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c 356 Ontario Society for the Prevention of Cruelty to Animals Act

Ontario

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CHAPTER 356
Ontario Society for the Prevention of Cruelty to Animals Act

1. In this Act, Interpretation

(a) "animal" includes a domestic fowl or a bird that is kept as a pet;

(b) "Board" means the Animal Care Review Board;

(c) "distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;

(d) "veterinarian" means a person registered under the Veterinarians Act. 1968-69, c. 89, s. 1.


3. The object of the Society is to facilitate and provide for the prevention of cruelty to animals and their protection and relief therefrom. 1955, c. 58, s. 3.

4. The Society shall consist of class A members, being affiliated societies, class B members, being individual members, and Class C members, being honorary members, and each class has such rights and obligations as the by-laws of the Society prescribe. 1955, c. 58, s. 4.

5. The affairs of the Society shall be controlled and managed by a board of directors and by an executive committee, both of which shall be composed and have such powers and duties as the by-laws of the Society prescribe. 1955, c. 58, s. 5.

6. The Society shall have such officers with such powers and duties as the by-laws of the Society prescribe. 1955, c. 58, s. 6.
7.—(1) The Society may pass such by-laws, not contrary to law, as it considers necessary for the control and management of its affairs and the carrying out of its object.

(2) No by-law of the Society is valid or shall be acted upon until it has been approved by a majority of the votes cast in accordance with the by-laws of the Society at an annual or special general meeting.

(3) The Lieutenant Governor in Council may annul any by-law of the Society. 1955, c. 58, s. 7.

8. The Society,

(a) may acquire and hold as purchasers, donees, devisees or legatees, or in any other capacity, any interest in real estate;

(b) may accept, receive and hold gifts, bequests or subscriptions of personal estate;

(c) may grant, lease, bargain for, mortgage, sell, assign or otherwise dispose of any of its real or personal estate;

(d) may erect, construct, equip and maintain such buildings and works as it considers advisable for its purposes; and

(e) may do all such other matters and things as it considers advisable for carrying out its object. 1955, c. 58, s. 8.

9. The lands and buildings of the Society are exempt from taxation except for local improvements and school purposes so long as they are held, used and occupied for the purposes of the Society. 1955, c. 58, s. 9.

10. No society, association or group of individuals, whether incorporated or unincorporated, that is established after the 30th day of May, 1955 shall profess to function as a society having for its object the welfare of or the prevention of cruelty to animals unless it is incorporated and becomes affiliated with the Society in accordance with the by-laws of the Society. 1955, c. 58, s. 10.

11.—(1) For the purposes of the enforcement of this or any other act or law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals, every inspector and agent of the Society has and may exercise any of the powers of a police officer.
(2) Every inspector and agent of an affiliated society who has been approved by the Society may exercise any of the powers of an inspector or agent of the Society under this Act.

(3) In any part of Ontario in which the Society or an affiliated society does not function, any police officer having jurisdiction in that part has and may exercise any of the powers of an inspector or agent of the Society under this Act. 1955, c. 58, s. 11.

12.—(1) Where a justice of the peace is satisfied by information on oath in Form 1 that there are reasonable grounds for believing that there is in any building or place, other than a public place, an animal that is in distress, he may at any time issue a warrant in Form 2 under his hand authorizing an inspector or an agent of the Society named therein to enter therein either by himself or accompanied by a veterinarian and inspect the building or place and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

(2) Where an inspector or agent of the Society observes an animal in immediate distress, he may enter, without warrant, any premises, building or place other than a dwelling place either by himself or accompanied by a veterinarian for the purposes of subsections (3) and (5) and sections 13 and 14.

(3) A veterinarian who has entered a building or place with an inspector or an agent of the Society may examine any animal in the building or place for the purpose of ascertaining whether the animal is in distress.

(4) Every warrant issued under subsection (1) shall be executed between sunrise and sunset unless the justice by the warrant authorizes the inspector or an agent of the Society to execute it at night.

(5) Where an inspector or an agent of the Society has entered any building or place pursuant to this Act and finds therein an animal in distress he may, in addition to any other action he is authorized to take under this Act, supply the animal with food, care or treatment. 1968-69, c. 89, s. 2, part.

13.—(1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

(a) take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or
(b) have the animal examined and treated by a veterinarian at the expense of the owner or custodian.

(2) Every order under subsection (1) shall be in writing and shall have printed or written thereon the provisions of subsections 17 (1) and (2).

(3) Every order under subsection (1) shall be served upon the owner or custodian personally or by registered mail addressed to the owner or custodian at his last known place of address.

(4) Where an inspector or an agent of the Society makes an order under subsection (1), he shall specify in the order the time within which any action required by the order shall be performed.

(5) Every person who is served with an order under subsection (3) shall comply with the order in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed.

(6) Where an order made under subsection (1) remains in force, an inspector or an agent of the Society may, for the purpose of determining whether the order has been complied with, enter without a warrant any building or place in which the animal is located and inspect the animal and the building or place where the animal is kept and if, in his opinion, the order has been complied with, he shall revoke the order by notice in writing served forthwith upon the owner or custodian in the manner prescribed for service of an order in subsection (3). 1968-69, c. 89, s. 2, part.

14.—(1) An inspector or an agent of the Society may remove an animal from the building or place where it is and take possession thereof on behalf of the Society for the purpose of providing it with food, care or treatment to relieve its distress where,

(a) a veterinarian has examined the animal and has advised the inspector or agent in writing that the health and well-being of the animal necessitates its removal;

(b) the inspector or agent has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or

(c) an order respecting the animal has been made under section 13 and the order has not been complied with.

(2) An inspector or an agent of the Society may destroy an animal,
(a) with the consent of the owner; or

(b) where a veterinarian has examined the animal and has advised the inspector or agent in writing that the animal is ill or injured and, in his opinion, is incapable of being so cured or healed as to live thereafter without suffering.

