

You were asking about...the role of Animal Welfare Services and the Provincial Animal Welfare Services (PAWS) Act

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About Animal Welfare Services (AWS)

AWS, a branch of the Ontario Ministry of the Solicitor General, is responsible for enforcing the [Provincial Animal Welfare Services \(PAWS\) Act](#). It is the first fully provincial government-based animal welfare enforcement system in Canada. AWS aims to promote the safety and well-being of Ontario’s animals

through proactive and preventative measures, which range from raising public awareness to issuing the strongest penalties against animal cruelty in the country.

The Chief Animal Welfare Inspector and provincial animal welfare inspectors, including those with specialized expertise in livestock, zoos, aquariums and equines, enforce the PAWS Act across Ontario.

They carry out inspections, respond to concerns, conduct investigations, and perform outreach and education on animal care best practices. As appropriate, AWS inspectors work with other organizations, including:

- police officers
- First Nations Officers
- Veterinarians and Registered Veterinary Technicians
- livestock and agribusiness stakeholders
- local humane societies
- other ministries, such as the Ministry of Agriculture, Food and Agribusiness and the Ministry of Natural Resources
- the federal government, such as the Canadian Food Inspection Agency

Who to Call

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

1-833-9-ANIMAL (264625) Ontario Animal Protection Call Centre	Call this number if an animal (for example, a pet, farm animal, or wild animal in captivity) is in distress or being neglected. This includes animals that: <ul style="list-style-type: none">• are injured, in pain, sick, suffering or abused• lack proper care, water, food or shelter The Ontario Animal Protection Call Centre offers TTY (teletypewriter) service for those individuals with a speech impairment or hearing disability.
Local animal control	Call your local animal control to report: <ul style="list-style-type: none">• wildlife that is in need of assistance, injured or deceased• wildlife or a domestic animal that is roaming on public property• a dog attack (such as a bite) or an animal behaving in a way that poses a risk to the safety of people or other animals• a pit bull (banned under the Dog Owners Liability Act)• an animal-related noise complaint
9-1-1 (Emergency)	Call 911 in an emergency when any life is in immediate danger, such as when there is: <ul style="list-style-type: none">• an animal attack resulting in serious injury to people or other animals that requires emergency medical attention• a dog or cock fighting ring underway• an act of animal cruelty underway, such as beating or torturing of an animal• an animal left unattended in a hot or cold vehicle

What happens when you call 1-833-9-ANIMAL (264625)

The Ontario Animal Protection Call Centre (OAPCC) is available 24 hours per day, 7 days per week for the public to report animal welfare concerns. If you report an animal that is in distress, being abused or neglected:

1. The OAPCC 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 you 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.

What's the difference between calling Farm & Food Care's Farm Animal Care Helpline and 1-833-9-ANIMAL 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 10 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, goat or pet calls. Contact the Farm & Food Care office during business hours at **(519) 837-1326**

1-833-9-ANIMAL (64625) is the **Ontario Animal Protection Call Centre** toll-free number for people to report concerns about animal distress or abuse related to any species of animal. This call centre is available 24 hours per day, seven days per week. Information provided to this line is not confidential.

About the PAWS Act

Standards of Care

The [PAWS Act](#) and its regulations help ensure that animals are protected and treated in a humane manner. Protections include setting out [basic standards of care](#) that apply to all animals covered under the Act, with 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

For the following animals, Ontario has [additional, more specific standards of care](#):

- dogs kept and tethered 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

Agricultural Activities Exception and Animal Care Codes of Practice

The PAWS Act does not specifically mention the [National Farm Animal Care Council \(NFACC\) codes of practice](#) for each livestock commodity, but there is a requirement 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 SOPs 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 farm's standards of care.

Distress vs Critical Distress

The PAWS Act defines **distress** as the state of being:

- in need of proper care, water, food or shelter
 - proper care is care that accords with the standards of care and/or generally accepted practices of agricultural animal care
- injured, sick, in pain, or suffering, or
- 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.

Inspection Powers

Section 24 of the PAWS Act provides AWS with authority to inspect any place, except a dwelling, without a warrant to determine compliance with:

- an order issued to an animal owner/custodian by an AWS inspector
- standards of care and/or generally accepted practices of agricultural animal care where animals are kept for entertainment, commercial, educational or charitable purposes
- prohibitions on puppy mills (operating, encouraging or supporting)

Under Section 24, warrantless entry can be made only between 9 a.m. and 5 p.m. during a business day, at any other time when the place is open to the public, or anytime the occupant provides consents.

An inspector may only enter a dwelling without a warrant if the occupant provides consent.

