



Farm & Food Care Ontario Backgrounder

You were asking about... the role of Animal Welfare Services and the Provincial Animal Welfare Services (PAWS) Act - *Updated: September 2021*

Background

In January 2020, the *Provincial Animal Welfare Services Act, 2019*, (PAWS Act) came into force, creating Animal Welfare Services (AWS) at the Ministry of the Solicitor General, the first fully provincial government-based animal welfare enforcement system in Canada. The new enforcement model aims to increase compliance regarding animal welfare through proactive and preventive measures, such as having the strongest penalties against animal cruelty in Canada.

Regulations under the PAWS Act include standards of care and administrative standards, with the goal of ensuring that Ontario’s animals are always protected and treated in a humane manner.

Ontario’s new animal welfare enforcement model features a specialized team of inspectors who work for – and are overseen by – the province. The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) no longer enforces animal protection laws.

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Key Changes

- In January of 2020 the PAWS Act introduced a new enforcement system for Ontario that is led by the Chief Animal Welfare Inspector. The Animal Welfare Services (AWS) unit includes trained animal welfare inspectors employed by the province. As a publicly-funded animal welfare enforcement model, this revamped system provides for increased accountability, transparency and oversight by the government.
- There are animal welfare inspectors located throughout the province. These inspectors are peace officers for the purposes of enforcing the PAWS Act. In some parts of the province, police and other designates may enforce the act.
- The new team includes specialists who inspect livestock and horses as well as zoos and aquariums.
- With the provincial oversight of inspectors, we anticipate increased transparency and accountability as well as a one-window complaint mechanism for the public. The activities of the PAWS unit are overseen by the auditor general, the ombudsman, the privacy commissioner, and provincial freedom of information laws. A multi-disciplinary advisory table made up of a wide range of experts that includes veterinarians, agriculture representatives, academics, animal advocates and others provides ongoing advice to the Ministry of the Solicitor General.
- The province has set up a toll-free number, 1-833-9-ANIMAL (1-833-926-4625), for people to report concerns about animal distress or abuse. This call centre is available 24 hours a day, seven days a week. <https://www.ontario.ca/page/animal-welfare>.

Provincial Animal Welfare Services Act and Standards of Care

Basic standards of care that apply to all animals covered under the act, include requirements for:

- adequate and appropriate food, water, medical attention and care;
- ventilation, light and protection from the elements, including harmful temperatures;
- sanitary conditions and space to enable natural movement and exercise;
- pens or enclosed structures;
- humane euthanasia to minimize pain and distress to animals;
- transportation in a manner that ensures an animal's physical safety and general welfare.

Animal Care Codes of Practice and PAWS Act Exceptions

The PAWS Act does not specifically mention the National Farm Animal Care Council (NFACC) <https://www.nfacc.ca/> codes of practice for each livestock commodity, but there is an expectation in the legislation that: *all agricultural animal management or husbandry is carried out in accordance with the reasonable and generally accepted practices of agricultural animal care*. Farmers are reminded to refer to the Animal Care Code of Practice for all animal species raised on their farm. And, to use the appropriate code when developing on-farm routines, Standard Operating Procedures (SOP) and for staff training. Those

responsible for farm operations should ensure farm SOP are developed in accordance with the codes and that farm workers are properly trained in approved euthanasia techniques for the size and species of animals on the farm according to the code. The Animal Care Codes of Practice along with veterinary opinion will be used as reference in any question about a farms standards of care.

Learn about [exceptions in the PAWS Act](#) around causing distress and standards of care, such as veterinarians, agriculture and hunting wildlife.

Animals in unique circumstances

Ontario also has [additional standards of care for animals](#) for:

- dogs that live outdoors;
- marine mammals including:
 - cetaceans (for example, whales, dolphins and porpoises)
 - pinnipeds (for example, walruses and sea lions)
 - sea otters
- wildlife in captivity;
- Primates in captivity.

