarding the potential restriction on the sale of rabbits to those sourced from a municipal shelter, the humane society and/or approved rescue groups.

5.3.2 Staff Analysis

Pursuant to CS-21-64, staff undertook an analysis of a proposed limit on the sale of rabbits in pet stores in the City of Oshawa. This section highlights staff's findings.

5.3.2.1 Input from Local Pet Stores and Humane Society of Durham Region and Data from Animal Services

Staff reached out to eleven (11) pet stores in Oshawa for their input on limiting of the sale of rabbits:

- Six (6) stores only sell pet food and/or supplies
- Five (5) stores sell animals
 - Two (2) stores sell rabbits
 - Both source their rabbits from Quebec
 - One (1) store sells approximately five (5) rabbits per month, while the other did not respond to the inquiry of how many they sell
 - Three (3) provided input about limiting the sale of rabbits:
 - One (1) supported limiting the sale of rabbits
 - One (1) was neutral on limiting the sale of rabbits
 - One (1) was against the limiting the sale of rabbits

Staff contacted the Humane Society of Durham Region (H.S.D.R.) who advised that they were supportive of limiting the sale of rabbits and that between 2016 and 2021, H.S.D.R. received an average of 27 rabbits per year. During the same period, the City's Animal Services received an average of 33 domestic rabbits each year which were put up for adoption.

5.3.2.2 Benchmarking: Comparable Ontario Municipalities

Staff benchmarked several comparable Ontario municipalities' animal-related by-laws (e.g. animal control, pet shop, business licensing) and found two (2) municipalities who have restrictions on the sale of rabbits:

- The City of Kingston's Animal Control By-law states that breeders cannot sell or donate dogs, cats or rabbits to pet stores.
- The Town of Orangeville's By-law to License and Regulate Pet Shops only allows pet stores to sell dogs, cats and rabbits if they are sourced from a municipal animal shelter.

5.3.2.3 Proposed Rabbit Sale Options

Staff are presenting two (2) options for consideration:

a) Option “A” – Continue to Not limit the Sale of Rabbits

If Option “A” is selected, rabbits can continue to be sold in pet stores and sourced from anywhere (breeders, etc.).

If Committee were to choose this option, the following motion should be passed:

1. That Council continue to not limit the sources of rabbits sold in pet stores within the City of Oshawa;
2. That Council continue to maintain the Prohibited Animals List as detailed in Schedule “A” to Responsible Pet Owners By-law 14-2010; and,
3. That Responsible Pet Owners By-law 14-2010, as amended, be further amended in a form and content acceptable to the Commissioner, Corporate Services Department and Legal Services to implement technical amendments as generally outlined in Section 5.2 of Report CORP-22-12 “Oshawa Animal Care Advisory Committee and Proposed Amendments to Responsible Pet Owners By-law 14-2010” dated March 2, 2022; and,

b) Option “B” – Limit the Sale of Rabbits in the R.P.O. By-law

If Option “B” is selected, pet stores will be limited to selling rabbits that were sourced exclusively from a municipal shelter, the Humane Society of Durham Region and/or approved rescue groups.

If Committee were to choose this option, the following motion should be passed:

1. That Council approve a by-law to amend Responsible Pet Owners By-law 14-2010, as amended as outlined in Option “B” as detailed in Section 5.3.2.3, and to implement technical amendments as generally outlined in Section 5.2 of Report CORP-22-12 “Oshawa Animal Care Advisory Committee and Proposed Amendments to Responsible Pet Owners By-law 14-2010”, dated March 3, 2022, and in a form and content acceptable to Legal Services and the Commissioner of Corporate Services;
2. That pet stores which currently sell rabbits be exempted from the by-law change for a period of six (6) months following the approval of the by-law; and,
3. That Council continue to maintain the Prohibited Animals List as detailed in Schedule “A” to Responsible Pet Owners By-law 14-2010.

5.3.2.4 Assessment of Proposed Rabbit Sale Options

Benefits and detractors associated with proposed options related to the sale of rabbits is outlined in Table 1 below.

Table 1 Benefits and Detractors of Proposed Rabbit Sale Options

	Benefits	Detractors
Option “A” – Continue to Not limit the Sale of Rabbits	<ul style="list-style-type: none"> • Does not impact pet stores currently selling rabbits as pets. • May provide customers with more selection of rabbits as pets. • Pet stores are highly visible businesses in the community and ensuring compliance with appropriate animal welfare standards may be easier than unregulated sources (e.g. independent sellers online). • Does not require City resources to administer and enforce standard. 	<ul style="list-style-type: none"> • Does not deter the impulse buying of rabbits, some of which may eventually be surrendered for adopting to the sheltering system (e.g. City’s animal shelter). • May encourage pet overpopulation. • May not improve animal welfare through responsible pet ownership. • May not be perceived by some as being a progressive policy to address animal welfare concerns.
Option “B” - Limit the Sale of Rabbits	<ul style="list-style-type: none"> • May reduce the impulse buying of rabbits, some of which may eventually be surrendered for adoption to the sheltering system (e.g. City’s animal shelter). • May reduce pet overpopulation • May improve animal welfare through responsible pet ownership. • May be perceived by some as being a progressive policy to address animal welfare concerns. 	<ul style="list-style-type: none"> • Impacts pet stores currently selling rabbits as pets. • May limit the availability of rabbits as pets. • May not have an impact on the number of rabbits given up for adoption to the City’s animal shelter. • Rabbits can easily be purchased from pet stores in other municipalities or from unregulated sources (e.g. independent sellers online). • Requires City resources to administer and enforce standard.

6.0 Financial Implications

There are no financial implications directly related to the recommendations in this report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this report responds to the Oshawa Strategic Plan Goals of Accountable Leadership.



Brenda Jeffs, Director,
Municipal Law Enforcement and Licensing Services



Tracy Adams, Commissioner,
Corporate Services Department

A Framework for Assessing the Suitability of Different Species as Companion Animals

C.A. Schuppli and D. Fraser

University of British Columbia

KEYWORDS

animal welfare, companion animals, ethics, exotic animals, pet animals, pet ownership

ABSTRACT

Municipal regulations and humane movement policies often restrict or discourage the use of 'exotic' species as companion animals. However, confusion arises because the term 'exotic' is used in various ways, and because classifying species as exotic or non-exotic does not satisfactorily distinguish suitable from unsuitable companion animals. Even among commonly kept species, some appear to be much more suitable than others. Instead, decisions about suitable companion animal species need to be based on a number of relevant issues. As ethical criteria, we considered that keeping a companion animal should not jeopardize - and ideally should enhance - its welfare, as well as that of its owner; and that keeping a companion animal should not incur any appreciable harm or risk of harm to the community or the environment. These criteria then served as the basis for identifying and organizing the various concerns that may arise over keeping a species for companionship. Concerns include how the animals are procured and transported, how well their needs can be met in captivity, whether the animal poses any danger to others, and whether the animal might cause environmental damage. These concerns were organized into a checklist of questions that form a basis for assigning species to five proposed categories reflecting their suitability as companion animals. This assessment framework could be used in creating policy or regulations, and to create educational and decision-making tools for pet retailers, animal adoption workers, and potential owners, to help prevent animals from being placed in unsuitable circumstances.

Introduction

In 1992, the Toronto city government was considering whether to allow miniature pigs as domestic pets within the city boundaries. The week before the final vote was a busy one for pig biologists. Proponents of pet pigs wanted expert testimony that pigs are highly intelligent and make engaging companion animals. Opponents were seeking scientific data on the size and strength of pigs and their ability to damage dwellings and public property. City officials wanted to know whether pigs carry diseases that could be transmitted to humans or other domestic animals. The three groups, although addressing the same issue, saw very different criteria as relevant to the decision.

