

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT

RSO 1990, CHAPTER O.36 AMENDED 2008 c. 16

SECTION	PROVISIONS	EXEMPTIONS
1 (1)	Definitions – distress defined	
1 (2)	Minor owner – the minor’s parents are deemed to be the owner	
11 (1)	To enforce this Act, every inspector or agent of the Society may exercise any power of a police officer	
11 (2)	Inspectors and agents of an affiliated society have same powers as inspectors and agents of the Society	
11 (3)	In remote parts of Ontario where Society does not function, any police officer in that jurisdiction may exercise powers of a Society inspector or agent	
11 (5)	No person shall hinder, obstruct or interfere with a Society inspector or agent	
	STANDARDS OF CARE FOR ANIMALS	
11.1 (1)	Every person who owns or has custody of an animal shall comply with the prescribed standards of care of that animal	(2) Subsection (1) does not apply in respect of (a) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal management, or (b) a prescribed class of animals

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SECTION	PROVISIONS	EXEMPTIONS
		(3) Subsection (1) does not apply to veterinarians or persons acting under supervision of a vet
	PROHIBITIONS RE DISTRESS, HARM TO AN ANIMAL	
11.2 (1) &(2)	No person shall cause an animal to be in distress	(6) Subsections (1) and (2) do not apply re: (a) an activity permitted re wildlife in the wild; (b) an activity relating to fish in the wild; (c) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal management; or (d) a prescribed class of animals; (7) Subsections (1) and (2) do not apply to veterinarians or persons acting under supervision of a vet
11.2 (3) &(4)	No person shall train an animal to fight with another animal, or possess equipment that is used in animal fights	
11.2 (5)	No person shall harm a dog, horse or other animal that works with peace officers	
11.3	Veterinarians' Obligation to Report – every veterinarian who has reasonable grounds to believe that an animal has been or is being abused or neglected shall report this to the Society	

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	PROTECTION OF ANIMALS BY SOCIETY	
11.4 (1)	Inspection – An inspector or an agent of the Society may, without a warrant , enter and inspect any place used for animal exhibit, entertainment, boarding, hire or sale	
11.4 (2)	The power to enter and inspect a place shall not be exercised to enter a dwelling except with consent of the occupier	(3) The power to enter and inspect a place shall not be exercised to enter a place that is an accredited veterinary facility
11.5 (1)	Warrant – a justice of the peace or judge may issue a warrant authorizing a Society inspector or agent to enter a place if, on oath, there are reasonable grounds to believe the inspector or agent will be or has been prevented from entering the place	
	ENTRY WHERE ANIMAL IS IN DISTRESS	
12 (1)	Warrant – a justice of the peace or judge may issue a warrant authorizing a Society inspector or agent to enter a place if, on oath, there are reasonable grounds to believe that an animal is in distress	
12 (2)	Warrant can be obtained by Society by telephone	
12 (6)	Immediate distress – entry without warrant – if there are reasonable grounds to believe an animal is in immediate distress anywhere except a dwelling , the agent may enter	(7) the power to enter a place under subsection (6) shall not be exercised to enter a place that is an accredited veterinary facility

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SECTION	PROVISIONS	EXEMPTIONS
12 (8)	Definition of “immediate distress”	
	AUTHORIZED ACTIVITIES	
12.1 (1)	An inspector or agent or veterinarian who is lawfully present may examine any animal there or take a sample of any substance or take a carcass	
12.1 (3)	An inspector or agent who is lawfully present may supply the animal with food, care or treatment	
12.1 (4)	Seizure of things in plain view – upon giving a receipt for it, the inspector or agent may seize anything that might be evidence of an offence under this Act	
12.1 (5)	An inspector or an agent of the Society shall report the taking of a sample or carcass or anything seized to a justice of the peace or a provincial judge	
12.1 (8)	Application of Provincial Offences Act – subsections 159 (2) to (5) and section 160 of the Provincial Offences Act apply regarding things seized by an inspector or agent of Society	
13 (1) and (2)	Where an inspector or an agent of the Society has reasonable grounds for believing an animal is in distress, and the custodian of the animal is present or may be found promptly, the inspector or agent may serve the owner with a written Order	

