



# **2016 Canadian Animal Protection Laws Rankings**

# BEST AND WORST PLACES TO BE AN ANIMAL ABUSER

## Animal Legal Defense Fund Annual Study Ranks Laws Across the Country

### *Quebec Moves Up to Sixth Place*

June 2016

A new in-depth study released by the Animal Legal Defense Fund (ALDF) highlights the uneven landscape of Canada's provincial and territorial animal protection legislation. ALDF's ninth annual report, the only one of its kind in Canada, ranks each jurisdiction on the relative strength and comprehensiveness of its animal protection laws. The ranking is based on a detailed comparative analysis of the animal protection legislation in effect in each province and territory, focusing on sixty study questions spanning twelve categories.<sup>1</sup> Each jurisdiction is attributed a numerical ranking based upon its cumulative score and is grouped into a top, middle, or bottom tier.

Quebec showed significant improvement this year, jumping from twelfth up to sixth position. Last December, the province adopted a brand new law exclusively dedicated to animal protection, the *Animal Welfare and Safety Act*, which broadened the range of protected species and created new offences related to psychological welfare, liability of non-owners, and animal fighting.<sup>2</sup> Additionally, Quebec's legislation now requires veterinarians to report cases of suspected abuse and includes incarceration as a possible penalty for repeat offenders. Along with these noteworthy improvements, the province amended its civil code in order to explicitly recognize animals as sentient beings.<sup>3</sup> ALDF was invited to testify at the hearings on the *Animal Welfare and Safety Act* and played an instrumental role in securing these important changes. Unfortunately, Quebec recently announced its intention to enact province-wide Breed Specific Legislation, which would regulate or ban certain dogs based on their breed or physical appearance rather than on actual conduct. Not only has Breed Specific Legislation been shown to be ineffective in addressing the problem of dangerous dogs, but it actually harms dog owners and dogs themselves. Enacting such legislation would represent a significant step back for Quebec and could cause the province to move back down in the rankings.

Quebec is the only province to have made substantial changes to its legislation since the release of last year's rankings. Manitoba, Nova Scotia, British Columbia, and Ontario continue to occupy the top tier. At the other end of the spectrum, Saskatchewan, the Northwest Territories, and Nunavut hold on to their positions as the

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<sup>1</sup> See page 20 of the report for a summary of the methodology used.

<sup>2</sup> C.Q.L.R., c. B-3.1.

<sup>3</sup> *Civil Code of Quebec*, C.Q.L.R., c. C-1991, s. 898.1.

jurisdictions with the weakest animal protection legislation. They are joined in the bottom tier by Prince Edward Island, which was bumped down in the rankings by Quebec.

Though the majority of provinces failed to make any improvements to their animal protection legislation this year, ALDF is hopeful that animals across the country will shortly be afforded additional protection thanks to a new federal bill that is currently before the Canadian House of Commons. If passed, Bill C-246 would make much needed updates to the animal cruelty provisions of the *Criminal Code*, namely by closing a number of loopholes that currently enable animal abusers to get away with hideous crimes.<sup>4</sup> The Bill would also ban the importation of shark fins, as well as of cat and dog fur, and impose mandatory labelling of fur products sold in Canada.

Since ALDF began publishing these rankings in 2008, there has been a marked improvement in the laws of many provinces and territories, and more advances are on the way. However, there continues to be a wide range of disparity across the country, with some jurisdictions making substantial steps forward, and others lagging behind. Irrespective of its current rank, every province and territory has ample room for improvement. It is ALDF's hope that these ongoing reviews continue to shed light on this important issue and garner support for both the strengthening and enforcement of animal protection laws throughout the country.

ALDF encourages those who care about the welfare and protection of animals to contact their elected officials about the importance of having strong, comprehensive laws in this field, and to alert law enforcement should they ever witness animal abuse or neglect.

For additional information, including the ANIMAL PROTECTION LAWS OF THE USA & CANADA compendium, ALDF's MODEL ANIMAL PROTECTION LAWS collection, and more, visit [aldf.org](http://aldf.org).

