

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## **Official Report of Debates (Hansard)**

JP-34

## **Journal des débats (Hansard)**

JP-34

### **Standing Committee on Justice Policy**

Preventing Unethical  
Puppy Sales Act, 2024

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament

Thursday 9 May 2024

### **Comité permanent de la justice**

Loi de 2024 sur la prévention  
de la vente de chiots contraire  
à l'éthique

1<sup>re</sup> session  
43<sup>e</sup> législature

Jeudi 9 mai 2024

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Chair: Goldie Ghamari  
Clerk: Thushitha Kobikrishna

Présidente : Goldie Ghamari  
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
JUSTICE POLICY**

**COMITÉ PERMANENT  
DE LA JUSTICE**

Thursday 9 May 2024

Jeudi 9 mai 2024

*The committee met at 1300 in committee room 2.*

**PREVENTING UNETHICAL  
PUPPY SALES ACT, 2024  
LOI DE 2024 SUR LA PRÉVENTION  
DE LA VENTE DE CHIOTS CONTRAIRE  
À L'ÉTHIQUE**

Consideration of the following bill:

Bill 159, An Act to amend the Provincial Animal Welfare Services Act, 2019 / Projet de loi 159, Loi modifiant la Loi de 2019 sur les services provinciaux visant le bien-être des animaux.

**The Chair (Ms. Goldie Ghamari):** Good afternoon, members. I call this meeting of the Standing Committee on Justice Policy to order. The committee will resume its public hearings on Bill 159, An Act to amend the Provincial Animal Welfare Services Act, 2019.

Each presenter will have seven minutes for their presentation, followed by 39 minutes of questions from members of the committee. The time for questions will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition and two rounds of four and a half minutes for the independent member.

**ONTARIO VETERINARY  
MEDICAL ASSOCIATION  
ONTARIO SPCA AND HUMANE SOCIETY  
LIONS FOUNDATION OF CANADA  
DOG GUIDES**

**The Chair (Ms. Goldie Ghamari):** I will now call upon the Ontario Veterinary Medical Association. You will have seven minutes for your presentation. Please state your name for Hansard and you may begin.

Before we begin, though, I am seeking unanimous consent from the committee to allow two presenters from the same group to sit at the table. Do I have UC? Yes? Thank you.

All right, Ontario Veterinary Medical Association, please state your names and then you may begin. You will have seven minutes.

**Dr. Brendon Laing:** I'm Dr. Brendon Laing, veterinarian, practice owner and president of the Ontario Veter-

inary Medical Association, also known as OVMA. Joining me today is Mr. John Stevens, CEO of OVMA.

Having worked in companion animal medicine for over 11 years in addition to serving on veterinary committees and boards, I've had the privilege to connect with countless other veterinary professionals from across Ontario and North America. Regardless of where they come from and what they do in this profession, these individuals all prioritize the same goal: a passion for ensuring the health and well-being of animals.

With animal welfare at the forefront of a veterinary professional's priorities, it is clear why we, as veterinarians, strongly advocate for robust and effective government legislation to safeguard animals and improve the well-being of countless individuals and families. With a lack of standards for breeding and selling companion animals in Ontario, our province has encountered a problematic situation. Unfortunately, dogs are being raised in substandard conditions, placing them at risk of severe, long-term and often life-threatening health issues. This unacceptable predicament not only presents undue harm to these animals, but also creates heartbreaking and financially distressing circumstances for pet owners and families.

While the association strongly supports the intention of the PUPS Act, we provide the following feedback to help strengthen the proposed legislation and to ensure the protection of our province's companion animals for years to come.

Although efforts have been made to define a puppy mill under section 23.2, the legislation as presented does not actually have a specific definition. Rather, it is a list of breeding standards which are not supportive to an investigation and therefore not fully defining a puppy mill.

Simply put, puppy mills are high-volume facilities that keep animals in small and improper confinement units or stacked cages, with insufficient flooring and bedding and with no opportunities for exercise or socialization. These establishments do not meet the basic standards of care as outlined in the PAWS Act and dogs are often found to be unhealthy, emaciated, matted and infested with mites, parasites and maggots. There needs to be a clear definition of a puppy mill in the act in order to ensure that these measures can be successfully prosecuted.

As written, the current bill is overly prescriptive and does not support investigators in assessing potential puppy mills, as it focuses solely on breeding standards and not

the conditions dogs are forced to live in. Veterinary medicine and reproductive science, like all fields in health care, are constantly making advancements in practices and policies. Enshrining science like breeding standards in legislation will be difficult to change should there be new research, improvement of health standards or wording that could lead to unforeseen consequences. Unfortunately, there are many examples in veterinary medicine where improper language complicates what should be straightforward matters. This can hinder timely care for animals.

Amending the act to allow breeding standards to be outlined in regulations would provide the opportunity to create a comprehensive framework developed in partnership with leading experts.

For instance, demonstrating breeding lineage can be difficult without proper documentation. To prove a dog has not been bred with a pup from its own litter or with another sibling, detailed records are required. Records can be falsified through various means. Imposing stringent requirements may inadvertently burden well-intentioned individuals with excessive administrative red tape.