Who to Call

These contacts can be used if you are concerned about the welfare of an animal in Ontario:

<p>1-833-9-ANIMAL The Ontario Animal Protection Call Centre</p>	<p>Call this number if an animal is in distress or being neglected. This includes animals that:</p> <ul style="list-style-type: none"> ● are injured, in pain, sick, suffering or abused; ● lack proper care, water, food or shelter.
<p>Local animal control</p>	<p>Call your local animal control if:</p> <ul style="list-style-type: none"> ● a wild animal is in distress, injured or deceased ● a wild or domestic animal is roaming on public property
<p>911 (Emergency)</p>	<p>Call 911 in an emergency when any life is in immediate danger or distress, such as when there is:</p> <ul style="list-style-type: none"> ● an animal attack ● an animal in a hot or cold vehicle <p>Also call 911 to report illegal activity such as a dog or cock fighting ring.</p>

The Ontario Animal Protection Call Centre Triage Process

What happens when you call 1-833-9-ANIMAL (The Ontario Animal Protection Call Centre)?

If you report an animal that is in distress, being abused or neglected:

1. The Ontario Animal Protection Call Centre will file an incident ticket and connect you with the appropriate local contact.
2. Based on the location and nature of the incident, the call centre may flag the ticket for further investigation with the appropriate authorities, such as a provincial inspector or the local police.
3. After the appropriate authority reviews the incident ticket, they may investigate on-site or involve other authorities as needed. Authorities may contact the caller directly if they need more information.

The Ontario Animal Protection Call Centre is unable to provide updates on calls or investigations. The authorities may contact you if they need more information.

To ensure animals remain protected, provincial inspectors will work, as appropriate, with:

- local police
- veterinarians
- livestock stakeholders
- local humane societies

How does the Act define Distress vs. Critical Distress?

Distress means the state of being:

- (a) in need of proper care, water, food, or shelter
- (b) injured, sick, in pain or suffering, or
- (c) Abused or subject to undue physical or psychological hardship, privation or neglect

Critical Distress: means distress that requires immediate intervention in order to prevent serious injury or to preserve life

Regulator’s Code of Practice

- In 2011, Ontario released the Regulator’s Code of Practice to help guide the activities of Ontario’s regulatory ministries and organizations that are involved in regulatory compliance, including legislative development, policy, compliance promotion/communication, licensing, audit, inspection, investigation, and enforcement activities.
- By encouraging regulators to be compliance-focused rather than enforcement-focused, without undermining their discretion when exercising their statutory powers, the Code supports the economic vitality of local communities. It also enables all individuals, businesses and other regulated entities to better understand and comply with the rules, to better pursue their social, economic and recreational activities in a safe, productive and responsible manner.
- This shift in focus can lead to proactive approaches to compliance based on prevention, such as compliance assistance, guidance and education.
- Ontario Public Service (OPS) Organizational Values and Elements of Professionalism:

OPS Organizational Values	Elements of Professionalism
<ul style="list-style-type: none">● Trust● Diversity● Creativity● Efficiency● Fairness● Excellence● Collaboration● Responsiveness	<ul style="list-style-type: none">● Honesty and Integrity● Objectivity● Timeliness● Respect● Confidentiality● Knowledge

Inspector Visit Process

Provincial inspectors follow a standard code of conduct and if they visit you on-site, they will:

- Introduce themselves;
- Explain why they are attending on-site, such as for an inspection or for an investigation;
- Follow a [standard code of conduct](#)

Upon request, inspectors will also provide identification.

General Inspection Powers

Powers of Entry

- Under section 24, general inspection powers, Ontario PAWS inspectors are allowed warrantless entry to property and the ability to apply for search warrants for dwellings.
- During a general inspection, a PAWS officer may enter and inspect any place to determine compliance with the standards of care for animals. The inspector may be accompanied by a veterinarian or any other person(s) the inspector considers advisable.
- A PAWS officer does not require a warrant to make a section 24 inspection of a property, but a warrantless entry can be made only between 9 a.m. and 5 p.m. during a business day or at any other time when the place is open to the public.
- An inspector cannot enter a dwelling without a warrant unless the occupier of the dwelling consents to the entry.

