



POLICY REPORT LICENSING

Report Date: November 14, 2017
Contact: Kathryn Holm
Contact No.: 604.873.7545
RTS No.: 12240
VanRIMS No.: 08-2000-20
Meeting Date: December 12, 2017

TO: Vancouver City Council
FROM: General Manager of Development, Building and Licensing
SUBJECT: Banning the Sale of Cats, Dogs and Rabbits in Retail Outlets

RECOMMENDATION

- A. THAT Council approve amendments to the Business Prohibition By-law No. 5156 and License By-law No. 4450 which introduce new pet store regulations.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment amendments to the Business Prohibition By-law No. 5156 and License By-law No. 4450 as set out in Appendix A and B respectively, to be effective immediately.

The amendment to the Business Prohibition By-law No. 5156 requires a unanimous vote of all Council Members present, per Section 203(d) of the Vancouver Charter.

REPORT SUMMARY

Regulations concerning animal welfare are the purview of the Province of British Columbia, with the B.C. Society for the Prevention of Cruelty to Animals (BCSPCA) provided the statutory authority to enforce animal cruelty legislation. The City of Vancouver has the authority to regulate the sale of animals in pet stores through Licensing By-law No. 4450. Pet stores are currently allowed to sell, offer to sell and display animals, including cats, dogs and rabbits, with the exception of animals prohibited under the Animal Control By-Law No. 9150 or Business Prohibition By-law No. 5156.

Concerns were voiced from the public and key stakeholders, including the BCSPCA, that pet stores may source cats, dogs and rabbits from disreputable breeders, enable impulse purchasing, and contribute to the animal overpopulation problem. In response, Council unanimously passed a motion on June 28, 2017 to ban the retail sale of cats, dogs and rabbits

in the City, with the exception of animals offered for adoption from a recognized animal rescue society or shelter organization. Sixteen other municipalities in Canada, including four in the Lower Mainland already prohibit the retail sale of cats, dogs and/or rabbits.

Staff conducted research and stakeholder consultation to draft by-law changes that will reflect Council's decision. Under the proposed amendments to Business Prohibition By-law No. 5156 and License By-law No. 4450 , pet stores are prohibited from selling, offering to sell, displaying to the public and advertising for sale any cat, dog or rabbit with the exception that these animals may be displayed to the public if they are being offered for adoption through a municipal animal shelter, or a shelter or rescue organization that is a registered charity or a society registered under the BC Societies Act, other than a member-funded society. The definition of a "Pet Store" in the License By-law No. 4450 will capture any retail business that sells animals, regardless of whether they call themselves a pet store.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On June 28, 2017, the Standing Committee of Council on Policy and Strategic Priorities heard from six speakers and directed:

THAT staff put forward amendments to the License By-law No. 4450 to prohibit the sale of cats, dogs and rabbits in a pet store or other type of retail premise with the exception of those animals offered for adoption from a recognized animal rescue society or shelter organization.

THAT staff inform Council of the earliest date that a ban can be implemented.

THAT staff work with recognized animal rescue societies or shelter organizations to educate the public of the inhumane conditions of commercial breeding facilities and promote the benefit of animal adoptions through rescue societies and reputable breeders.

THAT staff explore ways of encouraging the adoption of shelter animals and responsible pet ownership which will reduce the number of abandoned animals.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Development Services, Buildings and Licensing recommends approval of the recommendations in this report.

REPORT

Background/context

The Provincial Government regulates animal welfare issues through the Prevention of Cruelty to Animals Act (the PCA Act). The Act sets out basic standards of care for animals, establishes prohibitions regarding causing distress to an animal, and authorizes the BCSPCA to enforce the PCA Act. Distress is defined in the PCA Act, when an animal is:

- a) Deprived of adequate food, water, shelter, ventilation, space, care or veterinary treatment;
- b) Injured, sick, in pain or suffering; or
- c) Abused or neglected.

License By-law No. 4450, Article 23.2 addresses standards of care and housing for animals being kept in pet shops, as well as requirements for licensees to keep records pertaining to the acquisition and sale of animals. It also forbids pet shops from selling, offering to sell, and displaying to the public animals that are prohibited under the Animal Control By-Law No. 9150 or Business Prohibition By-law No. 5156.