To validate records, investors may turn to genetic testing. However, these tests can be unreliable in this instance. Purebred dogs are bred to keep desired traits of that breed. This means that a purebred dog's DNA will contain less genetic variability, thus making it difficult to accurately prove and prosecute inbreeding within the establishment in question.

Rather than prescribing cycles and breeding standards, the regulation should have considerations for maternal care. Proper maternal care is vital for the health and well-being of the mother and litter. Many of those requirements are already included in the PAWS Act, regulation 444, which provides direction on living conditions and standards of care for animals.

Instead of the additional provisions under the PUPS Act, linking to and expanding the current provisions under regulation would make a stronger piece of policy and safeguard against inhumane breeding practices.

Nevertheless, getting inspectors into facilities where there is concern about poor living conditions and mistreatment of animals is key to having these facilities eliminated and offences successfully prosecuted. The association is aware that in the last quarter, Ontario's animal welfare services received over 8,800 calls. Over 5,400 of those resulted in an inspection. Given that animal welfare services is reportedly comprised of 100 inspectors, that would equate to 50 investigations per investigator in three months. This would not include any carry-over from a previous quarter. Increasing capacity for the program would allow more timely investigations of unethical breeding establishments.

Another way to disrupt the economy of un reputable breeders is to restrict their ability to sell their dogs. However, despite the name, the Preventing Unethical Puppy Sales Act does not contain measures to address the sale of puppies. It is common knowledge that fraudulent pet vendors utilize websites such as Kijiji and Facebook Marketplace to sell animals. Removing this means of

advertising would make connecting with unsuspecting buyers more difficult, therefore redirecting these buyers towards more reputable breeders.

Additionally, introducing a licensure or accreditation program for breeders that breed and sell a certain number of dogs in a year is another effective way to weed out unethical breeding.

We appreciate the government and the ministry for its ongoing commitment to improving the lives of animals in the province. We trust that you see the association's goal in recommendations made here is to help protect Ontario's animals and their owners.

**The Chair (Ms. Goldie Ghamari):** One minute.

**Dr. Brendon Laing:** Effective protection of animal welfare is of tremendous importance, not only to animal lovers but to veterinarians and the general public. If it supports the appropriate investigation required, we welcome the institution of a provincial ban on puppy mills.

**The Chair (Ms. Goldie Ghamari):** Thank you very much.

We'll now turn to our next presenter, from the Ontario SPCA. Please state your name for the record and then you may begin. You'll have seven minutes.

**Mr. Drew Woodley:** My name is Drew Woodley. I'm the director of government relations with the Ontario SPCA and Humane Society. Thank you for the opportunity to appear today.

Increasingly, the Ontario SPCA is seeing cases of dogs from puppy mills coming into our care. These are often disposed of by unethical breeders when they become inconvenient to them or require veterinary care: dogs that are already pregnant; dogs so afraid and withdrawn because of their previous living conditions that they require months of intensive behavioural therapy before they can be adopted; dogs, a mother and pup, sick with parvovirus, requiring emergency veterinary care. Sadly, the other five puppies from the litter had already died from the disease before these dogs were brought to our animal centre. The only way to describe what is happening is "horrific."

This is a widespread problem where dogs are kept and bred in cruel conditions by unscrupulous breeders. We cannot ignore the sheer size and complexity of this problem. Puppy mills come in all shapes and sizes. Some operate with hundreds of dogs kept in barns. Others will keep a dozen dogs in their backyard using dangerous makeshift kennels. Regardless of the size, the conditions found at these sites are horrendous, with sick and malnourished dogs covered in parasites, urine and feces. These breeders would rather make money than properly care for vulnerable animals.

Puppy mill breeders use complex networks to hide their operations. They use lookouts, decoy breeding locations and transfer-middlemen to hide the unconscionable settings where breeding takes place. They deceive the public by using third-party websites to advertise their puppies, with no protections for consumers. They find loopholes in the law to escape penalties. Animal lovers are getting scammed, animals are being neglected and the

abusers are getting rich. These breeders view the lives of these dogs as a way to make money. The dogs are disposed of when they are of no value to them anymore. This must stop.

The Ontario SPCA welcomes the introduction of the PUPS Act as a meaningful step forward towards addressing the very real problem of puppy mills in Ontario. The prohibitions outlined in the bill create a useful framework for addressing puppy mills by both specifying the breeding practices that cannot be permitted and giving the government the ability to draft supporting regulations to cover a variety of constituent issues, including care and health standards, record-keeping and sales practices.

Ultimately, no legislation is effective if it does not have the details needed to make it enforceable. In reviewing the bill, the Ontario SPCA has identified a number of specific items we would want to see incorporated into the act itself or through the accompanying regulations. These additions would give the government the specific standards and details needed to meaningfully crack down on puppy mills and to provide protections for the public.

The care of dogs must be central to this legislation and its regulations. Ensuring the health and care standards for all dogs, puppies and breeding dogs alike, is essential. While this legislation addresses the necessity in general terms, the additional regulations developed for this act must include detailed standards of care for dogs in breeding locations.