(3) Where an inspector or an agent of the Society has removed or destroyed an animal under subsection (1) he shall forthwith notify the owner or custodian of the animal, if known, of his action by notice in writing served upon the owner or custodian in the manner prescribed for service of an order in subsection 13 (3). 1968-69, c. 89, s. 2, part.

15.—(1) Where an inspector or an agent of the Society has provided an animal with food, care or treatment, the Society may serve upon the owner or custodian of the animal a statement of account respecting the food, care or treatment by mailing the same by registered mail to the owner or custodian at his last known place of address and the owner or custodian is, subject to subsection 17 (6), thereupon liable for the amount specified in the statement of account.

(2) Where the owner or custodian refuses to pay an account for which he is liable under subsection (1) within five days after service of the statement of account or where the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto. 1968-69, c. 89, s. 2, part.

16.—(1) The board known as the Animal Care Review Board is continued and shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

(3) A majority of the members of the Board constitutes a quorum.

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council deter-

17.—(1) Where the owner or custodian of any animal consi-

ders himself aggrieved by an order made under subsection 13 (1) or by the removal of an animal under subsection 14 (1), he may,
within five days of receiving notice of the order or removal, appeal against the order or request the return of the animal by notice in writing to the chairman of the Board.

(2) Where, in the opinion of the owner or custodian of an animal in respect of which an order has been made, the animal has ceased to be in distress, the owner or custodian may apply to the Board to have the order revoked by notice in writing to the chairman of the Board.

(3) Within five days of the receipt of a notice under subsection (1) or (2), the chairman of the Board shall,

(a) fix a time, date and place at which the Board will hear the matter; and

(b) notify the Society and the person who issued the notice of the time, date and place fixed under clause (a) either personally or by registered mail addressed to the Society at its head office and to the person who issued the notice at his last known place of address.

(4) The date fixed for a hearing shall be not more than ten days after the receipt of a notice under subsection (1) or (2).

(5) At a hearing, the Society and the owner or custodian are entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or an agent.

(6) After a hearing or, with the consent of the Society and the person who issued the notice under subsection (1) or (2), without a hearing, the Board may,

(a) respecting an order made under subsection 13 (1), confirm, revoke or modify the order appealed against;

(b) respecting the removal of an animal under subsection 14 (1), order that the animal be returned to the owner or custodian and may make an order in the same terms as an order may be made under subsection 13 (1); or

(c) order that the whole or any part of the cost of complying with an order or providing food, care or treatment to an animal be paid by the Society.

(7) Notice of the decision of the Board made under subsection (6), together with reasons in writing for its decision, shall be served forthwith upon the Society and the owner or custodian in the manner prescribed for service of a notice in subsection (3). 1968-69, c. 89, s. 2, part.
18.—(1) The Society or the owner or custodian may appeal the
decision of the Board to a judge of the county or district court of
the county or district in which the animal was at the time the order
or seizure was made.

(2) The appeal shall be made by filing a notice of appeal with
the clerk of the court and serving a copy thereof on the other
parties before the Board within fifteen days after the notice of the
Board’s decision is served on the appellant under subsection 17(7).

(3) The appellant or any person served with notice of appeal
may, upon at least two days notice to each of the other parties,
apply to the judge to fix a date for the hearing of the appeal.

(4) The appeal shall be a hearing de novo and the judge may
rescind, alter or confirm the decision of the Board and make such
order as to costs as he considers appropriate, and the decision of
the judge is final. 1968-69, c. 89, s. 2, part.

19. No inspector or agent of the Society and no veterinarian or
member of the Board is personally liable for anything done by him
in good faith under or purporting to be under the authority of this
Act. 1968-69, c. 89, s. 2, part.
FORM 1

Ontario Society for the Prevention of Cruelty to Animals Act

(Section 12 (1) )

INFORMATION TO OBTAIN A WARRANT

Province of Ontario
County of

The information of ........................................ of ........................................
in the County (or District, etc.) of ........................................ taken the
........................................ day of ........................................ in the year ........................................,
before me, ........................................ a Justice of the Peace for
the County (or District, etc.) of ........................................ who
says that he has reasonable grounds for believing that there is an animal in
distress on the premises of ........................................
of ........................................ in the County (or District, etc.) of ........................................

........................................
(here add the grounds for belief, whatever they may be).

Wherefore (he) prays that a warrant may be granted to him (and to ..........
........................................ a veterinarian of the ........................................
of ........................................ in the County (or District, etc.) of ........................................)
to inspect the premises of the said ........................................

and all animals found therein for the purposes of ascertaining whether there
is therein any animal in distress.

Sworn, etc. ........................................
J.P. for (Name of County or District)

1968-69, c. 89, s. 3, part.
FORM 2

Ontario Society for the Prevention of Cruelty to Animals Act

(Section 12 (1) )

WARRANT

Province of Ontario

County of

To ....................................................., an inspector or an agent to The Ontario Society for the Prevention of Cruelty to Animals (and to .....................................................)

a veterinarian of the ................................of ..............................................

in the County (or District, etc.) of .................................................................

Whereas it appears on the oath of .................................................................

of the ................................of ................................................................. in the County (or District, etc.) of ................................................................. that there are reasonable grounds for believing that there is an animal in distress on the premises of ................................of the .................................................................

in the County (or District, etc.) of .................................................................

This is therefore to authorize you to enter between the hours of (as the Justice directs) into the said premises and to inspect the premises and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

Dated at ....................................................., in the said County (or District, etc.) of ..................................................... this .................. day of ....................................................., in the year ..............

.................................................................................................

J.P. for (Name of County or District)

1968-69, c. 89, s. 3, part.