There are currently seven pet stores licensed by the City where one can obtain live animals, of which only one sells dogs and cats sourced from private breeders. Two other pet stores provide space for the adoption of rescued cats, dogs and rabbits in partnership with the BCSPCA and local animal rescue groups. The other four licensed pet stores limit the sale of live animals to fish, birds, reptiles and small animals, and refer clients in search of dogs and cats to local animal shelters. There are many other retail stores within the City that only provide pet supplies and/or services.

Over 2,000 members of the public have contacted Council expressing concern over the sale of dogs, cats and rabbits within the City. Additionally, an online petition requesting the City to take action has garnered 4,458 signatures.¹ Six speakers from various animal welfare organizations presented the rationale for prohibiting the sale of cats, dogs and rabbits in pet stores, summarized below, before the Standing Committee of Council on Policy and Strategic Priorities on June 28, 2017:

- Concerns that pet stores may be sourcing animals from disreputable breeders (i.e. puppy and kitten mills) that utilize substandard breeding and animal care practices;
- Pets sourced from abroad lacked proper socialization from being crated and transported to pet stores at an early age, leading to separation anxiety and other behavioural issues;²
- Pet stores facilitate impulse purchases and have little incentive to screen and educate prospective pet owners, which lead to increased instances of pet abandonment;
- The large and increasing number of animals in need of adoption; and
- Overpopulation of animals, especially cats and rabbits, due to the lack of spaying and neutering of animals at the point of sale.

Alignment with independent standards

The Canadian Kennel Club's Code of Practice prohibits member breeders from selling or donating dogs for the purpose of being auctioned to pet stores. Similarly, the Cat Fanciers

¹ Care2 Petitions (2017). "Tell the City of Vancouver you don't want them to allow for the sale of cats, dogs and rabbits in stores!" Retrieved from:

<https://www.thepetitionsite.com/takeaction/554/660/190/>

² McMillan, F., Serpell, J., Duffy, D., Masaoud, E., & Dohoo, I. (2013) Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders. *Journal of the American Veterinary Medical Association*, 242(10), 1359-1363.

Association Breeder Code of Ethics states that “reputable breeders of pure breed cats do not sell their kittens” to pet stores.³

Analysis of consumer and industry impacts

Staff conducted research on pet market industry trends to uncover the implications on both consumers and businesses as a result of prohibiting the sale of cats, dogs and rabbits. A 2008 Urban Animals Survey conducted by Ipsos Reid shows that only 7% of pet cats and 8% of pet dogs in Vancouver were acquired from pet stores, with the largest sources being humane societies/shelters for cats at 28% and breeders for dogs at 48%.⁴ These trends largely corroborate with a more recent 2015/16 American Pet Products Association (APPA) survey where animal shelters/rescues were the largest sources of pet cats and dogs in the US at 46% and 37% respectively, while pet stores only contributed 2% of cats and 4% of dogs.⁵

Curtailing the retail sale of these animals is congruent with public sentiment on the issue and not onerous on consumers’ ability to acquire pets from other sources. In a Packaged Facts 2013 survey in the US, 73% of pet owners agree that people should adopt pets from shelters and not purchase them from shops/breeders, with 38% in strong agreement.⁶ Staff counted 44 SPCA branches, municipal shelters, and registered charitable animal rescues in the Greater Vancouver and Fraser Valley region, where residents can adopt pets.

The retail pet industry has responded to changing consumer preferences and regulations by shifting their business model away from the sale of live animals towards pet products and services. Of the estimated US\$66.75 billion spent on pets in the US in 2016, only 3% or US\$2.1 billion were spent on live animal purchases.⁷ Larger pet store chains also derive customer loyalty from partnering with local animal shelters and rescue groups to offer space and support for showcasing adoptable homeless pets.⁸

The Pet Industry Joint Action Council (PIJAC) has argued that restricting the sale of cats, dogs and rabbits in pet stores will encourage the purchase of these animals from unregulated sources, such as newspaper advertisements or online classifieds. The B.C. government is reviewing new regulations in the PCA Act that will require the mandatory licensing and registration of cat and dog breeders within the province. Several popular e-commerce platforms including Amazon, EBay, BuySellTrade.ca, Craigslist and Facebook already prohibit the buying and selling of live pets, whereas Kijiji does not allow the sale of puppies and kittens under the age of eight weeks or advertisements that offer shipment of animals.

