

**Solicitor General**

Office of the Solicitor General

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132-2022-1423

**By email**

April 22, 2022

Dear Heads of Council:

As part of the province's commitment to review and update regulations under the *Provincial Animal Welfare Services Act, 2019* (PAWS Act) to keep animals safe, Ontario has been reviewing the existing standards of care for dogs that live outdoors under the PAWS Act.

On January 21, 2022, the Ministry of the Solicitor General posted a consultation summary of the proposed updated standards on the Ontario Regulatory Registry. The posting was open for public comment until March 7, 2022.

I am happy to notify you that the updated standards of care for outdoor dogs were filed as an amendment to Ontario Regulation 444/19 (Standards of Care and Administrative Requirements) on April 19, 2022. The amending regulation can be read by visiting [Ontario e-Laws](#). The updates will also appear on the [Ontario e-Laws page for Ontario Regulation 444/19](#) shortly.

The updated standards will come into force on **July 1, 2022**.

The updated standards are based on stakeholder and public feedback, jurisdictional reviews, academic literature and other published information as well as expert technical advice from veterinarian care, animal sheltering, industry, animal advocacy, enforcement and subject matter experts.

The updated standards replace the previous standards of care for dogs that live outdoors under the PAWS Act and 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 they are contained outdoors.

Please refer to the attached fact sheet as well as the Frequently Asked Questions (FAQs) for more information. We welcome you to share the link to the regulation, fact sheet and FAQs with others who may be interested in learning more about the updates.

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.

As a next step, the ministry will develop a guidance document that will help impacted owners and custodians understand the updated standards of care and set out additional recommended best practices to assist in meeting the new requirements.

We remain committed to ensuring that appropriate and effective measures are in place to provide animals with the protections they deserve. These updated standards of care will help ensure the welfare, health and safety of outdoor dogs in Ontario.


Sincerely,


A handwritten signature in black ink, appearing to read 'S. Jones', with a stylized, cursive script.

Sylvia Jones  
Solicitor General

Enclosures


Shade, Shelter and Protection from the Elements:

 **Sufficient protection from the elements** to prevent heat or cold-related distress, and **shade** as required by the weather, including to protect from direct sunlight

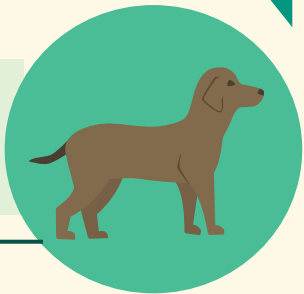
 **A dog shelter**, available at all times, that:

- Is waterproof and provides protection from the elements
- Is structurally sound and does not cause injury
- Has an insulated roof, a level, elevated and dry floor, and is ventilated
- Has a doorway free from obstructions
- Has bedding at least 3 inches thick, changed as needed to stay clean, dry, comfortable and unsoiled


**Size of the shelter** must allow all dogs using it to turn around, lie down with their legs extended and stand with their heads held at normal height


 **Livestock guardian dogs** and dogs with access to a structurally sound building used to house livestock do not require a dog shelter

A dog “kept outdoors” is a dog that is outdoors for more than 60 minutes without its owner or custodian present




Food and Water:

 **Food** that meets daily caloric requirements, is fit for consumption, not spoiled and does not contain dirt, feces, urine or toxic substances

 **Water** at all times that is not frozen, does not contain dirt, feces, urine or toxic substances, and is replaced at least once every 24 hours


**Food and water containers** must be constructed to avoid injury and difficulty accessing food and water

Health and Grooming:

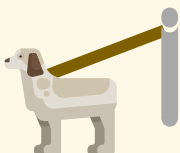
 **Daily health and welfare checks**

**Isolation** from other healthy dogs if the dog is at high risk of or suffering from a contagious disease (with exceptions)

**Dogs must not be kept outdoors** if they have an injury or illness that affects their ability to regulate temperature or restricts mobility (with exceptions)

 **Grooming**, as needed, of nails and to avoid matting of the dog's coat or accumulation of ice or mud on its coat or under its paws

Tethers:



