

Solicitor General

Office of the Solicitor General

25 Grosvenor Street, 18th Floor

Toronto ON M7A 1Y6

Tel: 416 326-5000

Toll Free: 1 866-517-0571

SOLGEN.Correspondence@ontario.ca

Solliciteur général

Bureau du solliciteur général

25, rue Grosvenor, 18^e étage

Toronto ON M7A 1Y6

Tél. : 416 326-5000

Sans frais : 1 866-517-0571

SOLGEN.Correspondence@ontario.ca



132-2022-2204

By email

July 26, 2022

Dear Heads of Council:

I am pleased to connect with you as the new Solicitor General of Ontario. I am looking forward to working in partnership with you to ensure the continued safety and well-being of animals across the province.

On April 20, 2022, the Ministry of the Solicitor General informed you of updates to Ontario Regulation 444/19 (Standards of Care and Administrative Requirements) under the *Provincial Animal Welfare Services Act, 2019* (PAWS Act). The updated standards of care for dogs kept outdoors and dogs tethered outdoors are now in effect as of **July 1, 2022**. The updated standards can be read in full on the [Ontario e-Laws page for Ontario Regulation 444/19](#) and by viewing sections 4 to 4.5 of the regulation. A summary of the regulation in accessible language is publicly available at the [Ontario.ca page for dogs kept outdoors](#).

The ministry has prepared the attached guidance document, the ***Standards of Care for Dogs Kept Outdoors in Ontario – Legal Requirements and Best Practice Guidelines***, to help owners and custodians understand the updated standards and gain knowledge of best practices to help ensure the welfare of their dog(s).

To further support owners and custodians of dogs kept outdoors or dogs tethered outdoors, please find attached **Updated Frequently Asked Questions**, which will help address additional questions regarding the updated standards.

Please note, the updated standards will not impose any new requirements on municipal by-law enforcement departments. Animal Welfare Services, a branch within the ministry, is the primary body responsible for the enforcement of the PAWS Act and its regulations.

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.

Page 2

Please share the guidance document and FAQs with your network, including municipal staff, members of the public, or any others who may be interested in learning more about the updates and associated best practices. Anyone who would like a copy of the guidance document can also contact the ministry at animalwelfareservices@ontario.ca.

We will continue to ensure that appropriate and effective measures are in place to provide animals with the protections they deserve. These updated standards of care will help safeguard the welfare, health and safety of dogs kept and tethered outdoors in Ontario.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Kerzner", with a long, sweeping underline.

Michael Kerzner
Solicitor General

Enclosures



**Standards of Care
for Dogs Kept
Outdoors in Ontario –**
Legal Requirements
and Best Practice
Guidelines

Table of Contents

Acknowledgements	3
Background	4
Ontario's Animal Welfare Legislation and Enforcement Model	4
Exceptions	4
Purpose and Context	5
Application of the Standards of Care for Dogs that are Kept Outdoors and Standards of Care for Dogs Tethered Outdoors	6
1. General Care of Dogs Kept Outdoors	7
1.1 Shade and Protection from the Elements	7
1.2 Food and Water Containers	9
1.3 Food	10
1.4 Water	11
1.5 Health and Welfare Checks	13
1.6 Grooming and Nail Care	15
1.7 Keeping Ill and Injured Dogs Outdoors	16
1.8 Quarantine	17
2. Shelter	18
3. Tethers	21
3.1 Time Off Tether	24
4. Housing Pens	26
5. Tether and Housing Pen Area	28
Glossary of Terms	30
Appendices	32
References	33





Acknowledgements

This document benefitted greatly from feedback from a group of experts including veterinarians, academics, industry members, agricultural organizations, enforcement officers, animal sheltering organizations, and animal advocates.

The Government of Ontario recognizes the time and dedication of the members of its Outdoor Dogs Technical Table and Provincial Animal Welfare Services Advisory Table, as well as other organizations that provided their knowledge and expertise to help inform this guidance. These individuals committed their time and expertise to help positively impact the lives of dogs kept outdoors across the province. Thank you.





Ontario's Animal Welfare Legislation and Enforcement Model

Ontario's animal welfare legislation, the *Provincial Animal Welfare Services Act, 2019* ("[PAWS Act](#)") came into force on January 1, 2020. The PAWS Act enabled a new, fully provincial government-based animal welfare enforcement system and a modernized legislative framework for animal welfare in Ontario. Prior to the implementation of the PAWS Act, animal welfare laws were enforced by the Ontario Society for the Prevention of Cruelty to Animals (OSPCA), a registered charity focused on animal protection and advocacy, under the former *Ontario Society for the Prevention of Cruelty to Animals Act, 1990* ("OSPCA Act").

Ontario's new animal welfare legislation is enforced by Animal Welfare Services (AWS) in the Ministry of the Solicitor General, which consists of a Chief Animal Welfare Inspector and locally deployed animal welfare inspectors who conduct inspections and investigations to help animals who are in distress or receiving inadequate care.

To facilitate implementation of the new legislation on January 1, 2020, regulations were carried over from the former OSPCA Act to the PAWS Act to ensure animals remained protected. One such regulation is [Ontario Regulation \(O. Reg.\) 444/19, the Standards of Care and Administrative Requirements regulation](#).

The Standards of Care and Administrative Requirements regulation establishes minimum care requirements to help ensure that animals maintain good health and welfare. Currently, O. Reg. 444/19 sets out basic standards of care that apply to all animals that fall under the PAWS Act, including requirements for adequate and appropriate food, water, and medical attention and care. The regulation also establishes additional, more specific standards of care that apply to wildlife in captivity, primates in captivity, marine mammals and dogs that are kept outdoors.

Exceptions

The PAWS Act imposes a general requirement to comply with the standards of care set out in regulations under the Act. There are two exceptions. The first exception is for agricultural activities, but only if those activities comply with reasonable and generally accepted practices for agricultural animal care, management, or husbandry. The second exception is for veterinarians providing veterinarian care or boarding an animal in accordance with the standards of practice established under the *Veterinarians Act, 1990*.





Purpose and Context

This guidance document provides animal owners with information to help:

- Understand the legally binding standards of care under the PAWS Act for dogs that are kept outdoors and for dogs tethered outdoors.
- Gain knowledge of best practices and guidance that can help owners apply the standards of care and take additional steps to help ensure the welfare of their dog(s). These best practices are recommendations only.

Legally, under the PAWS Act, any person who owns, has custody of or cares for a dog that is kept outdoors or tethered outdoors must follow the requirements set out under O. Reg. 444/19:

Standards of Care for Dogs Tethered Outdoors	Standards of Care for Dogs that are Kept Outdoors
<ul style="list-style-type: none"> ▪ Requirements are set out in section 4 of O. Reg. 444/19 ▪ Apply to a dog that is tethered for 23 hours in a 24-hour period, whether those 23 hours are consecutive or not, with limited exceptions 	<ul style="list-style-type: none"> ▪ Requirements are set out in sections 4.1 to 4.5 of O. Reg. 444/19 ▪ Apply to a dog that is kept outdoors continuously for 60 or more minutes without being in the physical presence of its owner or custodian

These requirements apply in addition to the basic standards of care that apply to all animals set out in section 3 of O. Reg. 444/19.

Requirements under the Standards of Care for Dogs Tethered Outdoors and the Standards of Care for Dogs that are Kept Outdoors are **legally binding**, meaning that penalties can be imposed for non-compliance.

Following the guidance and best practices in this document is **not legally required** but implementing the guidance and best practices may help owners to meet the requirements of O. Reg. 444/19 to help ensure the health and welfare of outdoor dogs.

These requirements, guidance and best practices were informed by feedback from Ontario's Provincial Animal Welfare Services Advisory Table and expert technical advice from veterinarian care, animal sheltering, industry, animal advocacy, enforcement and subject matter experts. They were also informed by jurisdictional reviews, academic literature and other best practice information, including the 'Five Domains' model (Mellor et al., 2020). The 'Five Domains' model is a framework for assessing animal welfare which recognizes that an animal's experiences – including their nutrition, physical environment, health and behavioural interactions – can create negative or positive mental states. Good animal welfare should include both an animal's physical and mental state of well-being and provide opportunities for animals to thrive, not simply survive. See [Appendix A](#) for additional information.





Application of the Standards of Care for Dogs that are Kept Outdoors and Standards of Care for Dogs Tethered Outdoors

Ontario is home to many different types of dogs that are kept outdoors in both urban and rural areas. Dogs kept outdoors may be companion dogs, farm dogs, sporting dogs and working dogs. Owners may choose to keep their dog outdoors all the time or may only keep their dog outdoors for a period and then bring them in indoors (for example, choosing to keep their dog outdoors in the backyard for a portion of the day).

A dog is “kept outdoors” for the purpose of O. Reg. 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.

Summary of Legal Requirements:

Any time that a dog is “kept outdoors”, owners must comply with the applicable [standards of care for dogs that are kept outdoors \(see chart on page 5\)](#). The standards of care can be organized into the following categories:

- General care of dogs kept outdoors
- Shelter
- Tethers
- Housing pens
- Tether and housing pen area

Owners must also meet the [standards of care for dogs tethered outdoors \(see chart on page 5\)](#) any time they tether a dog for 23 hours in a 24-hour period, regardless of whether those 23 hours are consecutive or not, and regardless of whether the owner is physically present while the dog is being tethered.





1. General Care of Dogs Kept Outdoors

1.1 Shade and Protection from the Elements

Sun, rain, wind, snow and other elements can cause a dog to experience discomfort or even distress without adequate protections.

A dog regulates its body temperature differently than humans. Too much heat from the sun can cause a dog to become rapidly unwell. A dog may experience heat stroke, fatigue, or dehydration, which can result in injury or death.