The Toronto pig debate was one small example of the ongoing confusion over the use of non-traditional species as companion animals¹. In many cases, the concerns have been expressed simply as a call to

avoid 'exotic' or 'wild' species² for purposes of companionship. Some municipalities have enacted regulations concerning the keeping of exotic animals, and many animal welfare organizations have policies discouraging trade in wild and exotic species (eg British Columbia Society for the Prevention of Cruelty to Animals [1982]; American Veterinary Medical Association [1990]; Metropolitan Toronto Zoo [1994]; American Humane Association [1995]; The Humane Society of the United States, see Farinato & Lamb [1995]; Canadian Federation of Humane Societies [1997]; Royal Society for the Prevention of Cruelty to Animals [1997]; People for the Ethical Treatment of Animals [1998]; Zoocheck Canada [1998]).

Unfortunately, these policies and regulations often give rise to conflicting interpretations. Confusion arises partly because the term 'exotic', which most correctly refers to animals that are not native to the local area, has sometimes been used to mean merely non-traditional or faddish companion animals. In fact, none of these meanings is necessarily related to the ethical issues that arise over keeping companion animals. For example, gerbils, *Meriones* spp., which appear to be satisfactory pets for young children, are a North African and Central Asian species which have been captive-bred only since the 1960s (Huddart & Naherniak 1995), and hence would be considered exotic by some definitions. Furthermore, even among species that are commonly kept as companion animals, some appear to be much more suitable than others, as evidenced by the numbers given up to animal shelters or for euthanasia. Hence, simply designating species as exotic or non-exotic does not satisfactorily distinguish suitable from unsuitable companion animals. In addition, suitability is also influenced by the owner's awareness and ability to care for the animal. Therefore, a more systematic analysis is needed to evaluate the suitability of different species as companion animals, based on the wide range of issues relevant to this assessment.

The purpose of this paper is to identify the various issues that affect the suitability of different species as companion animals, and to bring these issues together in the form of a systematic assessment framework which could be used in creating policy or regulations, and for educational purposes.

Ethical criteria for keeping animals as companions

Companion animals are often kept for the purpose of enhancing the welfare of the owner by providing companionship, protection, assistance or stimulation. Ethical objections to keeping a companion animal could arise if such benefits to the owner were achieved to the detriment of the animal. However, animals of many species seem capable of leading very satisfactory lives as companion animals, with at least some elements of their welfare (eg freedom from hunger, fear and disease) enhanced as a result of their being kept for companionship. In fact, companion animals are sometimes kept specifically as a service to the animals themselves, as sometimes occurs in the adoption of unwanted animals.

There is a risk, however, that we may fail to recognize a threat to the animal's welfare, especially when dealing with unfamiliar species. For example, keeping a particular species might lead to suffering if the animals are prevented from carrying out an important element of their natural behaviour such as migration, or if the animals are procured in an inhumane manner. In such cases, use of the species could raise legitimate ethical concerns. To prevent such concerns, we would want to ensure that keeping the animals would enhance, or at least not jeopardize, the welfare of the animal.

Ethical issues may also arise over any benefits or harms caused to other parties. Undesirable effects on other people (eg injury) or to the environment (eg ecological damage) could be grounds for refusing to allow owners to keep certain animals, however positive the relationship might be for the owners and the animals themselves.

Our criteria for assessing the suitability of species as companion animals were, therefore, that keeping a companion animal: i) should not jeopardize - and ideally should enhance – the welfare of the animal, as

well as of the owner; and ii) should not incur any appreciable harm or risk of harm to the community, including other wild and domestic animals, or to the environment. We then used these criteria as the basis for organizing the various concerns that arise over keeping animals for purposes of companionship.

Concerns that arise over using species as companion animals

Welfare of the animal

The welfare of animals is affected by a range of factors, many of which have been captured in the 'five freedoms' of the Farm Animal Welfare Council (1992). We consider these in turn.

First, freedom from hunger, thirst and malnutrition requires both that the nutritional requirements of the species are adequately known and that suitable foods are available to the owner. Among herbivorous and omnivorous reptiles such as the green iguana, *Iguana iguana*, metabolic bone disease is a common problem when owners with insufficient knowledge of the animals' nutritional requirements provide a diet of poor-quality vegetables and fruits (Jacobson 1987).

Second, freedom from disease and injury requires that adequate veterinary knowledge of the species exists, and that the expertise is available to the owner. For some exotic animals, little is known about basic care and diseases. For other species, considerable information may exist, but veterinarians and other individuals with this knowledge may not be readily available (eg Jacobson [1987]; Barten [1993]). In either case, animals may suffer because of inappropriate treatment. For example, ivermectin is commonly used as an ecto- and endo-parasiticide in reptiles but can harm turtles and tortoises if used on those species (Clyde 1996).

Third, freedom from physical and thermal discomfort requires that the housing and environmental needs of the species are known and can be met by the owner. Many species require very specialized housing. Ectothermic ('cold-blooded') reptiles and amphibians require a variety of temperature and moisture regimes within their enclosures (Barten 1993). Many tropical species, such as the African pygmy hedgehog, *Erinaceus albiventris*, and the sugar glider, *Petaurus breviceps*, require year-round warm temperatures of 22-27 °C (Polachic 1997; Pet Industry Joint Advisory Council of Canada 2000). Supplying these complex conditions can be difficult within the household environment.

Fourth, for animals to be free from fear, distress and other negative psychological states, they must not be unduly upset by captivity and close human proximity. This requires an ability to recognize negative psychological states in the given species (Flecknell & Molony 1997; Mench & Mason 1997), and an ability to house and handle the animals accordingly.

Fifth, for animals to be free to carry out most normal forms of behaviour, knowledge of their natural behaviour is needed, and important features of their natural environment need to be provided. Some species require high levels of exercise or key stimuli in the environment in order to live normal lives. For example, gerbils in the wild dig burrows, but in captivity, when they cannot dig a burrow, they often carry out a stereotypical behaviour of scrabbling in the corners of their cages. Wiedenmayer (1997) found that captive gerbils stopped corner-scrabbling when provided with tunnels. Other species are extremely social, and their normal behaviour requires ample interaction with conspecifics unless humans can make appropriate substitutes. For certain highly social species such as primates, the demands for interaction can be very great. For example, Rhesus monkeys, *Macaca mulatta*, establish strong and complex social-emotional bonds in captivity, without which behavioural problems can develop (Mitchell *et al* 1979). For many exotic species, little is known about the environmental features necessary to allow natural behaviour.

Animal welfare may also be jeopardized if the owner loses interest in, or commitment to, the animal. In some instances, long-term commitment may be reduced if the animal grows too large and becomes difficult to house or costly to keep. For example, the so-called 'miniature' pot-bellied domestic pig, *Sus scrofa*, can grow to more than 50kg; these animals became fashionable pets in North America during the 1990s, but because of their large size, many of them were given up to animal shelters where they were likely to be euthanized because facilities were inadequate to accommodate them (Farinato & Lamb 1995). A similar problem occurs when small fish outgrow their aquaria (Tetra undated), as public aquaria cannot accommodate the influx of these unwanted fish. Consistent care may also be jeopardized if animals are very long lived. For example, parrots in captivity can live 30-80 years (Forshaw 1973), as do many primates. Such pets may outlive their owners, or the owners may lose the interest or ability to provide care, with the result that the animal is put into a shelter or is passed through a series of owners.