Powers during an Inspection

Section 25 (1) of the PAWS Act states:

During an inspection under section 24, an animal welfare inspector may,

- (a) Inspect any animal or thing that the inspector believes on reasonable grounds to be relevant to the inspection;
- (b) Open any receptacle, baggage, package, container, cage or other thing where the inspector believes on reasonable grounds that it may contain something relevant to the inspection;
- (c) Conduct any test, take any measurement, specimen or sample, set up any equipment and make any photographic or other record that may assist in the inspection;
- (d) Require the production of any animal or thing, including any document or data that is relevant to the inspection;
- (e) Use or cause to be used any computer or other device that contains or is able to retrieve information, for the purpose of examining information relevant to the inspection that is contained in or available to the computer or other device, and produce or cause to be produced a printout or other output from the computer or other device of information that is relevant to the inspection;
- (f) Remove any documents or other things that are relevant to the inspection for the purpose of making copies or of further inspection; and
- (g) Ask questions that are relevant to the inspection.

Related Powers:

PAWS ACT SECTION	DESCRIPTION OF POWERS
<p>s. 28 Entry when an animal is in distress</p>	<ul style="list-style-type: none"> ● Powers to enter and search to determine if an animal is in distress where there are reasonable grounds to believe that an animal at that location is in distress. ● Warrants or occupier’s consent required to enter all premises.
<p>s. 29 Critical Distress</p>	<ul style="list-style-type: none"> ● Power to enter a place, other than a dwelling, where there are reasonable grounds to believe an animal is in critical distress and: ● Power to enter a dwelling without a warrant where there are reasonable grounds to believe an animal is in critical distress and that the time required to obtain a warrant may result in serious injury or death to the animal.
<p>s. 31 Taking possession of an animal in distress</p>	<ul style="list-style-type: none"> ● May take possession of animals to relieve them of distress if: <ul style="list-style-type: none"> ○ A vet has advised this in writing to alleviate distress; ○ The animal is in distress and the owner isn’t present and can’t be found promptly; or ○ The owner is in breach of an order under s. 30. ● May take possession of animals trained to fight or participating in fighting.
<p>s.32 Euthanization of an animal</p>	<ul style="list-style-type: none"> ● May cause animals to be euthanized with the consent of the owner or where a veterinarian has advised it is the most humane course of action.

Enforcement and Investigation Powers:

PAWS ACT SECTION	DESCRIPTION OF POWERS
s. 41 Search warrants re: offences	<ul style="list-style-type: none"> ● May apply for warrants to investigate offences and, in the following narrow circumstances, investigate a place (other than dwellings) without a warrant. ● Where the inspector believes that there is reasonable grounds to believe, that during the time required to seek a warrant, that evidence will be lost, removed or destroyed.
s. 42 Warrant to conduct tests	<ul style="list-style-type: none"> ● A Justice may issue a warrant authorizing the use of any investigative technique or procedure if there are reasonable grounds to believe that an offense has been/ is being committed and evidence will be obtained through the use of the technique/procedure.
s. 43 Production orders	<ul style="list-style-type: none"> ● An inspector may apply for production orders to require persons to produce or prepare documents.
s. 44 Seizure	<ul style="list-style-type: none"> ● Seize a thing or animal if there are reasonable grounds to believe that item/animal has been obtained by, used in, or will afford evidence of the commission of an offence under the act.
s. 47 Required self-identification	<ul style="list-style-type: none"> ● Can require a person to identify themselves where there are reasonable grounds to believe that a person has committed, is committing or is about to commit specified serious offences under the act.
s. 48 Police assistance and use of force	<ul style="list-style-type: none"> ● An inspector and any police officers called to assist the inspector, may use reasonably necessary force to exercise powers granted in ss. 41-47.

Orders

- Provincial Animal Welfare inspectors have the authority to issue written orders.
- An animal welfare inspector may order the owner or custodian to take actions necessary to relieve the animal of its distress, which may include, changes to housing, feed, environment as described in specific Code of Practice for the particular farm animal or having the animal examined and treated by a veterinarian at the expense of the owner or custodian.
- The inspector must provide written notice of the proposed measures to the person who is the subject of the complaint and provide him or her an opportunity to respond orally or in writing and shall include a time within which any action is required to take place.