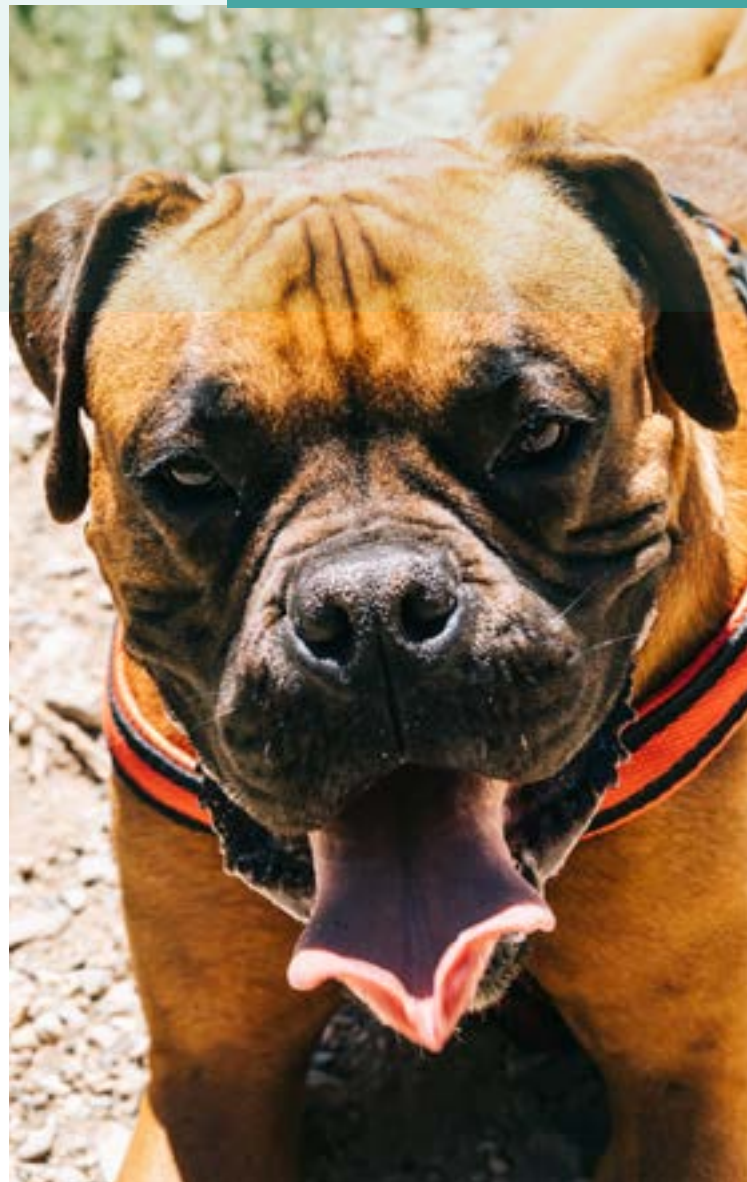
Providing a dog with access to shade and shelter positively contributes to its welfare by allowing it to choose to roam, play or rest comfortably and seek shade to help regulate its temperature when needed.

Legal Requirements:

- O. Reg. 444/19, s. 4.1 (1) A dog kept outdoors must be provided with,
 - a. sufficient protection from the elements to prevent the dog from experiencing heat or cold-related distress; and
 - b. access to sufficient shade as may be required by the weather conditions, including sufficient shade to protect the dog from direct sunlight.

Guidance and Best Practices:

- Extreme temperatures can cause a dog distress even if the dog is at rest and not performing strenuous activities.
- Dogs that are pregnant, whelping or nursing, or are puppies, geriatric, or ill may be more vulnerable to both heat and cold.
 - Certain types of dogs, including Northern breeds and flat-faced (brachycephalic) dogs may have a more difficult time in the heat.
 - When the temperature drops below freezing, some dogs may not be able to tolerate being kept outdoors for long periods of time and may experience frostbite or hypothermia. Short-coated dogs and small breeds are especially vulnerable in cold temperatures.



- Signs of heat and cold-related distress in dogs include:

Heat-related distress	Cold-related distress
<ul style="list-style-type: none"> ▪ Excessive panting ▪ Increased drooling ▪ Weakness ▪ Muscle twitching ▪ Vomiting ▪ Diarrhea ▪ Anxious or dazed look ▪ Restlessness ▪ Blue/purple or bright red gums ▪ Stumbling, incoordination ▪ Collapse ▪ Seizure ▪ Lethargy ▪ Listlessness 	<ul style="list-style-type: none"> ▪ Shivering ▪ Rapid breathing that could progress to slow, shallow breathing ▪ Increased urination ▪ The dog's hair is standing on end (the equivalent of goosebumps) ▪ Lifting paw off the ground ▪ Listlessness ▪ Disorientation ▪ Pale gums, nose, ears, paws, or tail ▪ Lethargy

- Pavement, cement and sand surfaces can absorb sunlight and become a hot surface in the summer. Providing the dog with access to other, cooler surface options such as grass may assist in preventing heat-related distress.
- Having an emergency and disaster management plan in the event of extreme weather can also help ensure that protection from the elements is available to dogs and can assist in preventing heat or cold-related distress. An emergency and disaster management plan may be particularly important for owners with multiple dogs.
- Access to shade can help protect a dog from exposure to excessive heat, as well as protect from direct sunlight to help prevent chance of sunburn and sun-related skin problems or skin diseases. Shade is particularly important during periods of warm weather.
- Ideally, a dog should have the choice to access both areas of sun and shade. Winter sun can be a source of warmth and can have a positive welfare impact on dogs.
- A natural source of shade can consist of a tree or other greenery that provides an area of shade large enough to allow the dog to lie down with its legs extended to its full extent and stand up to its full height (with its head held at normal height) while being protected from the sun.
- In the absence of a natural source of shade, installing a tarp, covered platform, awning, canopy, or sun sail can provide sufficient shade. Alternatively, strategically placing a housing pen beside a structure like a barn or building may provide shade for most of the day. These options could supplement the shade provided by the dog shelter, providing a more open and spacious shaded area.



1.2 Food and Water Containers

When selecting food and water containers for a dog kept outdoors, it is important to make sure containers are not susceptible to tipping and spilling of water or food, impacting the dog's ability to access its food and water sources.

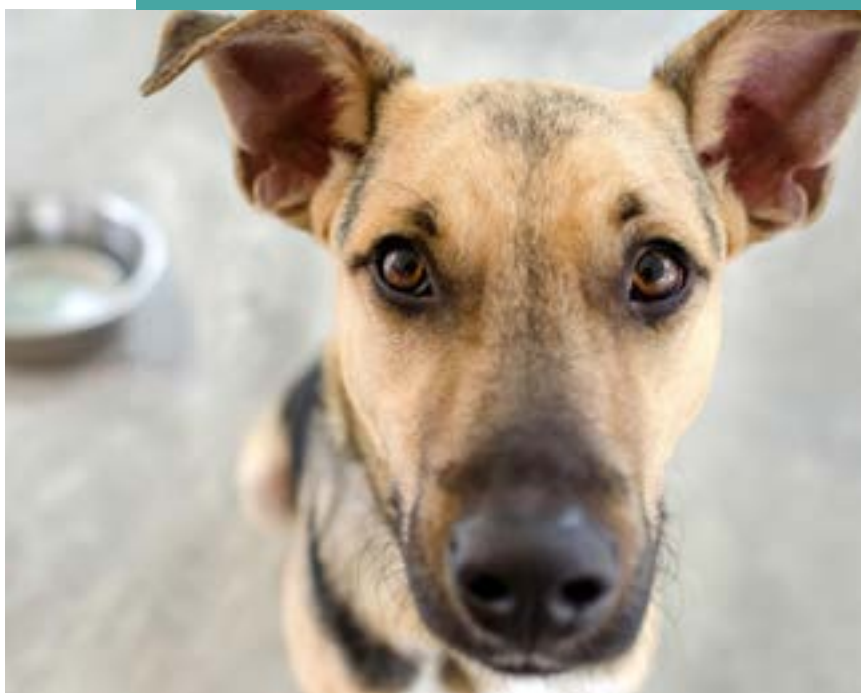
A dog's behaviour can be a good indicator of what food and water containers will work for successful feeding and watering. If a dog exhibits behaviours that are destructive, clumsy or messy, research the different types of containers available, including different heights and materials, how they are insulated, and to ensure they are made of non-toxic materials.

Legal Requirement:

- O. Reg. 444/19, s. 4.1 (2) Food and water containers used for a dog kept outdoors must be constructed to avoid injury to the dog and to avoid difficulty in accessing food or water.

Guidance and Best Practices:

- Regularly cleaning containers can help avoid contamination from food waste, debris, feces (also known as excrement) or urine.
- Consider the size, breed, and abilities of the dog when selecting food and water containers to ensure the dog can access its food and water. For example, flat-faced (brachycephalic) dog breeds, such as bulldogs, sometimes have difficulty drinking and eating because of the shape of the dog's face.
- Consider safe ways to secure the container to the ground to prevent tipping and spilling. If a bowl is secured, ensure that there are no protruding screws or dangerous materials that can cause harm to the dog. Select a container that can be easily cleaned, repaired and replaced.
- Consider the location of the container, and ensure that it is on a flat, level surface. If appropriate, consider placing the container along the edge of the housing pen or tether area so the dog is less likely to knock it over during activities like walking, stretching, or playing.
- Consider the material and design of the container. Weighted containers with high edges are less likely to tip over and spill. Choosing a durable material is equally as important: rubber, stainless steel, and plastic are non-toxic, cost-effective solutions.
- If puppies are accessing water containers, the container should not be so large or deep that puppies can fall in and drown.



1.3 Food

Food is a basic need that all dogs require daily to ensure good health. Daily nutrient requirements vary from dog to dog and can be based on the advice of a licensed veterinarian. Requirements can be impacted by the dog's age, breed, reproductive status, environment, physical fitness level and daily routine. Insufficient food, or food that is poor quality, can result in negative health consequences, including malnourishment, exhaustion, frail bones, illness, and even death.

Factors such as quantity of food, frequency of feeding, and composition of food and type of food storage containers used can have a significant impact on a dog's overall health and welfare.

Legal Requirement:

- O. Reg. 444/19, s. 4.1 (3) A dog kept outdoors must be fed food that:
 - a. reflects the dog's daily caloric and other nutritional requirements;
 - b. is fit for consumption;
 - c. is not spoiled; and
 - d. does not contain dirt, feces, urine or toxic substances.