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<sup>4</sup> R.S.C. 1985, c. C-46. See preliminary remarks below at p. 6.

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**2015 CANADIAN ANIMAL PROTECTION LAWS RANKINGS™**  
*Comparing Overall Strength & Comprehensiveness*

<b>TOP TIER</b>	<b>1</b>	<b>Manitoba</b>
	<b>2</b>	<b>Nova Scotia</b>
	<b>3</b>	<b>British Columbia</b>
	<b>4</b>	<b>Ontario</b>
<b>MIDDLE TIER</b>	<b>5</b>	<b>Newfoundland &amp; Labrador</b>
	<b>6</b>	<b>Quebec</b>
	<b>7</b>	<b>New Brunswick</b>
	<b>8</b>	<b>Yukon</b>
	<b>9</b>	<b>Alberta</b>
<b>BOTTOM TIER</b>	<b>10</b>	<b>Prince Edward Island</b>
	<b>11</b>	<b>Saskatchewan</b>
	<b>12</b>	<b>Northwest Territories</b>
	<b>13</b>	<b>Nunavut</b>

**2008-2016 Improvement Highlights**  
**—Laws Enacted Since the First ALDF Rankings Report in 2008—**

**IMPROVEMENTS**

Increased Maximum Penalties

Improved Standards of Care

Mandatory Veterinarian Reporting of Suspected Cruelty\*

Broadened Range of Protections

Mental Health Counseling\*

Stronger Inspection/Seizure/Oversight Authority

Increased Restrictions on Post-Conviction Ownership

Improved Cost Mitigation & Recovery

Fighting Prohibitions (Fights, Training, Possession of Equipment/Structures)

**JURISDICTIONS**

BC, NB, NT, NS, ON, SK, YT, BC, NL,  
PEI, QC

BC, NB, NT, NS, ON, BC, QC, NL

MB, NS, ON, BC, NL, QC

NT, ON, SK, BC, NL, NS, QC

ON

BC, NB, NT, ON, YT, BC, NL, QC

MB, NT, ON, NL, PEI, QC

ON

MB, ON, BC, NL, QC

*\*First law in this category was enacted after 2008*

## Preliminary Remarks: Canadian Animal Protection Legislation

In Canada, the power to enact criminal law is within the exclusive jurisdiction of the federal government,<sup>5</sup> although the provinces and territories have the power to create quasi-criminal or regulatory offences in a variety of areas.<sup>6</sup> Most criminal laws have been codified in the *Criminal Code*, which applies uniformly throughout the entire country.<sup>7</sup> The provisions of the *Criminal Code* dealing with cruelty towards animals have changed very little since they were first enacted in 1892 and suffer from a number of limitations. Chief among these is that the two most commonly applicable provisions, willful infliction of unnecessary suffering (section 445.1(a)) and willful neglect (section 446(1)(b)), require a high level of *mens rea*, or criminal intent: the prosecution must prove, beyond a reasonable doubt, that the accused “willfully” committed the act in question. This makes it difficult to obtain a conviction, particularly in cases of neglect, where it is relatively easy for defendants to raise a reasonable doubt about whether they were aware of the consequences of their actions.<sup>8</sup>

In response to such difficulties, all provinces and territories have enacted their own animal protection laws, which are the object of the present study. Provincial and territorial legislation typically requires a much lesser degree of criminal intent on the part of the accused, and hence affords animals a higher degree of protection. However, it is important to keep in mind that the *Criminal Code* does provide a baseline of protection throughout Canada. Thus, even in jurisdictions where provincial or territorial animal protection legislation only covers dogs, for example, other species nevertheless benefit from a certain, albeit minimal, degree of protection in virtue of the *Criminal Code*.

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<sup>5</sup> *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c. 3, s. 91(27) reprinted in R.S.C. 1985, App. II, No. 5.

<sup>6</sup> *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c. 3, s. 92(15) reprinted in R.S.C. 1985, App. II, No. 5.

<sup>7</sup> *Supra* note 4.