Small body size may also affect the welfare of companion animals. Some species, such as the sugar glider, are so small and fragile that they can be easily crushed by improper handling (Humane Society of Tucson 1998).

As well as these general aspects of animal welfare, additional considerations arise for species that are collected directly from their native habitat. Some methods of wild capture inflict considerable harm to animals; for example, some wild birds remain stuck to unattended glue sticks or die from inadequate care after capture (Bowles *et al* 1992). Animals that survive capture may then travel long distances, sometimes in crowded and unhygienic conditions (Bowles *et al* 1992). Based on studies in Senegal (a major bird exporter) and several bird-importing countries, the total average mortality of birds from capture, export and quarantine has been estimated at 70 per cent (Carter & Currey 1987).

Welfare of others

Some animals create a risk of injury to humans (either owners or community members) and to other animals. Venomous snakes, pythons, crocodilians, primates, wolves, wolf-hybrids and large cat species are generally considered unsuitable as companion animals for this reason (Diesch 1981; Jacobson 1993; Payne 1998; People for the Ethical Treatment of Animals 1998). The Canadian Veterinary Medical Association (1993) cautions owners about pet ferrets, *Mustela putorius Jura*, because they are known to bite people unpredictably, especially children (Paisley & Lauer 1988). In extreme cases, people have died from bites by exotic companion animals (Diesch 1981; 1982). However, safety concerns are by no means limited to exotic species: in the United States, there are 2-3 million bites by domestic dogs annually (Cornwell 1997), which account for 0.3 per cent to 1.1 per cent of all emergency department visits (Sokal & Houser 1971; Avner & Baker 1991; Weiss *et al* 1998) and cause as many as 18 human deaths per year (Sacks *et al* 1996).

Companion animals may also expose humans to disease. For example, pet raccoons, *Procyon lotor*, and skunks, *Mephitis mephitis*, have sometimes been found to test positive for rabies (Diesch 1981), yet there is no licensed rabies vaccine for these species in the United States (National Association of State Public Health Veterinarians Inc 1998). Health Canada (1997) has documented human salmonellosis, attributed to *Salmonella tilene*, transmitted from African pygmy hedgehogs and sugar gliders. Turtles are also known carriers of *Salmonella* (D'Aoust *et al* 1990). Hence, there has been a ban on the importation of pet turtles for commercial purposes in Canada (D'Aoust & Lior 1978) and on the commercial sale and distribution of pet turtles in the United States (Lecos 1988). Common pet species are a problem as well as exotic species, in that a number of human illnesses can be acquired from traditional pets such as dogs and cats (Elliot *et al* 1985; Folkenberg 1990).

Zoonoses transmitted to wild or domesticated animals are also a concern. According to Fowler (1978), Newcastle Disease, transmitted from imported parrots destined for the pet trade, required the euthanasia of 12 million chickens and the destruction of hundreds of nondomestic birds in California in 1971. Bacteria, viruses and parasites are common in many shipments of imported aquarium fish (Trust & Bartlett 1974; Shotts & Gratzek 1984), and many parasites are transferred to native fish from shipments of exotics (Hoffman & Schubert 1984).

Species may be ill-suited as companion animals simply because they have qualities that may detract from, or fail to enhance, the welfare of the owner. In such cases, the animal's standard of care may also suffer because of reduced owner commitment. Suitability in this respect depends greatly on the owner. For example, fish may be boring for young children but suitable for owners seeking quiet, undemanding companion animals. Companionship is one of the most important reasons for owning an animal (Mugford 1980; Serpell 1986; Endenburg 1991). Hence, if an animal is solitary, inactive or nocturnal, the owner may find it unsatisfactory; for example, hedgehogs are nocturnal and roll into a ball when handled inappropriately (Pet Industry Joint Advisory Council 2000). Offensive qualities of animals (noise, odour, unruly or destructive behaviour) may also be undesirable to owners – and possibly to other members of the community.

Risks to the environment

When wild species are used in the companion animal trade, a major concern is the impact that wild captures have on the native populations and ecosystems from which the animals are taken. In some areas, nestlings of cavity-nesting birds are captured by destroying nest trees; this may pose a threat to local populations if the availability of nesting sites is reduced (Beissinger & Bucher 1991). In the fish trade, tropical reef fish are often collected by stunning with cyanide (Rubec 1986). In addition to causing delayed mortality in targetted fish, cyanide also kills non-target fish and shellfish, along with eggs and larvae, and poses a health hazard for the fishers (Rubec 1986; McAllister *et al* 1998). Fish dealers can certify that their fish were caught with nets or other less objectionable methods (Tetra undated).

In some cases, species can become endangered partly by capture for the pet trade (Smart & Bride 1993). As many as 18 out of the 140 New World parrot species may be considered at risk of extinction through a combination of capture for the pet trade and habitat destruction (Collar & Juniper 1991). Attempts to prohibit trade in endangered species include legislation such as the 1992 *Wild Bird Conservation Act* in the United States (Department of the Interior 1992), and international agreements such as the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES [CITES Secretariat 1973]) and the *Convention on the Conservation of European Wildlife and Natural Habitats* (Council of Europe 1982). However, for species in which trade is allowed, the scientific data needed to monitor sustainable harvesting levels are often lacking (Beissinger & Bucher 1991). This, combined with the poor regulatory capabilities of many exporting and importing countries, raises major concerns about the continued acquisition of companion animals caught from the wild.

Concerns also arise over non-native species being introduced into new habitats. When owners tire of companion animals, they sometimes release them into the wild. For example, many exotic fish species have been released deliberately or accidentally into the continental United States from the aquarium fish trade (Courtenay *et al* 1984). The risk of a species colonizing and damaging an ecosystem will depend on both the biology of the species and the physical and biological properties of the environment (Pimm 1987; Vitousek 1990; Smallwood & Salmon 1992). Introduced species can affect ecosystems by altering the food chain and structure of the biological community, or even by driving native species to extinction (Pimm 1987). Agricultural damage is often caused by introduced species (Smallwood & Salmon 1992). During the early 1940s, the house finch, *Carpodacus mexicanus*, became established in eastern North

America from the release of caged birds in the pet trade (Elliott & Arbib 1953). The house finch is responsible for damaging many fruit crops in California, and as the population spreads it will probably become a nuisance to crops in new areas (Long 1981).

Table 1. Checklist of questions to assess the suitability of species as companion animals.