Guidance and Best Practices:

- Consult a licensed veterinarian to discuss which feeding schedule best supports a dog in each of its life stages. A good diet maintains an ideal body condition.
 - Body condition can be a good indicator of whether a dog is eating a diet that meets its needs, or it can indicate underlying issues with a dog's health, such as lack of appetite due to illness.
 - Monitor for changes and ensure the dog maintains a healthy and balanced diet that meets its needs and nutritional requirements to maintain ideal body condition.
 - [See section 1.5](#) of this guidance document for more information on body condition scores.
- Consider storing food in a dry environment with a controlled temperature, and where pests and rodents cannot access the food. Improper food storage can cause spoilage of the contents with mould or other microbes. If a dog consumes spoiled food, it may result in serious illness or death.
- Regularly washing food storage containers reduces the likelihood of bacteria and mould build up.



1.4 Water

Continuous access to clean, fresh water is vital for the health and well-being of a dog. Having sufficient clean, fresh drinking water is crucial for muscle retention, lubricating joints, supporting proper organ function, aiding digestion and minimizing the effects of overheating and the unpleasant symptoms of excessive thirst and dehydration.

Dehydration is an extreme result of lack of access to water; it is important for a dog to have continuous access to water to avoid dehydration. In severe cases, dehydration can result in death. Lack of access to sufficient quantities of water can also contribute to heat stroke.

Legal Requirement:

- O. Reg. 444/19, s. 4.1 (4) A dog kept outdoors must have continuous access to water that,
 - a. is replaced at least once every 24 hours;
 - b. is not frozen; and
 - c. does not contain dirt, feces, urine or toxic substances.

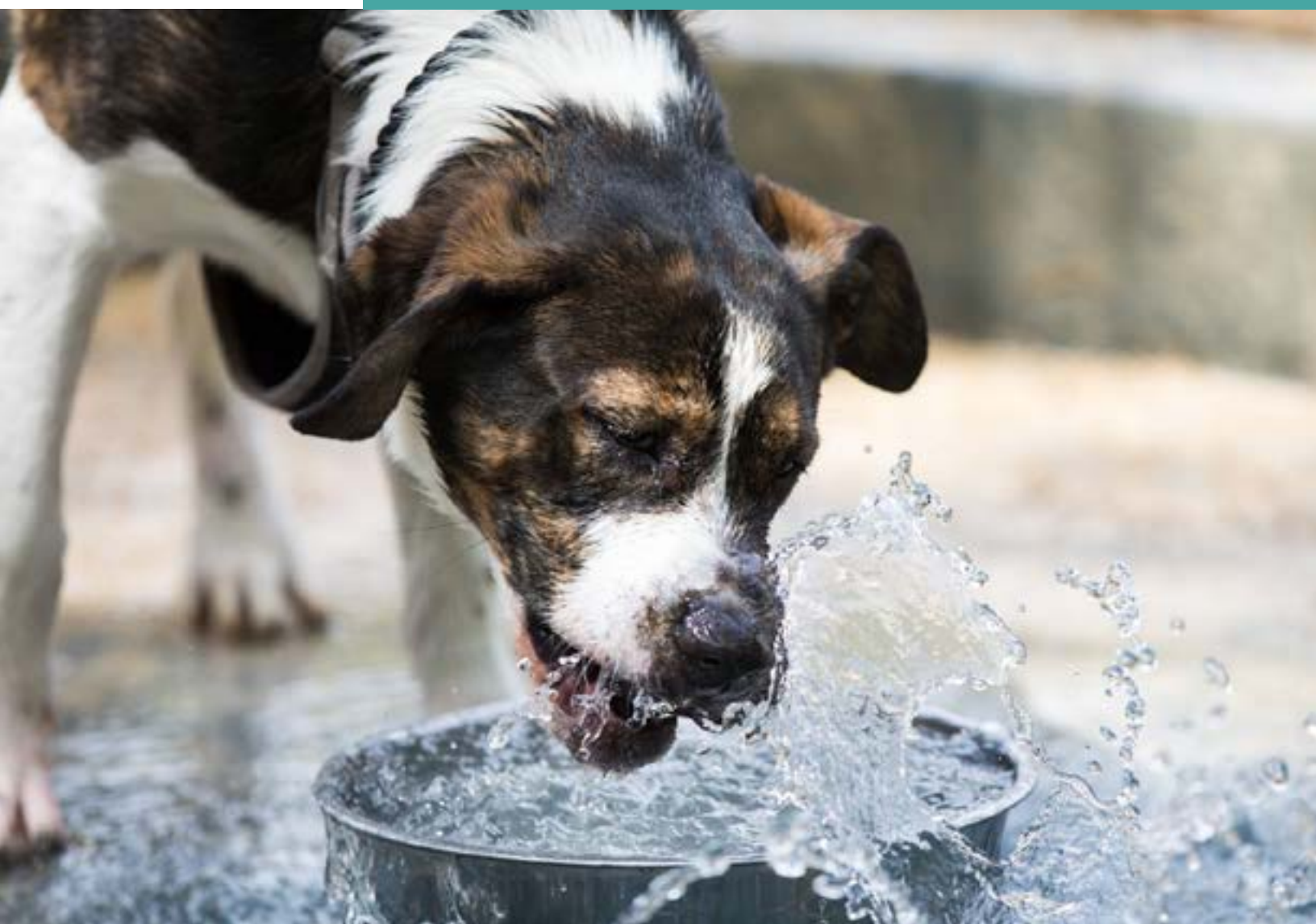
Guidance and Best Practices:

- Snow must not be used as a primary source of water. Consuming snow or licking ice may help relieve the sensation of thirst but does not provide the dog enough water to maintain good hydration. Consuming snow also reduces a dog's body temperature and may lead to it consuming more calories to maintain its body condition.
- Signs of dehydration in dogs include:
 - Loss of skin elasticity
 - Vomiting
 - Diarrhea
 - Increased fatigue
 - Panting
 - Fever
 - Dry eyes, nose, gums or mouth
- Puppies, geriatric dogs, nursing mothers, and small breed dogs may be at increased risk of dehydrating more quickly due to the dog's small size and metabolism. A licensed veterinarian can offer advice about how best to ensure a dog consumes enough fluids, based on the dog's age, weight, activity level, health condition and other factors.
- While it is important that dogs have continuous access to water year-round, consider increasing the amount of water available when temperatures increase, particularly in hot weather as dogs expend more energy and experience greater water loss through panting and sweating.
- If a dog is not drinking enough, try offering warm, flavour-enhanced water to help increase its water intake. Water can be flavour-enhanced by placing food or treats into it to encourage a dog to drink more.
- If dogs are housed together and one dog is repeatedly showing symptoms of dehydration, an owner should consider more closely monitoring water intake and consulting a licensed veterinarian as may be necessary. Some dogs might drink excessive amounts of water or



hover around or guard the water station, reducing the amount that other dogs are able to drink. Monitoring intake will help identify timid dogs that may not be getting enough water.

- 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.
- 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. Owners should research and seek out products or tools that meet electrical safety standards.
- There are also strategies to help ensure water is an appropriate temperature in the summer months. For example, aim to keep water containers out of direct sunlight. Owners may also use an insulated bowl that does not conduct heat or add ice blocks to cool the water.



1.5 Health and Welfare Checks

A daily inventory of a dog's body condition and behaviour and reporting any health changes to a licensed veterinarian is a vital part of overall health maintenance. It is particularly important for dogs kept outdoors since they can be exposed to extreme temperatures, weather changes and are at risk of being injured by predators.

There are several forms of preventative care that can help promote a healthy life: accessing veterinarian care, maintaining up-to-date vaccinations and administering oral medications as needed to prevent parasites and infections, and monitoring the dog for changes in behaviour, injuries, or changes in body condition.

Regular health assessments by a dog's owner can help ensure a better quality of life and help avoid pain, sickness, and discomfort. Inspecting a dog's health does not need to be a time-consuming task as it can occur each day during the times an owner provides water, food, exercise or play time.

Legal Requirement:

- O. Reg. 444/19, s. 4.1 (5) An owner or custodian of a dog kept outdoors must ensure that the health and welfare of the dog is checked daily.

Guidance and Best Practices:

- Daily health checks can be performed visually, as well as physically. Daily checks help ensure dogs kept outdoors maintain good health and avoid the impacts of long-term injuries or illnesses left unattended.
- If there is a change in a dog's behaviour, owners should conduct a physical examination of the dog's legs, paws, teeth and body to ensure there are no underlying health concerns. Limping, a lack of appetite, or an unwillingness to engage in regular activities are examples of a change in a dog's behaviour that might indicate an underlying health issue.
- Individuals can physically assess a dog's health by using open palms to gently pat its body down, slowly working around each joint to check for any injuries. Be aware that dogs may experience seasonal coat, appetite or physical changes.
- Body condition scoring is one tool that can help to assess a dog's general welfare based on its fat and muscle coverage. Body condition can vary with a dog's breed, activity level and age. Body condition scoring is a hands-on examination that measures how thick the fat and muscle covering are on a dog by using a pre-determined scale (see [Appendix B](#)).
- Body condition is measured by a body condition score (BCS) system. There are several types of BCS measurement systems including a 5-point scale and a 9-point scale. For reference, the following is based off the 5-point scale:
 - A BCS of 1 indicates that an animal is severely underweight, which poses negative health risks (for example, starvation, malnutrition, or frail bones). On the opposite side of the scale, a BCS of 5 indicates an animal is severely overweight, which also poses negative health risks (for example, arthritis, diabetes, cancer, heart disease or limited mobility and ability to engage in natural behaviours).
 - An ideal BCS is 3 out of 5. A dog with a BCS of 3 will have ribs and a backbone that are somewhat visible and easily felt, and a waistline with gradual curves. A consultation with a licensed veterinarian is recommended if a dog has a body condition score of less than



2 or greater than 4, as it may signal health concerns and may require a specific plan to achieve an ideal BCS.