The Canadian Veterinary Medical Association code of practice for Canadian kennel operations contains science-based standards that would serve as a useful starting point for care requirements and should be used as the basis for these regulations. By way of example, this includes details on construction standards for kennels that would help ensure that the environment is sufficiently clean, maintains the health of the dog and minimizes the presence of parasites, all of which are requirements under the new legislation. It can also address broader health and care topics, like proper socialization. These types of regulations would also help define terms like “sufficient,” giving clarity and certainty to breeders, inspectors and courts.

Health standards are also addressed in the new legislation, but will benefit from specific regulations to achieve clarity about how they are to be met. The current draft specifies steps to reduce the risk of diseases spread amongst dogs, but also allows for other health requirements. Additional regulations requiring vaccinations and anti-parasite medication administration should also be included. Dogs used for breeding should receive regular veterinary care, and regulations should specify what adequate, ongoing and preventive health care actions should be taken, such as grooming, to ensure the dogs receive the best care necessary and possible.

Record-keeping requirements for breeders are also an important element in the bill, as they provide inspectors and the public with clarity about the history of individual animals and the breeding operation as a whole. Regulations should require breeders to maintain detailed records of birth, death and disposal, as well as health information,

including vaccinations and parasite control history, putting the onus on them to demonstrate compliance with the act. Record-keeping should also include accurate tracking of all animals involved in the breeding process, including microchipping of dogs and records of sales and transfers.

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Puppy mills are a big business. While care standards should apply to all breeders, those who do so to make money should have a much higher bar. These commercial breeders must be able to actively demonstrate that their operations are safe and compliant with the law and have higher penalties for violating it. By using a broad definition of commercial breeders to eliminate loopholes used to avoid penalties, regulations under this act can make it clear that using the suffering and death of dogs to make a buck will not be tolerated in Ontario.

Commercial breeders should have additional regulatory requirements, including standards for care, record-keeping, business practices and filings and advertising. Potential buyers should be able to view breeding stock and locations before purchase. These commercial breeders should also be able to demonstrate their capacity to adequately care for animals, with veterinary care and euthanasia plans signed by a local veterinarian. Additionally, they should maintain emergency plans and evacuation equipment. Stronger enforcement standards for commercial breeders and substantial penalties for violations will, ideally, push the bad-actor breeders who will not provide their dogs with adequate care out of the market.

The Ontario SPCA encourages the Legislature to pass the PUPS Act quickly, but passing this is only the first step towards cracking down on puppy mills. While the Ontario SPCA believes that the elements we have outlined provide a core for regulations that will give the PUPS Act the certainty and detail it needs, we strongly encourage the Solicitor General to develop these regulations—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Drew Woodley:** —in consultation with other stakeholders in the animal welfare sector. First Nations communities, which have distinct relationship and challenges in managing dogs, should be included in this process.

By bringing together knowledgeable and experienced animal welfare advocates, veterinarians, experts and community representatives who can speak to best practices and how to avoid loopholes used by bad actors, the Solicitor General can craft the supporting regulations needed to make the PUPS Act an effective tool for protecting dogs and the public. Thank you.

**The Chair (Ms. Goldie Ghamari):** We’ll now turn to our final presenter, the Lions Foundation of Canada Dog Guides. Please state your name for the record, and then you may begin. You will have seven minutes.

**Mr. Ian Ashworth:** Good afternoon. My name is Ian Ashworth, and I’m the director of canine development for the Lions Foundation of Canada Dog Guides, a national not-for-profit organization whose mission is to empower Canadians living with disabilities to navigate their world with confidence and independence by providing a dog

guide at no cost and supporting them in their journey together.

We have been in existence for over 40 years and are based in Oakville, Ontario, with a second facility just outside of Guelph. We currently have over 1,000 active dog guide teams working across the country helping people in their daily lives. It costs us well over \$35,000 to produce one of our amazing dogs, and we receive no government funding. We are the largest organization of our type in Canada.

Lions Foundation of Canada Dog Guides operates under the highest standards. We are a founding member of the Canadian Association of Guide and Assistance Dog Schools and a fully accredited member of the International Guide Dog Federation and Assistance Dogs International, both worldwide member organizations that focus on best practice and high standards within our industry.

My own history is also over 40 years, initially training guide dogs for the blind in the UK, then moving on to managing that breeding program, which is one of the biggest in the world. We were producing approximately 1,200 puppies annually. After 20 years, I moved over to the US, once again managing a breeding and puppy program for a guide dog school in New York. I moved up here 17 years ago to manage and develop multiple programs here for the Lions Foundation of Canada Dog Guides. My current role oversees the breeding and puppy program, the dog care and welfare team and our full-time veterinarian.