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13 (6)	Authority to determine compliance with order – if an order was made under subsection (1), an inspector or an agent of the Society may enter without a warrant any place where the subject animal is located, to verify compliance of order	
14 (1)	An inspector or an agent of the Society may remove the animal to provide it with food, care or treatment	
14 (1.1)	An order may be issued authorizing the Society to keep the subject animal	
14 (1.2)	An order may be made that the costs incurred by the Society of providing food care or treatment to the animal be paid by the owner or custodian of the animal	
14 (1.3) and (1.4)	The Society or owner of the animal may apply to a justice of the peace or judge to vary an order or make an order to return the animal	
	DESTRUCTION OF ANIMAL	
14 (2)	A Society inspector or agent may destroy an animal (a) with consent of owner or (b) if a vet says it's most humane to do so	
14 (3)	A Society inspector or agent who has removed or destroyed an animal shall serve written notice on the owner	

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15 (1)	Liability of owner for expenses – if an inspector or agent has provided an animal with food, care or treatment, the Society may serve a statement of account on the owner	
15 (2)	Power to sell – if owner refuses to pay statement of account within 5 days, or if owner cannot be found, the Society may sell the animal and reimburse itself from the proceeds of sale. The owner is entitled to the balance, if any	
15.1 (1)	Standards of care – breeding cats & dogs – everyone involved in breeding cats or dogs for sale shall provide the animal with adequate food and water, medical attention, protection from the elements, safe transportation, and not confine the animal in inadequate space, or unsanitary conditions, or with inadequate ventilation, or without providing exercise, or together with another animal that may pose a danger, or confine the animal in a building that is in disrepair or that is dangerous to the animal	
15.1 (2)	Offence – any person who fails to comply with section 15.1(1) is guilty of an offence	
15.1 (3) (4) and (5)	Penalty – individuals, corporations, directors and officers – anyone found guilty under subsection (2) is liable on conviction to fine up to \$60,000 or prison up to 2 years, or both	
16 (1)	Animal Care Review Board	

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SECTION	PROVISIONS	EXEMPTIONS
17 (1)	An owner of any animal who considers themselves aggrieved by an order or by the removal of an animal may appeal to the Board	
17 (1.2)	No appeal is possible if there is an order for the Society to keep the animal	
17 (5)	Procedure at hearing – the Society and the owner are entitled to hear the evidence, cross-examine, call witnesses, present argument	
18.1 (1)	Offences – every person is guilty of an offence who contravenes (a) subsection 11 (5); (b) 11.1; (c) 11.2 (1), (2), (3), (4), or (5); (d) 13 (5); or (e) fails to comply with an order of the Board; or (f) knowingly makes a false report to the Society	
18.1 (2) (3) (4) and (5)	Penalty – every individual or corporation who commits an offence under (1) (a), (d), (e), or (f) is liable on conviction to a fine of up to \$1,000 or imprisonment up to 30 days or both; Every individual or director or officer of a corporation that commits an offence under (1) (b) or (c) is liable on conviction to fine of up to \$60,000 or imprisonment up to 2 years, or both	
19	Inspector, etc. not personally liable – no inspector or agent of the Society or vet or Board member is personally liable for anything done by him or her in good faith under this Act	

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SECTION	PROVISIONS	EXEMPTIONS
21	Conflict with Municipal By-laws – if there is a conflict between this Act and a municipal by-law, the provision that affords the greater protection shall prevail	
22 (1)	Lieutenant Governor in Council may make regulations: (a) prescribing activities carried on in accordance with reasonable and generally accepted practices of agricultural management re: 11.1 (2) (a) and 11.2 (6) (c) (b) prescribe classes of animals, circumstances and conditions or activities re: 11.1 (2) (b) and 11.2 (6) (d)	(c) Lieutenant Governor in Council may make regulations exempting any person or class of persons from any provision of this Act or of any regulation made under this Act