

**Updated Frequently Asked Questions**

**Updates to the Standards of Care for Dogs Kept Outdoors under the *Provincial Animal Welfare Services Act, 2019***

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## **General**

### **1. What do these updated standards mean for owners and custodians that have their dogs outdoors? What requirements do I need to meet?**

The updated standards of care for dogs kept outdoors and dogs tethered outdoors replace the previous standards of care for dogs that live outdoors under the *Provincial Animal Welfare Services Act* (PAWS Act).

With this amendment, the existing standards of care for dogs that “live primarily outdoors” are replaced with a new set of standards. The updated standards establish a definition of a dog “kept outdoors” – a dog that is outdoors continuously for 60 or more minutes without being in the physical presence of its owner or custodian – and create associated care requirements. The updated standards also set out a maximum amount of time that a dog may be tethered outdoors in a 24-hour period before it must receive off-tether time for exercise and enrichment.

The updated standards create more comprehensive requirements related to:

- **General care** – including access to shade, food and water, grooming and nail care, and health and welfare maintenance
- **Outdoor dog shelter** – including when an outdoor dog shelter is required (with exceptions for livestock guardian dogs and dogs that have access to a structure housing livestock), as well as design features and size-related specifications for an outdoor dog shelter
- **Use of tethering** – including when dogs cannot be tethered, the safe usage of tethers, minimum space requirements when a dog is tethered, and maximum time a dog can spend on a tether (with limited exceptions)
- **Use of housing pens** – including the use of housing pens, minimum housing pen size and restrictions on outdoor dogs that can be penned together (with limited exceptions)
- **Tethering and housing pen containment area** – including adequate cleaning and sanitation, as well as features to support the physical comfort and welfare of a dog while it is contained outdoors

The updated standards came into force on **July 1, 2022**. They can be read in full on the [Ontario e-Laws page for Ontario Regulation 444/19](#) and viewing sections 4 to 4.5 of the regulation.

### **2. Why not apply the updated standards to all dogs? What protections exist for other dogs?**

The *Provincial Animal Welfare Services Act* (PAWS Act) and its regulations ensure that all animals covered under the Act are protected and treated in a humane manner.

Ontario Regulation 444/19 (Standards of Care and Administrative Requirements) contains basic standards that apply to all animals covered under the Act. These

standards have general requirements to provide adequate and appropriate food, water, medical attention and care, sanitary conditions, and space to enable natural movement and exercise and more. More details on the basic standards of care can be found at: <https://www.ontario.ca/page/animal-welfare>.

Due to the risks faced by dogs kept outdoors the ministry has determined that additional specific standards are required for the health and safety of dogs kept outdoors.

### **3. What research and/or best practices did the ministry review to help design these updated standards?**

The updated standards of care, which will help ensure the welfare, health and safety of dogs kept outdoors in Ontario, are based on stakeholder and public feedback, jurisdictional reviews, academic literature and other published information, as well as expert technical advice from veterinarians, animal sheltering experts, industry, animal advocacy, enforcement and other subject matter experts.

In developing the updated standards of care for dogs kept outdoors, the ministry reviewed and sought alignment with standards, codes and guidelines recognized as best practices by experts and industry stakeholders as well as relevant research and literature. Examples include:

- Laws from other Canadian provinces and territories, such as [British Columbia's Sled Dog Standards of Care Regulation](#).
- Reputable industry and veterinary guidelines such as the [Canadian Veterinary Medical Association's A Code of Practice for Canadian Kennel Operations](#) and the [Mush with P.R.I.D.E. Sled Dog Care Guidelines](#).

### **4. Who was consulted to help develop these updated standards?**

To help inform the development of updated and new regulations under the PAWS Act, in November 2020, the ministry established a multi-disciplinary [PAWS Advisory Table](#) made up of a group of experts including veterinarians and animal advocates.

Additionally, in March 2021, the ministry formed an Outdoor Dogs Technical Table (Technical Table) to seek further technical expertise. The Technical Table included representation from various dog-related industries (sled and sporting dogs, livestock guardian dogs, kennels and breeders), veterinarians, enforcement entities and other subject matter experts.

Feedback from the PAWS Advisory Table and Technical Table, public and stakeholder submissions received through Ontario's Regulatory Registry and a review of laws and policies in other Canadian and international jurisdictions, academic literature and other reports helped to inform these updated standards.

## **Application of the Updated Standards**

### **5. How do the updated standards apply to a dog that has access to an indoor area and is outdoors by choice but can go in at any time?**

A dog is “kept outdoors” for the purpose of Ontario Regulation 444/19 if the dog is kept outdoors continuously for 60 or more minutes without being in the physical presence of its owner or custodian.