- Weight and body condition are not the only factors in assessing a dog's welfare. Owners should also monitor for other changes in the dog's general condition (for example, skin, ears, eyes, coat and nail condition), behaviour and whether it is eating, drinking, urinating and defecating normally.
- For owners that have multiple dogs, consider the benefits of keeping records of findings during daily health checks to help differentiate each dog's medical history.
- Prompt veterinary care should be sought for all dogs showing signs of injury, illness or pain. Signs of illness include lack of appetite or decreased activity, vomiting, diarrhea, urinating more or less frequently, coughing, sneezing or discharge from the eyes, ears or nose.
- Vaccinations and anti-parasitic medications are a safe and effective way to protect dogs kept outdoors from contracting specific, preventable illnesses, or diseases caused by viruses or bacteria. Ontario has a range of different climates and geographies. Owners may want to ask a licensed veterinarian about the risk of viral and bacterial diseases in their area, and what type of vaccines or preventative medications may be necessary particularly if the dog is kept outdoors regularly.
- Annual physical examinations by a licensed veterinarian are a best practice. By performing an annual exam, a veterinarian can detect early signs of injury or illness (for example, organ dysfunction, dental disease, tumors, or arthritis). With early diagnosis can mean early treatment, prevention of pain and distress, and improved chances for a long and healthy life.



1.6 Grooming and Nail Care

Dogs can have varying grooming needs based on the dog's type of coat. Neglecting to provide proper grooming can cause adverse health effects such as increased risk of skin sores, infections, dermatitis, hair loss, or pain that limits a dog's mobility or prevents the detection of parasites.

Monitoring the length of the dog's nails and dewclaws regularly can avoid discomfort, injury and protect them from potential infections. Overgrown nails can penetrate the skin which can put extra pressure on the digits resulting in pain and stress on the dog's paw pads. In severe circumstances, the nail can grow to the point where it curls and implants itself into the dog's paw pad, causing severe discomfort and potential infection.

A dog's paw and pad help protect its body as it stands, walks, runs or jumps by absorbing shock and pressure to protect bones and joints from rough terrain or trauma. A dog's paws also help maintain its core body temperature due to a heat exchange system located in its paws. If a dog's paw is injured, this ability to regulate temperature is less effective which can cause discomfort or distress.

Legal Requirements:

- O. Reg. 444/19, s. 4.1 (6) A dog kept outdoors must be groomed as necessary to avoid matting of the dog's coat and the accumulation of ice or mud on the dog's coat or under the dog's paws.
- O. Reg. 444/19, s. 4.1 (7) The nails of a dog kept outdoors must be checked regularly and groomed as necessary for the health of the dog.

Guidance and Best Practices:

- It is important to inspect and maintain a dog's coat regularly to ensure it is clean and unmatted and does not cause other issues such as blocking the dog's vision. Brushing a dog's coat frequently will help reduce shedding and matting.
- Owners may wish to adjust grooming routines to suit the seasons. Grooming is particularly important in the winter months for long-haired dogs as ice can accumulate on the fur, including in between the paw pads, and cause infections that may be painful and difficult to see. In other seasons, burrs (for example, small spikes that are found on many weeds) can be caught on a dog's coat and should be removed through regular grooming.
- Certain body parts require additional grooming during certain seasons. For example, in the winter it is important to pay extra attention to a dog's paws for salt, snow, or dirt build up. In the spring and summer, it is important to examine a dog's skin (particularly under a dog's legs) as humidity and friction can cause sores, known as hot spots, that can lead to skin infections. Maintaining clean, groomed limbs will reduce the likelihood of sores and infection.
- Groom around the anus and tail year-round to avoid common parasites (for example, flystrike).
- When a dog's nails are so long that they touch or drag on the ground most or all the time, it may cause the toes (digits) to move from their normal alignment. A dog should be able to stand relaxed on a hard, flat surface with its toenails not quite touching the surface. The dewclaw should also be checked regularly, as it is prone to cracks, breaking or tearing that could lead to infection.
- Signs of paw or nail injuries include limping, paw lifting, lack of use of the paw, excessive licking or discolouring of the hair on the paw.



1.7 Keeping Ill and Injured Dogs Outdoors

It may be inappropriate to keep sick or injured dogs outdoors because outdoor conditions can worsen an injured or ill dog's health and recovery, increase the chance of infection, and heighten the likelihood of being approached by a predator or exposure to other stressors.

Legal Requirement:

- O. Reg. 444/19, s. 4.1 (8) A dog shall not be kept outdoors if it has an illness or injury that affects the dog's ability to regulate its temperature or restricts its mobility, unless a veterinarian advises, in writing, that it may be kept outdoors.

Guidance and Best Practices:

- Owners should seek prompt medical care from a licensed veterinarian if they suspect the dog is injured, ill, suffering from a contagious disease or is exhibiting other signs of distress such as being in pain or suffering. A licensed veterinarian can help advise on whether a dog's illness or injury may restrict its mobility or impact its ability to regulate its temperature.
- If a dog has an illness capable of spreading to humans (known as a "zoonotic" illness), consider whether that dog should be quarantined indoors away from people, particularly children and immunocompromised people who may be at greater risk.
- Consider the physical environment where a dog is being kept and whether there are potential predators that can enter its pen or tethering area and attack it while it is ill or injured and unable to properly defend itself.
- Extreme weather conditions (for example, based on a weather warning or watch by Environment Canada) may negatively affect a dog kept outdoors that is already ill or injured.



1.8 Quarantine

Quarantine can prevent the spread of contagious diseases. A quarantine is the act of separating individual animal(s) to prevent the spread of disease for a specified period of time until the animal is no longer contagious, and to observe for signs of illness.

Legal Requirements:

- O. Reg. 444/19, s. 4.1 (9) to s. 4.1 (12) If the owner or custodian of a dog kept outdoors has grounds to believe that the dog is suffering from a contagious disease or is at high risk of developing a contagious disease, the dog must be kept completely isolated from other dogs and must not have contact with objects, including food and water containers, that are used by other dogs or animals.
 - A dog does not have to be isolated to the extent that a veterinarian advises, in writing, that compliance with these requirements is unnecessary.
 - Puppies do not need to be isolated from their mother or substitute mother if they are less than 12 weeks old.
 - A dog does not have to be isolated from other dogs that either suffer from the same contagious disease or are at high risk of developing the same contagious disease, and the dog does not have to be prevented from having contact with objects used by those other dogs.



Guidance and Best Practices:

- Dogs kept outdoors may be exposed to various contagious diseases that may spread through virus particles in the air, contaminated objects, or direct bodily contact between dogs. Owners may wish to consult a licensed veterinarian for more information about contagious diseases in their area and how they can spread to dogs.
- Where an outdoor dog is quarantined, separate cleaning materials and equipment should be designated solely for the quarantine area.
- Food and water bowls should be designated for use solely in the quarantine area and should be cleaned in a sink that is disinfected after use.
- Disinfectants should be non-toxic so they cannot harm a dog and be used in accordance with manufacturer's recommendations. If potentially toxic cleaning products are used, ensure the products are thoroughly rinsed or removed off the object or surface by performing a second cleaning using soap and water.
- Sanitation and hygiene protocols should be strictly applied to the quarantine area, including all reusable bedding and clothing.
- When caring for a sick dog, owners should wash their hands immediately after touching the dog, cleaning dishes, toys, or removing waste material or bedding to limit potential spread of disease.
- When caring for two groups of dogs, one that is healthy (or has not been exposed to illness) and one that is ill, consider entering the quarantine area(s) containing ill dogs last to minimize the chance of contaminating other housing areas or dogs.



2. Shelter

An outdoor dog shelter, commonly known as a doghouse, offers protections from changing weather conditions and unwanted stimuli. A doghouse is also a quiet and comfortable place for a dog or multiple dogs to rest and seek privacy. Multiple dogs may share one dog shelter, if the legal requirements set out below are met.

A properly constructed doghouse promotes a comfortable temperature and creates conditions that allow for rest, relaxation, and sleep. There are various aspects to consider when building or selecting the appropriate doghouse because a doghouse is such an important resource for dogs kept outdoors.

Livestock guardian dogs who live with the flock or herd they are protecting do not require a doghouse as they receive protection from the elements and shelter from living alongside the livestock. For example, livestock guardian dogs will burrow into the centre of the flock to block out wind. A “livestock guardian dog” under the regulation is a dog that is identifiably of a breed generally recognized as suitable for protecting livestock from predators and who lives with a flock or herd of livestock. Examples of common livestock guardian dog breeds include, but are not limited to, Great Pyrenees, Maremma, Komondor and Akbash.



Additionally, dogs that have access to a building that is actively housing livestock, such as a barn, have an available shelter that provides warmth and protection and do not require a doghouse.

Legal Requirements:

- O. Reg. 444/19, s. 4.2 (1) Every dog that is kept outdoors must, at all times, have ready access to a shelter that:
 - a. is waterproof and provides protection from the elements;
 - b. is structurally sound, stable and free of features that might cause injury to the dog;
 - c. has an insulated roof;
 - d. has a floor that is level, elevated from the ground, and dry;
 - e. has a means of providing ventilation, which may include an open doorway;
 - f. is of a size and design that permits all of the dogs that regularly use 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;
 - g. has a doorway that is free from obstructions; and
 - h. contains bedding that,
 - i. is at least three inches thick, and
 - ii. is changed as frequently as necessary to ensure that the bedding remains comfortable and substantially clean, dry and unsoiled.
- O. Reg. 444/19, s. 4.2 (2) The requirement that every dog that is kept outdoors must, at all times, have ready access to a shelter that meets the specifications above does not apply to a livestock guardian dog or to a dog that has ready access to a structurally sound building that, at the time, is being used to house livestock.