<i>Welfare of the animal</i>	
1	Is there adequate knowledge of the species with respect to: <ul style="list-style-type: none"> 1.1 nutritional requirements? 1.2 health care? 1.3 environmental requirements for physical and thermal comfort? 1.4 recognizing and preventing negative states such as fear, pain and distress? 1.5 requirements for exercise, social interaction, and natural behaviour? <p>If there is adequate knowledge of the species' requirements, might the owner still have practical difficulty in providing:</p> <ul style="list-style-type: none"> 1.6 suitable food? 1.7 veterinary services? 1.8 an environment that meets the animal's needs regarding comfort, psychological welfare, exercise, social interaction, and natural behaviour?
2	Is the animal's size: <ul style="list-style-type: none"> 2.1 so large when mature that the owners may be unable to accommodate it? 2.2 so small that the animal might easily be injured?
3	Is the animal's life expectancy so great that the owner may lose the commitment or ability to provide care throughout its life?
4	Is there any appreciable risk of suffering, injury, illness, or death arising from: <ul style="list-style-type: none"> 4.1 procurement? 4.2 transportation
<i>Welfare of others</i>	
5	Is the animal poisonous or venomous?
6	Is there any appreciable risk of the animal attacking or injuring: <ul style="list-style-type: none"> 6.1 humans? 6.2 other animals? <p>If a risk of injury exists, can it be made acceptably low by selecting safe individuals or by proper management?</p>
7	Is there any appreciable risk of the animal transmitting disease to: <ul style="list-style-type: none"> 7.1 humans? 7.2 wild or domestic animals? <p>If a risk of disease transmission exists, can it be made acceptably low by finding individuals free from the disease(s) or by proper management?</p>
8	Does the animal have objectionable characteristics (eg noise, odour, uncleanliness, unruliness, destructive behaviour) that may prove unacceptable to: <ul style="list-style-type: none"> 8.1 the owner? 8.2 the community?
9	Does the animal have other characteristics (eg solitary, sedentary or nocturnal nature) that may cause the owner to lose interest and commitment?
<i>Risks to the environment</i>	
10	Is there any appreciable risk of the animal causing ecological damage if it escapes or is released?
11	For species that exist in the wild, are trade and transportation subject to adequate regulation and enforcement?
12	If there is ongoing wild capture, is there any appreciable risk that capture might have undesirable effects on native populations and ecosystems? <p>If a risk exists, can it be avoided by use of captive-breeding that does not depend on continued wild capture?</p>

Table 2. Categories of animal species classified according to their degree of suitability as companion animals.

Category A	Species whose use for companionship is generally positive for the animal and the owner, whose needs are easily met, whose procurement and transportation raise no appreciable problems, and whose use involves no apparent risks to the community or the environment.
Category B	Species that require significant commitment of time and/or resources in order that their use be positive for the animal and the owner, but where ownership is unproblematic with regard to procurement, transportation and effects on the community and the environment. Substantial owner education may be needed for such species.
Category C	Species that have complex or demanding requirements needing skilful and knowledgeable owners who are prepared to commit significant time and/or resources to animal ownership, but where ownership is unproblematic with regard to procurement, transportation and effects on the community and the environment. Control of ownership (eg ownership only by qualified persons) may be appropriate for such species.
Category D	Species where there is insufficient knowledge (eg regarding procurement, transportation, environmental impact or the animal's needs) to allow a confident assessment of its suitability as a companion animal. Use of these species might be acceptable in the future if knowledge becomes adequate and any necessary safeguards are in place.
Category E	Species that are unsuitable as companion animals because of undue harm or risk of harm to one or more of: the animal, the owner, the community, or the environment.

An assessment framework

As a guide for assessing the suitability of different species as companion animals, we attempted to capture the above issues in the form of a checklist of questions (Table 1).

Three features of the checklist require comment to clarify its use. First, use of the checklist requires substantial knowledge of the species. Thus, while the questions provide a uniform process whereby a knowledgeable person can assess a species in a systematic way, the questions do not reduce or eliminate the need for such knowledge. Second, some of the questions inherently require ethical or value-related judgements, for example, to decide whether enforcement of trade regulations is 'adequate', or whether risk of injury is 'acceptably' low. Whether to use a particular animal for purposes of companionship is inherently an ethical issue. The checklist helps to structure the empirical knowledge and normative judgements that are needed to arrive at a decision, but cannot turn the decision into a purely empirical or objective one. For example, some individuals may attach particular importance to certain concerns; some users, for instance, may consider that the risk of ecological damage or inhumane procurement is sufficiently high to rule out all use of wild-caught species. Finally, the suitability of a species depends partly on the owner and circumstances as well as on the characteristics of the species; hence, the assessment process often does not lead to a universal 'yes or no' decision. Rather, we suggest that the assessment leads most logically to classifying species into one of five possible descriptions (Table 2), reflecting in part the degree of owner commitment and expertise required.

The following examples illustrate how we see the framework being used, but these are not intended as final evaluations of the species in question.

Domestic mice, *Mus musculus*, and golden hamsters, *Mesocricetus auratus*, are examples of animals that might be assigned to category A. These animals are readily procured (by captive breeding) and transported without risk to themselves or the environment; there is substantial experience of and research into their care, nutrition and behaviour (Baumans 1999; Whittaker 1999); and their welfare needs appear

to be met easily and cheaply within a human home by an enriched cage environment coupled with regular handling. The few undesirable traits can generally be dealt with by simple management. The occasional tendency of hamsters to nip can usually be overcome by regular, gentle handling (Whittaker 1999); objectionable odours from mice can be managed successfully by regular cleaning and the use of simple 'latrines' in the cage (Boyd 1988). Small body size may lead to a risk of injury, but this can be minimized by owner education. The nocturnal habits of these rodents, while undesirable for some owners, may actually correspond well to normal playtime for children attending school, and night-time noise is usually not a problem outside the room where the animals are kept. The solitary nature of hamsters makes them suitable for rearing individually (Whittaker 1999); the more social nature of mice can be accommodated by housing two same-sex litter mates together (Baumans 1999).

Many popular dog and cat breeds are likely to be classified in category B as long as they are procured from known and responsible sources. The animals' health, nutrition, and behaviour have been studied extensively (MacArthur Clark 1999), and expertise is widely available. Food and care products are easily accessible, and the animals' requirements for comfort, exercise, and most forms of normal behaviour can generally be met with sufficient owner commitment. Numerous potential problems exist for the owner and community. These include noise, odour, hygiene, disease transmission, injury, and destructiveness (MacArthur Clark 1999); however, the problems can generally be overcome with a reasonable level of owner commitment. Consequently, the animals can be expected to thrive when kept as companions, and they may greatly enhance human welfare. However, certain dog breeds may merit category C or E because they have been bred for extreme traits that seriously jeopardize their welfare (Steiger 1998); or, in the case of breeds predisposed to aggression, because of a danger to others and the high requirement for animal training and owner skill.

Among common exotic pet species, the green iguana may be an example of category C. Green iguanas can be maintained reasonably well in the home, but require a specialized, temperature- and humidity-controlled environment in some climates (Barten 1993). Although much is known about their care, housing, and health needs (Barten 1993), this expertise may not be readily accessible to a given owner. The animals' specialized needs, potential to transmit disease, large adult size, and long lifespan (Barten 1993) require an owner with unusual knowledge and commitment.

Category D is included to acknowledge that in some cases we may not have sufficient knowledge to be assured that keeping a species for companionship is acceptable. This category could be applied if the methods of procuring or transporting the animal are not well known, if the ecological effects of their capture from the wild are uncertain, if their escape into a new environment could have unpredictable consequences, or if the animal's needs are not well enough known to be met reliably.

Category E consists of species that are judged unsuitable as companion animals for any of a variety of reasons. Animals judged to fall into this category may include: i) dangerous species such as venomous snakes and large cat species; ii) exotic species that could cause ecological damage if they escaped; iii) wild species whose capture or transportation raises humane or environmental concerns; iv) long-lived species whose lifespan is likely to exceed an owner's ability to provide care; and v) species whose requirements (eg for normal social behaviour) cannot reasonably be met in captivity.

Uses for the framework

The keeping of animals for companionship is influenced by decisions and actions made by municipal governments, national and sub-national (eg state or provincial) governments, international organizations, pet distributors, animal adoption organizations and individual animal owners. The framework described above could help to guide decisions at any of these levels.