As I hope you know, the physical and temperamental quality of our dogs is a foundation stone of our organization. We have been carefully selecting and breeding dogs for our programs for over 25 years, and breeding puppies of the very highest standard is vital to our organization. Presently, we are breeding about 200 to 250 puppies every year; we have approximately 40 to 45 mums in our program, about 18 to 20 dads in our program. They all live with volunteer homes and are carefully selected based on our extensive records. All our puppies are born and raised in our puppy nursery, and when they're ready to go, they go to one of our very carefully selected foster families, who raise them for the first 12 to 14 months. At 12 to 14 months of age, our dogs are looked at by our veterinarians. We X-ray every single one of our dogs for any musculo-skeletal disease. Their eyes are checked by a specialist, and when we are considering a dog for breeding, we run an extensive genetic panel.

All the dogs we breed are for our own use. We do not sell a puppy or a dog unless it is not successful in our program, and only then are we recouping a fraction of what it has cost us to raise.

We have looked at the PUPS Act and would always support the implementation of legislation that improves animal welfare. We deplore the fact that puppy mills operate and churn out pups with little regard for the welfare of the dogs that they have. However, there are parts of the act that would actually class us as a puppy mill, the thought of which is abhorrent to all members of our staff.

Due to time, I'd like to just cover these points, but I agree with my colleagues on the welfare points that have been made.

"Breeding a female dog more than three times in a two-year period, or breeding more than two litters from" a female's "consecutive heat cycles": This is a blanket breeding point that should not cover all dogs. We may, on occasion, breed on a number of consecutive heats; for example, if the litter sizes are small or if our female has long intervals between her heats. It's far better to breed from a younger female dog on consecutive heats and retire her at a younger age. Leaving her to have perhaps a litter only once a year increases the chances of her developing veterinary issues later on in her breeding life. Some very well-respected guide dog schools actually will breed a female on four consecutive heats and then spay the female at that young age and retire her from their breeding programs, so we would ask that this point is removed or reconsidered from the proposed act.

The second point is "separating a puppy from its mother or substitute mother before the age of 56 days, except as otherwise recommended by a veterinarian in writing for health reasons." Again, eight weeks of age is a blanket statement and there are many sound arguments for separating earlier, again depending on breed, litter size and health of the dam and pups. By six weeks of age, the pups are fully weaned and causing damage to the mum with their teeth and claws.

As I mentioned, the Guide Dogs for the Blind in the UK have bred thousands of pups over decades and separated them at between six and seven weeks of age with very positive results. It is also in the standards of the International Guide Dog Federation that six weeks of age is the minimum age of separation. We as an organization routinely separate our pups at around six and a half weeks. We microchip and vaccinate them and then put them with volunteer foster families so they can benefit from early human/dog socialization, which is vital to our work. The longer the pups remain in a litter, they develop their dog-to-dog relationships. For our work, we require a really strong human/dog bond. So we would ask that this point is removed or reconsidered.

I agree with my colleagues that the act really should be focusing, as well, on licensing, reliable and accurate record-keeping and permanent identification. These should all be vital inclusions into the legislation.

Our own puppy nursery outside Guelph is—

**The Chair (Ms. Goldie Ghamari):** That's all the time that we have. I'm sorry. I was listening so intently, I forgot to give you the one-minute mark. My apologies.

**Mr. Ian Ashworth:** Can I just say our very last paragraph?

**The Chair (Ms. Goldie Ghamari):** Of course.

**Mr. Ian Ashworth:** Our dog guides change lives, and that is because of the care and love that we give them throughout their whole lives. I wouldn't want us to be associated with these puppy mills in any way, shape or form.



**The Chair (Ms. Goldie Ghamari):** Thank you very much for your presentation.

We'll now turn to questions, beginning with the official opposition: MPP Mamakwa, you may begin.

**Mr. Sol Mamakwa:** Meegwetch. Thank you for the presentations from John, Brendon, Drew and Ian. Over the last few days with the presentations, it's been a learning experience. We need to go further into the act itself.

1320

I'm from a riding called Kiiwetinoong. It's a very unique riding in northwestern Ontario by the Manitoba border all the way to Hudson Bay. There are 31 First Nations in my riding, and there are four small municipalities. Out of those 31 First Nations, 24 of those are very limited access whereby they are fly-in First Nations.

When we talk about veterinary services, access to veterinary services is minimal at best and non-existent at worst. I'm sharing that because there was one time—I can't remember which campaign it was. I was going from door to door. The protocol that we do, whenever I go in, I go speak to the leadership, chief and council, and say, "I'm here. Here's what I'm going to do." One of the things that they told me was to take a hockey stick along, take a stick along. I said, "All right." So I go door to door, go like that on the road. All of a sudden you hear a bark. All of a sudden you hear barks. The next thing you know, five, 10, 20 dogs, 25 dogs are coming at me. I just turned back. I said, "I'm not doing this." I think that's the reality when we talk about enforcement.

I think, Drew Woodley, you mentioned First Nations should be included. When you talk about that, do you think this legislation—can it be enforced on-reserve? Do you have any thoughts around that?

**Mr. Drew Woodley:** Sure. Thank you for the question. The Ontario SPCA works in partnership with a number of First Nations communities throughout the province, particularly around programs for spay and neuter services and animal transfers, and to assist the communities with population management. We certainly have come to learn and recognize that First Nations often have distinct challenges and relationships with dogs in their communities, as you alluded to. There are also concerns about historic enforcement of laws relating to dogs in the communities.