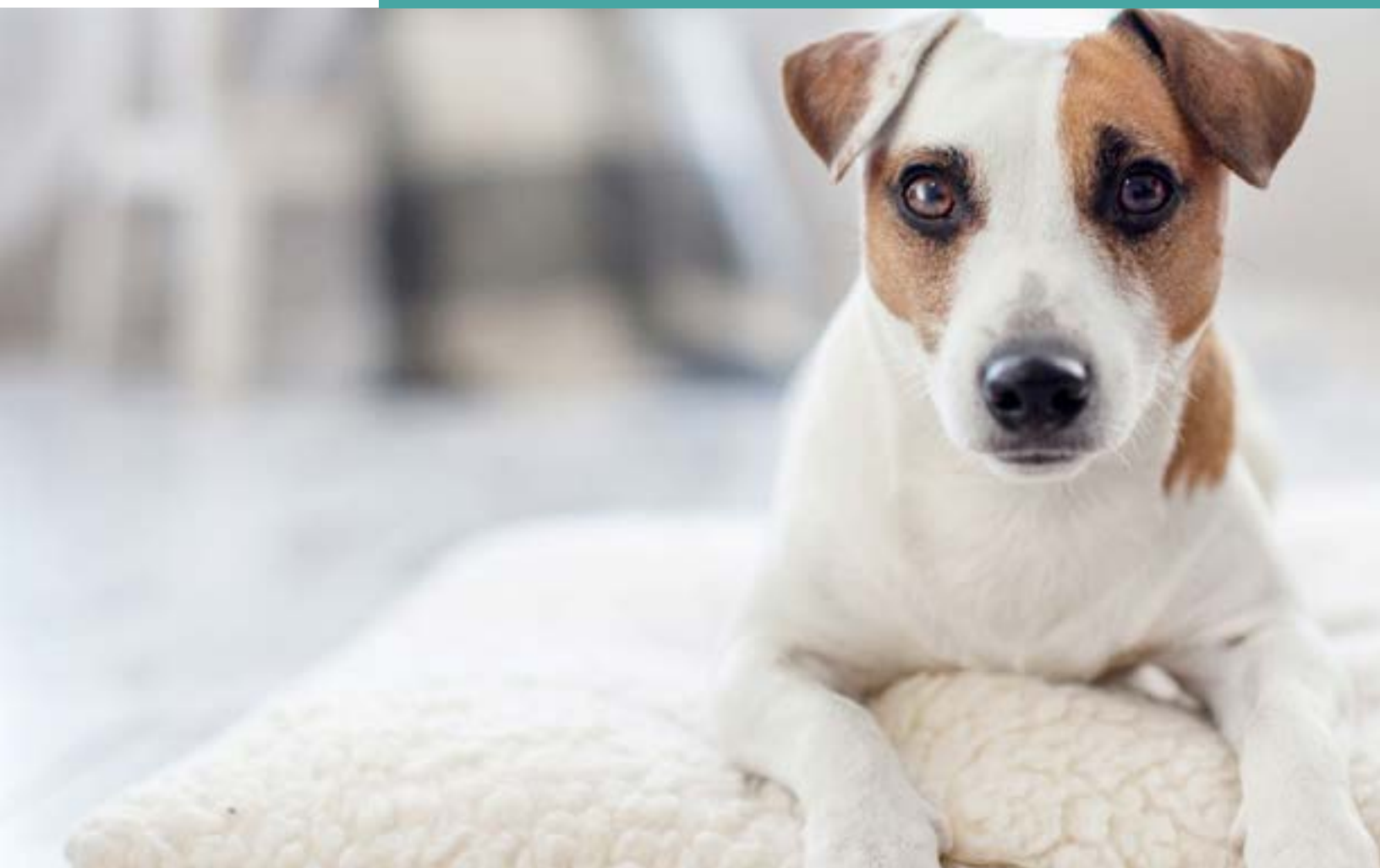


Guidance and Best Practices:

- **Protection from the Elements:** Consider the position of the doghouse and how it interacts with the elements including the sun, shade and wind.
 - For example, to reduce drafts in the doghouse, consider positioning the door in the opposite direction of the prevailing wind. The direction of prevailing wind can change throughout the year, but local weather networks can identify trends in prevailing winds that can help owners decide how to best position the door. For example, in 2020, the wind in Thunder Bay came from the north for over 7 months, and the west for 2.5 months. In these conditions, facing the door towards the south or east in this example would best protect the dog from wind.
- **Doors and Doorway Coverings:** Doors and doorway coverings for a doghouse can be used to provide additional weather protection in the winter and can be removed in the summer. There are several styles of doghouse doors or doorway coverings, including single-flap barn doors, saloon doors, soft-flap entry doors, curtain doors or mechanically controlled doors. Each style of door has different limitations regarding usability, insulation and temperature control, outdoor visibility, and durability, so it is recommended that the owner do appropriate research before installing a door or doorway covering. Another option to help protect from wind and the elements is to use a doghouse that contains a hallway.
 - Be aware that snow build-up at the entrance of a doghouse may prevent a dog from accessing its shelter.
- **Insulation:** Insulation in the roof of a doghouse can benefit a dog in all seasons. In winter, insulation will help to keep a dog's body-generated heat in the doghouse, helping to maintain a comfortable temperature. In the summer, insulation helps to maintain cool air within the doghouse by acting as a barrier to reduce the amount of heat that is able to enter the doghouse.
 - There are several tactics to deter a dog from chewing insulation that may be appropriate including covering the insulation with a durable panel (for example, wood or rubber). Other options include non-toxic taste deterrents such as a bitter apple anti-chew spray that can be applied to the insulation.
 - Pregnant, geriatric, small or short-coated dogs, and puppies may have a more difficult time regulating their body temperature. Consider providing additional insulation in the doghouse in the winter such as when the temperature is below 0°C for these vulnerable dogs.
- **Placement:** Select a level area when building or positioning a doghouse. Avoid soft ground and areas that are prone to flooding such as grass near a water source, or a location that is at the bottom of a hill.
 - Consider the placement of the doghouse relative to the containment area. For example, if a doghouse is placed too close to a fence, a dog may climb onto the roof of the doghouse and use it to jump over the fence and escape.
- **Elevation:** Elevating the doghouse can help reduce the impact of flooding, reduce the risk of rotting floors and provide additional insulation. One option is to use concrete, bricks or cinder blocks to elevate the doghouse and help keep the floor dry.
- **Ventilation:** Ventilation and air flow in a doghouse are important in all types of weather. In hot weather, proper air flow can prevent a dog from overheating. In cold weather, air flow can prevent moisture accumulation and the formation of mould.



- **Size:** It is important to be aware that a dog's body will continue to change as they age, so research and consider the dog's breed and expected growth in height, width, and weight to build or select a properly sized doghouse.
 - A doghouse that is too small can restrict animal movement and comfort, which may cause risk of cramping, a lack of airflow.
 - A doghouse that is too large can fail to provide sufficient warmth. Consider the different ways to adjust a doghouse to suit the age, size, and growth of the dog(s). For example, adding additional bedding while the dog is a puppy can help to reduce space, allowing the dog to better regulate its temperature in a structure that suits its current and future growth.
- **Bedding:** Unless cleaned or replaced regularly, avoid the use of blankets, towels, or cushions as bedding within the doghouse as they can attract pests, grow mould, or even freeze if they are damp or remain wet from rain or snow. Instead, consider using straw, wood shavings, wood pellets, moisture-proof foam or rubber pads as bedding. Wood shavings and pellets are known to repel fleas and ticks.
 - Providing additional bedding when temperatures drop below 0°C will better insulate the doghouse and can be easily removed in warmer temperatures.
- If a dog is reluctant to use a doghouse, an owner should consider investigating to determine why (for example, there may be a smell causing the dog to avoid the shelter, or anxiety associated with using the shelter triggered by a specific stressor) and should take steps to address these issues.



3. Tethers

It is important to consider the material used to tether a dog, including the collar or harness used with a tether. Dogs that are tethered outdoors may experience irritation or injury if the tether and collar or harness used are not of a proper size, type, design, weight and fit. For example, a dog's neck can become raw and sore, and collars may even penetrate its skin if the collar is too tight causing painful injuries. Certain collars are not appropriate for use with tethers because of the increased risk of injury.

To help ensure safe tethering, it is also important to take steps to:

- Prevent entanglement of the tether.
- Ensure the dog has sufficient space and can move freely.
- Prevent the dog from escaping.
- Prevent the dog from reaching objects or hazards that may cause distress.

It is inappropriate to tether a dog in certain stages of its life. For example, puppies under six months of age are unable to properly protect themselves and are at a higher risk of becoming entangled, and tethering without appropriate social contact may interfere with critical socialization needs. Tethering a dog that is whelping or nursing may limit its ability to protect itself and its puppies and provide proper care. Tethering a dog that is in heat may pose increased risk of injury from a male dog who may try to forcibly mate with the female dog.

Legal Requirements:

- O. Reg. 444/19, s. 4.3 (1) A tether that is used on a dog that is kept outdoors must,
 - a. allow the dog to move about safely;
 - b. be of a size, type and weight that will not cause the dog discomfort or injury;
 - c. have a swivel that can turn 360° at both,
 - i. the point where the tether is attached to the dog's collar or harness, and
 - ii. the point at which the tether is attached to the fixed object;
 - d. be of sufficient length to permit the dog to move at least three metres measured in a horizontal direction from the point at which the tether is attached to the fixed object; and
 - e. be of sufficient condition, and be sufficiently well-attached to the dog and to the fixed object, to prevent the dog from escaping.
- O. Reg. 444/19, s. 4.3 (2) A collar or harness used with a tether on a dog kept outdoors must be of a size, type, design and fit that will not cause the dog discomfort or injury.
- O. Reg. 444/19, s. 4.3 (3) A choke collar, pinch collar, prong collar, slip collar, head halter collar or martingale collar must not be used with a tether on a dog kept outdoors.
- O. Reg. 444/19, s. 4.3 (4) A dog kept outdoors must not be tethered in a manner that creates an undue risk of distress to the dog, including,
 - a. distress related to the age, health or reproductive status of the dog; or
 - b. distress caused by objects or hazards that a dog is able to reach while tethered.
- O. Reg. 444/19, s. 4.3 (5) A dog kept outdoors must not be tethered if the dog is,
 - a. under six months of age; b. whelping; c. nursing; or d. in heat



Guidance and Best Practices:

General Guidance on Tethering

- Research suggests that tethering is not a universal solution for all dogs. An owner must evaluate whether their dog is compatible with a tether system to avoid negative outcomes and behavioural issues.
- For example, tethering a dog for long periods in isolation can lead to insufficient socialization and result in the dog displaying fear-based aggression like biting.
- If owners are looking for alternate ways to contain a dog that provides greater opportunity for exercise and socialization, methods such as keeping a dog within a large, fenced yard, large pen or using a “running tether” method such as a cable, pulley or trolley run can be considered which can provide more space for natural behaviours like stretching or walking.