If relevant to the inspection, inspectors have authority to:

- inspect any animal or thing
- open anything such as a container, baggage, package or cage
- conduct any test and take any measurement, specimen or sample

- set up any equipment to take photographs or make other records such as video or sound
- require that any animal, thing, document or data be made available
- examine information on any computer or device and obtain a printout or other form of output, such as a video or sound recording
- remove any documents or other things to make copies or to inspect them further
- ask questions that are relevant to the inspection

As appropriate, AWS inspectors may have others assist them during an inspection, such as:

- veterinarians, including those with specific expertise (wildlife, zoos, livestock, forensic)
- industry experts (commodity groups)
- ministry partners (e.g. Ministry of Agriculture, Food and Agribusiness, Ministry of Natural Resources)

Inspector Visit Process

AWS inspectors must follow a [code of conduct](#). When using their powers under the Act, inspectors must do the following when asked:

- identify themselves as an inspector
- show identification
- explain the purpose of their visit, such as for an inspection or for an investigation

Related Powers

PAWS ACT SECTION	DESCRIPTION OF POWERS
s. 28 Entry when an animal is in distress	<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. • Warrant or occupier's consent required to enter all premises.
s. 29 Critical Distress	<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.
s. 31 Taking possession of an animal in distress	<ul style="list-style-type: none"> • May remove and take possession of an animal to relieve its distress if: <ul style="list-style-type: none"> • a vet has advised in writing that removal is necessary to alleviate distress • the animal is in distress and the owner is not present and cannot be found promptly • the animal is in critical distress • an order under s. 30 has not been complied with • May remove and take possession of animals trained to fight, participating or that will soon be participating in fighting.

s.32 Euthanization of an animal	<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.
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Enforcement and Investigation Powers

PAWS ACT SECTION	DESCRIPTION OF POWERS
s. 41 Search warrants re: offences	<ul style="list-style-type: none"> An inspector may enter and search any place without a warrant – except a dwelling – if it is believed that evidence will be lost, removed or destroyed in the time needed to obtain a warrant.
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 under the Act has been/is being committed and that evidence concerning the offence will be obtained through the use of the technique/procedure.
s. 43 Production orders	<ul style="list-style-type: none"> An inspector may obtain a production order, ordering a person – other than a person being investigated for an offence – to produce or prepare documents or data and provide them to an inspector.
s. 44 Seizure	<ul style="list-style-type: none"> An inspector who is lawfully in a place may seize a thing or animal without a warrant if they have reasonable grounds to believe it has been obtained by or used in an offence committed under the PAWS Act or will provide evidence of an offence committed under the PAWS Act.
s. 47 Required self-identification	<ul style="list-style-type: none"> An inspector can require a person to provide their name and address if they have reasonable grounds to believe the person has committed, is committing, or is about to commit certain offences specified in 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 under s.30 of the Act.
- 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 a 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.
- Where an Order is 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. Non-compliance with an Order may result in the removal of the animal.

Costs Incurred

- The owner/custodian is liable for the expenses incurred if an animal is removed or provided with care to relieve distress. To recover these costs the Chief Animal Welfare Inspector may issue a statement of account under s.35 of the Act.
- Unpaid statements of account are debts due to the Crown and may be recovered by measures available under the *Ministry of Revenue Act*, including liens on property and garnishment of payments.
- Failure to pay a statement of account in full within the prescribed period of time (15 business days) results in forfeiture of the animal(s) to the Crown.

Appeals and Applications

The owner or custodian of an animal may appeal to the [Animal Care Review Board](#) in writing within 10 business days after being served:

- compliance orders
- removal orders
- orders to keep an animal in or take an animal into the Chief Animal Welfare Inspector's care
- statements of account served by the Chief Animal Welfare Inspector

The owner or custodian of an animal may apply to the Board in writing at any time for revocation of an order or the return of an animal.

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.
- Anyone may make a written complaint about an inspector's conduct by submitting the [online complaint form](#).
- General questions or comments about animal welfare may be submitted to animalwelfareservices@ontario.ca.

Offences and Penalties

The PAWS Act sets out minor offences (with lesser penalties) and major offences (with larger penalties). Violating the act can result in sentences such as:

- for minor offences:
 - up to six months in jail
 - fines of up to \$75,000 against an individual on a first offence, or up to \$100,000 against a corporation on a first offence
- for major offences:
 - up to two years in jail
 - fines of up to \$130,000 against an individual on a first offence, or up to \$500,000 against a corporation on a first offence
 - some offences, such as causing the death of an animal, have minimum fines of \$25,000

- prohibition on animal ownership, including a lifetime ban

Minor offences – examples	Major offences – examples
<ul style="list-style-type: none"> • non-compliance with the standards of care or administrative requirements • exposing an animal to undue risk of distress • failing to assist an inspector during an inspection • making a false report to an inspector 	<ul style="list-style-type: none"> • causing or permitting distress • harming law enforcement or a service animal • animal fighting • operation of a puppy mill • possessing or breeding a prohibited animal

The Ontario Court of Justice will determine the appropriate penalty in a particular case.

Questions about the PAWS Act should be submitted to: animalwelfareservices@ontario.ca

Farm & Food Care Ontario www.farmfoodcare.org

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