

Grassroots Feedback:

Animal Control By-law

Report CPS-2023-055

March 4, 2024

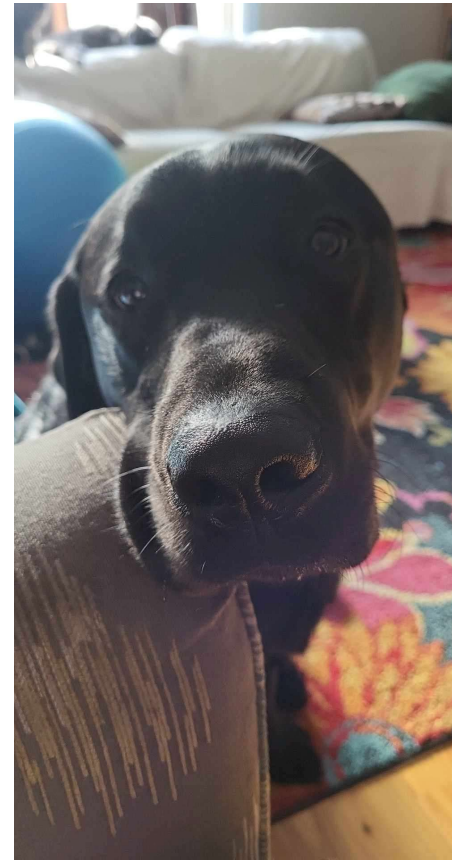
David Vahey and Vivian Petho



Getting 2025 Accessible

Having Service Dogs in the By-law means consulting grassroots Families with Service Animals, Trainers, and Accredited Organizations who bring service animals into the community

In collaboration with Orangeville Branch of Ontario Society of the Prevention and Cruelty to Animals (OSPCA) and Community Services staff



Service Dog Journey

Applied to ADI Accredited Service Dog Agency **May 2019**

In-Home Inspection Delayed By Blizzard **Feb 2020**

COVID **March 2020 - Feb 2022**

In-Home Inspection **March 2022**

Family and Parent Classes **May 2022 to Sept 2023**

Probationary Placement of Service Dog In Home **Dec 22 2023**

Pass ADI Accredited Public Access Handler Test **Feb 27 2024**



Officer Lou On The Job



Justice for Animals in Service Act, or Quanto's Law

Criminal Code 445.01

(Ontario Provincial Police)

(1) Every one commits an offence who, wilfully and without lawful excuse, kills, maims, wounds, poisons or injures...a service animal

Provincial Animal Welfare Services Act

(Animal Welfare Services)

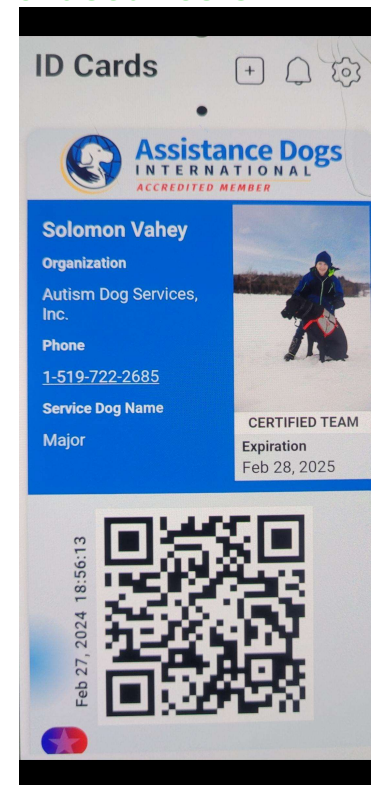
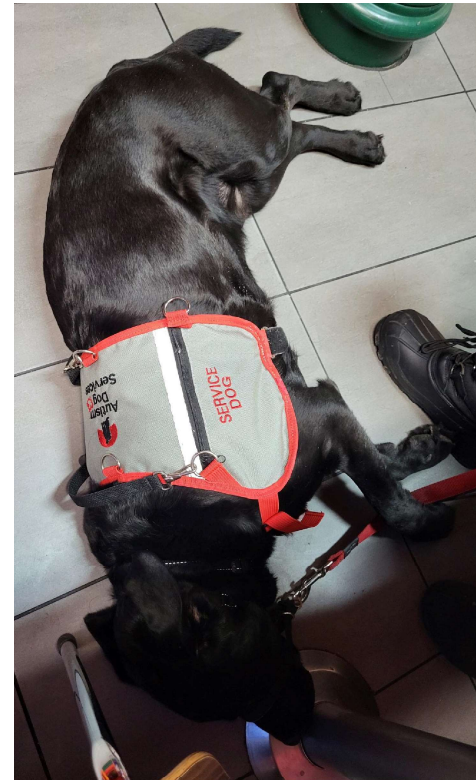
17 No person shall cause harm, or attempt to cause harm, to an animal that works with peace officers in the execution of their duties, or to a service animal, whether or not the animal is working at the time of the harm.