Best Practices

- **Tether Design:** Ensure the tether is made of a durable material that will prevent the tether from cutting into the skin and becoming tangled around a dog's legs and that is chew-proof to prevent a dog from escaping. For example, use a lightweight chain or coated cable instead of using a rope.
 - A tether should not weigh down a dog when it attempts to move. As a best practice, the tether should not weigh more than 10 per cent of a dog's body weight.
- **Collar or Harness Design:** Dog collars constructed of nylon, polyester or leather material may be preferable for use with a tether as they are strong, flexible, and non-toxic. The size and width should fit properly around the neck of the dog, should not constrict its ability to breathe or perform natural behaviours, and should not allow it to escape or pose a risk that the collar or harness may get caught on objects.
 - Using a harness instead of a collar for the purpose of attaching a dog to a tether can reduce the possibility of injury to the neck.
 - Collars and harnesses should be checked regularly for wear and tear, and to ensure they fit properly, particularly for younger dogs that are growing.
- **Preventing Entanglement:** There are risks associated with connecting a tether to an immovable object. Risks include an inability to escape predators and an increased risk of entanglement which can lead to choking or strangulation.
 - Owners are encouraged to check on tethered dogs frequently due to the risk of injury and strangulation that tethering may pose.
- **Tether Length:** Consider factors like the breed, size, energy level and social requirements of the dog when estimating the space and social opportunities that different tethering systems offer.
- **Preventing Escape:** To ensure safe conditions, tether dogs within a larger containment area (for example, a fenced area) in case of escape and to avoid entry or predation by another animal.
- **Preventing Accidents and Injuries from Tethering:** Consider what a dog can reach while on the tether whether it may be objects (for example, sharp tools, other animals, toxic materials) or potentially dangerous environments that could pose a hazard (for example, tethering on a platform, on the edge of a deck, or beside a fence that may allow the dog to jump over the fence and potentially strangle themselves or may result in the tether getting caught on the fence).



- Geriatric dogs kept outdoors are at a greater risk of mobility issues, injuries and anxiety as a result of vision and hearing loss or cognitive decline. Tethering a dog can exacerbate sensory issues and result in negative welfare consequences such as injury or excessive fear and anxiety.
- **Adapting Dogs to Tethering:** Dogs should be trained to be tethered before being left alone on a tether, to help minimize the risk of distress. Training, which can begin once a puppy reaches six months of age or earlier if the owner is physically present to provide supervision, requires a gradual increase in the amount of time that the dog is left alone on the tether combined with careful monitoring for adverse effects.



3.1 Time Off Tether

Dogs tethered outdoors for long periods of time without an opportunity for exercise and enrichment can experience physical and psychological distress.

Dogs are social animals and require appropriate social contact with humans or other dogs, as well as the opportunity to perform natural behaviours such as running and playing to sustain positive welfare. Appropriate enrichment can also help to entertain a dog, encourage learning and prevent boredom and negative mental states.

Prolonged confinement on a tether can prevent a dog from getting adequate, daily exercise and enrichment. Insufficient exercise can trigger distress, injury, illness, malaise, anxiety and fear within a dog and affect its ability to socialize and interact with both humans and other dogs. Consequences of inadequate exercise may include the dog becoming withdrawn or becoming hyperactive, exhibiting aggression and performing repetitive behaviours such as excessive pacing, barking, circling, and digging.

Legal Requirements:

- O. Reg. 444/19, s. 4 (1) A dog tethered outdoors for 23 hours in a 24-hour period, whether those 23 hours are consecutive or not, must be taken off the tether for at least 60 continuous minutes to allow for exercise and enrichment.
- O. Reg. 444/19, s. 4 (2) The 60 continuous untethered minutes required by subsection (1) must be provided before the dog can be tethered outdoors again.

This requirement applies any time a dog is tethered outdoors for 23 hours in a 24-hour period, regardless of whether those 23 hours are consecutive, and regardless of whether the owner is physically present while the dog is being tethered.

- O. Reg. 444/19, s. 4 (3) This requirement does not apply if,
 - a. The dog has, within the previous 24-hour period, participated in a racing event, hunting event, field trial event or comparable event and requires rest as a result of participating in the event;
 - b. Extreme weather conditions identified by a weather warning or watch from Environment and Climate Change Canada, such as a heat warning, would make it unsafe for the dog to exercise or receive enrichment; or
 - c. A veterinarian advises, in writing, that the dog should not be taken off the tether for health reasons.

Guidance and Best Practices:

- Time off tether can consist of letting the dog into an activity pen (or a housing pen if it is large enough to enable exercise) where it can freely run. It can also consist of taking the dog for a walk using a leash (which is not a tether).
- Be aware of a dog's breed, age, level of fitness and physical condition as it may impact the amount of exercise they require. For example, higher-energy breeds may require more than 60 minutes of exercise or enrichment.



- Types of enrichment for dogs fall into two broad categories: (i) social enrichment through interactions with other dogs or people including play, petting and affection and (ii) enrichment of the dog's environment by exposing them to various outdoor and indoor settings, toys, training, food-based and sensory enrichments.
- The type of enrichment tools and length of exposure will vary greatly depending on the age, breed and temperament of the dog.
- Examples of enrichment methods that help promote good animal welfare include:
 - Exposing dogs to different scents.
 - Playing with safe toys or providing play structures.
 - Food-based enrichments such as food dispensing toys.
 - Providing opportunities to dig.
 - Water-based enrichments such as sprinklers and buckets (floating toys, balls, or ice cube treats can be added to increase enrichment value).



4. Housing Pens

The regulation defines a “housing pen” as an enclosed yard, caged area, kennel or other outdoor enclosed area in which a dog is contained and which is not large enough to provide sufficient space for the dog to run at its top speed. A housing pen may be used to house a dog, meaning where it may eat, rest, urinate and defecate. Owners may also wish to have a second pen used for the purpose of exercise and play (an “activity pen” or “exercise pen”).

When a dog is kept in a housing pen, it is important to make sure the dog has sufficient space to move freely, to take steps to prevent the dog from escaping and protect it from predators, and to ensure a safe environment if multiple dogs are housed together in the same pen. A housing pen that is too small and does not allow a dog sufficient space to express natural behaviours can negatively impact its physical and psychological well-being. For example, the dog may develop negative behaviours towards humans or other dogs, such as fear-based aggression.

Additionally, when female dogs come into heat, a male dog (including both a neutered and non-neutered male dog) can become forceful in its attempts to reach the female dog and mate. This can be difficult to monitor and can lead to injury or, in the case of non-neutered males, unintended breeding.

Legal Requirements:

- O. Reg. 444/19, s. 4.4 (1) A dog that is kept outdoors must not be kept in a housing pen if doing so would create an undue risk of distress to the dog.
- O. Reg. 444/19, s. 4.4 (2) A dog that is kept outdoors may only be kept in a housing pen if the housing pen is constructed so that it prevents the dog from escaping and provides reasonable protection from predatory animals or other animals that may harm the dog.
- O. Reg. 444/19, s. 4.4 (3) The size of a housing pen for a dog that is kept outdoors must meet the following minimum requirements:

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

- O. Reg. 444/19, s. 4.4 (4) For the purposes of determining the required minimum size of a housing pen, a dog's height shall be determined by measuring the height of the dog at its shoulder when it is standing at full height.
- O. Reg. 444/19, s. 4.4 (5) If more than one dog is kept in a housing pen, the housing pen must provide at least the space required by the chart 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 that is kept in the housing pen.
 - O. Reg. 444/19, s. 4.4 (6) 1.5 additional square metres of space is not required for every additional dog that is less than 12 weeks old and that is kept with its mother or substitute mother.



- O. Reg. 444/19, s. 4.4 (7) If more than one dog that is kept outdoors is kept in the same housing pen, the owner or custodian of the dogs must ensure that,
 - Dogs exhibiting aggression to other dogs are not placed with incompatible dogs; and
 - A female dog that is in heat or coming into heat is not placed with a male dog.
 - O. Reg. 444/19, s. 4.4 (8) A female dog that is in heat or coming into heat may be placed in a housing pen with a male dog solely for the time required for them to mate if the dogs are in the physical presence of the owner or custodian of one or more of the dogs and that person is monitoring the safety of the dogs.

Guidance and Best Practices:

- **Preventing Escape and Protection from Predators:** Aim to ensure that the height of a housing pen is tall enough so that the dog is not able to easily jump over it to escape the pen.
 - If the environment surrounding the dog is known to have predatory animals (for example, wolves or coyotes), consider bringing the dog indoors or take additional safety measures to protect the dog including use of electronic fences, covered pens, or motion detectors that can trigger lights or sound devices that release harmless ultrasonic frequencies that can act as a deterrent to predators.
- **Minimum Size of a Housing Pen:** Note that a doghouse can be placed inside the housing pen; this does not impact the minimum housing pen size requirements.
- **Group Housing in a Pen:** There are benefits to group housing multiple dogs together in a pen. These include positive interactions such as play, companionship, physical connection and increased socialization and enrichment.
 - When using a pen to house several dogs together, use a consistent approach of leaving all dogs within the pen either tethered or untethered. There are risks associated with tethering some dogs in the same pen while leaving other dogs free to roam, such as aggression, anxiety or fighting resulting in potential injury.
 - If group housing is carried out improperly (for example, if dogs that have shown aggression towards each other are group housed together or if a dog with a contagious disease is group housed with healthy dogs), risks can include increased infectious disease exposure, fear, anxiety, injury, or death.
 - Consider using separate food and water bowls for each dog if necessary to prevent competition and minimize resource-based conflict and aggression while group housing.
- **Female Dogs in Heat and Pen Housing:** If possible, keep any isolation pen where a female dog in heat is housed close to other familiar dogs to promote continued social contact while protecting the female dog. If other familiar dogs are housed closely to the female dog in heat, close monitoring of the male dogs is recommended to ensure they are not reacting aggressively and potentially causing injury to each other. A barrier or walkway that runs between the female dog in heat and male dogs is recommended to prevent unintended breeding that can occur through permeable fences.
 - Consult with a licensed veterinarian as soon as possible if unintended breeding is suspected or is found to have occurred.