It's not our place to say what the regulations or changes should be to take those particular needs into account, but we certainly would support and recommend to the Solicitor General that, as the regulations are being drafted, First Nations representatives are part of that process because of those distinct and historic needs from those communities.

**Mr. Sol Mamakwa:** Also, I shared that story just because of the Ontario Veterinary Medical Association that's there as well. I think you need to be able to provide those services on-reserve as well, because they're very, very limited.

I know that one of the things when we talk about additional resources to the enforcement of the act—because the enforcement numbers are down since the PAWS Act replaced the old OSPCA Act. Under the OSPCA Act,

OSPCA inspectors issued 16,148 orders and laid 1,946 provincial and criminal charges between 2015 and 2018, while PAWS inspectors only laid 6,970 orders and laid 667 provincial and criminal charges between 2020 and 2023. Is there any thought around why the enforcement numbers are down?

**Mr. Drew Woodley:** The Ontario SPCA stopped doing enforcement in 2020, and animal welfare services took that responsibility, so I'm not in a position to comment on their ongoing operations and capacity to do enforcement. Certainly we have said to AWS and to the Solicitor General that more transparency and public knowledge about how animal welfare services operates, their policies, procedures and the effectiveness of the organization in terms of laying charges and other details would, I think, certainly be welcomed from the animal welfare community. I think that would address those kinds of concerns and hopefully provide more clarity to the public around how AWS enforces.

**Mr. Sol Mamakwa:** I can't remember which group spoke about not fully defining a puppy mill. Are there any more definitions? What type of wording or what type of things you would like to see in the definition of a puppy mill?

**Mr. John Stevens:** I'll take that one, if possible. John Stevens of the Ontario Veterinary Medical Association.

The first thing to say is, obviously we are thrilled that there is attention being paid to addressing the challenges that puppy mills—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. John Stevens:**—generate in the province of Ontario. We do question why the existing standards that are out there—by way of example, from the Canadian Veterinary Medical Association kennel codes of conduct—were not used as a framework for this.

We are concerned that the current framework, as proposed in the PUPS Act, is not going to be enforceable. A set of breeding standards is not standards for puppy mills. There isn't an actual definition within this piece of legislation that can be actionable. We need to ensure that inspectors, when they're on the ground, have the proper tools in order to lay a charge.

When you are in a puppy mill, you know it's a puppy mill. You can tell by the look, the feel and the sound. The standards laid out in the current piece of proposed legislation don't actually define a puppy mill. We'd like to see some standards changed to adapt to and accept existing standards that have already been written, in order to ensure that this piece of legislation can actually be prosecuted.

**Mr. Sol Mamakwa:** Thank you.

**The Chair (Ms. Goldie Ghamari):** We will now turn to the government. MPP Dixon.

**Ms. Jess Dixon:** How much time do we have again, Chair?

**The Chair (Ms. Goldie Ghamari):** Seven and a half minutes.

**Ms. Jess Dixon:** Okay, great. I'll start with Mr. Stevens and Dr. Laing. You raised something that we have heard a lot in this committee, which is the concept of licensing.

From the veterinary perspective and the perspective of your members, can you dig into that a little bit more?

**Mr. John Stevens:** Sure. I think we are looking at the need for a regime where there is licensing and inspections of facilities, the details of which, in a specific licensing regime—we could talk all day about what that should specifically look like. But again, when we go back to the lack of standards within the bill and the gap that that creates, what we're really looking at is the need for a licensing regime.

We do have existing frameworks, again, that we could be looking at. The Canadian Kennel Club, for example, licenses its members. We don't need to be reinventing the wheel through this piece of legislation; we could be adapting to and adopting frameworks that already exist out there.

Obviously, inspections and licensing would make sure that we're looking after the good actors and the bad actors and eliminating bad actors, while keeping the burden of licensing low on the good actors and folks that are either small businesses or backyard breeders, who are trying to do something because of their love of animals. Rather than creating a framework with too much regulatory burden, a simplified process that does catch the bad actors would be preferred. That obviously comes with benefits, from the health and welfare of the animal to the assurances for consumers and pet owners that they are bringing a healthy family member into their home. So, yes, licensing, as complicated as it could be, should be a part of this.

**Ms. Jess Dixon:** When we are talking about the impetus and the many reasons to get this right, what I have heard is that the puppy mill crisis is also something that is having a really significant effect on a lot of our veterinary staff, who are already pretty burnt-out and dealing with a very stressful job, and a lot of sickness—many people don't have insurance—and behavioural euthanasia. Can you talk a little bit more about what your members are saying about that?

**Dr. Brendon Laing:** As mentioned, we've seen a surge of pet ownership over the pandemic, and that has also fuelled puppy mills to produce greater and greater numbers of pets. The challenge that we see on the ground is, we are seeing puppies that have not gone through proper standards of care, that haven't had proper maternal care. Parts of this legislation, as written, would still fail to police that and to regulate that.