³ Cat Fanciers Association, “Finding the Purrfect Pedigreed Kitten.” Retrieved from:

<http://cfa.org/Owners/FindingAKitten/FindingthePurrfectPedigreedKitten.aspx>

⁴ Ipsos Reid (2008). “The Business of Urban Animals: Market Research Report.”

⁵ The Humane Society of the United States (2017). “Pets by the Numbers: U.S. Pet Ownership, Community Care and Shelter Population Estimates.” Retrieved from:

http://www.humanesociety.org/issues/pet_overpopulation/facts/pet_ownership_statistics.html?referer=https://www.google.ca/

⁶ Packaged Facts (January 2014). “Canadian Pet Market Outlook, 2014.” Retrieved from:

<https://pijaccanada.com/wp-content/uploads/2017/07/executive-summary-Packaged-Facts-Canadian-PMO-January-2014.pdf>

⁷ American Pet Products Association (2017). “Pet Industry Market Size & Ownership Statistics”

Retrieved from: http://www.americanpetproducts.org/press_industrytrends.asp

⁸ SAGE Business Researcher. “The Pet Industry: Will Millennials keep it booming?” Retrieved from:

<http://businessresearcher.sagepub.com/sbr-1863-102160-2772364/20170227/the-pet-industry>

Jurisdictional Analysis

256 municipalities in North America ban the for-profit sale of cats, dogs, and/or rabbits, including 16 in Canada and the state of California. The Canadian municipalities include:

Jurisdiction	Animals prohibited for retail sale	Date prohibition came into effect
City of North Vancouver	Rabbits	September 2010
Richmond	Dogs and puppies	April 2011
Toronto	Cats, dogs and rabbits	September 2012
New Westminster		November 2012
Ottawa		April 2016
Delta		November 2017

Staff reviewed the relevant bylaws in jurisdictions that banned the retail sale of cats, dogs and/or rabbits, and found the following common requirements:

- Pet stores are not allowed to sell, offer to sell, display and advertise cats, dogs and/or rabbits with the exception of those sourced from a municipal animal shelter, registered shelters and/or animal rescue group;
- Pet stores must maintain sufficient records to document the source of each cat, dog or rabbit;
- Pet stores must post in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the source from which the animal was obtained; and
- Provisions provided to existing stores to deplete their existing inventory of prohibited animals within a reasonable time frame

Municipalities in B.C. have wide-ranging powers provided under the *Local Government Act*, *Community Charter* and *Vancouver Charter* to regulate both business and animals. These powers were tested in a Supreme Court of British Columbia decision, *International Bio Research v. Richmond (City)*, 2011 BCSC 471 as a result of pet stores challenging the City of Richmond's bylaw prohibiting the retail sale of dogs and puppies. The court decision confirmed municipalities have the authority to regulate animal businesses so long as there is a proper municipal purpose supporting the regulation.⁹

Effectiveness of the ban on the retail sale of cats, dogs and rabbits

The decline of animal intake in municipal animal shelters in jurisdictions including Toronto, Richmond and Albuquerque has been cited by proponents as attributable to municipal by-laws that ban the retail sale of cats, dogs and rabbits. Staff were advised by these municipalities that other factors may be contributing to the overall decline in these jurisdictions, including the increasing incidence of spayed and neutered animals in the pet population.¹⁰

However, there is a marked difference between municipalities in the number of calls received by the BCSPCA's Cruelty Investigations Department regarding reports of distress in animals

⁹ *International Bio Research v. Richmond (City)*, 2011 BCSC-471. Retrieved from: <http://www.courts.gov.bc.ca/jdb-txt/SC/11/04/2011BCSC0471.htm>

¹⁰ Miller, G. et. all (2014). Effects of a geographically targeted intervention and creative outreach to reduce shelter intake in Portland, Oregon. *Animal Sciences* 4(4): 165-174.

