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UNIFORM LAW CONFERENCE OF CANADA

**JOINT WORKING GROUP ON THE TREATMENT OF ANIMALS IN
CANADIAN LAW**

STATUS/POLICY REPORT

**Presented by
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Readers are cautioned that the ideas or conclusions set forth in this paper, including any proposed statutory language and any comments or recommendations, may not have been adopted by the Uniform Law Conference of Canada. They may not necessarily reflect the views of the ULCC and its delegates.

**Halifax
Nova Scotia**

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Presented to the Criminal and Civil Sections

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A. Background

1) At the August 2022 ULCC Annual Meeting, resolution ON2022-03 was carried as amended (19-0-4):

- Create a ULCC Criminal Section Working Group to explore the treatment of animals in the *Criminal Code of Canada*, with a view to making recommendations for amendments.
- The Criminal Section will also bring the issue of the treatment of animals in the civil and criminal law contexts to the ACPDM for consideration of the establishment of a joint working group, which if established would subsume the Criminal Section working group noted above.

2) The Criminal Section Working Group on the Treatment of Animals in the Criminal Code (the Criminal Working Group) met regularly between October 2022 and June 2024. The Criminal Working Group discussed possible amendments or additions to the current animal cruelty offences and related provisions in the *Criminal Code*, including:

- adding a prohibition on having the custody or control of animals as a possible condition on a police undertaking under s 501;
- amending and clarifying the wording of s 447.1 (order of prohibition) and expanding the offences where an order of prohibition would be available;
- adding animal cruelty offences to the discretionary weapons prohibition provisions in s 110;
- adding the violent abuse of all animals to s 718.03, which requires denunciation and deterrence to be the primary sentencing consideration for killing or injuring a law enforcement, military or service animal;
- clarifying the ability to seize an animal from a dwelling house without a warrant if the animal is in distress;
- clarifying or amending the *mens rea* for an offence under s. 446(1)(b) (wilful neglect);
- adding harm to animals to the definition of “violent offence” in the *Youth Criminal Justice Act*;
- adding a definition of “animal”;
- adding animals to the definition of “victim”;
- moving animals from the “property” sections;
- seizure and management of animals under s 490; and
- adding a specific offence for the theft of a companion or service animal.

3) The Criminal Working Group identified several issues that would benefit from collaboration with the Civil Section. The Criminal Working Group therefore chose not to finalize its report and recommendations until after discussion with members of the Civil Section as part of a Joint Working Group.

4) At the 2023 ULCC Annual Meeting, the Criminal Working Group proposed the formation of a Joint Working Group that would review provincial animal welfare legislation to identify best practices, with a view to possible harmonization in a few key areas, including, but not limited to:

- Seizure, and post seizure management, of animals;
- Inspection powers, including search warrants, warrantless searches, production of documents, production of animals, and authorization for necropsy; and
- Prohibitions on possession, control or contact with animals that are accessible and enforceable across the country.

5) Other identified issues for possible examination were:

- Animals as “property” in provincial legislation;
- The violence link between cruelty to animals and intimate partner violence and how it is addressed in provincial legislation;
- Licensing and regulating individuals, businesses and organizations who sell, or provide for adoption, cats, dogs and other companion animals;
- Mandatory microchipping for cats and dogs;
- Spay and neuter laws for cats and dogs; and
- Mandatory reporting of suspected animal cruelty by veterinarians.

6) The creation of a Joint Working Group on the Treatment of Animals in Canadian Law (Joint Working Group) was approved at the 2023 ULCC Plenary Meeting.

7) The Joint Working Group has focussed primarily on the issue of animal prohibition orders including:

- the wording of the prohibition;
- the duration of the prohibition;
- the ability to vary a prohibition;
- how to make provincial prohibition orders enforceable in all provincial and territorial jurisdictions in Canada.

8) The Joint Working Group has also reviewed and considered the definition of distress, and the exceptions to distress, such as generally accepted practices and other guidelines regarding the treatment of animals in specific circumstances, in provincial legislation.

9) In February 2025, the Joint Working Group consulted with government lawyers from Prince Edward Island and Ontario about the administrative process in their provincial animal welfare legislation, and with animal welfare investigators from Quebec, Ontario, Saskatchewan, Alberta, British Columbia and the Yukon about their experience with both the *Criminal Code* and provincial animal welfare legislation.