- Where an Order is already in force, an inspector may enter any building or place (excluding dwellings) where the animal is located to determine compliance. If, in the opinion of the inspector, the Order has been fully complied with, the inspector shall revoke the order in writing. Orders may also be modified by the inspector.

Costs Incurred

- The owner/custodian is liable for the expenses incurred if an animal is removed or provided with care.
- The owner or custodian of the animal is responsible for any costs incurred by the prescribed person in taking steps to relieve the animal's distress, and the amount may be recovered as a debt due and owing to the prescribed person.
- If the Chief Animal Welfare Inspector takes an animal into the Chief Animal Welfare Inspector's care under this Act and no person is identified as the animal's owner or custodian within a prescribed period of time, the animal is forfeited to the Crown.

Appeal Process - Disagreement with Inspector's Order(s)

- Complaints about orders and inspector decisions are reviewed by an Animal Care Review Board.
<https://tribunalsontario.ca/acrb/>
- As an owner or custodian of an animal, you may appeal the following to the board within five business days after receiving notice of an order or decision, including:
 1. An order from an animal welfare inspector,
 2. A decision by an animal welfare inspector to remove an animal from a place, or
 3. A decision to take an animal into the Chief Animal Welfare Inspector's care.

Making a Complaint about an Inspector

- Provincial animal welfare inspectors are directly accountable to the Chief Animal Welfare Inspector, who is accountable to the Solicitor General.
- If you have a complaint about an inspector's conduct, please [complete the complaint form](#).
- You can send any general questions or comments about animal welfare to mcscs.feedback@ontario.ca.

Penalties

PAWS Act creates minor offences (with lesser penalties) and major offences (with larger penalties).

The act also creates larger penalties for corporations in comparison to individuals, and mandatory minimum fines of \$25,000 for certain offences. Despite the mandatory minimum fines, pursuant to the *Provincial Offences Act* the fines are subject to the court's discretion, including their discretion not to impose the minimum.

- **Minor offences:** up to \$75,000 and or imprisonment for up to six months for a first offence; up to \$100,000 and/or up to one year imprisonment for a subsequent offence for an individual (including Directors of corporations), up to \$100,000 for a first offence or \$250,000 for a subsequent offence for a corporation.
- **Major offences:** up to \$130,000 and/or up to two years imprisonment for a first offence of \$260,000 and/or up to two years imprisonment for a subsequent offence for an individual (including Directors of corporations), up to \$500,000 for a first offence or \$1 million for a subsequent offence for a corporation.

<p>Minor offences include:</p> <ul style="list-style-type: none">● Non-compliance with standards of care or administrative requirements,● Failing to assist an inspector during inspection,● Contravening the prohibition of any procedures, activities or items that may be prescribed in future.	<p>Major offences include:</p> <ul style="list-style-type: none">● Causing distress or permitting distress,● Harming law enforcement or service animal,● Animal fighting,● Prohibited animal possession or breeding.
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What's the difference between calling Farm & Food Care's Farm Animal Care Helpline and the Ontario Animal Protection Call Centre to make a complaint about animal care?

Farm & Food Care's Farm Animal Care Helpline is a confidential farmer-helping-farmer educational system, with no legal authority or rights. It is designed to provide practical advice and assistance to improve farm animal care. The Helpline is not meant for emergencies or when laws (animal cruelty) have been broken. Farm & Food Care receives approximately 30 calls per year which require follow-up. The Helpline works with commodity organizations and covers beef, dairy, pigs, sheep and poultry calls. It does not cover horse calls. Contact the Farm & Food Care office during business hours at **(519) 837-1326**

The province has set up a toll-free number, 1-833-9-ANIMAL (1-833-926-4625), for people to report concerns about animal distress or abuse, accepting calls on animal care or cruelty concerns related to any species of animal. This call centre is available 24 hours a day, seven days a week.

For questions about the PAWS ACT should be referred to: solgen.correspondence@ontario.ca

Farm & Food Care Ontario www.farmfoodcare.org

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