Some municipal governments regulate the keeping of companion animals, most often to prevent unwanted impacts of animals on the community. Typical examples are regulations for controlling noisy or stray dogs (eg City of Vancouver [2000]). Where exotic species are considered, regulations are often designed mainly to control dangerous pets such as large cats (eg Cincinnati [1995]; Portland [1997]). However, some municipalities have also created ordinances to prohibit the keeping of exotic or wild animals as pets. Some prohibit all species except the most traditional pets (eg Spotsylvania County [1993]). Others prohibit specific species or families such as members of the bear family, weasel family (including ferrets), non-human primates, porcupines, raccoons, alligators, crocodiles, large cats, and wolves (Erie County 1983; King County 1994). Often, birds, fish, reptiles, amphibians or unusual species are not considered, unless they are poisonous (Erie County 1983; King County 1994). The framework described above could provide a more systematic process and rationale for deciding which species to permit in a given municipality or how animal ownership should be regulated. For example, a municipality might choose to permit only species judged to fall into categories A and B, or it might require licensing for species judged to fall into category C.

Many national or sub-national governments control the importation of animals, often to prevent the introduction of disease. In Canada, the Canadian Food Inspection Agency enforces the *Health of Animals Act* (Department of Justice 1997) which monitors imported and exported live animals to protect livestock and poultry from serious diseases. The framework developed above suggests broader criteria that governments might consider as grounds for refusing to accept importation. For example, a country might refuse to accept certain species destined for the pet trade if these species have a history of injury or death through procurement or transportation. National and sub-national governments could also regulate companion animal species in other ways. For example, Diesch (1981) suggested that unacceptable ownership of exotic animals might be prevented by a regulatory system modelled after the one used for falconry in the United States. This system restricts the practice of falconry to qualified individuals by requiring an examination, inspection of facilities and equipment, and other requirements (Diesch 1981). A similar system could be created for species assigned to category C, with potential owners screened in some manner, perhaps with a requirement for membership of an appropriate organization such as a herpetological society.

International treaties regulate trade in certain animal species. Most notably, countries that are members of CITES act by banning commercial international trade in an agreed list of endangered species and by regulating and monitoring trade in certain others (CITES Secretariat 1973). This process helps to curtail the use of some species as companion animals. In Canada, for example, permits are seldom approved for parrots of endangered species purchased as pets (Environment Canada 1997). Although CITES was designed specifically for threatened and endangered species, it provides a model that could be extended to regulate international trade in species that are deemed unsuitable as companion animals.

Apart from policy and regulatory questions, pet retailers, animal adoption workers and potential animal owners are often confronted with the issue of whether particular animals, including those of common pet species, are suitable for particular circumstances. The matching of individual animals and owners raises many of the same questions that enter into policy issues over appropriate species. For example, animal adoption workers may need to assess whether a potential owner can provide adequately for an animal's needs, accommodate its mature size, care for it throughout its expected lifespan, and tolerate any negative aspects such as odour and noise. In such cases, the checklist of questions may also be useful as a decision-making tool to help ensure that animals are placed in appropriate circumstances, and as an educational tool to guide potential owners through a rational decision about whether a particular animal is suitable for them.

Animal welfare implications

The welfare of animals can be jeopardized if unsuitable species are used as companion animals. The assessment framework we propose incorporates the wide range of factors that affect the suitability of species for companion animal use. The framework could be used by the humane movement and by different levels of government in developing policy and regulations regarding appropriate companion animal species. It may also be useful for pet retailers, animal adoption workers, and potential owners to make well-considered decisions about appropriate companion animals for particular circumstances.

¹ We are using 'companion animal' as interchangeable with 'pet animal', as defined by the *European Convention for the Protection of Pet Animals* (Council of Europe 1987) as: 'animals sharing man's companionship and in particular living in his household'.

² Diesch (1981) uses the term 'wild' to refer to native species that are not domesticated but occasionally kept as pets, and 'exotic' for foreign species, generally ones that are not domesticated, but occasionally kept as pets. For simplicity, we will use 'exotic' to encompass both groups of companion animals.

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Zoocheck Canada, Toronto, Ontario, Canada.



Suite 1600 Cathedral Place
925 West Georgia Street
Vancouver, BC
Canada V6C 3L2
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February 23, 2022

VIA EMAIL

(mmayhew-hammond@oshawa.ca)

Lauren Cook
D: 604.631.9111
F: 604.669.1620
lcook@lawsonlundell.com

The Corporation of The City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Attention: Melanie Mayhew-Hammond
(76003L)

**Re: 7-Eleven Canada Inc. o/a 7-Eleven 245 Wentworth Street West, Oshawa
LAT File No.: 13358/LLA**

We write to advise you that 7-Eleven Canada Inc. ("**7-Eleven Canada**") has elected to withdraw its Notice of Appeal in the above-noted matter and will be filing a Notice of Withdrawal with the Licence Appeal Tribunal.

Since filing its appeal before the Tribunal, 7-Eleven Canada has been evaluating and developing plans to invest in and remodel its store at 245 Wentworth Street West for expanded fresh food and beer and wine service, should a licence be granted. In consideration of certain municipal zoning and Building Code requirements at this particular location at 245 Wentworth Street West, Oshawa, 7-Eleven Canada has determined that, at this time, it would be best to take further time to address these municipal requirements before proceeding with the licensing process for this particular site.

Yours very truly,

LAWSON LUNDELL LLP

Lauren Cook

LEC1/kmc1
cc. client

To: Corporate Services Committee

From: Tracy Adams, Commissioner, Corporate Services Department,
Corporate Services Department

Report Number: CORP-22-13

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Vacancies on Heritage Oshawa

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to recommend two applicants to fill two vacancies on the Heritage Oshawa Committee.

Confidential Attachment 1 contains the list of individuals and their respective applications recommended for appointment to Heritage Oshawa.

Confidential Attachment 2 contains the individual and their respective application not recommended for appointment at this time.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-13 dated March 2, 2022 concerning the two vacancies on Heritage Oshawa, the applicants listed in Confidential Attachment 1 be appointed to Heritage Oshawa for the terms outlined in Confidential Attachment 1, or until such time as successors are appointed.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

- Planning Services
- City Clerk Services

5.0 Analysis

Due to resignations, City Clerk Services initiated a recruitment process for Heritage Oshawa with advertisements in the local newspapers, on the City's website and the City's social media accounts in December 2021.

5.1 Recruitment for Heritage Oshawa

Based on resignations, there are two vacancies on Heritage Oshawa. Three applications were received for the vacancies and interviews for these applicants were conducted in January 2022. The interview panel consisted of the Policy Advisor for Heritage Oshawa and staff from City Clerk Services.

The following interview questions were asked of the applicants:

- Why would you like to be a member of this Committee?
- What skills, interests, experience or expertise do you have that would assist the committee in meeting its responsibilities?
- In addition to attending regular meetings of the Committee, are you willing to participate in working groups/subcommittees and organize or attend special events in the community?
- How do you see the Committee's role in relation to the role of Council?
- Have you served on a municipal Committee or board before?

In addition to the questions above, members of the interview panel were able to ask the applicant any additional or follow up questions. At the end of the each interview, each member of the interview panel scored the applicant. The interview panel discussed the interview and put forward the recommendation based on the score provided by each panel member and the applicant's experience, skills and availability based on the Committee's mandate.

The applicants as set out in Confidential Attachment 1 are recommended for appointment to Heritage Oshawa.

6.0 Financial Implications

There are no financial implications from the recommendation contained in this Report.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Goal of Accountable Leadership.