The updated standards would not apply if a dog is:

- Not outdoors for a continuous 60 minutes or more without being in the immediate physical presence of its owner or custodian (e.g., goes indoors during this period); or,
- Outdoors and with their owner or custodian physically present at any point during those 60 minutes.

Once a dog is kept outdoors continuously for 60 or more minutes without being in the physical presence of its owner or custodian during that period, the updated standards, including the requirement for a shelter with an insulated roof, would apply.

### **6. How do these updated standards apply to individuals experiencing homelessness?**

We recognize that individuals experiencing homelessness have unique circumstances. The standards would only apply when a dog is kept outdoors for 60 or more minutes without their owner physically present or if a dog is tied up outdoors for 23 hours. Individuals experiencing homelessness may be living outdoors with their dog and physically present the majority of the time, therefore it may be less likely that the standards may apply to dogs in their ownership/care.

However, in the event the criteria are met and requirements apply, the updated standards will be enforced by the province’s animal welfare enforcement body, Animal Welfare Services (AWS). AWS is responsible for enforcing the *Provincial Animal Welfare Services Act, 2019* (PAWS Act) and its regulations. AWS inspectors also conduct outreach and education on animal care best practices.

It is worth noting that AWS inspectors may apply their discretion while enforcing the updated standards of care for dogs kept outdoors, taking into account the circumstances of each case, and may engage in providing education where appropriate with the goal of ensuring the safety, health and well-being of dogs kept outdoors.

## **Information for Indigenous Communities**

### **7. How does Animal Welfare Services (AWS) engage with a First Nation before enforcing the *Provincial Animal Welfare Services Act (PAWS Act)* in a First Nation community?**

The ministry, via AWS, has partnered with some First Nation communities to conduct animal welfare inspections related to the PAWS Act within their communities. AWS engages First Nation leadership via communication with the Chief and/or representatives of the council as a matter of practice prior to enforcing the PAWS Act in First Nation communities. Provincial animal welfare inspectors are available to provide support to First Nation communities as requested by the community, including enforcement of the updated standards of care for outdoor dogs and requirements related to tethering (tying) of dogs under the PAWS Act. This support may be provided, as requested, even if the First Nation community has implemented its own by-law related to animals.

### **8. What authority does Animal Welfare Services (AWS) have to enforce the *Provincial Animal Welfare Services Act (PAWS Act)*, and does this authority apply on a First Nation?**

The PAWS Act and its regulations put in place requirements to ensure that all animals are protected and treated in a humane manner. The Act sets out basic standards of care that apply to all animals covered under the Act and specific standards of care including those that apply to dogs that are kept and tethered outdoors, captive wildlife, enclosures for captive wildlife, captive primates and marine mammals. It also sets out prohibitions against causing or permitting distress to an animal.

The Act gives AWS inspectors powers to determine compliance with the Act and to protect animals, which include the following:

- The power to inspect to determine if businesses and organizations are in compliance with the standards of care for animals set out under the Act. This includes the ability to enter dwellings with a warrant and enter other premises without a warrant, according to standard protocols.
- When animals are in distress, inspectors can:
  - Apply for warrants to investigate offences and, in narrow circumstances, investigate a place (other than a dwelling) without a warrant.
  - Issue written orders to owners regarding the care of an animal (i.e., outline actions the owner must take to relieve the animal of distress).
  - Remove or seize an animal.
  - Have an animal euthanized with the owner's consent, or if a veterinarian orders it as the most humane course of action.
- When animals are in critical distress, inspectors can:

- Enter dwellings with a warrant, or without a warrant if the delay required to obtain a warrant may result in serious injury to the animal or its death.
- Enter other places (that are not dwellings) without a warrant.
- The power to require an individual who is being charged with an offence to identify themselves. If the individual refuses, a police officer would have the power to arrest the individual; if the individual refuses and is attempting to leave, and a police officer is not able to respond in a timely manner, an AWS inspector has the power of arrest.

[Section 60](#) of the PAWS Act states that police officers and First Nations Constables may exercise select powers of an animal welfare inspector under the Act, if they choose to do so.

Regarding the enforcement of the PAWS Act on a First Nation, the Ministry of the Solicitor General (ministry) respects that First Nation communities have the authority to make various by-laws of their own related to animals and have power to enforce them within the community without involvement by the ministry. The ministry, via AWS, has partnered with some First Nation communities to undertake animal welfare inspections within the community. Provincial animal welfare inspectors are available to provide support to First Nation communities as requested.