<sup>8</sup> For example, in *R. v. Heynan*, a horse owner was acquitted of letting his animals starve to death on the basis of his mistaken belief that horses were able to obtain their own food when left in a pasture for the winter ([1992] A.J. No. 1181, 136 A.R. 397 (Alta. Prov. Ct.)).

## Overview: “Top Tier” Provinces & Territories for 2016

	Existing Strengths	Potential Improvements
<p><b>1. Manitoba<sup>9</sup></b></p>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Definitions/standards of basic care</li> <li>- Range of protections</li> <li>- Prohibition related to animal fighting</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- Recognition of psychological harm (“anxiety”) for all animals covered</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Increased penalties for repeat offenders</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings and dwellings under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have broad inspection powers (do not need “reasonable grounds” to enter premises other than dwelling houses)</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal when abandoned, in critical distress (for euthanasia purposes), if owner is unfit/animal may be harmed if returned</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Narrower activity/use-based exemptions</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Possibility of on-site detention of seized animal</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>9</sup> *The Animal Care Act*, C.C.S.M. 1996, c. A84; *Animal Care Regulation*, Man. Reg. 126/98.

**Overview: “Top Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>2. Nova Scotia<sup>10</sup></b></p>	<ul style="list-style-type: none"> <li>- Several protections apply to most species</li> <li>- Definitions/standards of basic care</li> <li>- Range of protections</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- Recognition of psychological harm</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Increased penalties for repeat offenders</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have broad inspection powers (can enter most types of premises where animals are kept without “reasonable grounds”)</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal when abandoned, in critical distress (for euthanasia purposes), or if owner is unfit/animal may be harmed if returned</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Positive duties of care of owner/guardian applicable to wider range of species</li> <li>- Prohibitions related to animal fighting</li> <li>- Narrower activity/use-based exemptions</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry into dwellings under certain circumstances</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Possible on-site detention of seized animal</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>10</sup> *Animal Protection Act*, S.N.S. 2008, c. 33.

**Overview: “Top Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>3. British Columbia<sup>11</sup></b></p>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Range of protections</li> <li>- Prohibitions related to animal fighting</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- Psychological welfare provisions for sled dogs</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings when animal is in critical distress</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Pre-judgment forfeiture of animal when abandoned or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians</li> <li>- Immunity for professionals involved in administering the law who report animal in distress/assist in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>	<ul style="list-style-type: none"> <li>- Better definitions/standards of basic care for animals other than those used in sled dog operations</li> <li>- Recognition of psychological welfare for all species</li> <li>- Narrower activity/use-based exemptions</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry into non-dwellings under broader circumstances</li> <li>- Warrantless entry into dwellings under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> </ul>

<sup>11</sup> *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372; *Sled Dog Standards of Care Regulation*, B.C. Reg. 21/2012.

**Overview: “Top Tier” Provinces & Territories *cont’d.***

	<b>Existing Strengths</b>	<b>Potential Improvements</b>
<b>4. Ontario<sup>12</sup></b>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Definitions/standards of basic care</li> <li>- Range of protections</li> <li>- Prohibitions related to animal fighting</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- Psychological welfare provisions for captive wildlife</li> <li>- Animals recognized as victims of an offence</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Mental health evaluations/counseling</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal when abandoned or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians</li> <li>- Immunity for professionals involved in administering the law who report animal in distress/assist in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have broad law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Recognition of psychological welfare for all species</li> <li>- No provincial breed specific legislation</li> <li>- Narrower activity/use-based exemptions</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Warrantless entry into dwellings under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>12</sup> *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O.36; *Standards of Care*, O. Reg. 60/09; *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16.