sold by pet stores. In the last five years, BCSPCA received approximately 45 in Vancouver, 177 in Burnaby, and 50 in other neighbouring jurisdictions. The BCSPCA no longer receive calls that report animal distress in puppies sold from pet stores since Richmond first instituted the ban on the sale of dogs and puppies in 2011.¹¹

Public awareness and education

Community engagement and education are among the services provided by Vancouver Animal Services, alongside increasing public awareness of Animal Services' function and compliance with dog licensing requirements. Availability of pets for adoption, as well as recommended methods for obtaining and keeping pets have been communicated to the public via brochures, posters, transit signage, door to door canvassing, and visits to Community Centres, public libraries, dog facilities and public events. Furthermore, the City's website includes resources on responsible pet sourcing and ownership.¹²

In addition to ongoing communications and engagement initiatives, staff will continue to explore partnership opportunities with the BCSPCA and other animal rescue societies to increase public awareness of the inhumane conditions of commercial breeding facilities and promote the benefits of animal adoptions through rescue societies and reputable breeders. Specific initiatives over the next six months may include:

- Creating user-friendly educational materials (i.e. brochures and pamphlets) with the BCSPCA;
- Working with pet stores, animal shelters and other pet oriented businesses (i.e. pet supply stores) to carry educational materials; and
- Featuring links of the BCSPCA's materials on pet care and behaviour help topics on the City's website and social media platforms.

CONSULTATION

Prior to the development of draft by-law amendments, staff consulted with representatives of the BCSPCA and licensed pet stores in the City from September through November 2017, including the owner of the only pet store that sells dogs sourced from private breeders. Concerns and recommendations expressed by stakeholders have been considered in the draft by-law amendments presented to Council.

PROPOSED REGULATORY FRAMEWORK

The proposed amendments to the Business Prohibition By-law No. 5156 and License By-law No. 4450 that will ban the retail sale of cats, dogs and rabbits, except those offered for adoption from a recognized animal shelter or rescue organization, are included in Appendix A and B respectively. Given that there are no federal or provincial registry of animal shelters and

¹¹ Statistics provided by the B.C. Society for the Prevention of Cruelty to Animals.

¹² City of Vancouver. "Care for your pet." Retrieved from: <http://vancouver.ca/home-property-development/caring-for-your-pet.aspx>; City of Vancouver. "Adopt a Pet." Retrieved from: <http://vancouver.ca/home-property-development/adopting-pets.aspx>

rescues, staff decided to limit the definition of “registered animal shelters or rescue organizations” to:

- a) Municipal animal shelters;
- b) Animal shelters or rescues that are registered charities with the Canada Revenue Agency; and
- c) Animal shelters or rescues that are not-for-profit organizations under the B.C. Societies Act, with the exception of member funded societies.

This definition will encompass popular and legitimate sources of animals in need of adoption including the Vancouver Animal Shelter, BCSPCA, Vancouver Orphan Kitten Rescue Association (VOKRA), and Vancouver Rabbit Rescue.

Under the new regulations, pet stores are prohibited from selling, advertising for sale, and displaying to the public any cat, dog or rabbit with the exception that these animals may be displayed to the public if they are being offered for adoption through a municipal animal shelter, or a shelter or rescue organization that is a registered charity or a society registered under the BC Societies Act, other than a member-funded society. Pet stores are currently defined in the License By-law No. 4450 as “the use of premises to offer to sell or to sell, at retail or wholesale, animals, except for animal shelters and commercial kennels.” Staff advises that this definition is sufficiently broad to capture any retail premise that sells live animals, regardless of whether they call themselves a pet store.

Staff are recommending immediate by-law enactment. Pet store owners currently selling cats, dogs and/or rabbits were consulted with in October and November 2017, in a follow-up to the Council direction in June 2017. They have been advised to work with shelters to ensure surrender of all privately-sourced cats, dogs and/or rabbits by mid-December 2017, pending City Council approval.

Additional related housekeeping amendments have been made to the Licence by-law, to further ensure the City’s regulatory framework is up-to-date. These changes will clarify the definitions of cats, dogs and rabbits across both by-laws, remove by-law clauses that no longer apply, and re-order the remaining clauses for clarity.