#### **9. What actions are taken if a First Nation does not consent to enforcement of the PAWS Act within their community?**

AWS conducts complaints-based inspections and investigations when there are allegations that an animal is in distress. If there was a complaint submitted regarding an animal in a First Nation community, AWS would engage with the First Nation leadership as a matter of practice prior to taking any action to enforce the PAWS Act in the community. The ministry also respects that First Nation communities may choose to address concerns within the community using their by-laws related to animals without involvement by the ministry.

The ministry and AWS believe that continued conversations and insights from First Nation communities are an important step forward in considering how the PAWS Act could protect animals across Ontario and will make every effort to support partnerships to enforce animal welfare legislation and improve animal welfare.

#### **10. Was there any Indigenous engagement during the process of creating these updated standards?**

The ministry provided the opportunity for engagement to First Nation, Métis and Inuit organizations during the development of these updated standards. The ministry also received a number of submissions from the public, including Indigenous perspectives, as part of a 45-day posting period through the Ontario Regulatory Registry.

## **Information for Municipalities**

### **11. Will the updated standards impact municipalities? How will these updated standards work with municipal by-laws that govern the care of dogs kept outdoors?**

The updated standards will not impose any new requirements on municipal by-law enforcement departments. In the event of a conflict between a municipal by-law and the updated standards, [Section 67 of the PAWS Act](#) continues to apply. Section 67 of the PAWS Act specifies that if there is a conflict between a provision of the PAWS Act or its regulations and a municipal by-law related to the welfare of animals or the prevention of cruelty to animals, the provision that provides the greater protection to animals prevails.

## **Definitions**

### **12. What is the meaning of “without being in the physical presence of its owner or custodian” in the definition of a dog kept outdoors?**

In relation to the definition of a dog kept outdoors, the expression “without being in the physical presence of its owner or custodian” is intended to refer to a situation where the owner is not physically present outdoors with the dog (i.e., checking on the dog regularly through a window does not constitute being physically present outdoors with the dog).

### **13. When is a dog considered to be “indoors”? Can any building constitute “indoors” (regardless of type, size, insulation level, temperature), such as an unheated barn or shed?**

The regulation does not use the word “indoors” and therefore does not contain its definition. The regulation does address the issue of what is considered to be an acceptable shelter for a dog kept outdoors. It requires a shelter that meets certain requirements laid out in the regulation, except if a dog is a livestock guardian dog or has ready access to a structurally sound building that is, at the same time, housing livestock. Research, enforcement experience and stakeholder feedback indicate that when dog has access to a barn housing livestock, then it can receive warmth and protection through its access to the barn which is warmed by the livestock.

### **14. How is "undue risk of distress" defined?**

Distress is defined under [subsection 1\(1\) of the Provincial Animal Welfare Services Act, 2019](#) as 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.

AWS inspectors conduct inspections and investigations and assess distress on a case-by-case basis, acknowledging that each dog has unique characteristics and assessing the circumstances of each case. Inspectors consider factors such as age, reproductive

status, behaviour, health status and situations that may cause exposure to undue risk of distress.

Prior to being appointed, AWS inspectors are provided with training on how to identify an animal in distress; inspectors may also rely on the expertise of a licensed veterinarian should they need additional confirmation.

**15. Why does the definition of “livestock” only include sheep, pigs, goats, cattle, horses, mules, ponies, donkeys or poultry?**

The ministry engaged with agricultural stakeholders and the public on this proposal, and this definition of livestock encompassed the main types of animals where livestock guardian dogs are likely to be used in protecting a flock or herd.

### **Livestock Guardian Dogs**

**16. Why do the updated standards have an exemption from the requirement for a dog shelter for livestock guardian dogs and dogs that have access to a building that houses livestock?**

The regulation sets out two exemptions from the requirement for a dog shelter: for livestock guardian dogs that live with a flock or herd they are protecting; and for all dogs that have access to a building that is actively housing livestock. Livestock guardian dogs – dogs that are identifiable of a breed used for protecting livestock from predation that live with the flock or herd they are protecting – do not require a dog shelter. They are likely to receive warmth and protection from the elements and shelter living alongside the livestock (for example, livestock guardian dogs will burrow into the centre of the flock to block out wind). Dogs that have access to a building that is housing livestock, such as a barn, are likely to receive warmth and protection through their access to a barn which is warmed by livestock and do not require a dog shelter.