A handwritten signature in black ink, appearing to read "Mary Medeiros", enclosed within a rectangular box.

Mary Medeiros, City Clerk,

A handwritten signature in black ink, appearing to read "Tracy Adams", enclosed within a rectangular box.

Tracy Adams, Commissioner, Corporate Services Department,
Corporate Services Department

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
1.	Duplex Registration System	CORP – Feb 5/18 CORP-18-10	CNCL-Apr 9/18 CORP-18-10	That staff investigate either adding duplexes under two unit house registration or create a mirrored registration system for duplexes.	M.L.E.L.S.	T.B.D.
2.	Termination of Administrative or Procedural Directions	Notice of Motion – Council Jan. 28/19	CORP- Feb. 25/19 CORP-19-15	That City Council Referral CORP-19-15 concerning the termination of administrative or procedural directions be referred to staff for a report.	City Clerk Services	2022
3.	Amendment to Procedure By-law to Permit All Councillors to Add Items to Regular Standing Committee Agendas	CORP – Jan. 14/19 CORP-19-09	CORP – May 27/19 CORP-19-14	Parts 2 to 5 referred to staff for further review including investigation into procedural issues raised by the City Clerk to report back to the Corporate Services Committee in future.	City Clerk Services	Second Quarter 2022

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
4.	Proposed Amendments to Council Procedure By-law – Permitting Suspension of the By-law	CORP – Sept. 9/19 CORP-19-70	CORP – Sept. 9/19 CORP-19-70	That City Council Referral CORP-19-70 concerning proposed amendments to Council's Procedure By-law to permit suspension of the By-law be referred to staff for a report.	City Clerk Services	Second Quarter 2022
5.	Administration of Naloxone Kits by City Staff	CORP – Sept. 9/19 CORP-19-77	CNCL – Mar 29/21 CORP-21-15	Referred to Legal Services to investigate liability to the City if the program is implemented	Legal Services	T.B.D.
6.	Residential Rental Housing Licensing: Proposed Expansion Options and Consultation Process	CORP- Jan 13/20 CORP-20-02	CNCL- Jan 24/22 CORP-22-02	That staff be directed to proceed with holding public and industry consultations, with the selected expansion option and report back to Committee	M.L.E.L.S.	Second Quarter 2022
7.	Confidentiality Clauses in Settlement Agreements	Notice of Motion – Council Nov 4/19	CORP – Nov 9/20 CORP-20-38	Referred back to staff for further review.	Legal Services, Finance Services, Human Resource Services	T.B.D.

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
8.	Remote Electronic Participation for Delegations	CNCL – May 25/20 CNCL-20-85	CNCL - May 25/20 CNCL-20-85	That staff be directed to further investigate electronic participation for delegations after the emergency has ended and to report back to the Corporate Services Committee	City Clerk Services	Second Quarter 2022
9.	Data Governance Framework for the City of Oshawa	CORP – Oct 20/20 CORP-20-37	CNCL - Oct 26/20 CORP-20-37	That staff investigate and report back on data governance rights as they pertain but not limited to both voting tabulator technology and online and telephone voting, including exploring the option of working with field experts and local stakeholders on developing a data governance framework for the City of Oshawa.	Information Technology Services/ City Clerk Services	Fourth Quarter 2022

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
10.	2022 Municipal and School Board Elections	CORP- Oct 5/20 CORP-20-31 and CORP-20-20	CORP – Oct 20/20 CORP-20-36	That Option 2 be referred back to staff: (a) To further investigate risk mitigation strategies associated with Internet and Telephone voting with consideration being given to a comprehensive security analysis including end-to-end verifiability, security audits and appropriate authentication measures; and, (b) To develop a public consultation strategy on Internet voting; and, (c) To report back to the Corporate Services Committee on the above matters in the fourth quarter 2024	City Clerk Services	Fourth Quarter 2024
11.	Request for Summary of Complaint History on Vacant Properties	CORP - Feb 8/21 CORP-21-09	CORP - Feb 8/21 CORP-21-09	Referred to Legal Services	Legal Services	T.B.D.

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
12.	Council Electronic Access to other Committee and Task Force Meetings	CNCL – Feb 22/21	CNCL – Feb 22/21	Referred to staff for a report	City Clerk Services	Second Quarter 2022
13.	Third Report of the Oshawa Animal Care Advisory Committee - Proposed Amendments to the Responsible Pet Owners By-law to amend Schedule 'A' to permit that of a 'Permitted List'	OACAC – May 26/21 OACAC-21-25	CNCL – June 21/21 CORP-21-31	<ol style="list-style-type: none"> 1. Referred to Animal Services and Municipal Law Enforcement and Licensing Services staff for a report; and, 2. That the representatives of the agencies who presented to the Oshawa Animal Care Advisory Committee be invited to make a presentation to the Corporate Services Committee when the report comes back. 	M.L.E.L.S.	March 7, 2022

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
14.	Proposed Amendments to the Signage of Landmark Facilities to Include a Parallel Name in 'Anishinaabemowin' - the Heritage Language of the Local First Nation	CNCL- June 21/21 CORP-21-36	CNCL- June 21/21 CORP-21-36	That staff investigate the feasibility of the City, wherein possible, amending the signage of landmark facilities in consultation with the local First Nation, by including in addition to the name of the facility and locations in English, a parallel name in 'Anishinaabemowin' the heritage language of the local First Nation.	Facilities Management Services Innovation and Transformation	T.B.D.
15.	Fourth Report of the Oshawa Animal Care Advisory Committee – Proposed Amendments to the Responsible Pet Owners By-law to add rabbits	OACAC – May 26/21 OACAC-21-25	CNCL – June 21/21 CS-21-64	Referred to staff for a report	M.L.E.L.S.	March 7, 2022

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
16.	Proposed Short-Term Rental Licensing System	CNCL- May 25/20 CNCL-20-59	CNCL- May 25/20 CNCL-20-59	That staff be directed to investigate entering into Memorandums of Understanding with participating Short Term Rental Companies that facilitate the booking of S.T.R.s located in the City of Oshawa and report back to the Corporate Services Committee	M.L.E.L.S.	T.B.D.

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
17.	Fifth Report of the Oshawa Animal Care Advisory Committee – Proposed Amendments to the Responsible Pet Owners By-law concerning Pet Stores	OACAC- June 22/21 OACAC-21-31	CNCL – Sept 27/21 CORP-21-39	Referred to staff for a report	M.L.E.L.S.	Second Quarter 2022
18.	Arlene Feeney – Land Acknowledgement for Columbus Community Centre	CORP- Sept 13/21 CORP-21-41	CNCL – Sept 27/21 CORP-21-41	Referred to staff for a report	Innovation and Transformation	T.B.D.