Implications/Related Issues/Risk

Financial

There are no financial implications.

CONCLUSION

Staff is moving ahead with Council direction to ban the retail sale of cats, dogs and rabbits by proposing amendments to the Business Prohibition By-law No. 5156 and License by-law No. 4450. Under the new regulations, pet stores are prohibited from selling, advertising for sale, and displaying to the public any dog, cat or rabbit with the exception that these animals may be displayed to the public if they are being offered for adoption through a municipal animal

shelter, or a shelter or rescue organization that is a registered charity or a society registered under the BC Societies Act, other than a member-funded society.

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**A Draft By-law to Amend Business Prohibition By-law No. 5156
Regarding the Sale of Dogs, Cats and Rabbits by Pet Stores**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of the Business Prohibition By-law.
2. Council amends Schedule A by adding the following section 14:

"A pet store that offers for sale or sells, advertises for sale, or displays to the public, at retail or at wholesale, an animal listed in the adjacent column of this section 14, except that these animals may be displayed to the public if they are being offered for adoption through a municipal animal shelter, or a shelter or rescue organization that is a registered charity or a society registered under the BC Societies Act, other than a member-funded society"

"Domestic dogs, domestic cats, or domestic rabbits."

**A Draft By-law to Amend License By-law No. 4450
Regarding the Sale of Dogs, Cats and Rabbits by Pet Stores**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of the License By-law.
2. In section 2, Council:
 - (a) strikes out the definition of "Dog" and substitutes the following:
" "Dog" means a domestic dog, regardless of age or sex.";
 - (b) strikes out the definition of "Cat" and substitutes the following:
" "Cat" means a domestic cat, regardless of age or sex."; and
 - (c) adds a definition for "Rabbit" in the correct alphabetical order as follows:
" "Rabbit" means a domestic rabbit, regardless of age or sex.".
3. Council:
 - (a) renumbers subsection 23.2(bb) as subsection (k);
 - (b) adds the words "contain or" before the word "confine" in renumbered subsection 23.2(k);
 - (c) renumbers subsection 23.2(cc) as subsection 23.2(l); and
 - (d) renumbers the remaining subsections accordingly.
4. Council adds the words "in addition to the conditions set out in subsection 23.2(p)," to the beginning of renumbered subsection 23.2(q).
5. Council strikes out renumbered subsections 23.2(x) through (z), and substitutes the following:
 - (x) keep and maintain a legible register in the pet store containing the following information for any dogs, cats, or rabbits displayed to the public in the pet store in accordance with subsection 23.2(cc)(ii):
 - (i) the name of the municipal animal shelter, or the qualified shelter or rescue organization, that is offering the dog, cat, or rabbit for adoption,

- (ii) the date that the dog, cat, or rabbit was placed in the pet store for display to the public by the municipal animal shelter, or the qualified shelter or rescue organization, and
 - (iii) the date that the dog, cat, or rabbit was removed from the pet store by the municipal animal shelter, or the qualified shelter or rescue organization;
 - (y) produce the register referred to in subsection 23.2(v) for inspection at the request of the Inspector and provide copies of any entries required by the Inspector; and
 - (z) retain the information related to each dog, cat, or rabbit recorded in the register for at least 12 months after the dog, cat, or rabbit was removed from the pet store in accordance with subsection 23.2(x)(iii);"
6. Council strikes out renumbered subsection 23.2(bb) and renumbers the remaining subsections accordingly.
7. Council:
- (a) adds the words "advertise for sale," after the words "offer to sell," in renumbered subsection 23.2(cc);
 - (b) strikes the word "dangerous" in renumbered subsection 23.2(cc)(ii) and substitutes the word "aggressive";
 - (c) adds the words "or other" after the word "exotic" in renumbered subsection 23.2(cc)(ii); and
 - (d) adds the following to the end of renumbered subsection 23.2(cc)(ii):

", except that dogs, cats, and rabbits may be displayed to the public if they are being offered for adoption through a municipal animal shelter, or a shelter or rescue organization that is a registered charity or a society registered under the BC Societies Act, other than a member-funded society."