**17. How would AWS identify if a dog is a livestock guardian dog (i.e., “identifiably of a breed that is generally recognized as suitable for the purposes of protection of livestock from predation”)?**

AWS inspectors are trained to identify particular breeds of dogs that have historically been used as livestock guardian dogs. A livestock guardian dog lives with the flock it is actively working to protect. As a matter of practice with on-site inspections, inspectors will observe the behaviour of the dog to assess whether it is conducting its duties to actively protect the flock from predation (for example, is the dog tied up away from the flock, or continuously separated from the flock). Inspectors will have a conversation with the owner or custodian to help further determine whether the dog is completing its role as a livestock guardian dog.



**18. How does the requirement to provide protection from predatory animals apply to livestock guardian dogs?**

The requirement in relation to protection from predatory animals only applies when a dog, including a livestock guardian dog, is kept outdoors in a housing pen, and requires “reasonable protection” from predatory animals or other animals that may harm the dog.

**Tethering Requirements**

**19. What constitutes being “off-tether” for the purposes of meeting the requirement for dogs that are tethered outdoors for 23 hours in a 24-hour period to be taken off tether for 60 continuous minutes?**

The requirement in subsection 4(1) of the updated standards is that a dog tethered outdoors for 23 hours in a 24-hour period be taken off the tether for at least 60 continuous minutes to allow for exercise and enrichment. To meet the requirement, an owner or custodian may let a dog into an activity pen (or a housing pen if it is large enough to enable exercise) where it is able to exercise or take the dog for a walk or run using a leash (a handheld leash is not a tether, as defined under O. Reg. 444/19, since it is not attached to a fixed object).

**20. What is the rationale behind prohibiting tethering a female dog in heat that is kept outdoors?**

Research, enforcement experience, and stakeholder feedback indicate that tethering dogs kept outdoors that are in heat may pose increased risk from male dogs who may act aggressively towards the female dog and cause potentially serious injuries and/or death.

**Housing Pen Requirements**

**21. Can you clarify the minimum housing pen size requirements?**

The updated standards of care set out minimum requirements for the size of a housing pen used for a dog kept outdoors that are scaled to a dog’s height (measured at its shoulder when it is standing at full height). Minimum size requirements are as follows:

Table 1: Minimum housing pen size requirements

<b>Height of the dog - measured at its shoulder (cm)</b>	<b>Area of housing pen (m<sup>2</sup>)</b>
70 or greater	15
>= 40 and <70	10
>= 20 and <40	6
Less than 20	4

If more than one dog is kept in the same housing pen, the housing pen must provide at least the space required by Table 1 above for the tallest dog kept in the housing pen, plus a minimum of at least 1.5 additional square metres of space for every additional dog kept there. Note that 1.5 additional square metres of space is not required for puppies that are less than 12 weeks old and that are being kept with their mother or substitute mother in a housing pen.

The housing pen scale is based on the Canadian Veterinary Medical Association (CVMA) 2018 *A Code of Practice for Canadian Kennel Operations* (3<sup>rd</sup> edition) (“CVMA Kennel Code”) minimum primary enclosure space recommendations. The CVMA Kennel Code is considered to be a national best practice.

## **Shelter Requirements**

### **22. Is the requirement that each dog have a doghouse, or can a doghouse be shared by multiple dogs?**

The regulation does not require that each dog be provided with its own dog shelter. It only requires that every dog that is kept outdoors must, at all times, have ready access to a shelter that meets the requirements of the regulation. The dog shelter must provide sufficient space for each dog that is regularly using the shelter to turn around, lie down with their legs extended to their full extent and stand with their heads held at normal height when all of the dogs are occupying the shelter at the same time.

The regulation also requires that if multiple dogs are kept outdoors in the same housing pen, the owner or custodian of the dogs must ensure that dogs exhibiting aggression towards other dogs are not placed with incompatible dogs.

### **23. What does "lie down with their legs extended to their full extent" mean in relation to the requirement that a dog shelter be “of a size and design that permits all of the dogs that regularly use the shelter to lie down with their legs extended to their full extent”?**

The intent of the requirement is to ensure that the dog can comfortably access and use the dog shelter to promote comfort and create conditions that allow for rest and sleep.

### **24. Does adding a door to a dog shelter count as a form of “obstruction” of the doorway?**

A dog shelter door is not considered an “obstruction” so long as it does not obstruct the dog from entering the shelter (for example, a door flap).

### **25. Is there a specified distance that a doghouse must be from a dog?**

The regulation does not specify how close a doghouse needs to be to the dog. The regulation requires that it must be accessible to the dog when it is kept outdoors.