**Tethers** must:

- Permit 3 metres of horizontal movement
- Allow the dog to move about safely
- Be a size, type and weight that won't cause discomfort or injury
- Have a swivel at both ends
- Be in good condition and well-attached to prevent escape



**Collars and harnesses** used with a tether must be of a size, type, design and fit that won't cause discomfort or injury

**When tethering a dog kept outdoors**, an owner/custodian must not:

- ❌ Use a **choke, pinch, prong, slip, head halter or martingale collar**
- ❌ Tether **dogs under 6 months or that are in heat, whelping or nursing**
- ❌ **Cause undue distress**, including because of the age, health or reproductive status of the dog or objects or hazards they can reach

Housing Pens:



Use of housing pens must not **cause undue distress** and housing pens must be constructed to prevent escape and provide protection from predators.

**Housing pen minimum size** must be scaled to the height of the dog (measured at shoulder):

- **1.5m<sup>2</sup>** for each additional dog housed in the same pen (with exceptions)

Height (cm)	Area (m <sup>2</sup> )
70 or greater	15
>= 40 and < 70	10
>= 20 and < 40	6
less than 20	4

**Aggressive dogs** must not be housed together, and **dogs in heat or coming into heat** must not be housed with male dogs (with exceptions)

Housing Pen and Tether Area:



Must provide enough space for **natural behaviours** and **distinct areas** for feeding and drinking and defecating and urinating



Dog must not be forced to stand, sit or lie in feces, urine, mud or water; area must be cleaned as needed to prevent the accumulation of waste; **keep sanitary and minimize parasites**

Additional Standards for Dogs Tethered Outdoors:



**Dogs tethered outdoors for 23 hours in a 24-hour period**, whether the 23 hours are consecutive or not, must be taken off the tether for at least 60 continuous minutes to allow for exercise and enrichment (with exceptions)

Note: the definition of “kept outdoors” does not apply to this requirement

## Frequently Asked Questions (FAQs)

### Updates to the Standards of Care for Outdoor Dogs under the *Provincial Animal Welfare Services Act, 2019 (PAWS Act)*

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

Currently, Ontario Regulation 444/19, the Standards of Care and Administrative Requirements regulation under the *Provincial Animal Welfare Services Act* (PAWS Act), includes standards of care for dogs that “live primarily outdoors”.

With this amendment, the existing standards of care for dogs that “live primarily outdoors” will be 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 will 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 requirements 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 they are contained outdoors.

Please review the attached fact sheet or review the amending regulation by visiting [Ontario e-Laws](#).

To assist the public, the Ministry of the Solicitor General (ministry) will develop a guidance document that provides examples of different ways that owners and custodians of outdoor dogs can meet the updated requirements.

**2. Is there a deadline for when the public and businesses will need to meet these new requirements?**

The updated standards will apply across Ontario as of July 1, 2022. This provides time for the public and businesses that choose to keep and tether their dogs outdoors to meet these updated requirements to help ensure the welfare, health and safety of outdoor dogs in Ontario.

**3. Who will be responsible for enforcing these new requirements once they are in effect on July 1, 2022?**

The updated standards will be enforced by the province's animal welfare enforcement body, Animal Welfare Services (AWS). 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.

**4. What are the penalties for someone who breaches these updated standards when they come into effect on July 1, 2022 (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.

Animal welfare inspectors may apply their discretion to enforce based on the circumstances. Inspectors also engage in providing education and use compliance-related tools to encourage adherence to the PAWS Act (for example, warnings and orders).

**5. Where can I report breaches of the new standards, once they are in effect on July 1, 2022?**

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.

## **6. 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.

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

The 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 outdoor dogs, the ministry has determined that additional specific standards are required for the health and safety of outdoor dogs.

## **8. 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?**

Livestock guardian dogs that are of a typical breed used for protecting livestock from predation and living with the flock or herd they are protecting do not require a dog shelter as they are likely to 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). 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.



## **9. Will the updated standards impact First Nation communities?**

Animal Welfare Services endeavours to engage with First Nation leadership as a matter of practice prior to enforcing the PAWS Act in First Nation communities. The ministry also respects that First Nations have the authority to make their own by-laws related to animals.

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

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.