What Visual Indicators?

AODA 80.45(4)

- (a) The animal can be **readily identified** as one that is **being used by the person for reasons relating to the person's disability**, as a result of **visual indicators** such as the vest or harness worn by the animal; or
- (b) The person provides **documentation** from one of the following regulated health professionals confirming that the person requires the animal for **reasons relating to the disability**

By-law needs to establish a working standard encompassing all kinds of working service dogs – trained by organizations or independently – wearing custom or Amazon purchased vests



What Document?

AODA 80.45(4)

- (a) The animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or*
- (b) The person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability*

Service animals do not have to be trained or certified by a recognized disability-related organization –
Ontario Human Rights Commission,
“Policy on Ableism and Discrimination Based on Disability”

Example:

Letter provided to our family by service dog agency after Orangeville Transit drivers refused to accept vest alone as ‘visual indicator’



Dogs and Service Dogs

*Ontario Human Rights Commission,
Policy on Ableism and Discrimination Based on
Disability*

*“People with disabilities who use service animals to assist them with disability-related needs (such as anxiety) are also protected under the definition of ‘disability’ in **section 10 of the Code**....Service providers and others who receive such [medical] documentation **should not use their own assumptions and observations to second-guess this verification.**”*



By-law Definitions

- “Dog” means a domestic dog;
- “Service Animal” means an **animal** described in subsection 80.45(4) of O. Reg. 191/11, under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11;
- “Animal” means any member of the animal kingdom, other than a human;

By-law must develop a guideline or decision hierarchy for service dogs – when is it a service dog or plain old dog to a By-law Officer? Separating a service dog from owner risks a potential human rights complaint. Especially in the case of seizures or impoundment due to being treated “being at large.”

Microchips and Licenses

There are many accredited Assistance Dog organizations or independent trainers placing assistance dogs with clients in Orangeville. Each has a different way of retaining ownership or they may even do a client ownership transfer.

“Owner” includes

- (a) Any person who owns, **keeps**, or has custody of an **animal** and where the **owner** is a minor, the person responsible for the custody of the minor*
- (b) A person who is temporarily the **keeper** of the **animal***

By-law needs a guideline or decision hierarchy for determining owner by records:

Microchip or Dog Licensing? What if owner of microchip is different from dog license owner? For which scenarios?

Exceptions To The Rule

6.3 Sections 6.1 and 6.2 of this By-law shall not apply to a:

(b) **Service animal** while under the control of its handler and actively engaged in its trained duties;

6.2 A **dog** is deemed to be running at large if found in any place other than the property of the **owner** of the **dog** and the **dog** is not on a **leash** and under the control of a person capable of handling the **dog** when it is on property other than that of the **owner**, unless prior consent is given by the person owning the property on which the **dog** is found.

Possible Interpretations

(Coordinate Clauses or Independent)

- Service Dogs can go Leash-free with a trained handler on public or other private property if AODA requirements satisfied
- Service Dogs can never be considered “running at large” by By-law Officers if AODA requirements satisfied
- By-law Officer must satisfy burden of establishing service dog fits AODA requirements

Service Dogs On Transit

*Policy presented Feb 8, 2024 at Access Orangeville
by Tony Dulisse (with input from the Vahey-Petho
family and ADI Accredited Organization)*

*Opportunity for cohesion or alignment between
Policy/By-law on Service Dogs*

Access denied: Woman's support dog not recognized by Orangeville Transit



By Chris Halliday Orangeville Banner



Monday, January 9, 2017 | 2 min to read



Service animals are permitted on all Orangeville Transit vehicles:

1. Provided the **service animal** is working in aid of the person/passenger making the trip; or
2. The **service animal** is being transported for the purpose of picking up the person for whom the animal has been assigned for service; or
3. The **service animal** is being trained by a qualified professional or handler for the purpose of training the animal for its final purpose (service)

At least 5 recorded incidents involving service dogs on Orangeville Transit (one on left)

Thank You