## **Water Requirements**

### **26. What are some tools available to maintain unfrozen water, even in cold, winter temperatures?**

There are various tools or methods to maintain unfrozen water even in cold winter temperatures. Corded heated water bowls and rechargeable, cordless heated water bowls are options available to help maintain unfrozen water even in sub-zero temperatures. Solar heated water bowls, heat blankets, de-icers, or in-tank heaters may also be used. Other approaches such as building insulated boxes around water bowls or providing larger, deeper containers of water may also assist with ensuring unfrozen water is available to the dog at all times.

Owners should research products and tools prior to purchase to ensure safe and appropriate use for their dog based on the dog's habits, temperament, and behaviour and seek out products or tools that meet electrical safety standards. If the tool used to maintain unfrozen water contains electrical cords, ensure the cords are covered (for example, steel wrapped) to help prevent cord chewing that may lead to electrocution.

## **Shade Requirements**

### **27. There's no shade requirement specific to tethered dogs or dogs in housing pens. Is this an oversight?**

The requirement to provide access to shade applies to any dog that is kept outdoors for 60 continuous minutes or more, and not in the physical presence of its owner or custodian. The requirement applies to all dogs kept outdoors, including where the dog is being contained on a tether or in a housing pen.

## **Enforcement**

### **28. Who is responsible for enforcing the updated standards of care?**

Animal Welfare Services (AWS) is responsible for the enforcement of the PAWS Act and its regulations. Provincial inspectors carry out inspections and investigations and respond to concerns of distress. They also conduct outreach and education on animal care best practices.

### **29. How will provincial animal welfare inspectors enforce these updated standards?**

As a first step, AWS inspectors will work to provide guidance and education for owners and custodians of outdoor dogs to promote compliance. To provide more information to the animal owner to assist them with coming into compliance, an inspector may have a conversation with the animal owner to explain the requirements within the regulation, and the responsibility of the owner to comply with the regulation.

AWS inspectors may apply their discretion while enforcing the updated standards of care for outdoor dogs, taking into account the circumstances of each case and inspector observations.

If required, the inspector may also provide the animal owner with a letter outlining the requirements they must follow, which includes the requirements in the regulation and the consequences of non-compliance. Finally, if an animal is in distress, the inspector may write an order under the authority of the PAWS Act to have the owner take steps to alleviate the distress. If the owner fails to comply with the order, it may result in the animal being removed or the owner being served with a summons to appear in provincial court. An order and a removal can be appealed to the Animal Care Review Board. If an animal is removed, the owner is responsible for the costs of care needed to relieve the animal's distress (for example, food, shelter and veterinary care).

**30. Are there checks and balances provided by AWS if provincial animal welfare inspectors receive repeated, unfounded complaints about a dog owner or custodian not following these rules?**

When the Ontario Animal Protection Call Centre (OAPCC) receives multiple complaints about the same situation, the OAPCC will update their messaging to advise complainants and the public that the complaint has been registered and is under investigation. This is the process by which the public is made aware that any matter with multiple complaints is being looked into by an AWS inspector.

Should multiple, unfounded complaints be received, the inspector or the regional supervisor may reach out to the complainant to ascertain if the information they provided is firsthand and current as well as provide education to the complainant, as needed.

## **Penalties**

**31. What are the penalties for someone who breaches these updated standards (for example, fines or jail time)?**

The penalties for [contravening the standards of care and administrative requirements for animals under the PAWS Act](#) are:

- In the case of individuals, a fine of up to \$75,000 and/or up to six months imprisonment for a first offence and a fine of up to \$100,000 and/or up to one year imprisonment for a subsequent offence.
- In the case of corporations, a fine of up to \$100,000 for a first offence and a fine of up to \$250,000 for a subsequent offence.

As a first step, AWS inspectors will work to provide guidance and education for owners and custodians of outdoor dogs to promote compliance. AWS inspectors may apply their discretion while enforcing the updated standards of care for outdoor dogs, taking into account the circumstances of each case and inspector observations.

### **32. Where can I report breaches of the new standards?**

If you believe the new standards are not being met after they have come into effect on July 1, 2022, or that an animal is in distress, you can call the Ontario Animal Protection Call Centre (OAPCC) at 1-833-9ANIMAL (1-833-926-4625) to report your animal welfare concerns. This call centre is available 24 hours a day, seven days a week. Reporting to the OAPCC ensures prompt and appropriate triaging. Kindly note, the call centre cannot provide information about what calls have been received or the status of ongoing investigations.