- 10) The consultations with government lawyers and investigators focussed on:
- the ability of animal welfare officers in some jurisdictions to make orders without the involvement of the courts;
 - challenges related to the seizure and management of animals;
 - investigation and inspection powers; and
 - prohibition orders.
- 11) The Joint Working Group will consider what was learned from the consultations and determine if further consultations are needed.
- 12) It is the intention of the Joint Working Group to consider recommendations for a draft or model law to address the issue of animal prohibition orders and perhaps other issues if time allows.
- 13) It is the intention of the Joint Working Group to engage the services of a drafter to assist with any recommended draft or model law.

B. Membership

- 14) The past members of the Joint Working Group:

Nadia Farinelli – BC Prosecutions
Mandy MacLeod – AB Prosecutions
Andrew Davis – SK Prosecutions
Caitlyn Kasper – ON Aboriginal Legal Services
Karine Bolduc – ON Justice Canada

- 15) The current members of the Joint Working Group:

Nadine Nesbitt – Chair – AB Prosecutions
Emma Lehrer – BC Prosecutions
Adam Badari – AB Prosecutions
Elisa Frank – AB Prosecutions
Andrew Synyshyn – MB Criminal Defence Lawyers’ Association
Andrew Cappell – ON Prosecutions
Tara Dobec – ON Prosecutions
Melanie Webb – ON Canadian Bar Association
Aleksander Godlewski – ON Justice Canada
Julia Nicol – ON Justice Canada
Clara Cerminara – AB Legal Services
Amanda Mrazek – AB Legal Services
Charlotte Adams – QC Barreau du Québec
Angus Gibbon – NS Legal Services
Christina Croteau – ON ULCC Legal Project and Research Coordinator

C. Meetings

16) The Joint Working Group has been meeting monthly since December 2023.

D. Scope

17) The Joint Working Group has discussed the scope of the Working Group, taking into consideration the availability and capacity of Working Group members and the varied and complex nature of animal welfare legislation across the country.

18) The Joint Working Group has agreed to focus on the issues of animal prohibition orders, search/inspection powers, and the seizure and post seizure management of animals.

19) If time and resources allow, the Joint Working Group may broaden its considerations to other issues regarding animals. Suggested topics include the definition of “distress” and “generally accepted practices” in provincial animal welfare legislation, and legislation and/or regulations regarding exotic animals.

Animal Prohibition Orders

20) The Joint Working Group has discussed the following regarding animal prohibition orders:

- uniform wording;
- duration;
- mandatory order versus discretionary order;
- ability to vary an order;
- the need for provincial legislation to contain an offence provision for a breach of an order;
- reciprocal enforcement of provincial orders; and
- the feasibility of a national registry.

Search/Inspection Powers

21) The Joint Working Group has started to consider search/inspection powers within provincial animal welfare legislation, including who has the authority to search, inspect and/or seize under provincial legislation. The Joint Working Group has had initial consultations with animal welfare investigators/inspectors from Quebec, Ontario, Saskatchewan, Alberta and British Columbia.

Seizure

22) The Joint Working Group has begun to examine the challenges associated with seizing and maintaining animals for the purpose of an investigation of an offence and/or

for the protection of the seized animals.

E. Next Steps

23) The Joint Working Group will continue its review and analysis of provincial legislation, focusing on the identified issues of animal prohibitions, inspections/search powers, and seizure and management of animals.

24) The Joint Working Group will continue to consult with investigators/inspectors and government lawyers as necessary.

25) The Joint Working Group may reach out to more defence lawyers and Crown prosecutors for consultation.

26) Depending on the capacity of Working Group members, other provisions in provincial legislation that enhance animal welfare may be examined.

27) It is the intention of the Joint Working Group to provide a Final Report that will contain the deliberations and recommendations regarding amendments to the *Criminal Code*, and the deliberations and recommendations for a draft or model law, at the 2026 ULCC annual meeting

F. Resolution

RESOLVED:

THAT the progress report of the Working Group on the Treatment of Animals in Canadian Law be accepted;

THAT the Working Group continue its work in accordance with the directions of the ULCC; and

THAT the Working Group report back to the ULCC at the 2026 Annual Meeting.