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
19.	2021 Municipal Law Enforcement Operational Review	CORP- Sept 13/21 CORP-21-43	CNCL- Sept 27/21 CORP-21-43	Part 1 and 2 referred to staff for a report	M.L.E.L.S.	Second Quarter 2022
20.	Strategies to Amend Administrative Penalties and Other Fees to those Creating Offences	CORP- Sept 13/21 CORP-21-45	CNCL-Sept 27/21 CORP-21-45	Referred to staff for a report	M.L.E.L.S.	Fourth Quarter 2022
21.	Service Oshawa Resident Inquiries	CORP-Nov 8/21 CORP-21-65	CNCL-Nov 22/21 CORP-21-65	Referred to staff for a report	City Clerk Services	Second Quarter 2022
22.	Rules of Procedure regarding the placement of Council reports on agendas	CORP-Nov 8/21 CORP-21-66	CNCL-Nov 22/21 CORP-21-66	Referred to staff for a report	City Clerk Services	Second Quarter 2022
23.	Addition of Socio-Economic Status to By-law 51-2015 'Code of Conduct' and any Council-approved policies	CORP-Nov 8/21 CORP-21-67	CNCL-Nov 22/21 CORP-21-67	Referred to staff for a report	City Clerk Services	Third Quarter 2022

Corporate Services Committee Outstanding Items Status Report

Item	Subject	Origin	Last Direction Date & Item	Direction	Branch Responsible	Expected Response
24.	Electronic and In-person City Council and Committee Meetings	CNCL – Nov 22/21	CNCL- Feb 22/22	Referred to staff for a report on the procedure to be followed and that the report be on the next Corporate Services Committee Meeting Agenda	City Clerk Services	March 7, 2022

Matters Tabled

Item	Subject	Origin	Last Direction Date & Item	Direction	Department Responsible	Expected Response
1.	Amendments to Council's Procedure By-law Concerning Sections 6.2 and 6.6: Correspondence and Delegations	Notice of Motion Council – Jan. 28/19	CORP – Feb. 4/19 CORP-19-19	Parts 3 and 4 Tabled	City Clerk Services	T.B.D.

To: Corporate Services Committee

From: Mary Medeiros, City Clerk,
Tracy Adams, Commissioner,
Corporate Services Department

Report Number: CORP-22-15

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Electronic and In-person City Council and Committee Meetings

Ward: All Wards

File: 03-05

1.0 Purpose

At its meeting of February 22, 2022, the following motion was referred to staff to staff for a report on the procedure to be followed and that the report be on the next Corporate Services Committee Meeting Agenda:

“Whereas the Province announced October 25, 2021 that COVID protocols have been relaxed for room capacity;

Now therefore City Council and Committee meetings be held under a hybrid framework, with virtual and live in-person Council members and public attendance in accordance with the COVID regulations forthwith.”

The purpose of this report is to respond to Council’s direction.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-15 dated March 2, 2022 concerning electronic and in-person City Council and Standing Committee Meetings, that in-person and/or electronic meetings begin effective April 11, 2022, subject to the provisions set out in the Council Procedure By-law and in accordance with Provincial Orders and Public Health restrictions.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

- Corporate Leadership Team

5.0 Analysis

On March 19, 2020, through Bill 195, the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020 c. 17 (Reopening Ontario Act)), the Province amended the Municipal Act, 2001, S.O. 2001, c. 25 ("Municipal Act, 2001") to provide that during emergencies, members of Council, local boards and committees of either of them may amend its procedure by-law to allow members to participate electronically in both open and closed meetings and may be counted for the purposes of attaining quorum.

At its meeting of April 15, 2020, City Council passed By-law 34-2020 to amend Council's Procedure By-law to include provisions for electronic participation during an emergency in both open and closed meetings by members of Council. Since that time, all Council and Standing Committee meetings have been held using electronic technology with only the Chair, Vice Chair (in some instances) and City Clerk Services staff participating in person from the Council Chamber. In addition, Advisory Committees of Council and Committee of Adjustment meetings have been held virtually with all participants using electronic technology.

5.1 Council Procedure By-law 111-2017

Section 31 of the Council Procedure By-law 111-2017, as amended ("Council Procedure By-law") states the following:

Electronic Participation during a Declared Emergency

- a) Notwithstanding the provisions of this By-law and Section 238 of the Municipal Act, 2001, S.O. 2001, c. 25, during any period where an emergency has been declared to exist in all or part of the Municipality under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, a Member of Council may participate electronically in a Meeting that is either Open or Closed to the public and in doing so may be counted in determining whether or not a quorum of members is present.
- b) The City Clerk, in consultation with the Chief Administrative Officer and Information Technology Services will determine the most suitable option for electronic participation depending on the state of the emergency during which the provisions are used and available technology in the Council Chamber.
- c) Electronic participation will include but is not limited to: telephones, video conferencing and computers with internet access and conferencing software or programming.

- d) The City Clerk will provide the procedure which is to be followed in advance of the Meeting.
- e) The City Clerk in consultation with the Mayor and the Chief Administrative Officer will determine the format which is to be followed for Meeting Agendas.
- f) Members will advise the City Clerk no later than noon the day before the Council Meeting of their intent to participate electronically to ensure proper technology is enabled to make such participation possible.
- g) All votes during a Meeting where some or all Members are participating electronically will be recorded votes, commencing alphabetically by surname with the Chair voting last.
- h) In the event of a closed Meeting, Member(s) of Council participating electronically must ensure that the meeting discussion and materials are not accessible by individuals that are not subject to be part of the closed portion of the meeting. Members of Council must still respect Council's Code of Conduct regarding the protection of confidential information from unauthorized disclosure, release, publication or use. The Chair may ask each Member participating remotely to confirm they are the only one present in the room or within hearing distance from the Member.
- i) In the event that due to the nature of the emergency members of the public are not permitted to attend in-person, the City Clerk may establish alternative processes for the public where possible and appropriate, and in keeping with Section 6 – Public Participation.
- j) Subject to this Section, all other provisions of this By-law will continue to apply, however the Chair may modify the rules of procedure as necessary in order to ensure all members present, whether in-person or electronically, are able to fully participate fairly and effectively.
- k) The City Clerk may provide for the electronic participation of staff including the City Clerk, depending on the nature of the emergency situation.

5.2 Hybrid Model - Electronic and In-Person Meetings

Effective April 11, 2022, all Council and Standing Committee meetings will be held using a hybrid model. City Clerk Services staff will continue to set up an electronic platform meeting which will provide opportunity for Members of Council and staff with the ability to participate electronically should they wish to do so.

The Chair and Vice-Chair must participate in-person. In the event that neither the Chair or Vice-Chair are unable to attend in-person and will participate electronically, Council or the Standing Committee may appoint another member who is attending in-person to the Chair that meeting.

Due to changes in the Council Chamber technology, Members of Council and City staff will be required to set up an appointment with City Clerk Services staff in order to test their technology in the Chamber prior to attending in-person meetings.

Based on the lifting of Provincial and Public Health restrictions, Members of Council and City staff will be seated in their assigned seats and members of the public may sit anywhere in the public gallery. For those attending in-person meetings, the requirement to wear a mask will be in place provided the Province has not lifted those restrictions.

Members of the public wishing to address Council or a Standing Committee will have the option to address Council or a Standing Committee either electronically or in-person. Delegations wishing to address Council or a Standing Committee must advise City Clerk Services whether they will attend in-person or electronically no later than noon one (1) business day prior to the meeting.

Members of the public may attend in-person to view the meeting or may view it live on the web stream.

It is important to note that the provision to attend a Council and/or Standing Committee meeting and participate electronically is in place only during a declared emergency. Once that emergency is lifted, the ability for members of Council to participate in a Council or Standing Committee meeting electronically will not be permitted unless Council amends its Procedure By-law to allow for electronic participation regardless of whether there is a state of emergency in place or not.

This hybrid approach will be implemented for all Advisory Committees of Council and the Committee of Adjustment beginning April 11, 2022.