We're seeing pets that have genetic abnormalities, where they have health issues very early on in life. We're seeing pets that are coming into our hospitals that haven't had proper vet care, that haven't had the proper deworming, so they are infested with mites, which—these owners are completely unsuspecting. So they come in, they think they've got this beautiful, cherished new member of their family, only to be surprised when our staff, myself included in that, mention all of these issues. That places financial burden on them. It places them in an awful position where—do they try to then talk to the breeding facility? Can they even get back to the breeding facility to talk about it?

**1330**

Because as Drew had mentioned, there is this shell game going on where once the puppy is gone, that communication is broken, which makes our job as veterinarians even that much harder, because you can't find lineage, you can't find all of those standards that you would want to take care of that pet.

**Ms. Jess Dixon:** Do you think there is utility in—I've only had my own interactions with this, but in forced microchipping, like having microchipping as part of that? I don't know how easy, frankly, it is to like continually transfer ownership on a microchip, but all of my animals are chipped.

**Dr. Brendon Laing:** Yes, I think proper pet identification is important. It's something that many veterinarians support. When that is done is something that I would defer to some experts on. Microchips can be transferred. It's something that falls through in a lot of cases where, again, if you're focused on producing high volumes of pets, are you going to then put the proper effort into the paperwork—which is another issue or challenge that we see within this legislation: Bad actors can forge and falsify and not follow up with paperwork.

**Ms. Jess Dixon:** This is just out of curiosity; you may not be in a position to answer it right now. I used to prosecute SPCA offences. So, prosecutability—I've been sort of interested in looking at the distress provisions more so. But do you have a sense from your members—technically you can prove distress without a veterinarian. I've never done a case where I didn't have a veterinarian; I always had a vet in there. Do you have any sense how often your members are actually being called to testify in provincial courts about this?

**Mr. John Stevens:** I would say that, in terms of answering this specific question, when we have a piece of legislation that in our view can at times arbitrarily reference a veterinarian. In doing so, without the full degree of consultation that's required can create challenges, because we can end up with pieces of legislation that mention the need for a veterinarian, whereas the onus is on the veterinarian—the obligation on the veterinarian to support and comply with the legislation by testifying in court or what have you can have unintended consequences.

Lack of protections for veterinarians: It's a bit of a digression, but I'll share our historic concerns with the Dog Owners' Liability Act. When the pit bull ban was introduced in 2004, there was very little consultation. Veterinarians are named in that piece of legislation, but the legislation is written in a way that doesn't protect our members. So when a member calls us saying, "Hey, I've been asked to go to court to testify that this is a pit bull. What should I do?" We say, "That piece of legislation is not well written. Don't do it, because you are not protected by doing that."

So the concern that we have here is, by including references to veterinarians without the consultation that we would have preferred creates a challenge for our members to actually be supportive of this. We don't want to see puppy mills, but in a situation where our members

would be potentially unable to support enforcement of the bill, that's a challenge for us.

**Ms. Jess Dixon:** Yes. And Drew, I think we'll probably have to come back to this in the next round—

**The Chair (Ms. Goldie Ghamari):** Forty seconds.

**Ms. Jess Dixon:** —but I'll pose it now. I'm curious about your thoughts as to, whether it was a puppy mill or a licensing regime, just how serious the consequences you think would have to be in order to make it a real deterrent for unethical breeders.

**Mr. Drew Woodley:** Puppy mills are big business. To be perfectly frank, I think the way to end them is to make it so that they know they're not going to make money anymore and if they are caught the penalty is going to be so high it's not worth the gamble.

**Ms. Jess Dixon:** Thank you.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the official opposition. MPP Wong-Tam.

**MPP Kristyn Wong-Tam:** Thank you for your presentations. I'm just reading through the submission from the Ontario Veterinary Medical Association. Because the bill is rather vague—and I think you're suggesting that we need to make sure there's a lot more guidance in the bill—by not having a definition of the puppy mill to start off with, we clearly need to go get one. That will be hopefully reworked at the committee through the clause-by-clause review. But because we're coming to the end of the consultation and we won't have a lot of chance to go back out to ask, maybe through a working group, what the proper definition should be: Which organization or what international standard is the best when it comes to the definition of “puppy mills” that we should be referring to?

**Mr. John Stevens:** At this point, we would recommend the Canadian Veterinary Medical Association's. From our understanding, the framework that they have established was done through significant consultation with those who would have a fair bit to contribute, so the work has been done.

Again, going back to the language within the act, reproductive standards do not define a puppy mill, whereas the conditions, the environment that this is all taking place in, that defines a puppy mill. The health of the animals and how they're treated defines a puppy mill.

**MPP Kristyn Wong-Tam:** Fantastic. Thank you. I think that's going to be very helpful for us.

In your submission, you're also asking us to pay particular attention to considerations for maternal care. I'm assuming that you're looking for PAWS to be actively and proactively looking at how to make sure that breeders are going to provide a certain standard of care, a minimum standard of care, for the mothers and the litters. Can you just speak about that a little bit more?