5. Tether and Housing Pen Area

It is important to ensure the containment area, whether a dog is on a tether or in a housing pen, provides sufficient and separate spaces for the dog to eat, drink, access a dog shelter, urinate, and defecate. It is also important to maintain a clean, sanitary environment with appropriate drainage to ensure a dog is not living in contaminants or at risk of becoming injured or ill.

Legal Requirements:

- O. Reg. 444/19, s. 4.5 The area available to a dog kept outdoors that is placed on a tether or in a housing pen must,
 - a. be sufficient to ensure that the dog can move freely and engage in natural behaviours;
 - b. be sufficient to ensure that the dog is not required to stand, sit or lie down in excrement, urine, mud or water;
 - c. have distinct areas for both,
 - i. feeding and drinking, and
 - ii. urinating and defecating; and
 - d. be cleaned as frequently as necessary to prevent an accumulation of excrement, urine or other waste that would pose a risk to the dog's health, maintain a sanitary environment, minimize the presence of parasites and ensure the health of the dog, using cleaning products that do not pose a risk to the dog.

Guidance and Best Practices:

- Consider several factors including the dog's breed, size and behavioural habits (for example, digging, chewing, resting) when designing the containment area. The dog's size and personality can inform how to best to design a containment area including what types of materials to use (for example, durable rubber, which is easy to clean and sanitize, or straw bedding which is easy to replace).
- Avoid risk of infection, injury, and irritation by installing appropriate drainage where a dog is contained, to help ensure they do not live in wet, muddy, or damp conditions. In many instances, build-up of moisture and bacteria can result in paw injuries to dogs, including splits or fissures.
- Removing waste products helps to protect the owner as well as the dog.
 - Waste products may include dog feces, urine, soiled litter, soiled bedding, vomit or food waste. Be aware that it may be more difficult to remove certain waste products depending on the location of the containment area (for example, cleaning urine from grass).
 - Allowing a build-up of urine or feces to accumulate can be unsanitary, host bacteria, and transmit viruses and internal parasites that may be harmful to both owners and their dogs.
- Consider removing waste products daily, or more frequently based on the number of dogs kept in one housing pen.
 - Maintaining a proper cleaning schedule for a dog's containment area reduces the likelihood of odours and high ammonia levels and allows the dog to maximize use of the enclosure space for natural behaviours, such as rest or play.
 - Cleaning frequency may need to increase with multiple dogs housed in one pen.



A neglected pen can create unsanitary and unhealthy conditions. For example, if dogs play and eat in an area that has accumulated feces, they can accidentally consume feces resulting in parasites and infections.

- Waste products should be collected and disposed of promptly in a hygienic manner.
- Cleaning products should be non-toxic, so they do not cause illness or injury to the dog. For example, natural compounds like diluted vinegar, hydrogen peroxide, baking soda, soda water and similar products, instead of cleaners that contain ammonia or bleach, are environmentally friendly and non-toxic to dogs.



Disclaimer

The Ministry of the Solicitor General recognizes animal welfare is a complex topic, and that research on animal welfare and care practices continues to evolve. This information is current as of July 2022. The ministry may provide updates to this document in the future.

This guidance document has no legal effect. It does not create legal rights, obligations, immunities or privileges. This guidance document is not legal advice. This guidance document should be read together with the Provincial Animal Welfare Services Act, 2019 (PAWS Act) and Ontario Regulation 444/19: Standards of Care and Administrative Requirements. If there is any conflict between this guidance document, the PAWS Act or the regulation, the PAWS Act and the regulation prevail.

This document was produced by the Ministry of the Solicitor General, July, 2022
© Queen's Printer for Ontario, 2022





Activity Pen: Also known as an exercise pen, a fenced (including invisible or electric fence) or otherwise enclosed area that is large enough for a dog to run at its top speed and is used for exercise, play or enrichment.

Aggression: Antagonistic behaviours exhibited by a dog toward other dogs or humans (for example, mounting, resource guarding, barking).

Animal Welfare Services: Animal Welfare Services is responsible for enforcing the *Provincial Animal Welfare Services Act, 2019*. Provincial inspectors respond to concerns and carry out inspections and investigations. They also conduct outreach and education on animal care best practices.

Body Condition: Body condition refers to a dog's relative proportions of muscle and fat across its body that affect its day-to-day activities and health. Body condition is generally measured through a Body Condition Score, which is a tool that assigns a score based on a visual, hands-on assessment of the dog's levels of lean muscle and fat.

Chief Animal Welfare Inspector: Appointed by the Solicitor General of Ontario, the Chief Animal Welfare Inspector is responsible for appointing animal welfare inspectors and overseeing Animal Welfare Services.

Choke Collar: A restraint device that tightens around a dog's neck without limitation.

Contagious Disease: A disease that spreads from animal to animal, person to animal or person to person (also known as an infectious, communicable, or transmissible disease).

Contamination: The unwanted presence of a material that is potentially harmful. For example, the presence of dirt, urine, feces, or toxic substances.

Disinfect: Using a substance to kill microorganisms (such as bacteria) left on a surface after cleaning the surface.

Distress: 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.

Doghouse: A structure that offers shelter and protection against the elements (for example, sun, rain, wind, snow).

Geriatric Dog: An older dog experiencing gradual decline in its body's ability to repair itself, maintain normal body functions, and adapt to stresses and changes in its environment. The "geriatric stage" can vary depending on dog size, breed, and quality of life.

Head Halter Collar: A collar that has one loop that slips over the dog's snout and another loop that clips around the back of its neck. The throat-clip style then has a ring situated at the throat that attaches to the leash.



Housing Pen: An enclosed yard, caged area, kennel, or other outdoor enclosed area in which a dog is contained, and which is not large enough to provide sufficient space for the dog to run at its top speed.

In Heat: Also known as “estrus”, the stage at which a female dog is physically capable of and receptive to mating and can become pregnant.

Kennel: An outdoor enclosed area used to contain a dog. For the purposes of this document, a kennel does not refer to a facility in which dogs are bred, trained, or boarded.

Livestock: For the purposes of this document, livestock means sheep, pigs, goats, cattle, horses, mules, ponies, donkeys or poultry.

Livestock Guardian Dog: A dog that is identifiably of a breed that is generally recognized as suitable for the purposes of protection of livestock from predation and lives with a flock or herd of livestock.

Martingale Collar: A collar made with two loops. The larger loop is slipped onto the dog's neck and a lead is then clipped to the smaller loop. When the dog tries to pull, the tension on the lead pulls the small loop taut, which makes the large loop smaller and tighter on the neck.

Natural Behaviours: Behaviour is the action, reaction or functioning of an animal in various circumstances. Natural behaviours are behaviours that animals tend to exhibit under natural conditions, because these behaviors are pleasurable and promote biological functioning (for example, stretching, barking, socializing).

Pinch or Prong Collar: A collar with a series of blunted points that pinch the skin of a dog's neck when pulled. When the control loop is pulled, the prongs pinch the loose skin of the dog's neck.

Racing and Hunting/Field Trial Events: Events designed to focus on racing (for example, sled dog racing) or hunting abilities in dogs.

Standard of Care: A minimum requirement for the care of an animal. All owners and custodians must comply with the standards of care and administrative requirements set out under the *Provincial Animal Welfare Services Act, 2019* as they apply.

Tether: A rope, chain or similar restraining device that is attached at one end to a fixed object and, for greater certainty, does not include a leash or restraining device that is held by a person.

Ticks: Small parasites that can carry viruses and/or bacteria that are harmful to both dogs and humans. Ticks have mouthparts that attach to skin. During this period of attachment, they can transfer harmful viruses and/or bacteria into the dog's bloodstream and cause disease.

Veterinarian: A person licensed as a veterinarian by the College of Veterinarians of Ontario.

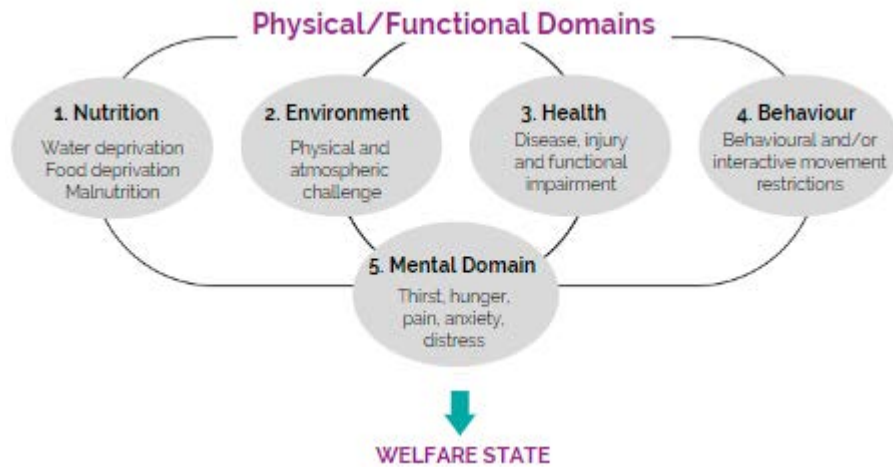
Whelping: The act of birthing puppies.