## Overview: “Middle Tier” Provinces & Territories for 2016

	Existing Strengths	Potential Improvements
<b>5. Newfoundland &amp; Labrador<sup>13</sup></b>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Range of protections</li> <li>- Definitions/standards of basic care</li> <li>- Prohibitions related to animal fighting</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- Psychological welfare provisions for dogs</li> <li>- No provincial breed specific legislation</li> <li>- Only activities/uses consistent with standards prescribed by regulation are exempted</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Possible on-site detention of seized animal</li> <li>- Pre-judgment forfeiture of animal when owner not located, in critical distress (for euthanasia purposes), or if owner is unfit/animal may be harmed if returned</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians</li> <li>- Immunity for veterinarians and other professionals involved in administering the law who report animal in distress/assist in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Recognition of psychological welfare for all species</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Cost mitigation/recovery measures: disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into dwellings under certain circumstances</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Duty of peace officers to assist in the enforcement of the animal protection legislation</li> </ul>

<sup>13</sup> *Animal Health and Protection Act*, S.N.L. 2010, c. A-9.1; *Animal Protection Regulations*, N.L.R. 35/12; *Animal Protection Standards Regulations*, N.L.R. 36/12.

**Overview: “Middle Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>6. Quebec<sup>14</sup></b></p>	<ul style="list-style-type: none"> <li>- Definitions/standards of basic care for dogs and cats</li> <li>- Recognition of psychological harm for all species covered, including substantive requirements related to stimulation, socialization and enrichment for certain species</li> <li>- Prohibitions related to animal fighting</li> <li>- Principal prohibitions applicable to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory fines</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care when proceedings are instituted</li> <li>- Animal Protection Officers have broad inspection powers</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Possible seizure of mistreated animals</li> <li>- Possible on-site detention of seized animal</li> <li>- Pre-judgment forfeiture of animal when owner not found or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Principal protections applicable to wider range of species</li> <li>- Definitions/standards of basic care for wider range of species, not just dogs and cats</li> <li>- Narrower activity/use-based exemptions</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mental health evaluations/counseling</li> <li>- Broader cost mitigation/recovery measures: owner liable for costs of care regardless of whether proceedings are instituted</li> <li>- Warrantless entry into dwellings under certain circumstances</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>14</sup> *Animal Welfare and Safety Act*, C.Q.L.R., c. B-3.1; *Regulation respecting the safety and welfare of cats and dogs*, C.Q.L.R., c. P-42, r 10.1.

**Overview: “Middle Tier” Provinces & Territories *cont’d.***

	<b>Existing Strengths</b>	<b>Potential Improvements</b>
<b>7. New Brunswick<sup>15</sup></b>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Definitions/standards of basic care</li> <li>- Prohibitions related to animal fighting</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Increased penalties for repeat offenders previously sentenced to maximum penalty</li> <li>- Mandatory fines</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter pet establishments without “reasonable grounds”)</li> <li>- Pre-judgment forfeiture of animal when abandoned or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of animals upon conviction (mandatory for repeat offenders)</li> <li>- Court may order restrictions on future ownership or possession of animals upon conviction (mandatory for repeat offenders)</li> <li>- Animal protection officers/inspectors have broad law enforcement authority</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>	<ul style="list-style-type: none"> <li>- Broader range of protections</li> <li>- Principal prohibitions applicable to owners and non-owners alike</li> <li>- Recognition of psychological harm</li> <li>- Narrower activity/use-based exemptions</li> <li>- Increased penalties for repeat offenders regardless of previous sentencing</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry into dwellings under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals upon conviction (even after first offence)</li> <li>- Mandatory restrictions on future ownership or possession of animals upon conviction (even after first offence)</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> </ul>

<sup>15</sup> *Society for the Prevention of Cruelty to Animals Act*, S.N.B. 2014, c. 132; *General Regulation*, N.B. Reg. 2000-4; *Provincial Offences Procedure Act*, S.N.B. 1987, c. P-22.1.

**Overview: “Middle Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>8. Yukon<sup>16</sup></b></p>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Exempted activities/uses must be consistent with reasonable practices and carried out in a humane manner</li> <li>- Penalties may include both fines and incarceration</li> <li>- Every day an offence is committed/continues can be counted as a separate offence</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Warrantless entry into dwellings by RCMP under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal when abandoned, in critical distress (for euthanasia purposes), or if not claimed by owner within certain time</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Better definitions/standards of basic care</li> <li>- Broader range of protections</li> <li>- Prohibitions related to animal fighting</li> <li>- Recognition of psychological harm</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Cost mitigation/recovery measures: disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into dwellings by Animal Protection Officer under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>16</sup> *Animal Protection Act*, R.S.Y. 2002, c. 6; *Animal Protection Regulations*, Y.C.O. 1978/162.