**Dr. Brendon Laing:** What we are suggesting is to expand on the maternal care side. The PAWS Act focuses a lot on animal welfare, and there are specific issues that come up for mothers and for litters. Husbandry is one of those. The cages and the kennels have different standards, different sizes, different ways to protect the puppies from the mother. There need to be nursing standards of care

built in; nutritional needs for the mother and for the litter; infectious disease control, which we can further develop under regulation because there is something in the legislation there; and specifically for neonatal care as well. When puppies are delivered by C-section, they have different needs than puppies that are born through natural processes.

**MPP Kristyn Wong-Tam:** Okay. Thank you for that. It sounds to me there's a lot of work to be done to support and improve the bill between now and the time that we get back into committee for clause-by-clause.

I think given the length of your submission—and also, although you may not have been here yesterday to hear other presenters, they also flagged some very serious deficiencies in the bill that they wanted us to build upon. The bill itself has some really good intentions but it should not pass in its current iteration. Would you agree with that statement?

**Mr. John Stevens:** I think we would like to see a bill that has clear standards that inspectors can use. Enforcement is critically important. To create a piece of legislation that has a framework within it that's unenforceable is a concern to us.

This is an important issue. This is critically important. We have shared today the environment that animals can be living in and the heartbreak that that can have on families. To be in a situation where we have put this time, effort and goodwill into the development of an act that, when passed, can't do what it set out to do, would be disappointing.

**MPP Kristyn Wong-Tam:** Okay. Thank you.

The Solicitor General had mentioned yesterday that the province needed to work hand in hand with municipalities. I'm just very curious, given the fact that you work with everyone—it's just the nature of the scope of your legislation, but also the way veterinarian services are delivered across every community in Ontario—what additional gaps need to be closed with how the province works with cities and towns? In particular, I'm actually thinking about the prohibition of selling animals in pet stores. Do you have any thoughts on that?

**Mr. Drew Woodley:** I can take this. I'll start at the end and work backwards.

On pet stores, one of the talks that comes up is an outright ban on pet store sales, and that's an important discussion to have. It is important to note and distinguish, though, a number of pet stores in the province have a policy where they don't sell dogs acquired from breeders. What they do is work with SPCAs, humane societies, credible shelters and rescues to adopt out the dogs through the store, much in the same way you could adopt out a dog from one of our animal centres. As we're developing the regulations around those sorts of sales, it really is important to get into the weeds a little bit and make sure that that positive relationship isn't encumbered.

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To municipalities: We have seen other areas of animal welfare issues in the province where (a) there is inconsistency amongst municipalities around their own bylaws,

municipality to municipality, but even challenges where municipalities try to enforce their existing bylaws. Licence holders from other animal welfare topics licensed in the province will sometimes use that as a bit of a bully technique to try to ignore municipal bylaws. So making sure that municipalities have the capacity to enforce properly is important—

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Drew Woodley:** —and I think, generally—and we've communicated this to the Solicitor General in the past—a broader conversation between the Solicitor General, the Attorney General's office, municipalities, bylaw officers, AWS, police and animal welfare organizations to identify the enforcement gaps that creep up in animal welfare issues, because there are sometimes gaps in legislation and regulations that we run into.

**MPP Kristyn Wong-Tam:** Thank you very much. That's extremely helpful.

I think my final question is, what else can be done to enhance animal welfare in Ontario, and how do we get you folks to participate in the drafting of the bill? Because clearly you have a lot to say and, because you're medical practitioners for animals, you also have the solutions; you're seeing things first-hand.

**Mr. John Stevens:** I would say that—what else could be done? We're looking for more capacity for inspectors, more inspectors, clearer guidelines and, obviously, consultation. We have had a number of conversations—MPP Dixon included—on what could make a good piece of legislation, and communication is important.

**MPP Kristyn Wong-Tam:** Okay. Thank you.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the government, with MPP Riddell.

**Mr. Brian Riddell:** My question is—you mentioned about penalties, so I'd like to ask each of you what your idea of a penalty would be like. How much would you suggest? Jail time? Financial? We'll start with you in this room, sir.

**Mr. Drew Woodley:** I'm not a law enforcement expert, so there is probably a matrix of deterrence based on dollar value or a threat of jail time.

I think part of the regime though would need to be stiff penalties and regulations developed in such a way that loopholes that are currently used are closed. If somebody is operating a puppy mill and there's a court order saying, "You are not allowed to own these dogs anymore," making sure that they can't just transfer ownership to their brother-in-law.

**Mr. Brian Riddell:** Like, a permanent ban.

**Mr. Drew Woodley:** Yes, and on the operation—connected to the operation or the property, not simply the individual. There needs to be a little bit more of a holistic approach to clamping down on the business, much in the way that, if a business with a CEO were to run afoul of the law, the business is liable. It's not necessarily just connected to the individual who was in the chair at the time. So making sure that the capacity to both put out of business and keep them out of business is there, and

having those stiff penalties to actually act as a deterrent—because, as I said before, this is big business.