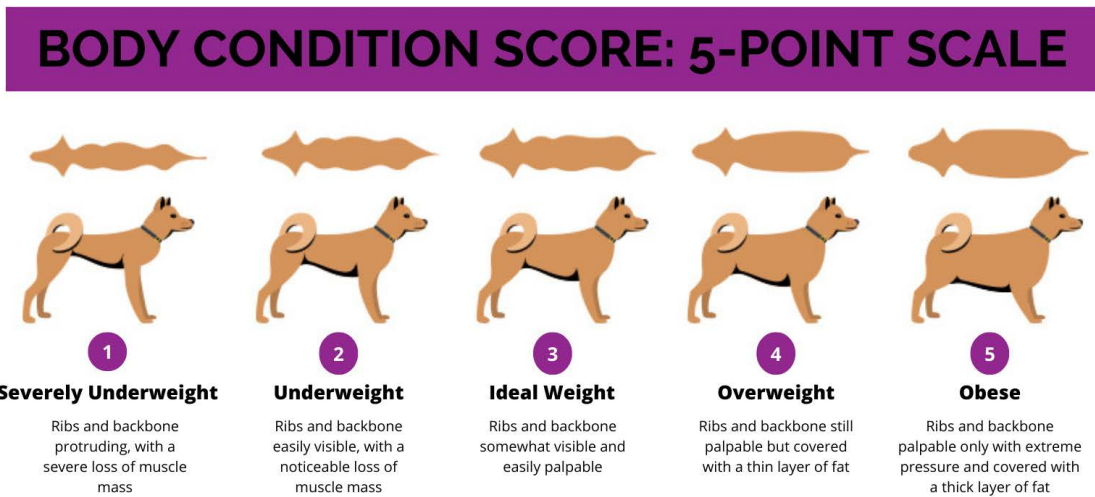
Appendix A: The Five Domains Model

Reference of chart: <https://pubmed.ncbi.nlm.nih.gov/33066335/>



Appendix B: Body Condition Score: Five Point Scale

Reference of chart: Underdog Pet Foods | AAFCO Fresh Dog Food Singapore
<https://www.underdog.sg/getting-started/body-condition-score-chart/>





American Veterinary Medical Association. (n.d.). Cold weather animal safety. Retrieved April 2022 from <https://www.avma.org/resources-tools/pet-owners/petcare/cold-weather-animal-safety>

American Veterinary Medical Association. (n.d.). Disease risks for dogs in social settings. Retrieved April 2022 from <https://www.avma.org/resources-tools/pet-owners/petcare/disease-risks-dogs-social-settings>

American Kennel Club. (n.d.). Kennel emergency and disaster planning for breeders: Keeping your dogs and facility safe. Retrieved May 2022 from <https://www.akc.org/expert-advice/dog-breeding/kennel-emergency-disaster-planning-keeping-dogs-facility-safe/>

Canadian Veterinary Medical Association. (2018). A Code of Practice for Canadian Kennel Operations (3rd Edition). Retrieved April 2022 from <https://www.canadianveterinarians.net/media/xgcl-3jhp/code-of-practice-for-canadian-kennel-operations.pdf>

Canadian Veterinary Medical Association. (2014). Eco-friendly Pet Care Tips. Retrieved April 2022 from <https://www.canadianveterinarians.net/related-resources/eco-friendly-pet-care-tips/>

Carter, A., McNally, D., & Roshier, A. (2020). Canine collars: an investigation of collar type and the forces applied to a simulated neck model. *Veterinary Record*, 187(7), e52-e52.

Centers for Disease Control and Prevention. (2022). Healthy Pets, Healthy People: Dogs. Retrieved April 2022 from <https://www.cdc.gov/healthypets/pets/dogs.html>

Centers for Disease Control and Prevention. (2022). Proper hygiene when around animals. Retrieved May 2022 from https://www.cdc.gov/healthywater/hygiene/etiquette/around_animals.html

Chapagain, D., Virányi, Z., Wallis, L.J., Huber, L., Serra, J., & Range, F. (2017). Aging of attentiveness in border collies and other pet dog breeds: The protective benefits of lifelong training. *Frontiers in aging neuroscience*, 9, 100.

Dev, R. (2016). *The Ekistics of Animal and Human Conflict*. Copal Publishing Group.

Freeman, L.M. (2020). The scoop on storing pet food. Cummings School of Veterinary Medicine. Retrieved April 2022 from <https://vetnutrition.tufts.edu/2020/10/the-scoop-on-storing-pet-food/>

Gershman, K.A., Sacks, J.J., & Wright, J.C. (1994). Which dogs bite? A case-control study of risk factors. *Pediatrics*, 93(6), 913-917.

Ghasemzadeh, I. & Namazi, S. H. (2015). Review of bacterial and viral zoonotic infections transmitted by dogs. *Journal of Medicine and Life*, 8(Spec Iss 4), 1-5.



Government of British Columbia, Ministry of Agriculture. (2012). Sled Dog Code of Practice. Retrieved April 2022 from https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/animal-and-crops/animal-welfare/sled_dog_code_of_practice.pdf#:~:text=The%20Sled%20Dog%20Code%20of%20Practice%20is%20a,in%20the%20Sled%20Dog%20Standard%20of%20Care%20Regulation

Hastings Veterinary Hospital. (2018). Signs of hypothermia in dogs and what to do about it. Retrieved April 2022 from <https://hastingsvet.com/signs-hypothermia-dogs/>

Houpt, K.A. (2018). Domestic Animal Behavior for Veterinarians and Animal Scientists (6th edition). John Wiley & Sons.

Mellor, D.J. (2016). Moving beyond the “Five Freedoms” by updating the “Five Provisions” and introducing aligned “Animal Welfare Aims”. *Animals*, 6(10), 59. Retrieved April 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5082305/>

Mellor, D.J., Beausoleil, N.J., Littlewood, K.E., McLean, A.N., McGreevy, P.D., Jones, B., & Wilkins, C. (2020). The 2020 five domains model: Including human–animal interactions in assessments of animal welfare. *Animals*, 10(10), 1-24. Retrieved April 2022 from <https://www.mdpi.com/2076-2615/10/10/1870>

Milgram, N.W., Head, E., Zicker, S.C., Ikeda-Douglas, C.J., Murphey, H., Muggenburg, B., Siwak, C., Tapp, D., & Cotman, C.W. (2005). Learning ability in aged beagle dogs is preserved by behavioral enrichment and dietary fortification: A two-year longitudinal study. *Neurobiology of aging*, 26(1), 77-90.

Moesta, A., McCune, S., Deacon, L., & Kruger, K.A. (2015). *Animal Behaviour for Shelter Veterinarians and Staff*, Chapter 8: Canine Enrichment.

Mood, A. (2019). How to tell if your dog is stressed. American Kennel Club. Retrieved April 2022 from <https://www.akc.org/expert-advice/advice/how-to-tell-if-your-dog-is-stressed/>

Morris, Amy. (2013). Policies to promote socialization and welfare in dog breeding. Retrieved April 2022 from <https://spca.bc.ca/wp-content/uploads/Morris-A-2008-policies-to-Promote-Socialization-and-Welfare-in-dog-breeding.pdf>

Mush with PRIDE. (2021). Sled Dog Care Guidelines 4th Edition. Retrieved April 2022 from <https://www.mushwithpride.org/downloads>

Ontario SPCA. (n.d.). Ideal doghouse for outdoor use in Ontario. Retrieved April 2022 from https://www.oshawa.ca/residents/resources/Ideal_Doghouse_Accessible.pdf

Ontario SPCA and Humane Society. (2020). Cold weather pet safety tips. Retrieved April 2022 from <https://ontariospca.ca/blog/cold-weather-pet-safety-tips/>

Ontario SPCA and Humane Society. (n.d.). Group housing. Retrieved April 2022 from <https://ontariospca.ca/spca-professional/shelter-health-pro/environmental-needs-and-behavioural-health/facility-assessment/housing/dog/group-housing/>



Ontario SPCA and Humane Society. (2020). Hot weather pet safety. Retrieved April 2022 from <https://ontariospca.ca/blog/hot-weather-pet-safety/#:~:text=It's%20important%20to%20watch%20for,cool%20water%2C%20not%20cold%20water>

Ontario SPCA and Humane Society. (n.d.). Shelter house pro: Enrichment and socialization for dogs and puppies. Retrieved April 2022 from <https://ontariospca.ca/spca-professional/shelter-health-pro/environmental-needs-and-behavioural-health/enrichment-and-socialization-dog/>

Ontario Veterinary Medical Association. (n.d.). Pet Health 101. Retrieved April 2022 from <https://www.ovma.org/pet-owners/basic-pet-care/pet-health-101/>

Ontario Veterinary Medical Association. (n.d.). Pet safety tips. Retrieved April 2022 from <https://www.ovma.org/pet-owners/basic-pet-care/pet-safety-tips/>

Reisen, J. (2021). Warning signs of dehydration in dogs. *American Kennel Club*. Retrieved April 2022 from <https://www.akc.org/expert-advice/health/warning-signs-dehydration-dogs/>

Romaniuk, A., Flint, H., & Croney, C. (2020). Does long-term tethering of dogs negatively impact their well-being? Purdue College of Veterinary Medicine. Retrieved April 2022 from <https://www.extension.purdue.edu/extmedia/VA/VA-23-W.pdf>

Shortsleeve, C. (2020). 7 mistakes to avoid when storing dog food. Great Pet Care. Retrieved April 2022 from <https://www.greatpetcare.com/dog-nutrition/7-mistakes-to-avoid-when-storing-dog-food/>

Stewart, M. J., Barker, P., Boissonneault, M.-F., Clarke, N., Kirby, D., Kislock, L., Long, R., Morgan, C., Moriarty, M., Tedford, T., Turner, F., & Wepruk, J., Sled Dog Code of Practice 7-41 (2012). Victoria, B.C; Ministry of Agriculture.

The Humane Society of the United States. (n.d.). Chewing: How to stop your dog's biting problem. Retrieved May 2022 from <https://www.humanesociety.org/resources/stop-your-dogs-chewing>

Weir, M. & Buzhardt, L. (n.d.). Signs your dog is stressed and how to relieve it. VCA Animal Hospitals. Retrieved April 2022 from <https://vcacanada.com/know-your-pet/signs-your-dog-is-stressed-and-how-to-relieve-it>

Wells, D. L. (2009). Sensory stimulation as environmental enrichment for captive animals: a review. *Applied Animal Behaviour Science*, 118(1-2), 1-11.

Williams, K. & Buzhardt, L. (n.d.). Body Condition Scores. VCA Animal Hospitals. Retrieved April 2022 from <https://vcacanada.com/know-your-pet/body-condition-scores>



Updated Frequently Asked Questions

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

Table of Contents

General	2
Application of the Updated Standards	4
Information for Indigenous Communities.....	5
Information for Municipalities.....	7
Definitions	7
Livestock Guardian Dogs	8
Tethering Requirements.....	9
Housing Pen Requirements	9
Shelter Requirements.....	10
Water Requirements	11
Shade Requirements.....	11
Enforcement.....	11
Penalties	12

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

Height of the dog - measured at its shoulder (cm)	Area of housing pen (m²)
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* (3rd 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.