**Overview: “Middle Tier” Provinces & Territories *cont’d.***

	<b>Existing Strengths</b>	<b>Potential Improvements</b>
<b>9. Alberta<sup>17</sup></b>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Range of protections</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Pre-judgment forfeiture of animal when abandoned or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Immunity for anyone who reports animal in distress</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Better definitions/standards of basic care</li> <li>- Prohibitions related to animal fighting</li> <li>- Recognition of psychological harm</li> <li>- Narrower activity/use-based exemptions</li> <li>- Penalties may include both fines and incarceration</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry dwellings under certain circumstances/Animal Protection Officer may require person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians and select non-animal-related agencies</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>17</sup> *Animal Protection Act*, R.S.A. 2000, c. A-41; *Animal Protection Regulation*, Alta. Reg. 203/2005.

## Overview: “Bottom Tier” Provinces & Territories for 2016

	Existing Strengths	Potential Improvements
<b>10. Prince Edward Island<sup>18</sup></b>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Prohibition related to animal fighting</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Mandatory fines</li> <li>- Every day an offence is committed/continues can be counted as a separate offence</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal when in critical distress (for euthanasia purposes) or if not claimed by owner within certain time</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Immunity for professionals involved in administering the law who report animal in distress/assist in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have broad law enforcement authority</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>	<ul style="list-style-type: none"> <li>- Better definitions/standards of basic care</li> <li>- Recognition of psychological harm</li> <li>- Narrower activity/use-based exemptions</li> <li>- Penalties may include both fines and incarceration</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry into dwellings under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Pre-judgment forfeiture of animal when abandoned or if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> </ul>

<sup>18</sup> *Companion Animal Protection Act*, R.S.P.E.I. 1988, c. C-14.1; *General Regulations*, P.E.I. Reg. EC249/02; *Animal Health and Protection Act*, R.S.P.E.I. 1988, c. A-11.1.

**Overview: “Bottom Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>11. Saskatchewan<sup>19</sup></b></p>	<ul style="list-style-type: none"> <li>- Principal protections apply to most species</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Large fines available</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain animal until costs are paid, disposition of animal if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Possible seizure of mistreated animals</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Pre-judgment forfeiture of animal when owner not located or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Immunity for professionals involved in administering the law who report animal in distress/assist in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Better definitions/standards of basic care</li> <li>- Broader range of protections</li> <li>- Prohibitions related to animal fighting</li> <li>- Recognition of psychological harm</li> <li>- Narrower activity/use-based exemptions</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry into dwellings under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>19</sup> *Animal Protection Act, 1999, S.S. 1999, c. A-21.1.*

**Overview: “Bottom Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>12. Northwest Territories<sup>20</sup></b></p>	<ul style="list-style-type: none"> <li>- Definitions/standards of basic care</li> <li>- Range of protections</li> <li>- Principal prohibitions apply to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include both fines and incarceration</li> <li>- Increased penalties for repeat offenders</li> <li>- Every day an offence is committed/continues can be counted as a separate offence</li> <li>- Cost mitigation/recovery measures: owner liable for costs of care, humane society/SPCA may retain dog until costs are paid, disposition of dog if costs not paid within certain time</li> <li>- Warrantless entry into non-dwellings under certain circumstances</li> <li>- Possible seizure of mistreated dogs</li> <li>- Animal Protection Officers have limited inspection powers (can only enter certain types of premises without “reasonable grounds”)</li> <li>- Pre-judgment forfeiture of dog when abandoned or in critical distress (for euthanasia purposes)</li> <li>- Court may order forfeiture of dogs and restrictions on future ownership or possession of dogs upon conviction</li> <li>- Immunity anyone who reports dog in distress/assists in the enforcement of animal protection legislation</li> <li>- Animal protection officers/inspectors have certain law enforcement authority</li> </ul>	<ul style="list-style-type: none"> <li>- Principal protections applicable to wider range of species, not just dogs</li> <li>- Prohibitions related to animal fighting</li> <li>- Recognition of psychological harm</li> <li>- Narrower activity/use-based exemptions</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Warrantless entry into dwellings under certain circumstances/Animal Protection Officer may request person in dwelling to produce animal for inspection</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Broader inspection powers for Animal Protection Officers</li> <li>- Possible on-site detention of seized animal</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>20</sup> Dog Act, R.S.N.W.T. 1988, c. D-7.