6.0 Financial Implications

There are no financial implications with this report.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros, City Clerk,



Tracy Adams, Commissioner,
Corporate Services Department

To: Corporate Services Committee

From: Mary Medeiros, City Clerk,
Tracy Adams, Commissioner,
Corporate Services Department

Report Number: CORP-22-16

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Restricted Acts (Lame Duck) Delegation of Authority Provisions

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to provide Council with information regarding the “Restricted Acts” provisions contained in Section 275 of the Municipal Act, 2001, S.O. 2001, c. 25 (“Municipal Act, 2001”) and to pass a by-law to temporarily provide the Corporation of the City of Oshawa with the ability to conduct certain business in the event that Council is restricted in authority pursuant to these provisions for the 2022 Municipal Election.

Attachment 1 is the proposed By-law to delegate authority related to the Restricted Acts (Lame Duck) provisions.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-16 related to the Restricted Acts (Lame Duck) Delegation of Authority Provisions, dated March 2, 2022, Council pass a by-law in the form appended as Attachment 1 to this report and in the form and content acceptable to the City Solicitor, the City Clerk and the Commissioner, Corporate Services Department.

3.0 Input From Other Sources

- Commissioner, Finance Services
- Legal Services

4.0 Analysis

Section 275 of the Municipal Act, 2001 prohibits municipal Councils from undertaking certain acts after Nomination Day in a municipal election year and prior to a new Council taking office under specific conditions.

A municipal Council can be in this situation during one or both of the following time periods: (1) for the 2022 Municipal and School Board Elections, this period is from Nomination Day on August 19, 2022 through to Voting Day on October 24, 2022; and (2) from Voting Day on October 24, 2022 to November 14, 2022, the end of the 2018-2022 term of Council.

This legislative restriction is referred to in Section 275 of the Municipal Act, 2001 as 'Restricted Acts' or more commonly referred to as the 'lame duck' provision.

If, from Nomination Day to Voting Day and, from Voting Day to November 14, 2022 it can be determined with certainty that the new Council will include less than three-quarters of the outgoing Council Members (i.e. less than 9 members), then the "Restricted Acts" or 'lame duck' provisions apply and Council is statutorily restricted from taking certain actions until the new term of Council begins on November 15, 2022.

If the Restricted Acts provision is engaged, this Council would be subject to certain restrictions as provided in Section 275(3) of the Municipal Act, 2001, including:

- a) Appointing or removing from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the City of Oshawa;
- c) Disposing of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and,
- d) Making any expenditures or incurring any other liability which exceeds \$50,000.

Subsection 275(3)(a) requires authority in the event that an officer, such as the City Clerk, the City Treasurer, the Chief Building Official and the Fire Chief, of the Municipality is required to be removed from office.

Subsection 275(3)(b) does not apply as the authority for the hiring or dismissal of any employee, other than Commissioners, of the Municipality that has been delegated to the Chief Administrative Officer ("C.A.O."). The proposed By-law delegates authority to the C.A.O. in the rare event that it is necessary to dismiss or hire a Commissioner.

Subsections 275(3)(c) and (d) only apply if the exceeding disposition or liability was not included in the most recent budget adopted by Council prior to Nomination Day.

As outlined in Section 275(4.1) of the Municipal Act, 2001, nothing in this section prevents a municipality from taking any action in the event of an emergency.

Section 275(6) provides that even if the Restricted Acts section is engaged, it does not affect any delegation of authority which has been properly granted prior to Nomination Day. Council's existing delegations such as those under the C.A.O.'s By-law, the

Delegation By-law and the Purchasing By-law, for example, are not impacted by the aforementioned restrictions.

The proposed by-law (Attachment 1) seeks to safeguard against potential gaps by temporarily delegating additional authority to the C.A.O. beyond that already delegated by Council and would come into effect only if the Restricted Acts section should apply to this Council. The temporary by-law provides a sunset provision, which effectively renders the by-law null and void upon the commencement of the inaugural meeting of the new Council, which is scheduled for November 15, 2022. Further, the C.A.O. would be required to report to Council in the first quarter of 2023 regarding any exercise of this delegated authority.

5.0 Financial Implications

There are no financial implications associated with this report.

6.0 Relationship to the Oshawa Strategic Plan

The report supports the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros, City Clerk,
Corporate Services Department



Tracy Adams, Commissioner,
Corporate Services Department



**By-law -2022
of The Corporation of the City of Oshawa**

being a by-law to temporarily provide the Corporation of the City of Oshawa with the ability to conduct certain business in the event of the Council being restricted in its authority pursuant to Section 275 of the Municipal Act, 2001 S.O. 2001, c25, as amended ("Municipal Act, 2001").

Whereas a municipal election will be held on October 24, 2022; and,

Whereas Nomination Day for the election is on August 19, 2022; and,

Whereas it is possible that Council may be restricted on Nomination Day or thereafter as a result of the operation of Section 275 of the Municipal Act, 2001; and,

Whereas it is desirable for Council to delegate certain limited authority for the purpose of ensuring the efficient operation of the Corporation of the City of Oshawa in the event that, and for so long as Council is restricted as a result of the operation of Section 275 of the Municipal Act, 2001;

It is enacted as a by-law of the Corporation of the City of Oshawa by its Council as follows:

Interpretation

1. In this by-law:

- 1.1 "By-law" means this By-law;
- 1.2 "City" means the Corporation of the City of Oshawa;
- 1.3 "C.A.O." means the City's Chief Administrative Officer or their designate;
- 1.4 "Council" means collectively the Council for the City;
- 1.5 "Department Head" means any of the Commissioner, Community Services; Commissioner, Corporate Services; Commissioner, Development Services; and, Commissioner, Finance Services;
- 1.6 "Effective Period" means any time between: 2:00 pm EST August 19, 2022 until the commencement of the inaugural meeting of Council;
- 1.7 "Officer" means any Officer of the City appointed by Council pursuant to statutory authority;
- 1.8 "Request for Proposal" means a Request for Proposal as defined in the Purchasing By-law 80-2020 ("Purchasing By-law 80-2020");

- 1.9 "Request for Tender" means a Request for Tender as defined in the Purchasing By-law 80-2020; and,
- 1.10 "Responsive and Responsible Bidder" means a Responsive and Responsible Bidder as defined in the Purchasing By-law 80-2020.

Delegation

2. This By-law shall only apply during the Effective Period, before and after which time this By-law shall be void and of no force and/or effect.
3. During the Effective Period, if at any time it becomes mathematically impossible for three-quarters of the members of the outgoing Council (less than 9) to be re-elected, thereby subjecting Council to the restrictions contained in Section 275 of the Municipal Act, 2001, the following delegations of authority shall apply:
- 3.1 Appointment or Removal of Officer
- The authority to appoint or remove an Officer or Commissioner of the City shall be delegated to the C.A.O.
- 3.2 Disposition of Property
- The authority to approve and execute agreements for the disposal of any real or personal property belonging to the City with an appraised value or a value, in the opinion, of a real estate broker is greater than \$50,000.00 shall be delegated to the C.A.O.
- 3.3 Expenditures and Liabilities
- During the Effective Period, the provisions of Section 4.08 of the Purchasing By-law apply.
4. During the first quarter in 2023, the C.A.O. shall report to Council any exercise of this delegated authority.

General

5. No delegation of authority in this By-law shall constrain or limit, in any manner whatsoever, any delegation of authority existing in any other City of Oshawa By-law or Council resolution. In the event of inconsistency between this By-law and any other City by-law or Council resolution, the provision that most effectively delegates authority prevails to the extent of the inconsistency.
6. This By-law shall come into force on the date of its passing.

By-law passed this day of , 2022.

Mayor

City Clerk