**Mr. Brian Riddell:** But do you think the penalties are too low or should be heightened?

**Mr. Drew Woodley:** I would say, certainly for commercial breeders, the ones who are making money off of this, taking a good hard look at raising the penalties and the number of penalties that can be imposed for various violations, that it's not just \$10,000 across the board, that if there are a number of violations involved, particularly if you have a well-structured set of regulatory standards, each violation comes with a penalty. It will add up.

**Mr. Brian Riddell:** Okay. Sir?

**Mr. John Stevens:** Obviously, supporting how the OSPCA would view this, I would say prohibitive mandatory minimums need to be part of the conversation. But at the same time, again, the standards by which guilt is determined need to be solid and ironclad. If folks are going to be subject to significant—and, again, prohibitive—fines on businesses that are trying to make money off of this, then the level to which these offences can be determined needs to be clear—again, clear standards that need to be specific. So, "Where is the intent?" and how to determine what's actually happened: Are the animals suffering? Presumably yes. Was this intentional? And so on and so forth.

**Mr. Brian Riddell:** So like an upward scale type of thing?

**Mr. John Stevens:** Potentially, yes.

**Mr. Brendon Laing:** I would echo what John said. I think the most important part of this act is to make sure that it is an enforceable act. Right now, it would be a challenge for an investigator to actually enforce what is written, and we want to make sure that there is enforcement for bad actors and that that doesn't overreach and accidentally have other reputable breeders or backyard breeders that fall under that, especially if the penalties are going to be severe.

Our colleague at the guide dogs would be classified as a puppy mill. I think we can all agree that would not be good. So we want to make sure that it is clear, that it's enforceable and that it does dissuade and prevent individuals and corporations from wanting to do this.

**Mr. Ian Ashworth:** Yes, I agree with what has been said. When you look at the price of a puppy, it's anywhere from \$3,000 to \$5,000, so a \$10,000 fine is two or three puppies, maybe. So it puts it in some perspective when these people are breeding multiple, multiple litters, selling them all over and really reaping a lot of money. It's big, big business.

As well, I think in terms of trying to prevent, it's trying to shut these facilities down. I totally agree on having that legislation there that enables people to do that: rather than just a slap on the wrist or, "We can't really enforce this," having clear definitions of, "Yes, we can shut this facility down. This person is no longer going to be involved in this practice."

Our puppy nursery facility is licensed by the local township. We get an annual inspection. We always pass

with flying colours, but if we didn't, we'd know about it and we'd lose our licensing for our kennel facility. So we obviously adhere to that.

**Mr. Brian Riddell:** It's a wonderful thing, what you do. I live a quarter mile from the national guide dogs—

**Mr. Ian Ashworth:** In Cambridge?

**Mr. Brian Riddell:** In Cambridge, and they do a wonderful job also.

**Mr. Ian Ashworth:** Yes, 100%.

**Mr. Brian Riddell:** Thank you, gentlemen, for your answer.

**The Chair (Ms. Goldie Ghamari):** Who would like to go? MPP Coe.

**Mr. Lorne Coe:** Thank you, Chair, and through you to Mr. Woodley from the Ontario Society for the Prevention of Cruelty to Animals. Mr. Woodley, in the submissions that you've made to the ministry, you very clearly outline that you encourage the minister, the Solicitor General, to ensure sufficient resources are provided to animal welfare services to enforce the legislation.

I'd like you to drill down a little bit more about what that exactly means to you and how you think it could be implemented to ensure sufficient resources, because when we look at the animal welfare services division at the present time—I think we heard from the minister that it has approximately 100 people, I recollect in his testimony. How do you see those people being deployed to effect some of what you've outlined today and what was reflected in the submission to Ontario's Regulatory Registry?

**The Chair (Ms. Goldie Ghamari):** One minute.

**Mr. Drew Woodley:** Sure. Thank you for the question. Ontario SPCA no longer conducts enforcement. We have historically, but it has been several years since we have, so we're not in a position to tell AWS how to conduct enforcement.

What I think the key first step would be is having a clearer understanding and more information, more transparency from AWS around what their current enforcement activities are, the number of investigations, the number of charges laid by region and across the province, what types, so that there is a broader understanding of the current regime. That will, I think, allow those of us in the animal welfare sector, legislators and the public to have a better idea of where the holes are, if they exist, and what improvements need to happen, if they exist. But right now, just the lack of information makes it difficult to actually say, "This is what needs to change."

**Mr. Lorne Coe:** Great. Thank you, sir, for that response.

Thank you, Chair.

**The Chair (Ms. Goldie Ghamari):** I'd like to thank our presenters for their presentations, and this concludes our public hearings on Bill 159.

As a reminder, the deadline to send in a written submission will be 7 p.m. on Wednesday, May 15, 2024. The deadline for filing amendments to the bill is Tuesday, May 21, at 9 a.m.

Seeing that there is no other business, the committee is now adjourned until 1:30 p.m. on Thursday, May 16, 2024.

And I just want to wish my dog a happy birthday. He's turning 14 tomorrow. Happy birthday, Baxter.

*The committee adjourned at 1352.*





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