**Overview: “Bottom Tier” Provinces & Territories *cont’d.***

	Existing Strengths	Potential Improvements
<p><b>13. Nunavut<sup>21</sup></b></p>	<ul style="list-style-type: none"> <li>- Some prohibitions apply to owners and non-owners alike</li> <li>- No provincial breed specific legislation</li> <li>- Penalties may include incarceration</li> <li>- Cost mitigation/recovery measures: officer may retain dog until costs are paid, disposition of dog (sale at public auction) if costs not paid within certain time</li> <li>- Possible seizure of mistreated animals</li> <li>- Pre- and post-judgment forfeiture of dog when in critical distress (for euthanasia purposes)</li> </ul>	<ul style="list-style-type: none"> <li>- Principal protections applicable to wider range of species, not just dogs</li> <li>- Definitions/standards of basic care</li> <li>- Broader range of protections</li> <li>- Prohibitions related to animal fighting</li> <li>- Recognition of psychological harm</li> <li>- Penalties may include <i>both</i> fines <i>and</i> incarceration (currently one or the other)</li> <li>- Larger fines available</li> <li>- Increased penalties for repeat offenders</li> <li>- Mandatory terms of incarceration for certain offenders</li> <li>- Mandatory fines</li> <li>- Mental health evaluations/counseling</li> <li>- Broader cost mitigation/recovery measures: owner liable for costs of care</li> <li>- Mandatory seizure of mistreated animals</li> <li>- Inspection powers for Animal Protection Officers (do not need “reasonable grounds” to enter premises)</li> <li>- Possible on-site detention of seized animal</li> <li>- Officer may order owner to take action/provide care on-site</li> <li>- Pre-judgment forfeiture of animal when abandoned or if owner is unfit/animal may be harmed if returned</li> <li>- Mandatory forfeiture of animals and restrictions on future ownership or possession of animals upon conviction</li> <li>- Mandatory reporting of suspected animal cruelty by veterinarians/select non-animal-related agencies</li> <li>- Immunity for anyone who reports animal in distress/assists in the enforcement of animal protection legislation</li> <li>- Duty of peace officers to assist in the enforcement of animal protection legislation</li> </ul>

<sup>21</sup> Dog Act, R.S.N.W.T. (Nu) 1988, c. D-7.

## Methodology summary

All provinces and territories in the 2016 CANADIAN ANIMAL PROTECTION LAWS RANKINGS REPORT were numerically ranked based on their cumulative scores on sixty study questions spanning twelve categories. The analysis was limited to proclaimed legislation and did not review the separate issue of the enforcement of such laws. Only legislation enacted for the purpose of animal protection was considered. Laws governing specific activities, such as transport and slaughter of farm animals, scientific research, hunting and trapping of wildlife, horse racing, etc., were excluded. Study questions were close-ended and the choices exhaustive and mutually exclusive. The questions were limited to the following categories:

1. Substantive protections
2. Species covered
3. Exemptions
4. Animal fighting
5. Breed specific legislation
6. Penalties
7. Mental health evaluations and counseling
8. Restitution and reimbursement of costs
9. Inspection, entry, and seizure powers
10. Forfeiture and post-conviction possession
11. Reporting of suspected animal cruelty and immunity
12. Law enforcement policies